

# Michigan Civil Service Commission

## Regulation 5.13

<b>Subject:</b> <b>Disability Payment for Duty-Incurred Injuries</b>		
<b>SPDOC No.:</b> 22-15	<b>Effective Date:</b> January 1, 2023	<b>Replaces:</b> Reg. 5.13 (SPDOC 16-06, January 1, 2017)

### 1. Purpose

This regulation establishes standards to pay disability benefits for duty-incurred injuries.

### 2. CSC Rule References

#### 5-9 *Supplement to Workers' Disability Compensation*

##### 5-9.1 *Duty-incurred Disability Payment*

*Eligibility for workers' disability compensation is established under the Michigan Workers' Disability Compensation Act. In addition, an appointing authority shall pay a supplemental payment authorized in this rule to an eligible injured employee.*

##### 5-9.2 *General Supplement up to Two-thirds*

*(a) Eligibility. A classified employee who is disabled by injury or illness for which the employee is eligible for state workers' disability compensation payments is eligible for this supplement.*

*(b) Rate. The appointing authority may allow a supplemental wage payment that, together with the workers' disability compensation payment, equals two-thirds of the regular salary or wage, subject to the limitations authorized in the regulations.*

##### 5-9.3 *Special Supplement up to Full Weekly Net Wage*

###### *(a) Eligibility.*

*(1) Employees. The following employees are eligible:*

*(A) An employee of the department of corrections in a correctional facility who is injured during a riot or as a result of an assault by a prisoner housed in the correctional facility.*

*(B) An employee of the department of state who is injured as a result of an assault while performing employment duties, rendering direct services to the public.*

*(C) An employee of the department of health and human services who is injured as a result of an assault by a recipient of mental health services.*

*(D) An employee of the department of health and human services who is injured during the course of employment as a result of an assault by a recipient of social services at the W. J.*

*Maxey Training School campus in Whitmore Lake or any of its affiliated facilities, Camp Shawono in Grayling, or a similar facility under the jurisdiction of the department of health and human services established or funded by the state.*

*(E) A person employed by the department of military and veterans affairs who is injured during the course of employment as a result of an assault by a recipient of social services at a veterans facility operated by the department of military and veterans affairs.*

**(2) Limitations.**

*(A) The supplement is payable to an employee who is injured as the result of (1) a direct assault, (2) aiding another employee who is assaulted, or (3) responding, when officially obligated, to an alarm signaling an assault.*

*(B) The supplement cannot exceed 100-weeks.*

*(C) The supplement cannot be paid if the employee receives any similar workers' disability compensation supplement authorized by statute, including supplements authorized in Michigan Compiled Laws (MCL) §791.263a, MCL §38.1181, MCL §330.1113, MCL §400.1c, and MCL §333.2229.*

*(b) Rate. An eligible employee receives full wages from the employing department until workers' compensation benefits begin. After benefits begin, the employee receives a supplement that, when added to the workers' compensation benefits, equals the weekly net wage of the employee at the time of the injury. This supplement is paid only while the person is on the department's payroll and receiving workers' compensation benefits. Fringe benefits normally received by an employee remain in effect while the employee receives this supplement.*

### **3. Standards**

#### **A. Workers' Disability Compensation Act.**

1. An employee is eligible for workers' disability compensation as provided by law.
2. An employee receiving compensation under the Michigan Workers' Disability Compensation Act (WDCA) may use paid leave credits to make up the difference between WDCA compensation and the employee's regular pay.

#### **B. General Supplement to 2/3 of Regular Pay.**

1. An employee receiving compensation under the WDCA may be granted a general supplement payment that, together with the WDCA compensation, equals two-thirds of the employee's regular pay.
2. Subject to limits in this regulation, the first 50 weeks of the general supplement are approved upon the appointing authority's receipt of a copy of the Notice of Compensation Payments form from the workers' compensation administrator. Extensions beyond 50 weeks are available under § 3.D.2.

3. Regular pay for a permanent-intermittent employee is determined by applying the average-weekly-wage formula defined in § 371 of the WDCA.
4. An employee receiving the general supplement may use paid leave credits up to the difference between the employee's regular pay and the employee's WDCA compensation plus the general supplement.
5. An employee is no longer eligible for the general supplement from the earliest of the first day after 50 weeks of general supplement payment unless extended by the OSE's director; the date the employee is no longer on the agency's payroll; the date the employee ceases receiving WDCA compensation; the effective date of the OSE's director's denial of an extension request; or the date after 100 total combined weeks of supplemental pay under this regulation.

#### **C. Special Supplement to Full Pay.**

1. Under MCL 38.1181, MCL 330.1113, MCL 333.2229, MCL 400.1c, or MCL 791.263a, an employee may receive a special supplement in an amount that, when combined with WDCA compensation, equals the employee's regular pay.
2. Subject to limits in this regulation, the first 50 weeks of the special supplement are approved upon the appointing authority's receipt of (a) a copy of the Notice of Compensation Payments form from the workers' compensation administrator and (b) sufficient evidence that the employee is eligible for the special supplement.
3. An employee is no longer eligible for the special supplement from the earliest of the first day after 50 weeks of special supplement payment unless extended by the OSE's director; the date the employee is no longer on the agency's payroll; the date the employee ceases receiving WDCA compensation; the effective date of the OSE's director's denial of an extension request; or the date after 100 total combined weeks of supplemental pay under this regulation.

#### **D. General Provisions.**

1. The OSE's director administers general and special supplements. Correspondence about supplements must be sent to the OSE at [DTMB-OSE@mi.gov](mailto:DTMB-OSE@mi.gov).
2. An appointing authority may request an extension of the general or special supplement beyond 50 weeks subject to limits in this regulation. The OSE's director may only grant extensions for employees able to return to work within 15 weeks or to allow permanently disabled employees to apply for disability retirement. The OSE's director cannot approve more than 100 total weeks of supplemental pay under this regulation for an eligible employee's period of disability.
3. The general or special supplement is payable only for the employee's normal workdays falling within a compensable period under the WDCA.

4. An employee on the state payroll receiving a supplement under this regulation is eligible for the state's contribution to group insurance premium costs, except LTD.
5. An employee not on the state payroll receiving WDCA compensation is eligible for the state's contribution to group insurance premium costs, except LTD, for up to 25 pay periods if the employee pays the employee's premium share, remains on an approved leave of absence, and continuously receives WDCA compensation benefits.
6. The following chart is provided to assist in administering this benefit and to ensure that agencies compute time and grant credits uniformly.

**BENEFIT PROVISIONS FOR EMPLOYEES RECEIVING WDCA COMPENSATION**

<b>Benefits</b>	<b>WDCA Only or WDCA with General Supplement</b>	<b>Full Pay: WDCA and leave; WDCA, General Supplement, and leave; or WDCA and Special Supplement</b>
Accrual of Annual Leave	No	Yes
Regular Accrual of Sick Leave	No	Yes
Credit for Step Increases	No	Yes
Credit for Bumping Purposes	Full	Full
Credit for Longevity	Full	Full
Credit for Additional Leave	Full	Full
Credit for Holiday Pay	No	1/3 credit
Credit for State Contribution for Insurances	Yes	Yes
Credit for State Contribution for Retirement	Yes	Yes
Credit Toward Reclassification, Qualification, or Gaining Status	No	No

**CONTACT**

Questions on this regulation may be directed to Compensation, Civil Service Commission, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909; 517-241-0837; or [MCSC-Compensation@mi.gov](mailto:MCSC-Compensation@mi.gov).