

**EMPLOYEE'S ELECTION REGARDING
UTILIZATION OF SICK AND ANNUAL LEAVE
(SORM-80)
(Texas Labor Code, Sec. 501.044) Revised 9/1/03**

Employee's Name _____

Date of Injury _____

Employee's SSN _____

Agency _____

Select only ONE Election by Initialing your choice

ELECTION 1 (choose
between 1A, 1B, or 1C)

Note: Sick leave must be exhausted before annual leave can be used.

1A.

I elect to use all of my accrued sick leave and all of my accrued annual leave that I had as of the date of my injury.

(Enter leave)

Sick Leave Balance _____ Annual Leave Balance _____

1B.

I elect to use all of my accrued sick leave but only a portion of my accrued annual leave as of the date of my injury.

(Enter leave)

Sick Leave Balance _____ Annual Leave hours to use _____

1C.

I elect to use all of my accrued sick leave but none of my annual leave as of the date of my injury

(Enter leave)

Sick Leave Balance _____

Or Choose

ELECTION 2

When I lose time from work due to this injury or illness, I elect **not** to use any accrued sick leave and/or annual leave as of the date of my injury. I understand that I will be placed immediately into a leave without pay status and I will not be eligible to receive workers' compensation income replacement benefits until after my eighth day of disability.

I understand that I may not change my election after accruing my eighth (8th) day of disability. If this form is not signed and submitted on time, I understand I will automatically be assigned Election 2 - to not use any accrued leave time.

I have read and have had explained to me the information on the reverse side of this form, and I fully understand the election I am choosing. It has been recommended to me that if I do not fully understand the impact of each election, I should consult with my agency Human Resources Department.

Employee's Signature and Date

W. C. Claims Coordinator's Signature and Date

Notice: With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual; under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information; and, under Section 559.004 of the Government Code, the individual is entitled to have the state governmental body correct the information about the individual that is incorrect.

Explanation of Election Choices (SORM-80)

Injured employees who lose time from work must elect whether to use their accrued sick leave and all, part, or none of their accrued annual leave for lost time due to their work related injury. Accrued sick leave and accrued annual leave are the amounts of paid leave available at the time of injury in addition to leave earned after the injury. The following details the effects of the different choices available to you:

If You Choose one of the Election 1 Options

- You must use all your accrued sick leave and you may also use all, some, or none of your accrued annual (vacation) leave.
- All sick leave must be exhausted before annual leave can be used.
- If you have returned to work and then have additional days of disability and you selected 1A, you must use whatever sick leave and annual leave you have accrued since your return to work before receiving additional workers' compensation income benefits. If you selected 1B, you must use any sick leave balance and any authorized annual leave balance before you will be eligible to receive additional worker's compensation income benefits. If you selected 1C you must use whatever sick leave has accrued since your return to work before receiving additional workers' compensation income benefits.
- Workers' compensation income benefits do not begin until the eighth day of disability. Employees who cannot work for 28 days will then receive retroactive benefits for the 7 day waiting period or any portion of that seven-day period not covered by paid leave.
- You will continue to receive your full pay as long as you have accrued time to use and you have authorized your agency to use it for your injury. When your elected leave time is exhausted, depending on your salary, you will be paid at a rate of 70% or 75% of your average weekly wage.
- It is recommended that you consult with your Human Resources Department to discuss the impact of your selection on your leave balances and insurance benefits should you be off work for an extended period of time.

If You Choose Election 2

- You have chosen to use no sick or annual leave for your compensable injury, therefore your agency will immediately place you in a leave without pay status.
- This means that you will not receive any pay for the first seven (7) calendar days that you are off work due to your compensable on-the-job injury unless you are off work for at least 28 days. If eligible, your income replacement benefits will begin on the 8th day of disability. Employees who cannot work for 28 days will then receive retroactive benefits for the 7 day waiting period. You will be paid at a rate of 70 to 75% of your weekly wage depending on your income. This means you will have a reduced income sooner than if you were using accrued leave.

Regardless of Which Choice You Make

- Injured employees cannot receive workers' compensation payments while utilizing sick leave, sick leave pool, extended sick leave, or annual leave.
- Injured employees cannot change their election after the 8th day of disability.
- If you do not submit a form or do not submit the form on time, your election will automatically become Election 2, to use no accrued leave time and you cannot change the default of Election 2 once it is established.