

**EMPLOYEE'S ELECTION REGARDING
UTILIZATION OF SICK AND ANNUAL LEAVE
(SORM-80)**

(Texas Labor Code, Sec. 501.044)

Employee's Name _____

Date of Injury _____

Complete Election 1 or Election 2.

ELECTION 1 (*must choose A, B, or C*)

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

When I lose time from work due to this injury or illness, I elect to use all of my accrued sick leave **AND:**

- A.** All of my accrued annual leave.
- B.** A portion of my accrued annual leave (*enter number of hours: _____*).
- C.** None of my accrued annual leave.

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. I understand I will not receive workers' compensation payments until after the seven (7) calendar day waiting period.

I understand that I may not change my election after my eighth (8th) day of disability and signing this form.

I have read the reverse side of this form, and I fully understand the election I am choosing.

(Hours of Sick Leave)

(Hours of Annual Leave)

(Employee's Social Security Number)

(Name of Agency)

(Employee's Signature / Date)

(Claims Coordinator's Signature / Date)

Explanation of Election Choices (SORM-SO)

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 injury. Accrued sick leave and accrued annual leave are the amounts of leave available at the time of injury plus leave earned after the injury. The following details the effects of the different choices available to you:

If You Choose Election 1

- ❖ Injured employees must use all their accrued sick leave and they may also use all, some, or none of their accrued annual leave.
- ❖ All sick leave must be exhausted before annual leave can be used. *You must continue to use sick leave before receiving workers' compensation benefits, even if you have returned to work for a time, but are out again because of your injury. You may wish to consult with your Human Resources department to discuss the impact of this on your leave balances and insurance benefits, should you be off work for an extended period.*
- ❖ Workers' compensation benefits do not start until the eighth day of lost time. Employees who cannot work for 14 days will then receive retroactive benefits for that seven-day period or any portion of that seven-day period not covered by leave.

If You Choose Election 2

- ❖ You have chosen to use no sick or annual leave for your compensable injury. This means that you will not receive any payment for the first seven (7) calendar days that you are off work due to your on-the-job injury, unless you are off work for at least 14 days
- ❖ Workers' compensation benefits do not start until the eighth day of lost time. Employees who cannot work for 15 days will then receive retroactive benefits for that seven-day period.

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 making any selection and signing the form.
- ❖ If you do not send in a form, it is assumed that you have chosen to use NO sick or annual leave (Election 2).

Employee's Election Regarding Utilization of Sick and Annual Leave (SORM-SO)

Required:

Injured employees must choose whether they will utilize accrued sick leave and accrued annual leave before receiving workers' compensation income benefits. When sick leave and/or annual leave expires, please notify SORM within two (2) calendar days of the expiration of that leave.

- **All accrued sick leave must be exhausted before accrued annual leave can be used.**

Filing Deadline:

The form must be received by SORM not later than the 5th calendar day after the first full day of lost time has occurred. If not received by that date, the employee will be paid under Election II.

Completed by:

The claims coordinator and injured employee.

Instructions:

1. Enter employee's name and date of injury in the space provided.
2. *Election 1* - If employees elect to use all of their accrued sick leave until it is exhausted, instead of receiving workers' compensation benefits during that period, employees must also choose one of the following:
 - A. To use all of their accrued annual leave;
 - B. To use a portion of their accrued annual leave (must indicate the number of annual leave hours to be used); or
 - C. To use none of their accrued annual leave.

Explain to employees that workers' compensation benefits do not start until the eighth day of lost time. Employees who cannot work for 14 days will then receive retroactive benefits for that seven-day period or any portion of that seven-day period not covered by leave.

3. *Election 2* - If employees elect to use none of their accrued sick leave and none of their accrued annual leave, the employees must choose Election 2. Explain to employees that workers' compensation benefits do not start until the eighth day of lost time. Employees who cannot work for 14 days will then receive retroactive benefits for that seven-day period.
4. Be sure to fill in the amount of sick leave and annual leave available to the claimant at the time of injury.
5. Have employees include their Social Security Number and sign the form stating that they understand that they cannot change an election after signing the form.

Distribution:

Fax a copy or mail the original:
Retain a copy for your file.

Attachment B
PP/OP 02.02
State Office of Risk Management January 7, 2010
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