

## Three-Day "Waiting Period" for Indemnity Payments<sup>1</sup>

<p>The day the employee left work as a result of the injury (Last Day Worked)</p>	<p>The Days indicated below are work-days with some lost time after the last day worked.  <b>M=Monday, R=Thursday</b>  <b>M<sub>2</sub>=2<sup>nd</sup> Monday after the last day worked.</b></p>								<p><b><u>Assume:</u></b> There is a work-related injury that causes an employee to leave work during a work shift that started on a Monday (M) or Thursday (R) (see chart).</p> <p><b><u>General Rule:</u></b> Indemnity is computed and paid on a 6-day per week basis, Monday through Saturday. Saturdays are counted as one of the 3 days in the 3-day waiting period and are paid during the healing period, regardless of whether or not they are normally scheduled or worked. Indemnity is due starting with the 4th calendar day, not counting Sundays (unless Sunday is normally worked), after the last day worked.</p> <p>The last day worked is not counted as one of the waiting period days. If the disability exists beyond the 7<sup>th</sup> day after the last day worked, there is no waiting period and indemnity is paid for all lost time. The last day of work (the day the employee left work as a result of the injury) is never paid.</p> <p>Sundays are not paid regardless of whether or not they are normally worked. Sunday is not counted as one of the 3 days in the 3-day waiting period unless the employee works on Sunday. Sunday is always counted in the 7 days for determining if a disability exists beyond the 7<sup>th</sup> day after the last day worked.</p>	
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>Indemnity Due</b>	<b>Rationale</b>
M									None	Indemnity is never paid for the last day worked.
M	T	W	R						None	Indemnity is due starting the 4th calendar day after the last day worked. T, W and R are part of 3-day waiting period.
M	T	W	R	F	S	Su	M <sub>2</sub>		Only F, S, and M <sub>2</sub>	F, S and M <sub>2</sub> are beyond the 3-day waiting period, but are not more than 7 calendar days after the last day worked. Since no disability exists <i>after</i> the 7th calendar day from the date the employee leaves

<sup>1</sup> Section 102.43(intro) of the Wisconsin Statutes reads in part: If the injury causes disability, an indemnity shall be due as wages commencing the 4th calendar day from the commencement of the day the scheduled work shift began, exclusive of Sundays only, excepting where the employee works on Sunday, after the employee leaves work as a result of the injury, and shall be payable weekly thereafter during such disability. If the disability exists after 7 calendar days from the date the employee leaves work as a result of the injury and only if it so exists, indemnity shall also be due and payable for the first 3 calendar days, exclusive of Sundays only, excepting where the employee works on Sunday. [Note: if an injury causes *permanent* disability (e.g., a finger tip amputation) indemnity is paid for any lost time during the first 3 calendar days even if that is the only time lost. That's because the "disability exists after 7 calendar days."]

**The day the employee left work as a result of the injury (Last Day Worked)**

**The Days indicated below are work-days with some lost time after the last day worked.**  
**M=Monday, R=Thursday**  
**M<sub>2</sub>=2<sup>nd</sup> Monday after the last day worked.**

**Assume:**

There is a work-related injury that causes an employee to leave work during a work shift that started on a Monday (M) or Thursday (R) (see chart).

**General Rule:**

Indemnity is computed and paid on a 6-day per week basis, Monday through Saturday. Saturdays are counted as one of the 3 days in the 3-day waiting period and are paid during the healing period, regardless of whether or not they are normally scheduled or worked. Indemnity is due starting with the 4th calendar day, not counting Sundays (unless Sunday is normally worked), after the last day worked.

The last day worked is not counted as one of the waiting period days. If the disability exists beyond the 7<sup>th</sup> day after the last day worked, there is no waiting period and indemnity is paid for all lost time. The last day of work (the day the employee left work as a result of the injury) is never paid.

Sundays are not paid regardless of whether or not they are normally worked. Sunday is not counted as one of the 3 days in the 3-day waiting period unless the employee works on Sunday. Sunday is always counted in the 7 days for determining if a disability exists beyond the 7<sup>th</sup> day after the last day worked.

	1	2	3	4	5	6	7	8	Indemnity Due	Rationale
										work as a result of the injury, indemnity is not due for T, W and R.
M	T	W	R	F	S		M <sub>2</sub>	T <sub>2</sub>	All (7 days)	There is disability on T <sub>2</sub> which is the 8th calendar day starting with the first day after the last day worked. Since the disability exists <i>after 7</i> calendar days from the date the employee leaves work as a result of the injury, indemnity is also due and payable for the first 3 calendar days.
M	T			F	S			T <sub>2</sub>	All (4 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the last day worked.
M	T				S			T <sub>2</sub>	All (3 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the last day worked. .
M				F	S			T <sub>2</sub>	All (3 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the last day worked.
M	T			F	S				Only F and Sat (2 days)	T is within the 3-day waiting period and there is no disability beyond the 7th day after the last day worked.; F and S are days of disability on or after the 4th calendar day after the last day worked..

**The day the employee left work as a result of the injury (Last Day Worked)**

**The Days indicated below are work-days with some lost time after the last day worked.**  
**M=Monday, R=Thursday**  
**M<sub>2</sub>=2<sup>nd</sup> Monday after the last day worked.**

**Assume:**

There is a work-related injury that causes an employee to leave work during a work shift that started on a Monday (M) or Thursday (R) (see chart).

**General Rule:**

Indemnity is computed and paid on a 6-day per week basis, Monday through Saturday. Saturdays are counted as one of the 3 days in the 3-day waiting period and are paid during the healing period, regardless of whether or not they are normally scheduled or worked. Indemnity is due starting with the 4th calendar day, not counting Sundays (unless Sunday is normally worked), after the last day worked.

The last day worked is not counted as one of the waiting period days. If the disability exists beyond the 7<sup>th</sup> day after the last day worked, there is no waiting period and indemnity is paid for all lost time. The last day of work (the day the employee left work as a result of the injury) is never paid.

Sundays are not paid regardless of whether or not they are normally worked. Sunday is not counted as one of the 3 days in the 3-day waiting period unless the employee works on Sunday. Sunday is always counted in the 7 days for determining if a disability exists beyond the 7<sup>th</sup> day after the last day worked.

	1	2	3	4	5	6	7	8	Indemnity Due	Rationale
M	T	W		F	S		M <sub>2</sub>		Only F, S and M <sub>2</sub> (3 days)	T and W are within the 3-day waiting period and there is no disability beyond the 7th day after the last day worked; F, S and M <sub>2</sub> are disability days on or after the 4th calendar day after the last day worked.
M				F	S		M <sub>2</sub>		All (3 days)	F, S and M <sub>2</sub> are disability days on or after the 4th calendar day after the last day worked. It is irrelevant that they are the first two days of disability.
R	F	S		M	T				Only T	This assumes that the claimant does not normally work on Sunday. Tuesday is the 4 <sup>th</sup> calendar day after the injury that occurred on R. . T is payable regardless of whether or not the claimant worked F, S and M or was not scheduled to work Su.
R		S		M			W		Only W	This assumes the claimant does not work on Su. M is the 3 <sup>rd</sup> day after the injury and is not payable unless there is further disability after the R. .
R			Su	M					Only M	This assumes that the claimant is normally scheduled for work on

**The day the employee left work as a result of the injury (Last Day Worked)**

**The Days indicated below are work-days with some lost time after the last day worked.**  
**M=Monday, R=Thursday**  
**M<sub>2</sub>=2<sup>nd</sup> Monday after the last day worked.**

**Assume:**

There is a work-related injury that causes an employee to leave work during a work shift that started on a Monday (M) or Thursday (R) (see chart).

**General Rule:**

Indemnity is computed and paid on a 6-day per week basis, Monday through Saturday. Saturdays are counted as one of the 3 days in the 3-day waiting period and are paid during the healing period, regardless of whether or not they are normally scheduled or worked. Indemnity is due starting with the 4th calendar day, not counting Sundays (unless Sunday is normally worked), after the last day worked.

The last day worked is not counted as one of the waiting period days. If the disability exists beyond the 7<sup>th</sup> day after the last day worked, there is no waiting period and indemnity is paid for all lost time. The last day of work (the day the employee left work as a result of the injury) is never paid.

Sundays are not paid regardless of whether or not they are normally worked. Sunday is not counted as one of the 3 days in the 3-day waiting period unless the employee works on Sunday. Sunday is always counted in the 7 days for determining if a disability exists beyond the 7<sup>th</sup> day after the last day worked.

	1	2	3	4	5	6	7	8	Indemnity Due	Rationale
										Su. whereby M becomes the 4 <sup>th</sup> day after the disability
R		S		M				F <sub>2</sub>	S M and F <sub>2</sub> (3 days)	Regardless of whether or not Su. is normally worked, since F <sub>2</sub> is beyond the 7 <sup>th</sup> day after the date of injury, M, F <sub>2</sub> and Saturday are payable. Sunday is never paid regardless of whether or not it is usually worked.
R (some lost time)								F <sub>2</sub>	F <sub>2</sub>	The assumption is that the employee left work and lost time on Thursday, the day of injury, and may or may not have returned to work that same day, but worked until the following Friday.
R (Worked entire day in spite of								F <sub>2</sub>	None	Since the employee did not leave the work shift and lose any time from work due to the injury on the date of injury, the last day worked is the following Thursday, R <sub>2</sub> and the waiting period starts on F <sub>2</sub> .

