

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 27. Waiting period—Overpayments—Paid leave—Absence

Cite as: 85 CNCA § 27

A. Benefits shall be paid under the provisions of this Title only for an injury which results in a claimant's disability for more than three (3) consecutive days. No benefits shall be paid for the first three (3) consecutive days of disability. A claimant may not recover indemnity benefits for the period of time that he or she is compensated by paid leave. No employer shall allow a claimant to collect more than one-hundred percent (100%) of his or her regular earnings. Paid leave time taken shall apply against any waiting period for indemnity payments. Whether or not paid leave may be used to supplement or in lieu of workers' compensation leave and benefits shall be determined by the policies and procedures of the applicable employer.

B. Overpayments can be deducted from future benefit payments if the employee remains off work. At the employer's option, the employee may present a check to the employer for any overpaid amount within five (5) days of returning to work, or the employer shall recover overpayment of benefits by deducting the amount from the employee's paycheck.

C. While on workers' compensation leave, the employee shall not accrue annual or sick leave unless required by the employment contract or specifically allowed by employer in this circumstance.

D. While on a leave-of-absence for a work-related injury, an employee may not be separated from employment as a result of the employer's no-fault absence policy during the first eighteen (18) months absence from work.

Historical Data

LA 08-04, eff. April 21, 2004. Amended LA 31-05, eff. October 16, 2005; LA 21-06, eff. October 19, 2006; LA 20-10, eff. August 15, 2010.