

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-416, §9(b), Sept. 7, 1974, 88 Stat. 1145, provided that: “The amendment made by this section [amending this section] shall be effective with respect to disability or death occurring before or after the date of enactment of this Act [Sept. 7, 1974] and without regard to any election under section 8116(b) of the Act [subsec. (b) of this section]; but no payment shall be made by reason of such amendment for any period prior to the date of enactment of this Act.”

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(56) of Pub. L. 90-83 not applicable to specified personnel, see section 7 of Pub. L. 90-83, set out as a note under section 8103 of this title.

§ 8117. Time of accrual of right

(a) An employee other than a Postal Service employee is not entitled to compensation for the first 3 days of temporary disability, except—

- (1) when the disability exceeds 14 days;
- (2) when the disability is followed by permanent disability; or
- (3) as provided by sections 8103 and 8104 of this title.

(b) A Postal Service employee is not entitled to compensation or continuation of pay for the first 3 days of temporary disability, except as provided under paragraph (3) of subsection (a). A Postal Service employee may use annual leave, sick leave, or leave without pay during that 3-day period, except that if the disability exceeds 14 days or is followed by permanent disability, the employee may have their sick leave or annual leave reinstated or receive pay for the time spent on leave without pay under this section.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 543; Pub. L. 93-416, §10, Sept. 7, 1974, 88 Stat. 1145; Pub. L. 109-435, title IX, §901(a), Dec. 20, 2006, 120 Stat. 3253.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 752.	Sept. 7, 1916, ch. 458, §2, 39 Stat. 743. Oct. 14, 1949, ch. 691, §101(a), 63 Stat. 854.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109-435 designated existing provisions as subsec. (a), substituted “An employee other than a Postal Service employee” for “An employee”, and added subsec. (b).

1974—Pub. L. 93-416 substituted “14 days” for “21 days”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective Sept. 7, 1974, and applicable to any injury or death occurring on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

§ 8118. Continuation of pay; election to use annual or sick leave

(a) The United States shall authorize the continuation of pay of an employee, as defined in section 8101(1) of this title (other than those referred to in clause (B) or (E)), who has filed a claim for a period of wage loss due to a traumatic injury with his immediate superior on a form approved by the Secretary of Labor within the time specified in section 8122(a)(2) of this title.

(b) Continuation of pay under this subchapter shall be furnished—

- (1) without a break in time, except as provided under section 8117(b), unless controverted under regulations of the Secretary;
- (2) for a period not to exceed 45 days; and
- (3) under accounting procedures and such other regulations as the Secretary may require.

(c) An employee may use annual or sick leave to his credit at the time the disability begins, but his compensation for disability does not begin, and the time periods specified by section 8117 of this title do not begin to run, until termination of pay as set forth in subsections (a) and (b) or the use of annual or sick leave ends.

(d) If a claim under subsection (a) is denied by the Secretary, payments under this section shall, at the option of the employee, be charged to sick or annual leave or shall be deemed overpayments of pay within the meaning of section 5584 of title 5, United States Code.

(e) Payments under this section shall not be considered as compensation as defined by section 8101(12) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 543; Pub. L. 93-416, §11, Sept. 7, 1974, 88 Stat. 1145; Pub. L. 109-435, title IX, §901(b), Dec. 20, 2006, 120 Stat. 3254.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 758.	Sept. 7, 1916, ch. 458, §8, 39 Stat. 743. Oct. 14, 1949, ch. 691, §101(b), 63 Stat. 854.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Editorial Notes

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109-435 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “without a break in time unless controverted under regulations of the Secretary.”

1974—Pub. L. 93-416 inserted in section catchline the reference to continuation of pay, added subsections (a), (b), (d) and (e), designated existing provisions as subsec. (c), and in subsec. (c) as so designated, substituted “until termination of pay as set forth in subsections (a) and (b) or the use of annual or sick leave ends” for “until the use of the annual or sick leave ends”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1974 AMENDMENT

Pub. L. 93-416, §28(b), Sept. 7, 1974, 88 Stat. 1151, provided that: “Section 11 of this Act [amending this sec-