

**The 3-Day "Waiting Period" for Indemnity Payments<sup>1</sup>**

Date of Injury	Days T to T <sub>2</sub> are Work-Days After Date of Injury with Some Lost Time Due to the Injury, excepting Sunday in some cases								Indemnity Due	Rationale
	1	2	3	4	5	6	7	8		
M									None	Indemnity is never paid for the date of injury.
M	T	W	R						None	Indemnity is due starting the 4th calendar day after injury. 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 injury. Since no disability exists <i>after</i> the 7th calendar day from the date the employee leaves work as a result of the injury, indemnity is not due for T, W and R. Sundays are not paid regardless of whether or not they are normally worked.
M	T	W	R	F			M <sub>2</sub>	T <sub>2</sub>	All (6 days)	There is disability on T <sub>2</sub> which is 8 calendar days from the date of injury. If the disability exists <i>after</i> 7 calendar days from the date the employee leaves work as a result of the injury, indemnity shall also be due and payable for the first 3 calendar days. (Saturday is always counted. Sunday is not counted in the 3 days, unless the employee works on Sunday; Sunday is always counted in the 7 days.)
M	T			F				T <sub>2</sub>	All (3 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the injury date.
M	T							T <sub>2</sub>	All (2 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the injury date.
M				F				T <sub>2</sub>	All (2 days)	There is disability on T <sub>2</sub> which is 8 calendar days after the injury date.
M	T			F					Only F	T is within the 3-day waiting period and there is no disability beyond the 7th day after injury; F is a day of disability on or after the 4th calendar day after the injury.

**Assume:**

There is a work-related injury that causes an employee to leave his or her work area for first-aid or other medical assistance during a work shift that started on a Monday or Thursday. (M = Monday; R = Thursday; M<sub>2</sub> = 2nd Monday)

<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."]

Date of Injury	Days T to T <sub>2</sub> are Work-Days After Date of Injury with Some Lost Time Due to the Injury, excepting Sunday in some cases								Indemnity Due	Rationale
	1	2	3	4	5	6	7	8		
M	T	W		F			M <sub>2</sub>		Only F and M <sub>2</sub>	T and W are within the 3-day waiting period and there is no disability beyond the 7th day after injury; F and M <sub>2</sub> are disability days on or after the 4th calendar day after the injury.
M				F			M <sub>2</sub>		All (2 days)	F and M <sub>2</sub> are disability days on or after the 4th calendar day after the injury. 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 Thursday. Tuesday is payable regardless of whether or not the claimant worked Friday, Saturday and Monday or was not scheduled to work Saturday
R				M			W		Only W	This also assumes the claimant does not work Sundays. Monday is the 3 <sup>rd</sup> day after the injury and is not payable unless there is further disability after the Thursday.
R				M					Only M	This assumes that the claimant is normally scheduled for work on Sunday whereby Monday becomes the 4 <sup>th</sup> day after the disability
R				M				R <sub>2</sub>	M and R <sub>2</sub>	Regardless of whether or not Sunday is normally worked, since R <sub>2</sub> is beyond the 7 <sup>th</sup> day after the date of injury, both M and R <sub>2</sub> are payable

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