

SHORT TERM DISABILITY MEMO

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From
Re Short-Term Disability Procedure

Short Term Disability insurance can provide income replacement for up to 26 weeks for an off-the-job injury or illness. On-the-job injuries fall under the Research Foundation's Worker's Compensation procedure.

Eligibility

All employee statuses are eligible.

- Full time employees are covered after four weeks of uninterrupted employment
- Part time employees are covered after the completion of 20 scheduled workdays

Employees must meet the eligibility requirements specified in the Time and Leave Policy (506-F). As such, an employee who is disabled due to an injury or illness unrelated to the workplace for six or more consecutive work days may be eligible for short-term disability.

Waiting Period

There is a seven-day waiting period from the date the employee is unable to work due to the disability until NYS benefits will begin to be paid out.

Qualification

Work-related injuries and illnesses are covered under Workers Compensation, and are excluded from coverage under short-term disability. Recovery from surgery that is purely cosmetic, non-re-constructive and not medically necessary is also excluded from coverage under short-term disability.

A short-term disability application (Form DB-450) and medical certification, is required for all short-term disability claims. Forms should be submitted to the Department of Human Resources at the earliest possible date, but no later than 15 days after the last day worked. If FMLA eligible, the application for leave under FMLA will not be deemed complete without an accompanying medical certification (Form WH-380E). Employees who have completed one year of service and who worked at least 1,250 hours in the previous year must apply for leave under Family and Medical Leave (FMLA).

In the case where a return-to-work date is not provided, short-term disability will need to be approved on a bi-weekly basis. The employee may not return to work until she or he has "fitness for duty" medical certification to do so. As a condition of receiving short-term disability benefits, the employee is required to follow the prescribed course of medical treatment that is recommended by the employee's health care provider. The Foundation has the right to collect any short-term disability payments made for any time period when the employee is using their paid sick leave. Unless FMLA protected, the Foundation reserves the right to review the claim of an employee whose leave exceeds 8 weeks in any 12-month period.

Filing a Claim

1. If possible, please provide your supervisor with advanced notice of your impending leave.
2. The employee and employees physician must complete the following documents
 - Notice and Proof of Claim for Disability Benefits (DB-450 form)
 - Certification of Health Care Provider for Employees Serious Health Condition (WH-380Eform) – if FMLA eligible
 - Employee Application for Leave under FMLA – if FMLA eligible
 - Fitness for duty letter/notice
3. You must fax all completed Leave Documents to 212-417-6368, or send by email to David_Nabatov@rfcuny.org.
Important Notice It is required that claims are received by our disability carrier, the Hartford, within 30 days of your start date of leave. Failure to submit the documents in a timely fashion may result in the denial of your disability claim. A written letter of justification from the employee may be required to support filing a claim greater than 30 days late.
4. The Leave Management Administrator then reviews the claim and files for NYS Disability benefits on behalf of the employee. The Research Foundation is required to file claims within 30 days after the commencement of disability. Please allow 7-10 business days for processing.

Required Documentation

Form Completed By

DB-450 Form

Employee (Page 1)
Physician (Page 2)
Employer (Page 3)
Employee (Page 4)

Attending Physician's Statement of Continued Disability- if extension applies

Physician

Application for FMLA- if FMLA eligible

Employee

WH-380E Medical Certification Form - if FMLA eligible

Physician

Upon Return to Work, a Doctor's letter/notice that you are cleared for work

Physician

Paper PAF

Project Director / Employee's Supervisor

Note

Maternity STD is considered to be for a period of 6 weeks following the birth of the baby, unless noted otherwise by the employee's physician. Employees have 30 days to add their newborns to the RF health insurance plan and will also need to provide the newborn's social security number once it becomes available / issued (if they are adding the newborn to their health plan). Employees that require more information regarding maternity leave should contact the Leaves Management Administrator at 212-417-8636.

Timesheets

If the employee has time and leave accruals, he/she will continue to get paid by the Research Foundation as long as timesheets are being submitted. He/she should enter sick time first on the timesheet. Once sick time has been exhausted, annual leave and unscheduled holidays may then be used. After all accruals have been fully exhausted, the employee will be placed on Leave without Pay (LWOP) – meaning, no timesheets should be submitted for the remainder of the leave. While on short-term disability leave, sick leave may not be used on timesheets for one or more of the following reasons:

- beyond 6 weeks for maternity
- beyond the date that the physician stated the claimant is able to return to work on Form DB-450
- beyond the termination date of short-term disability

Benefits

If the employee exhausts all of his/her sick leave, NYS Disability benefits will then be paid directly to the employee for the length of their disability period, up to a maximum of 26 weeks. Please note that NYS Disability benefit payments may run concurrently with annual leave payment from the Research Foundation. These disability benefits are presently 50% of the employee's average weekly salary, up to \$170/week, which is set by the NYS Disability Board.

Interaction with Other Policies

Employees must use any available time & leave accruals while on short-term disability, which is paid at 100% of regular pay. For any illness or injury, the combined paid leave and short-term disability payment will be limited to a maximum of 26 weeks. Employees may use accrued sick days during the seven-day waiting period.

In accordance with Time and Leave Policy (506-F), unscheduled holidays, as well as vacation time in excess of the allowed carryover in any fiscal or calendar years, will be forfeited if it is not used before the end of the timetable. If an employee on short-term disability does not return to work, all earned and available vacation or unscheduled holidays will be forfeited if not used before the date of their expiration. Staff employees approved for short-term disability are responsible for scheduling this time.

Full time employees who expect to be totally disabled for more than 26 weeks should apply for Social Security disability and for long-term disability (if eligible). Short-term disability payments will be offset by any Social Security payments that the employee receives during the 26-week period. Short-term disability payments will cease as of the date that long-term disability payments commence.

Medical Certification

Due to HIPAA regulations, your employer will not see any of your private medical records unless you allow them to. Medical documentation is usually sent directly to the short-term disability underwriter, and your privacy is protected by law. Both FMLA and short-term disability plans can periodically request updated medical certifications. The frequency of these requests depends on the amount of time off, and these requests are dealt with on a case-by-case basis.

After 8 weeks of absence, in the event the medical certification is unsatisfactory to Human Resources, the Foundation may require at its own expense that the employee obtain the opinion of a second health care provider. The Foundation will select this second health care provider. If the second opinion differs from the original certification, the Foundation may require at its own expense that the employee obtain the opinion of a third health care provider approved jointly by the Foundation and the employee. The opinion of this third health care provider shall be binding.

When does short-term disability coverage end?

If your disability claim is approved, benefits will terminate on the earliest of

- Employee returning to work while on disability leave
- End date on Form DB-450 (certified by physician) has been reached
- Disability claim has been denied, rejected, or terminated earlier than expected by the Disability Carrier, the Hartford
- Date on which you cease to be an active employee in an eligible class

Returning to Work

Upon returning to work, the employee must provide a fitness-for-duty letter / notice (completed by physician) which shows that he / she has been released to return to work by his / her physician. An employee may not return to work without this letter/notice.

Questions?

If you have any questions or concerns, please contact me, information below.

David Nabatov

Leaves Management Administrator

Department of Human Resources

Tel 212-417-8636

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