

### Short-Term Disability Policy

1. GENERAL

The purpose of short-term disability is to protect the incomes of regular faculty and staff employees during periods of prolonged illness or injury that is not work related by providing **salary continuation at 60% of base pay** for up to eight (8) weeks after a four (4) week waiting period. The employee must be under the regular care of a physician so that a reasonable program of care and treatment can be maintained. The program is designed for employees who have a short-term illness usually lasting less than 90 days.

2. EFFECTIVE DATE

This policy is effective immediately and supersedes any short-term disability practices previously in place at the University.

3. ELIGIBILITY

All regular full-time faculty and staff employees who:

- Have completed at least one year of continuous service, and
- Have worked at least 1,462.5 hours\* during the 12-month period preceding the time the leave would begin. Work hours do not include time paid but not “worked”, such as paid vacation, personal, sick & holidays, nor do they include unpaid leave (of any kind, with the exception of military leave) or periods of layoff.

\* Eligibility:

Staff Positions	Hours per Week	Faculty
9 Month	37.5	24 credit hours* or more of course load or approved assigned administrative duties for a contract year (18 hours if shared contract)
10 Month	34	
11 Month	31	
12 Month	28	

If an absence is the result of an incident in which an insurance company would normally reimburse lost wages, payment of short-term disability will be at the discretion of the Director of Human Resources and will normally require proof from the faculty or staff employee that payment for lost wages has not been made and is not forthcoming.

4. EFFECTS ON FMLA

An illness that qualifies for short-term disability will also be a qualifying event under the Family Medical Leave Act (FMLA). Short-term disability will run concurrently with the time period allotted under the FMLA. However, not all leaves that qualify under FMLA will qualify for short-term disability. Please refer to MVNU FMLA Leave Policy. ([FMLA Protocol](#))

5. PROCEDURE

- a. Once a faculty or staff employee has determined that he/she will be out of work for **4 weeks or 20 consecutive work days** to be covered by Vacation, Sick Time\* or leave without pay, he/she should immediately contact the Human Resources Department and complete a **Short Term Disability** form. Doctors’ certification will be required prior to approval of short-term disability.

\* Full-time faculty have 6 weeks of sick time per academic year which does not accumulate.

- b. It is important to complete the **Short Term Disability** form in a timely manner to ensure there is no interruption of pay. The University reserves the right, on a monthly basis, to require an faculty or staff employee on salary continuation to recertify that the health condition exists. Further, the University, in its discretion, reserves the right to request more frequent re-certification.
- c. If, after a period of Short Term Disability for which benefits are payable, an employee returns to active work for at least two (2) consecutive weeks, any recurrent Short Term Disability for the same or related cause will be part of a new period of Short Term Disability. A new Elimination Period must be completed before any further Weekly Benefits are payable.

If an employee returns to active work for less than two (2) weeks, a recurrent Short Term Disability for the same or related cause will be part of the same Short Term Disability. A new Elimination Period is not required. Liability for the entire period will be subject to the terms of this Policy for the original period of Short Term Disability.

This Recurrent Disability section will not apply to an employee who becomes eligible for insurance coverage under any other group short term disability insurance plan.

- d. Although the University self-administers the benefits granted under this policy for short-term disability, determination for eligibility and Return to Work status is managed by a third party administrator. The University reserves the right to request a medical exam from an independent physician of its choice to determine functional capacity. In the event there is no concurrence by the independent physician with the opinion of the employee physician, the University may request a third opinion or accept the second opinion. The University will pay the cost of the independent (and third) physician examinations.
- e. Failure to comply with the independent or third physician medical exams will result in termination of short-term disability benefits and could result in dismissal from the University.

NOTE: If the employee receives a settlement from accidents and injuries, the faculty or staff employee is responsible for reimbursing the University for the amount paid as short term disability, to the extent of that portion of the settlement that represents lost earnings/wages.

## 6. RETURN TO WORK

- a. The faculty or staff employee is responsible for informing the University of his/her return to work status. This may be accomplished through periodic documentation from the employee's attending physician. The nature of the illness or injury may determine the frequency of documentation.
- b. Faculty or staff employees who are determined to be "fit for duty" and fail to return to work at the end of their period of short term disability will be required to reimburse the University for the costs of maintaining their medical insurance and other benefits. Reimbursement for benefit costs from employees who do not return to work is a debt to the University and will be collected from the employee or deducted from monies owed the employee at the time of his/her separation from the University. (Note that deductions can only be made with the employee's prior written approval.)

## 7. RESTRICTED DUTY

- a. "Rehabilitative Employment" means work in any occupation for which the employee's training, education or experience will reasonably allow. The work must be approved by a Physician or a licensed or certified rehabilitation specialist approved by MVNU. Rehabilitative Employment includes work performed with a light duty restriction or on an abbreviated schedule, but does not include performing all the material duties of his/her regular occupation on a full-time basis.

- b. If a faculty or staff employee returns to work on an abbreviated schedule, the following illustrates the protection of the amount of short-term disability salary continuation for which the employee is eligible.
1. If an employee is receiving a Weekly Benefit because he/she is determined to be *totally disabled* under the terms of this Policy and is able to perform Rehabilitative Employment, MVNU will continue to pay the Weekly Benefit less an amount equal to 60% of earnings received through such Rehabilitative Employment.
  2. An employee will be considered able to perform Rehabilitative Employment if a Physician or licensed or certified rehabilitation specialist approved by MVNU determines that he/she can perform such employment. If an employee refuses such Rehabilitative Employment, or has been performing Rehabilitative Employment and refuses to continue such employment, even though a Physician or licensed or certified rehabilitation specialist approved by MVNU has determined that he/she is able to perform Rehabilitative Employment, the Weekly Benefit will be reduced by 50%, without regard to the Minimum Weekly Benefit.

8. STATUS OF BENEFITS WHILE ON SHORT TERM DISABILITY

a. Medical/Dental/Supplemental Retirement Account

The faculty or staff employee will receive his/her pay through regular payroll checks. Therefore, contributions that are the responsibility of the employee will continue to be automatically deducted from his/her paycheck. The University will continue to provide the employer portion.

b. Tuition Programs

1. If the spouse or dependent children of the disabled faculty or staff employee are receiving benefits under any of the EDTAG programs, the recipient may continue in the program during the period of short-term disability.
2. Faculty or staff employees on short-term disability may attend classes under the EDTAG Program.

9. BENEFIT EXCLUSIONS

Faculty or Staff employees will not receive benefits in the following circumstances:

- The disability is the result of a self-inflicted injury.
- The employee is not under the regular care of a doctor when requesting disability benefits.
- The disability is covered under a worker's compensation plan and/or is due to job-related sickness or injury.
- The employee is receiving payment under salary continuance sponsored by the group policy holder.

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1.0	Senior Leadership Team, February 19, 2013	Initial release