

HUMAN RESOURCES

Employee Benefits

Integrated Disability Management Program

This regulation replaces Regulation 4760.4.

I. PURPOSE

To describe the method of salary replacement for employees who are absent from work due to personal illness or injury.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. Section V.A. adds information regarding organ donors and individuals who are eligible for short-term disability benefits.
- B. Section V.B. deletes the employee's option to opt out of the short-term disability program and requires an employee to complete all applications for long-term disability benefits.
- C. Section VI. clarifies the elimination period and how it relates to organ donors plus adds the use of annual leave.
- D. Section VIII. clarifies the status of benefits during a period of disability.
- E. Section IX. adds wording regarding unpaid intermittent leaves under FMLA.

III. MEMBERSHIP AND ELIGIBILITY

All benefit-eligible employees will be participants in the integrated disability management (IDM) program. The program consists of benefits payable from: sick leave, short-term disability, long-term disability insurance, and workers' compensation. For benefit entitlements under workers' compensation, employees should refer to the current version of Regulation 4720. Employees are eligible for sick leave as defined in the current version of Regulation 4819. Employees who accrue sick leave are automatically enrolled in the short-term disability plan, with the exception of temporary hourly employees whose sick leave accrual has been grandfathered. Employees who work at least 50 percent of the normal daily scheduled hours for their positions are automatically enrolled in the long-term disability insurance plan.

IV. ENROLLMENT

Benefit-eligible employees will automatically be enrolled in this program. No enrollment forms are required. Enrollment will be managed as follows:

Sick Leave: Employees will accrue sick leave at the rate prescribed by the School Board. See the current version of Regulation 4819 for accrual schedules.

Short-Term Disability: New employees will be enrolled in the short-term disability program the first of the month after the date of employment. There is no cost for this coverage.

Long-Term Disability: New employees will be enrolled in the long-term disability insurance program the first day of the month following the date of employment. Contributions based on rates negotiated with a qualified insurance carrier will be deducted from the employee's pay.

V. ELIGIBILITY FOR BENEFITS

A. Medical Certification

Employees are entitled to use sick leave benefits as described in the current version of Regulation 4819 and, when applicable, Regulation 4835 (FMLA). Employees are also entitled to request to use short-term disability benefits to serve as organ donors. For absences of more than five consecutive days, for absences of five days in a month, or immediately upon being diagnosed with a serious illness or sustaining an injury, the employee must call the care manager on the fifth day of absence. If the employee is unable to call, someone may call on the employee's behalf. To be eligible for short-term disability benefits, the employee must work with a care manager to provide medical certification from a licensed health care provider practicing within the scope of his or her license in the state where he or she is licensed to practice. The health care provider may not be a relative of the employee. For extended absences, medical certification will be required based on the nature of the illness or injury and expected length of the absence. If an employee does not participate in care management, the employee will not be eligible for short-term disability benefits.

B. Coordination of Short-Term and Long-Term Disability

If an employee qualifies for short-term disability benefits, the care manager will establish a medical file, and, if there is evidence that the absence will extend beyond the time covered by short-term disability, approval for long-term disability benefits will be determined by the insurance carrier. Benefit payments are subject to the rules in the long-term disability insurance contract, and the employee is required to complete all applications for long-term disability benefits.

VI. PROGRAM SCHEDULE

Sick employees must use their own accrued sick leave and annual leave for the first 20 workdays of the illness or injury (the elimination period). Normally, the 20-workday elimination period must be consecutive. However, the disability and leaves section will count nonconsecutive absences as part of the elimination period if they are related to the same health condition and are confirmed by the employee's health care provider. If the employee does not have accrued leave equal to the number of days absent from work, the employee will be placed in a leave without pay (LWOP) status, which will count

toward the elimination period. If the employee is a 12-month employee, the employee may use annual leave, if available.

The 20-workday elimination period shall not apply to an employee who requests and receives approval from the care manager to use short-term disability benefits to serve as an organ donor. Such employee shall be covered under the short-term disability program.

If medically necessary, short-term disability benefits are payable for a maximum period of five contracted calendar months beginning after the employee satisfies the elimination period after the onset of the illness or injury.

Long-term disability insurance is payable for the duration of the illness or injury subject to the terms of the contract with the insurance carrier. The fact that benefits are paid under the sick leave program or the short-term disability program does not guarantee benefit payments from long-term disability insurance.

As a one-time election per period of disability, an employee who has accrued sick and/or annual leave, and completes the entire period of short-term disability, may choose to use sick and/or annual leave before accepting benefit payments from the long-term disability plan. If the employee elects to use sick and/or annual leave, the employee may not later revoke that election. If the employee continues to be disabled, long-term disability insurance benefits would be payable when sick leave is exhausted.

VII. RECURRING PERIODS OF DISABILITY

If an employee returns to work for a period of less than two calendar months, and experiences another period of absence for personal illness or injury, caused by, related to, and based on the same diagnosis as the prior disability, the employee is considered to be absent under the original claim. In such cases, the employee may reenter the short-term disability program without having to meet another 20-day leave period. For return to work periods of two calendar months or greater, a new elimination period (20 days of leave use) would have to be met.

If an employee returns to work for a period of two calendar months or more and then begins another period of absence due to personal illness or injury, the employee begins a new claim for salary replacement benefits, even if the absence is a result of the same or a related illness or injury. Benefit payments would be reinstated based on the salary replacement schedule in place when the employee returned to work.

VIII. STATUS OF BENEFITS DURING PERIOD OF DISABILITY

Sick Leave Benefits: All benefits (including medical, dental, life, flexible spending accounts, disability, sick leave accrual, annual leave accrual, and retirement, as well as other benefit programs not outlined here) continue as if the employee is at work. If an employee's benefits are limited by law or contract during the employee's period of disability, that law or contract supersedes these benefit continuation provisions.

Short-Term Disability Benefits: Most benefits (including medical, dental, life, flexible spending accounts, disability, and retirement, as well as other benefit programs not listed here or limited by law or contract) continue as if the employee is at work. The employee will not accrue sick or annual leave benefits while receiving short-term

disability benefits. If an employee's benefits are limited by law or contract during the employee's period of disability, that law or contract supersedes these benefit continuation provisions.

Long-Term Disability Benefits: If the employee qualifies for long-term disability payments after the period for short-term disability benefits ends, he or she is entitled to continue participation in the medical, dental, and life insurance programs. All contributory programs will be discontinued unless allowed under the terms of the vendor's contract. The school system does not contribute toward the cost of benefit programs during the time an employee is in receipt of long-term disability payments. Premiums for long-term disability insurance are waived by the vendor when an employee is in receipt of long-term disability payments. Payments must be made directly to Fairfax County Public Schools (FCPS) unless plan requirements include direct payments for individual participants. If long-term disability benefits are denied, the employee must apply for an unpaid LOA if the employee does not return to work. The employee will not be eligible for continued participation in the plans subject to terms and conditions of contracts and federal and state benefit plan regulations.

IX. INTERMITTENT SHORT-TERM DISABILITY

The short-term disability program may provide for payments for absences for part of a day or part of a work period if the illness or injury is considered a partial disability such that the employee cannot work a full day or a full work period. Employees may work half their normal scheduled hours over the disability period under the intermittent short-term disability program. (Different rules apply to unpaid intermittent leaves under the FMLA. See the current version of Regulation 4835.) Short-term disability benefits will be prorated based on medical necessity, job requirements, and work schedule. This provision of the disability management program may be used as an accommodation under the Americans With Disabilities Act if the employee qualifies under that act, and is approved by the Office of Equity and Compliance in the Department of Human Resources.

Long-term disability benefits may provide payment for permanent or temporary partial disabilities. Benefit payments from this program will be based on the terms and conditions of the contract with the insurance company and are not automatic even if benefits are paid from the sick leave and short-term disability programs.

Only full workdays missed will be counted toward the 20-day elimination period. (No partial or half days will be counted during the elimination period.)

X. COORDINATION OF LEAVE BENEFITS

The FCPS Office of Benefit Services will be responsible for reviewing the request for leave, ensuring that each employee receives the appropriate designation and protections of the Family and Medical Leave Act of 1993 as well as any other federal, state, or FCPS statute or regulation.

XI. COORDINATION WITH WORKERS' COMPENSATION

Employees with occupational injuries or illnesses should receive no less favorable salary replacement than employees with nonoccupational injuries or illnesses. Benefits from

the integrated disability management program will be coordinated with workers' compensation benefits.

XII. RELATED REGULATIONS

Related regulations include the current versions of the following:

- Regulation 4710: Benefit and Salary Deductions
- Regulation 4720: Employee Work-Incurred Injuries--Workers' Compensation Benefits
- Regulation 4730: Health Plans and Dental Plans
- Regulation 4735: Flexible Spending Account Plans
- Policy 4740: Life Insurance
- Regulation 4750: Tax-Deferred Accounts (TDAs)
- Policy 4770: Retirement Membership
- Regulation 4819: Sick Leave
- Regulation 4835: Family Medical Leave