



New York Medical College Policy and Procedure Manual

Section: HUMAN RESOURCES	No.: HR.335
	Date: 09/25/2007
Subject: SHORT-TERM DISABILITY - LOCAL 1199	Page 1 of 6
	Supersedes:07/20/93

I. Purpose

To establish guidelines for the calculation of disability benefits for Local 1199 employees on disability.

II. Scope

This policy applies to all College full-time and part-time Local 1199 employees.

III. Definition

A. Short-term disability is an absence from work due to illness or injury which is not job related which extends for a continuous period of more than seven (7) days.

IV. Policy

It is the policy of New York Medical College to provide sick leave pay for eligible Local 1199 employees, as defined by the collective bargaining unit contract, for employees who are unable to work because of disability due to illness or injury which is not job related.

V. Procedure

- A. Local 1199 employees are covered through their Union for disability benefits if they are unable to work due to an illness or injury which is not job related and are under the care of a doctor for a maximum of twenty-six (26) weeks.
- B. The disability benefit is based on the employee's sick day balance at time of disability. Employer pays 100% pay for first (5) days of sick time if the employee has a sick day balance and 50% (fractional pay) until employee returns to work or until sick balance is exhausted. The employee fills out a

Issued By:

Approved By:

union disability form and after seven days, the union disability benefits are paid directly to the employee. The administrator should complete a PAF putting the employee on Medical Leave With Pay and indicate the anticipated Date of Return.

Example: After 7 consecutive days of disability

Average Weekly Salary	= \$670.20
Fractional pay from College	= \$335.10
Disability benefit from union	= \$335.10

- C. Benefits commence with the 8th calendar day (or after the 5th working day).
- D. When the employee disability benefit is less than the employee's normal wages, the employee may use vacation to supplement the disability benefit provided that this supplementation together with the disability benefit does not exceed normal wages. Sick time must always be used first and exhausted before vacation supplement can be utilized. Vacation supplement is recorded as "X" on the timesheet.
- E. If the employee decides to supplement the disability benefit, the Department Administrator will:
 - 1. Review the employee's leave report in PeopleSoft or contact Human Resources to find out the balance of sick days and vacation hours
 - 2. Based on the employee's daily schedule and the amount of sick day balance, determine the number of hours that the person would need supplemented by vacation supplement in order to keep employee whole for the first five days of an illness or to supplement the 50% of the work day after 7 consecutive days of an illness in addition to union disability payments.
 - 3. Calculate the number of vacation supplement hours "X" to be charged daily so that the employee can receive 100% pay.

- a. Record the daily work schedule in the appropriate day on the **Payroll Timesheet (PR-1)** as sick for the first five days of the illness "S", as fractional pay at 50% after the first five consecutive days "F" and if the employee wants to use vacation supplement during fractional pay record vocational supplement hours as "X" on the timesheet.
 - b. Even if the employee does not have enough sick time to cover the sick absences, record the "S" for the first five days sick or "F" for "F" for fractional pay after the first five days on the timesheet for the entire length of the disability.
 - c. Make certain that the number of sick and vacation supplement hours recorded on **Payroll Timesheets (PR-1)** do not exceed the number of scheduled work hours per week due the employee.
 - d. Make sure the employee completes a union disability form and has the doctor complete the medical documentation portion and then send it to Human Resources for completion and to redirect to 1199 Union for processing.
 - e. The following is an **EXAMPLE** of determining the number of hours to be recorded on **Payroll Timesheets (PR-1)** when an employee elects to supplement his/her disability benefit. Let us assume, for this example, that the employee has twelve (12) sick days and 80 hours vacation balance and will be out for five (5) weeks (25 days) from January 15 – February 18.
1. Subtract 5 full sick days "S" 12 Sick Bal.
(on timesheet) from the 12 -5 "S"
sick days due, leaving a 7 Balance
balance of 7 sick days (49
hours)

- 2. The remaining sick days (20) would be paid at 50% - Fractional Pay "F" (on timesheet) until the sick time balance is exhausted, which would be in 14 working days.
 - 7 full days = Sick Bal.
 - 49 hours or 14 days at "F"
 - 50% pay

- 3. During fractional pay, the employee could choose to supplement their sick pay with vacation supplement "X" on timesheet in order to remain whole in their weekly earnings.
 - 14 days "F"
 - 14 half days "X" charged to vacation = 49 hours vacation supplement
 - 6 full days at "X" = 42 hours vacation supplement

- a. The employee's percentage of sick pay was exhausted after 19 days of sick leave.

- b. As soon as the full sick time is paid and the percentage pay is exhausted, the employee may request to use vacation and/or personal time due to supplement their pay.

- c. The employee will continue to receive the disability benefit from Local 1199 through the fifth (5th) week in the example above.

G. Disability Due to Pregnancy

Local 1199 recognizes six (6) weeks for a normal delivery and eight (8) weeks for a caesarian delivery, but every pregnancy is different.

1. If disability is to be continued beyond six (6) weeks, Local 1199 may request their own medical evaluation to determine payment of additional benefits.
2. Also, a written statement from the attending physician should be submitted by the employee to the Department Administrator before sick leave is extended.

H. Disability Without Supplemental Pay

1. If an employee is out on disability and does not have any time with which to supplement his/her disability benefit, the Administrator must process a **Personnel Action Form (PAF)** placing the employee on medical leave of absence without pay.
2. Once Local 1199 receives the **Notice And Proof Of Claim For Disability Benefits (HR-52)** form, they will mail the disability check directly to the employee. The College does not pay the disability benefit.

VI. Responsibility

A. Local 1199 Employee

1. Obtain a **Notice And Proof Of Claim For Disability Benefits (HR-52)** form from a Union Delegate or from the Human Resources Department.
2. The form must be completed by the employee and the physician and forwarded to the Human Resources Department.
3. Notify the department Administrator of the disability within three (3) working days with an attending physician's letter

listing the nature of the disability, date employee became disabled and an estimated date of return.

4. Notify Local 1199 within thirty-one (31) days of the disability..

B. Department Administrator

1. Calculate employee's sick, vacation and personal time balance.
2. Record sick time on **Payroll Timesheets (PR-1)** accurately.
3. If the leave is more than five (5) consecutive work days, process **Personnel Action Form (PAF)** placing the employee on Leave of Absence with pay. If the employee has no time due to supplement his/her disability, place the employee on a medical leave of absence without pay.

C. Local 1199 Union

1. Pay the employee his/her disability benefits directly and continue benefits.

D. Human Resources Department

1. Process the **Personnel Action Form (PAF)** received from the department placing the employee on medical leave if leave is estimated to be over five (5) working days.
2. Submit the completed **Notice And Proof Of Claim For Disability Benefits (HR-52)** form to the Union.
3. Provide advice and guidance with respect to the interpretation and administration of this policy.