

POLICY AND PROCEDURE NUMBER: HR – 008

EFFECTIVE DATE: March 1, 2024

**I. Purpose**

The purpose of this policy is to define the rules and procedures for the Unified Government of Athens- Clarke County (ACCGov) Short-Term Disability (STD).

**II. Overview of Program**

The ACCGov STD is intended to provide temporary relief from financial loss faced by qualified employees who are out of work due to their own, non-work related, serious medical condition. A paid STD benefit is available for use by qualified applicants. ACCGov provides STD benefits to employees subject to the availability of funds, which are approved by the Mayor & Commission and subject to policies, which are adopted by the Manager upon the recommendation of the Human Resources department. STD benefits are paid to eligible employees through ACCGov's Short-Term Disability fund.

**III. Administration of the Short Term Disability**

The Human Resources Department shall be responsible for administration of the STD benefit, and for maintaining associated records under the direction of the ACCGov Human Resources Director. All medical information and records shall be protected under HIPAA regulations.

**IV. Plan of Benefits**

**A. Eligible Employees**

All active regular full-time benefit eligible employees.

**B. Benefit Eligibility**

An employee will become eligible for STD benefits on the first of the month following a full month of continuous full-time service. If an employee is absent from work due to a serious illness on the date that he/she would become eligible for coverage under this program, the date will be deferred. An employee's eligibility date will then become effective the first of the month after he/she returns to work and completes a full month of continuous service. Only illnesses and/or injuries occurring after the benefit eligibility date are eligible for this benefit.

**C. Basis of the Cost of the Benefit**

The STD benefit is a budgeted line item provided by ACCGov for eligible employees at no cost to them. Human Resources will provide a recommendation for the STD line item each fiscal year for consideration and adoption by the Mayor & Commission. STD benefits are subject to available funds.

**D. Elimination Period**

There is a three week elimination period, comparable to 15 consecutively missed working days from the original disability start date, as certified by the treating healthcare professional. To be considered an elimination period, medical leave should be certified by a healthcare professional, the employee must remain under the care of a healthcare Professional through the duration of certified medical leave, and leave must be consecutive.

An employee may use their accrued leave for the first 15 business days of the disability period, also called the elimination period. If the employee does not have sufficient leave accruals, they may be placed on a leave without pay (LWOP) status.

An employee may elect continuation of health, dental, vision and life insurance coverage during the elimination period. If the employee is paying themselves with leave accruals, premiums will be deducted from their paycheck each pay period. However, if the employee is on a LWOP status, they must remit premium payments to ACCGov on a bi-weekly basis according to the payroll schedule for continuation of benefit coverage. Failure to pay may result in termination of benefits.

**E. STD Benefit Payment**

Employee disability start date is determined by the treating Healthcare Professional through medical certification under FMLA, or documentation submitted to Human Resources that certifies the employee's need for medical leave for their own, non-work related, serious medical condition.

Payments begin with the 16<sup>th</sup> consecutive day of regular scheduled work missed due to the medical necessity if the employee chooses to use the STD benefit as soon as they are eligible. If the employee chooses to use their accrued leave, and accrued leave exceeds 15 working days, then the paid STD benefit begins at the exhaustion of the accrued leave time (not to exceed 26 weeks of total medical leave).

Benefit payments are equal to 60% of the employee's base salary, excluding bonuses and/or overtime, up to \$200.00 per day. Benefits are paid through the employee's regular ACCGov payroll schedule.

**F. Maximum STD Benefit Period**

STD benefit period may last up to 26 weeks from the initial need of consecutive medical leave while under the care of a Healthcare Professional. The paid STD benefit period may last up to 23 weeks, as medically certified consecutive leave.

**G. STD Shift/Schedule**

The term "shift work" is used to describe any schedule outside of the traditional 40 hour per week, Monday through Friday, 8:00am to 5:00pm work week. STD benefits are paid as a 40 hour week, Monday – Friday schedule. Employees on "shift work" schedules will be transitioned to a regular 40 hour week (8 hours per day) schedule. Once returned from medical leave, employees will transition back to shift work schedule.

**H. Successive Periods of Disability**

Successive periods of disability may be paid to the employee if they return to work from disability, but have to again leave work under the same medical condition. For a Successive Period of Disability to apply, the following criteria must be met:

1. Medical leave must be due to the same initial cause of medically certified leave, OR
2. Medical leave must be due to a related cause as certified by a Healthcare Professional, AND the successive period must be separated up to but no more than three calendar months of active, full-time work.

In any event, an employee is only eligible for up to 26 weeks of disability (three weeks non-paid benefits, 23 weeks with disability paid benefits) for the same serious health condition in a twelve month period.

**I. Serious Health Condition**

A qualifying serious health condition must be medically certified by a treating Healthcare Professional. For an employee to qualify for STD benefit, they must apply for their own serious health condition (not as a caretaker). Disability means an employee is unable to perform the essential functions of the job to which they are assigned and as stated in the ACCGov job description.

A serious health condition may be physical illness or injury, or mental illness that requires ongoing treatment. Furthermore, a serious health condition may be related to surgery, illness, injury, infection, mental health, or pregnancy or related pregnancy complication (pre-and/or post-delivery).

A qualifying mental illness is an ongoing medical condition that impacts a person's thinking, feeling or mood, or behavior in a way that affects their ability to complete standard job functions on a daily basis. An STD qualified mental illness must involve inpatient care, or continuous ongoing treatment by a Healthcare Professional. Medical certification by a Healthcare Professional is required for all mental health conditions requiring consecutive and continuous leave.

A qualifying pregnancy related condition begins with the first day of scheduled work missed as required by a healthcare professional. This may include bed rest and other pre-delivery complications. STD benefits may continue after delivery for the timeframe required for the

mother's medical healing necessity (typically 6 weeks for standard delivery, 8 weeks for caesarian delivery). STD benefits may continue beyond the typically allowed time for healing in cases of post-delivery complications as certified by a healthcare professional.

## V. Using STD Benefit

### A. Eligibility Criteria for Use STD (Qualifying Event)

An employee may be eligible for STD benefits when suffering from their own serious health condition. All of the following criteria must be met in order to be eligible to apply for use of the benefit:

1. The employee is actively employed in a full-time ACCGov position.
2. The employee has met their benefit eligibility waiting period (first of the month after 30 days of full-time employment).
3. The employee has not already exceeded the maximum of 26 weeks of STD use in the previous twelve (12) months on a rolling calendar year.

### B. Application Process for STD Benefit

The employee must complete the Short Term Disability Application provided by the Benefits & Wellness division of the ACCGov Human Resources department.

The employee must also have an approved and certified FMLA claim on file, or have their healthcare provider complete a Medical Certification form to certify the employee's need for consecutive medical leave.

Medical Certification and STD Application should be completed at least 30 days prior to the start of leave, or as soon as possible. A representative may assist in form completion and submission in times when the employee is medically incapacitated. If there is no family representative, and the employee is in a state of medical incapacity, the department director and Human Resources Director may designate the need of paid STD benefit.

Forms and certifications must be provided to the Benefits & Wellness division of the ACCGov Human Resources Department. The STD Application, Medical Certification form, and Medical Recertification form can be found online at [www.accgov.com/benefits](http://www.accgov.com/benefits) under the Medical Leave tab.

### C. Continuous Reporting and Certification Requirement

ACCGov requires recertification of the serious health condition every 30 days while the employee is on the STD benefit. Failure to provide recertification documents signed by the treating Healthcare Provider may result in the discontinuation of the STD benefits.

Forms and certifications must be provided to the Benefits & Wellness division of the ACCGov Human Resources Department. The Medical Recertification form can be found online at [www.accgov.com/benefits](http://www.accgov.com/benefits) under the Medical Leave tab.

**D. Human Resources Review Procedure**

The Benefits and Wellness division of ACCGov Human Resources will review the STD Application and medical certification forms. The employee and the employee's department director will be notified via email of the determination, and the effective date of the STD period, and the start of the paid STD benefit.

Employees may request review of denial of Application for STD from the Human Resources Director. Human Resources Director determination shall be final absent credible complaint under the ACCGov Discrimination and Harassment Policy, ACCGov Code of Conduct, or other complaint under applicable state or federal law. Such determinations are otherwise not subject to the ACCGov Appeal and Grievance Procedure.

**VI. STD Benefit Termination and Exclusions****A. STD Benefit Termination**

There are no *Rights of Continuation* for the STD benefit after expiration of certified FMLA or employment termination. The benefit is provided under a self-contained plan administered by ACCGov. An employee's STD benefit will terminate:

1. At the end of a 26 week period that started at the onset of a disability, OR
2. On the date which the disability has ended in accordance with a healthcare professional's Fitness for Duty certificate, or date listed on the healthcare professional's Medical Certification, OR
3. Upon failure to recertify every 30 days or provide a certified healthcare professional statement as required for benefit eligibility.

**B. STD Exclusions**

Benefits will not be paid through ACCGov self-funded STD program if the illness or injury is sustained during or in connection with the following:

1. ACCGov employment (worker's compensation claim)
2. Any work or pay for profit in which you receive other disability pay or worker's compensation pay.
3. Service in the armed forces, war or act of war (declared or not).
4. Intentional or self-inflicted harm or injury.
5. Any injury sustained while NOT wearing a helmet on any ATV or vehicle with less than four wheels.

**C. Employment While on STD Benefit**

An employee who is on STD leave through ACCGov may not participate in any job-related functions, including but not limited to training courses. Nor can they engage in any

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employment for pay or profit with an outside employer in a capacity representing ACCGov. If it is determined that an employee engaged in work activities while on ACCGov STD benefit, they may be required to reimburse the self-funded STD fund for any STD or insurance benefits received.

### VII. Returning to Work from Disability

Prior to the employee being allowed to return to work, a medical statement from a treating healthcare provider releasing the employee to return to work (sometimes referred to as a Return to Work Certificate) must be provided to the Benefits and Wellness Division of Human Resources. Employees who take "medically necessary" leave will not be permitted to return to work without a signed medical release.

An employee must be fully released without restriction and be able to perform the essential functions of their job in their full capacity to be determined "cleared to return to full duty."

Depending on their job description and the cause for STD, an employee may be required to visit an ACCGov authorized Occupation Physician prior to returning to work to complete a *Fit For Duty* exam. Exams will be scheduled by the ACCGov Benefits and Wellness Administrator, or other authorized Human Resources representative.

An employee on STD may return to their former position, if available, within 6 months. If the position is not available, the employee may apply for other job vacancies in the government and compete with all other candidates for the position. Employees hired in this manner are subject to Section 1-9-5(b) of the Athens-Clarke County Code.

### VIII. Transition to Long Term Disability

If, based on the employees certified serious health condition, an employee is unlikely to be released to full duty once the ACCGov STD benefit expires, they may apply for Long Term Disability (LTD) if it is an elected benefit in which they have already enrolled.

To be eligible for LTD, the employee must have been employed with ACCGov in a full-time benefit eligible status for two consecutive years, have elected the LTD plan during open enrollment, and have a currently active enrollment. The serious health condition has to have been diagnosed after the current LTD plan commenced (no prior conditions will be approved). The third party vendor will review the medical documentation to determine the level of disability. Determination will be made solely by the third party vendor with no involvement by ACCGov representatives.

The LTD program is administered by a third party vendor through the ACCGov LTD benefit package. Employees must complete an LTD application and submit it directly to the third-party vendor for medical review. Applications may be contacted by the third-party vendor directly (see your Benefits guide for additional plan and vendor details). Due to the length of time involved in the review and approval process, employees are advised to submit an application at least 60 days before STD expires. It is in the best interest of the employee to submit an

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application if there is any doubt about their ability to return to full duty with no restrictions. If the employee is able to return to full duty before the end of the STD period, they can request that the LTD application be rescinded.

For more information about LTD benefits, please refer to the Long Term Disability Plan document available at the Human Resources Department, or review plan information in your annual benefits guide.

**IX. Policy Subject to Revision or Termination**

The ACCGov Short Term Disability benefit may be discontinued at any time, and this policy altered at any time by ACCGov Manager, and/or the Human Resources Director.

Where any provision or language of this policy conflicts with or is inconsistent with related ACCGov Personnel System leave ordinance, or any applicable state or federal law, such law shall supersede this policy.

A handwritten signature in blue ink that reads "Laura Welch".

Recommended by: \_\_\_\_\_

Date: 03/01/2024

Laura Welch, Interim Human Resources Director

A handwritten signature in blue ink that reads "Blaine Williams".

Recommended by: \_\_\_\_\_

Date: 03/01/24

Blaine Williams, Manager