



# ADMINISTRATIVE PROCEDURES

Procedure Number: 23-24

Effective Date: 11/08/2019

Revision Date: NEW

*C. Duluberry*  
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County Administrator

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SUBJECT: **SHORT TERM DISABILITY BENEFIT**

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DEPARTMENT RESPONSIBLE: **Human Resources Department**

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## I. STATEMENT

The County contracts with an insurance provider for Short Term Disability. This Short Term Disability benefit covers an illness or injury in which an employee is unable to perform the duties of their job. The benefit is a twenty-six (26) week plan, which pays 66.67 percent of an employee's weekly gross income for a period of up to twenty-four (24) weeks (not to exceed \$1,500 weekly). The employee must satisfy a fourteen (14) calendar day elimination period, which refers to the time period between the start of a disability and the point that an employee is eligible to receive payments.

## II. ELIGIBILITY CRITERIA

### A. **An Eligible Employee Must Meet All the Following Criteria:**

1. Is benefits eligible, i.e. currently working twenty (20) or more hours per week;
2. Has completed three (3) months of continuous employment with the County in a benefits eligible position;
3. Is unable to work due to their own illness, childbirth, or non-work related injury;
4. Is under the care of a health care provider for the illness, childbirth, or injury;
5. Is unable to perform their job duties for which hired; and,
6. Has satisfied a fourteen (14) calendar day elimination period.

## III. FAMILY AND MEDICAL LEAVE ACT ("FMLA") LEAVE

- A. Employees who are on Short Term Disability and qualify for FMLA leave (self only) are required to take their FMLA leave entitlement concurrently with the Short Term Disability. Employees who do not qualify for FMLA leave are required to submit a request for Medical Leave of Absence under Personnel Policy 8-108 and are permitted to use Short Term Disability concurrently. Once they qualify for FMLA leave, the FMLA leave must run concurrently with the Short Term Disability leave of

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absence. (See Administrative Procedure 23-37 for detailed FMLA leave information.)

- B. Refer to Administrative Procedure 23-4, Leave of Absence – Insurance Procedures, for election and payment of health and life insurance.

#### **IV. PARENTAL LEAVE**

- A. Employees who are eligible for Parental Leave under Personnel Policy 8-107 are only permitted to take one type of leave for the birth of their child; either Short Term Disability leave or Parental Leave. Should an employee elect to take Parental Leave after the birth of their child and then experience a separate event necessitating Short Term Disability, such request shall be reviewed by the insurance provider for determination. If Short Term Disability is approved, Parental Leave would terminate automatically.

#### **V. PROCEDURES**

##### **A. Initial Contact Requirements**

1. When the employee has been unable to work due to illness or injury for more than three (3) consecutive work days, the employee or employee's department shall obtain paperwork through Leave Administration to request either FMLA or a Medical Leave of Absence if ineligible for FMLA, and Short Term Disability.
2. HR Leave Administration will provide FMLA paperwork, if eligible, and Short Term Disability Claim forms to an employee who is requesting continuous FMLA leave.
3. If the employee is ineligible for FMLA, upon approval of medical leave by the employee's department, HR Leave Administration will provide the employee with Short Term Disability Claim forms.
4. The employee will provide the Medical Certification (FMLA leave) and/or Physician's Statement (Short Term Disability benefit) to their health care provider for completion.
5. The employee will return all completed forms to HR Leave Administration for processing.
6. If the employee only returns the FMLA paperwork (or department approved Medical Leave of Absence request), no Short Term Disability Claim will be filed on their behalf. If the employee only returns the Short Term Disability Claim, their claim will not be processed until receipt of the FMLA paperwork (if FMLA eligible) or department approved Medical Leave of Absence request.
7. Employees are not required to use accruals to supplement their Short Term Disability payment after day fourteen (14) of the required elimination period. However, if an employee does not use accruals while out on continuous Short

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Term Disability, they may not receive credited service with their respective retirement system, will not receive accruals, and are required to pay the employee's portion of insurance benefits as outlined in Administrative Procedure 23-4.

#### **B. Application for Short Term Disability**

1. Both FMLA paperwork, if the employee is eligible, and Short Term Disability Claim Packets are available through Leave Administration. A Short Term Disability Claim packet consists of:
  - a. Short Term Disability Claim Form Statement of Employee ("Employee's Statement");
  - b. Short Term Disability Claim Form Physician's Statement ("Physician's Statement");
  - c. Lincoln Authorization for Release of Information; and,
  - d. Pima County Authorization to Release Information.
2. When HR Leave Administration receives the Short Term Disability Claim Packet and FMLA paperwork (or a department approved Medical Leave of Absence), they will immediately submit the packet to the insurance provider and to the HR Benefits Division.
3. Upon receipt of all required forms, the insurance provider will issue a Written Determination of Claim to both the employee and the Benefits Division. The insurance provider typically provides a Written Determination of Claim within five (5) business days of receipt of all documentation. If a claim is denied, the employee may file an appeal directly with the insurance provider.

#### **C. Short Term Disability Payments**

1. The employee must be unable to work during the fourteen (14) calendar day elimination period.
2. No payment is made from the insurance provider for calendar days one (1) through fourteen (14). Leave accruals are required to be used during this elimination period.
3. Upon approval, employees are eligible for bi-weekly payments based on the employee's regular base pay, beginning on calendar day fifteen (15). Payments from the insurance provider will be made for the subsequent pay period, after approval. Base pay is defined as an employee's standard hourly rate, which does not include premium or any additional pay.
4. Short Term Disability payments are offset by any monies (accruals in excess of 33.33 percent, outside employment, any other disability payments) received by the employee.

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5. Payments received for Short Term Disability can be made by direct deposit. Employees desiring direct deposit must coordinate this directly with the insurance provider.
  6. The portion of the 66.67 percent paid to the employee by the insurance provider does not include tax deductions or retirement contributions. Should the employee desire to have tax deductions taken from the Short Term Disability payment, they may contact the insurance provider. No accruals are earned on the 66.67 percent of hours nor can the employee or employer make contributions to a retirement plan on the 66.67 percent.

**D. Use of Leave Accruals**

1. Employees must use available leave accruals for the fourteen (14) calendar day elimination period in accordance with Administrative Procedure 23-37.
2. For day 15 and forward, employees must notify HR Leave Administration, via the Short Term Disability Request Form, whether they will use no leave accruals, 33.33 percent leave accruals, or accruals for an entire work day. The employee can make changes to this designation at any time after day fifteen (15) of the disability.
3. Accruals for an entire workday are only permitted until the claim is approved by the insurance provider.
4. Employees may elect to use accruals to supplement their Short Term Disability benefit. However, the sum of both (on a daily basis) shall not be allowed to exceed the employee's base pay.
5. When an employee chooses to use no accruals for day fifteen (15) and forward:
  - a. The employee is responsible for payment of the employee's portion of healthcare benefits; See Administrative Procedure 23-4 Leave of Absence – Insurance Procedures for more details.
  - b. The employee will not earn accrued leave time, nor time in the retirement system for any month where they are not paid by the County;
  - c. While waiting for the claim to process, the employee will not receive any payments from the County; and,
  - d. Upon approval of the claim, the insurance provider will make payment retroactively back to day fifteen (15) of the disability.
6. When an employee chooses to use 33.33 percent accruals for day fifteen (15) and forward:
  - a. The employee will continue to receive a paycheck from the County on a biweekly basis for 33.33 percent of their regular pay; providing accruals are available.

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- b. The employee will accrue leave hours according to Personnel Policies 8-105 and 8-106 and will earn time in the retirement system;
  - c. While waiting for the claim to process, the employee will only receive 33.33 percent payment from the County as their source of income; providing accruals are available
  - d. Upon approval of the claim, the insurance provider will make payment retroactively back to day fifteen (15) of the disability.
7. When an employee chooses to use accruals for the entire workday for day fifteen (15) and forward:
- a. The employee will continue to receive a paycheck from the County for their full pay; providing accruals are available
  - b. The employee will accrue leave hours according to Personnel Policies 8-105 and 8-106 and will earn time in the retirement system;
  - c. The insurance provider will not make payment retroactively back to day fifteen (15) of the disability, but will make payments effective the date your claim is approved; and,
  - d. Upon approval of the claim, the accruals will change to either the use of no accruals or the use of available accruals for the 33.33 percent portion of the work day, as elected on the Short Term Disability Request form.
8. An employee eligible for the holiday benefit or who uses accruals to supplement their Short Term Disability benefit, shall receive a prorated amount of holiday benefit based on the number of accrued leave or compensatory time hours used in the same pay period or their work schedule, in accordance with Personnel Policy 8-102.

## **VI. RESPONSIBILITIES**

### **A. Employee shall:**

1. Notify Leave Administration of the need for FMLA leave or department approved Medical Leave of Absence, and Short Term Disability.
2. Submit completed Short Term Disability Claim Packet and FMLA forms to HR Leave Administration.
3. Report on their medical condition as required by the insurance provider.
4. Use available accruals for the fourteen (14) calendar day elimination period.
5. Submit the Request for Paid Short Term Disability form to HR Leave Administration indicating:
  - a. Whether to use accrued time Day 15 and forward (while the claim is pending approval); and,

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- b. Whether to use accrued time after the claim is approved.
6. Notify HR Benefits if employee is engaged in outside employment.
  7. Notify HR Leave Administration when they are able to return to work and whether there are any restrictions. If a reasonable accommodation is desired under the Americans with Disabilities Act, submit a request under Administrative Procedure 23-29. If an agreed upon accommodation permits the employee to work part-time, they may return to work on a reduced schedule. Short-Term Disability benefits will be offset by County wages earned.
- B. Employee's department shall:**
1. Submit the Leave Administration Form to HR Leave Administration requesting FMLA Self or Medical Leave of Absence and Short Term Disability leave when an employee has been absent for more than three (3) consecutive work days.
  2. Enter time on the employee's time card, until approved for leave.
  3. Notify Benefits if the department has authorized outside employment.
- C. HR Leave Administration shall:**
1. Make available FMLA paperwork, if eligible, and the Short Term Disability Claim Packet to the requesting employee, or upon notification of the employee's department, that the employee has been out for more than three (3) consecutive work days.
  2. Submit completed packet to insurance carrier and the Benefits Division.
  3. Upon notification of approval from the Benefits Division, key the 66.67 percent Short Term Disability hours and 33.33 percent leave, based on the employee's election, into the payroll/leave system.
  4. Notify the Insurance Provider and Benefits Division upon employee's return to work.
- D. Human Resources Benefits shall:**
1. Notify insurance provider of payments made to the employee by the County.