

Leave of Absence Types

Types of leave:

- Family and Medical Leave (FMLA)
 - Employee's own serious medical condition including Workers' Compensation injuries/illnesses
 - To care for a spouse, child or parent with a serious medical condition
 - Birth of a child and/or to care for a newborn child
 - Adoption or foster care of child
- Medical not FMLA
- Military
- Personal
- Sabbatical

Reporting Process:

In the case of a medical leave, all paperwork must be submitted directly to HR for review, as soon as the need for the leave is known. Employee medical information is confidential, so supervisor signatures on medical leave request forms are not needed. Supervisors will be notified after the leave is reviewed by HR. The Leave Request paperwork may be found at

https://www.udayton.edu/hr/employee_resources/hrforms.php#leave.

Employees must submit all applications for other types of leaves, to their department head or immediate supervisor in sufficient time prior to the date of leave requested so that appropriate consideration can be given to the request. Approval of all non-medical leaves are at the discretion of the supervisor.

Requests for leave will not be reviewed until all appropriate supporting documentation has been received by HR. Failure to submit the supporting documentation within 15 days of the request for paperwork may result in denial of the leave.

Leave Approval/Denial Process:

Medical leaves are reviewed along with the supporting documentation from the physician. If there is not enough information, contact is made with the physician's office to clarify. Military leaves are reviewed along with the supporting orders.

Any leave that could potentially be FMLA qualifying will also be reviewed along with the hours worked by the employee in the most recent 12 months, as the employee must have **worked** 1,250 hours in that time period, to be protected under FMLA. Hours that are paid, but not worked do not count in this calculation.

Requests for personal leaves should be reviewed by the supervisor with the operational needs of the department being taken into consideration.

With the exception of personal leaves, once requests for leave are reviewed, they are approved or denied by HR based on the supplied documentation. A letter, along with the approved or denied Leave Request Form will be returned to the employee with a copy to the supervisor.

If the employee is off work for medical reasons, and will not have enough sick time to cover the estimated time off work, an application for disability benefits may be filed. (See section below on Disability benefits)

Reporting Time Off:

Reporting of time off will vary by the type of leave, as well as any sick or vacation balances available to the employee. For medical leaves, all sick time must be used prior to the start of disability benefits. If it is foreseeable that the employee will not have enough sick time to cover the estimated time off from work, the employee may call at any time, to file the disability claim with the disability carrier.

Employees may charge vacation time during any time when they are not eligible to use sick time, but use of vacation is not mandatory. An employee may choose to take time off unpaid.

Once an employee reaches an unpaid status, no time should be recorded on either timesheets or leave reports.

If it is known that the employee will be off work for medical reasons for 3 or more days, then the time charged will need to be reviewed to determine whether it should be recorded as sick or vacation FMLA instead, as opposed to regular sick or vacation time. This is a case by case situation, as not every medical situation will qualify as FMLA protected time. Contact the Director of Employee Benefits and Wellness to determine whether the time off will be FMLA qualifying or not. Medical information from the employee directly to HR will be needed as well as a determination of hours worked to qualify for FMLA protection. Supervisors should not be asking for medical information.

Return to Work:

In the case of any medical leave, an employee must provide documentation in the form of a release, prior to the date of return. That documentation may be faxed by the physician's office directly to HR at 937-229-2569. The release must list any specific restrictions as well as the duration of any restrictions. HR will consult with the supervisor as soon as possible, to discuss any restrictions.

Sick leave/Short Term Disability (STD)/Long Term Disability (LTD)

If a leave is not covered under Workers' Compensation, all sick leave must be used prior to the start of any disability benefits. The application for disability benefits is completed via phone. Information about filing a claim may be found at https://www.udayton.edu/hr/resources/documents/benefits_info/Hartford STD Telephonic Brochure.pdf.

Short Term Disability (STD) benefits begin at the latter of 7 calendar days (including weekends) or use of the last day of sick leave available. STD benefits replace 60% of pre-disability earnings and will continue for the duration of the medical need (as determined by the disability insurance carrier) up to 13 weeks from the 1st day missed.

If the disability continues beyond the 13 weeks, the insurance carrier will review for transition to Long Term Disability (LTD) benefits. LTD benefits will also provide 60% replacement of pre-disability earnings. LTD benefits may continue at the discretion of the disability insurance provider until the employee either returns to work or reaches their full social security retirement age.

Benefits During Leave of Absence

During any approved leave of absence, all benefits will continue at the same level as if the employee was still at work.

If the leave is paid through UD's payroll system, all deductions will continue to be taken from those paychecks. If the employee transitions to disability benefits, deductions may continue to be taken from those payments as well. If the leave is unpaid, the employee may either be billed at home or have the deductions withheld within the same calendar year. The employee on an unpaid leave should contact HR to discuss arrangements for payment of premiums.

If an employee is receiving income from the disability insurance provider, vacation and sick accruals will stop and no retirement contributions will be made to the plans. If the employee moves to the LTD plan, retirement contributions will be made by the disability insurance provider directly to TIAA on the employee's behalf. (these are in addition to the income received by the plan and are not deductions from that income)

Worker's Compensation

Definition:

Worker's compensation Injury: An injury that occurs in the course of, and arising out of, the injured employees' employment.

Injury Reporting Process:

1. When an injury occurs in the workplace, the injured employee should immediately report the injury to their supervisor and seek medical treatment if necessary.
2. The injured employee should complete the injury report forms on Human Resources website within 48 hours of injury. These forms include:
 - a. Injury Report form – separate forms for the injured employee, the supervisor and witnesses
 - b. Medical Release form
 - c. First Report of Injury form (FROI)
3. It is important to provide all relevant information about the injury as soon as possible in order to protect others and ensure a safe work environment. This information can be shared on the forms and/or by contacting Human Resources directly.
4. It is necessary for HR to have all medical notes, forms and any additional information (i.e. supervisor/witness statements, medical history, etc....) before making a claim decision.

Seeking Medical Treatment:

If the injury requires treatment, the injured employee should seek treatment with a physician that accepts worker's compensation or at a medical facility such as an urgent care or hospital. You can also seek treatment at Medwork (www.medworkohio.com); however, Medwork is an out of network provider and if the claim is denied you may be responsible for the cost of your treatment.

For a list of network providers in Anthem's network, please visit the following link.

<https://www.anthem.com/health-insurance/provider-directory/searchcriteria>

For a list of providers that accept worker's compensation from the Ohio Bureau of Worker's Compensation, please visit the following link.

<https://www.bwc.ohio.gov/provider/services/providerlookup/nlbwc/ProviderSearch.aspx>

Claim Determination:

Once Human Resources has received all forms, medical notes and any additional information (i.e. supervisor/witness statements, medical history, etc....), then a claim determination is made. The "allowed conditions/diagnosis" are identified based on the medical notes. If the diagnosis is unclear (i.e. back pain), the University can request more information or send claimant for an independent medical exam.

The following are the claim determination status types:

1. Claim denied

If a claim is denied, the claimant will be notified. A hearing with the Ohio Bureau of Worker's Compensation (BWC) will automatically be scheduled. If the injury is not certified as worker's compensation, the employee has the option for medical expenses to be paid by the medical plan if they carry the Universities health insurance.

2. Claim Certified

If the claim is certified, medical bills are forwarded to our third party administrator (Frank Gates Service Company) for review and payment. There are two types of claims.

a. Medical Only

- Medical treatment for allowed conditions/diagnosis are paid

b. Indemnity (lost time)

- Medical treatment for allowed conditions/diagnosis are paid and the claimant may be eligible for wage replacement

Recording Time Off:

For lost time claims, the claimant will have time away from work due to the injury. In these instances, it is important to have a physician provide medical notes and a Medco-14 form letting the University know when the claimant will be released back to work. While off work, the claimant may be compensated for their time away two different ways: sick pay or worker's comp pay.

1. Sick pay – if the claimant has a sick balance, time away from work should initially be recorded as sick pay. If the claimant does not have a sick balance, they can use their vacation balance. If they have either sick or vacation, then the time is taken as unpaid leave. All deductions (i.e. health care premiums, retirement contributions, etc.) will continue to be automatically deducted from paychecks when using sick or vacation pay.
2. Worker's comp pay – This pay is 66 2/3% of average weekly wage and is not taxable. A claimant may be eligible for worker's comp pay and human resources will work with them if they are eligible for this type of compensation.
3. A claimant cannot receive both sick pay and worker's compensation pay at the same time. The Ohio BWC considers this double dipping and the claimant could owe the University money back.

Return to Work:

The claimant must be released to return to work by their physician and provide that release in writing to Human Resources prior to their first day back. The claimant will be sent home if they cannot provide the written physician's release upon their return.

Sometimes the claimant is released with work restrictions. These restrictions must be reviewed by Human Resources and the department to determine if the employee can perform the essential functions of their position with the restrictions. For example, an essential function of the position is lifting up to 40 pounds, but the employee has a work restriction of only lifting up to 10 pounds. This employee may not be able to return to work until this restriction is removed.

For questions, please contact the Office of Human Resources 937-229-2541.