

I. **POLICY:**

It is the Authority's policy to provide short-term disability benefits for all active, full-time managerial employees and all non-managerial employees who receive managerial benefits. This policy is effective January 1, 1997.

II. **PURPOSE:**

Short-term disability benefits provide additional leave(s) of absence with pay to employees suffering from a disability that requires absence(s) in excess of available leave balances. Short-term disability benefits serve as a bridge between sick leave and long-term disability benefits.

This Policy/Instruction establishes the eligibility requirements and procedures for short-term disability benefits. This Policy/Instruction is to be coordinated with the Long-term Disability Insurance Program and the Policy/Instructions regarding Managerial Vacation Leave (#6.43.1*), Managerial Sick Leave (#6.51*), and the Reduced Work Schedule Program (#6.36.1*)

This policy implements the Metropolitan Transportation Authority All-Agency Policy Directive #11-016, and is in compliance with the Federal Americans with Disabilities Act, the Federal Family Medical Leave Act, requirements associated with New York State Civil Service Law, Military Leave law and policies, and similar requirements affecting employee short-term disability.

(*or applicable revisions)

III. **DEFINITIONS:**

Definitions, for the purpose of this Policy/Instruction, are:

Active Service: A status whereby the employee reports to work on a regularly scheduled basis, or is in regular pay status.

Authority: The New York City Transit Authority (NYCTA), the Manhattan and Bronx Surface Transit Operating Authority (MaBSTOA) and the Staten Island Rapid Transit Operating Authority (SIRTOA).

Family Medical Leave Act (FMLA): The law governing family and medical leave for employees and all applicable procedures established for the Authority's compliance with its implementation.

Frozen leave balances: Annual leave, exceeding the number of maximum allowable vacation days on May 1, 1998, that remains credited to a manager.

Full Occurrence: An illness that requires a single, continuous leave of absence (i.e., recuperation from heart surgery).

Intermittent Occurrence: An illness that requires multiple leaves of absence for ongoing scheduled treatment (i.e., chemotherapy treatment).

Short-term Disability: An employee's verified prolonged, major or catastrophic illness that prevents him/her from performing his/her job and/or requires a leave(s) of absence for treatment/recuperation in excess of the employee's accumulated leave balances, excluding the 10-day vacation balance pursuant to Section IV.C.

Verified illness: An illness for which the medical documentation submitted meets the criteria established under FMLA.

IV. **ELIGIBILITY:**

- A. Full-time, active managerial employees and non-managerial employees who receive managerial benefits are eligible for short-term disability benefits, except while participating in the reduced work schedule program.
- B. Short-term disability is available for an employee's occurrence of prolonged, major or catastrophic illness (i.e., cancer, heart attack) that prevents him/her from performing the duties of his/her position or of an appropriate alternate assignment.
- C. **Prior to short-term disability benefits taking effect, all of the employee's accumulated sick leave, and all but two weeks (10 working days) of the aggregate of all accrued (including frozen) vacation, personal leave, floating holidays and compensatory time (if applicable) must first be exhausted.**
- D. For each separate occurrence, the employee must provide a physician's certification that supports the request and, in cases of intermittent absence due to a continued illness, provide a schedule of treatments. Occupational Health Services may request additional information to verify the request, as deemed necessary (see Subparagraph F).
- E. While an employee is on short-term disability, the employee's department and/or Human Resources may require the employee to provide an updated physician's certification and/or to report for an examination by Occupational Health Services (see Subparagraph F).
- F. The physician's certification that supports the request must be provided on the 'Application for Short-Term Disability Benefits' form. To maintain confidentiality of employee's medical condition(s), this form and all additional and/or follow-up information required must be forwarded directly to Occupational Health Services.
- G. An employee approved for short-term disability, for either a full occurrence illness or for an illness that requires intermittent absences for ongoing scheduled treatments, may be carried at full pay status for up to 26 weeks/130 working days from the initial date of absence. Long-term disability, where applicable, begins after 26 weeks.
- H. Employees requesting short-term disability for more than one occurrence may be carried at full pay status for a maximum of 52 weeks, combined, over the term of their employment. This includes employment at either one MTA Constituent Agencies or at multiple MTA Constituent Agencies.
- I. An illness covered by FMLA may or may not meet the criteria for short-term disability. Therefore, an employee's application under FMLA will not determine his/her eligibility for short-term disability. However, the employee must have applied for FMLA leave in order to be eligible for short-term disability benefits.
- J. Employees on short-term disability will not accrue vacation, personal, sick or holiday leave during the period of such leave.
- K. Any fraudulent application for short-term disability benefits, and/or violation of the terms or conditions of this policy, may lead to disciplinary action, up to and including dismissal.

V. **ADMINISTRATION AND RESPONSIBILITIES:**

A. **Employee:**

1. The employee must complete an 'Application for Short-Term Disability

Benefits' form stating the nature of his/her prolonged, major or catastrophic illness, obtain the physician's certification on the section provided, and forward the application directly to the Division of Occupational Health Services, Human Resources accompanied by a copy of the FMLA filing.

2. The employee must notify his/her departmental Family Medical Leave Act (FMLA) Coordinator of his/her disability. An employee who is eligible for short-term disability benefits must apply for leave under the Family Medical Leave Act (FMLA).
3. *Scheduled Occurrence*: When the employee's illness results in the need for foreseeable leave (i.e., scheduled surgery), the employee is required to file for short-term disability and FMLA at least thirty (30) days prior to the beginning of such absence. In the event the employee has less than thirty (30) days notice of the absence, the employee must file as soon as practical after the employee is aware of the need for such absence.

Unscheduled Occurrence: When the employee's illness results in an unforeseeable and unscheduled absence (i.e., injuries sustained in a sudden and serious accident), the employee is required to file for short-term disability and FMLA within 15 days of when the need for leave becomes known to the employee. Notice may be given by the employee's spokesperson (i.e., spouse, adult family member or other responsible party) if the employee is unable to do so personally.

B. Division of Timekeeping and Compliance:

1. Vacation leave applied to the absence prior to the filing/approval for short-term disability, in excess of the requirement detailed in Section IV.C, can, with the approval of the employee's manager, be restored.
2. The timekeeper will ensure that all of the employee's accumulated sick leave, and all but two weeks (10 working days) of the aggregate of all accrued (including frozen) vacation leave, personal leave, floating holidays

and compensatory time (if applicable) are exhausted prior to short-term disability benefits taking effect.

3. The timekeeper will ensure that an employee is not carried on short-term disability status for more than 130 working days from the initial date of absence.
4. The timekeeper will ensure that an employee requesting short-term disability for more than one occurrence is not carried at full pay status for more than 52 weeks over the term of his/her employment at any one MTA agency or over a combination of terms of employment at multiple MTA agencies.
5. The timekeeper will ensure that an employee does not accrue leave for the period covered by short-term disability.

C. Office of Human Resources

1. Human Resources is responsible for implementation and management of this Policy/Instruction.
2. Human Resources is responsible for the transfer of information regarding utilization of short-term disability benefits for employees who transfer across MTA Constituent Agencies.
3. The Division of Occupational Health Services will be responsible for approval of short-term disability requests, and of conveying their determination to the employee and to the Division of Timekeeping and Compliance.

4. The Division of Occupational Health Services will review all FMLA leave requests which concern serious medical conditions for medical sufficiency and compliance with the Act.
5. If the Medical Director or his/her designee has any reason to doubt the authenticity of the physician's certification or suspects fraud in relation to the leave, he/she will immediately inform in writing the Vice President of Labor Relations or his/her designee and forward the certificate to him/her for appropriate action.

D. Departmental FMLA Coordinator

1. The Departmental FMLA Coordinator will provide application forms, information and guidance with regard to the Family Medical Leave Act and short-term disability policy.

E. Office of Labor Relations

1. The Departmental FMLA Coordinator will provide application forms, information and guidance with regard to the Family Medical Leave Act and short-term disability policy.
2. The Vice President of Labor Relations, or his/her designee, will investigate any suspected fraud and/or violation of the terms or conditions of this policy, and take appropriate action.

VI. RECORD RETENTION:

The short-term disability and FMLA forms, doctor's lines, and all other documentation pertaining to the request for short-term disability are to be maintained by the Division of Occupational Health Services.

The timekeeping records detailing the actual short-term disability time used per occurrence is to be maintained by the Division of Timekeeping and Compliance of the Office of the Controller.

Subject: SHORT-TERM DISABILITY	Classification: Human Resources
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Issued By: LAWRENCE G. REUTER, President
