



3.1.10 Short Term Disability

Policy Section: Leaves of Absence

Policy Number and Title: 3.1.10 Short Term Disability

Applicable to: All Benefits Eligible Employees

Effective Date: January 1, 2012

Policy Description

The Princeton University short term disability benefit provides income protection in the event of a short term disability where the injury or illness is not work related. The policy is administered by the Office of Human Resources. Short term disability benefits may be available for up to a maximum of 26 weeks of an approved disability during any 12-month period.

Both short term disability and workers' compensation benefits count toward the same 26 week maximum.

The first 12 weeks of short term disability or workers' compensation leave is charged concurrently to any time you may have available under family and medical leave.

For more information about the federal Family Medical Leave Act (FMLA) and New Jersey (FLA) family leave, see Policy [3.2.1 Family and Medical Leave](#).

Application of This Policy

The Princeton University Short Term Disability Policy applies to staff and dean of faculty employees¹ who are unable to work because of a medically certified illness or injury that is not work-related.

¹ DOF employees are eligible for short term disability benefits, as described in this policy. Faculty with approved summer pay will receive summer pay during an approved disability period in accordance with the agreement. DOF employees should consult with the [Office of the Dean of the Faculty](#) for more specific details.

Short Term Disability Pay

The Princeton University Short Term Disability Policy is established in accordance with the Temporary Disability Law of the State of New Jersey and the federal Family Medical Leave Act (FMLA).

- For all benefits-eligible employees, the University supplements the New Jersey Temporary Disability rate to full base salary for up to a maximum of 12 weeks for any approved disability and to 75% of full base salary for an additional 14 weeks for any approved disability. The combined period of supplemental disability pay or any continued period of disability is limited to 26 weeks in total per any 12-month period. Any qualified disability period during an unpaid leave of absence, scheduled non-working period, or post employment will be paid in accordance with the state formula in effect at the time of the approved absence.
- Probationary and casual employees may be eligible for the minimum legal benefit as defined under the New Jersey State statute.
- Employees who are members of a union may be paid according to a different schedule and/or rate. Supervisors should consult the applicable **contract** to determine the appropriate short term disability rate.

Eligibility Criteria

To be eligible for a short term disability leave, employees must meet the following basic criteria and:

1. be unable to perform their regular jobs or any work appropriate to the disability that may be offered;
2. be disabled for at least eight full consecutive calendar days as certified by a licensed health care provider; if employees work less than 80% on the day that they become disabled, it is counted toward the eight consecutive day requirement.
3. be under the care of the appropriate licensed health care provider for the presenting condition who certifies the limitation that prohibits employees from working and provides the treatment plan, regimen, and schedule for recovery and return to work;
4. be following the treatment plan as provided by their health care provider;
5. complete and submit the **Application for Temporary Disability Benefits** to the Office of Employee Health; and
6. furnish disability medical certificates that are acceptable to the Office of Employee Health.

The University reserves the right to:

1. confer with the employees' attending health care providers;
2. have employees examined by the Office of Employee Health;
3. have employees referred by the Office of Employee Health for an Independent Medical Examination (IME) or a Functional Capacity Examination (FCE) by a health care provider designated by the Office of Employee Health or for a medical case management review by a designated third party provider;

4. assign employees to a temporary position (or light duty) appropriate to the disability; and
5. provide the necessary work accommodations to require a partial or full return to work based upon approval from Office of Employee Health.

The University has the final responsibility for determining employee eligibility for short term disability benefits.

Confidentiality of Records

In all cases, the Office of Employee Health and Human Resources work with the supervisor and the employee to ensure that appropriate procedures are followed while maintaining the confidentiality of the employee's medical information.

The supervisor and Human Resources should not find it necessary to inquire about the employee's underlying medical condition or diagnosis nor is it necessary for the employee to share such information with Human Resources or the supervisor. Rather, the supervisor and Human Resources need only communicate with the employee about the employee's ability to perform the job duties or plans to return to work.

The employee is required to discuss the anticipated period of absence and plans to return to work with the supervisor or Human Resources.

Roles, Responsibilities, & Procedures

Introduction

Employees, their health care providers, department supervisors, the Office of Employee Health and Human Resources are jointly responsible for ensuring that the required paperwork is processed in a timely manner so that there is continuation of appropriate salary. Each party plays a critical role to ensure that benefits are processed accurately, timely, equitably, confidentially, and in accordance with established medical and statutory guidelines.

Employees

Notification, Application & Medical Certificate

Notify supervisors of their absence from work due to a medical condition as soon as possible.

Complete and return the **Application for Temporary Disability Benefits** to the Office of Employee Health promptly and by no later than two weeks from the onset of the disability.

Sign and provide the medical certificate to the appropriate licensed health care provider(s) for completion.

Follow up with health care providers to ensure that they submit all required medical certificates to the Office of Employee Health promptly and by no later than two weeks from the onset of the disability. Updated medical certificates will need to be provided throughout the disability period.²

² Employees who do not submit appropriate documentation by the end of the second week of absence or at any subsequent time throughout the period of disability may be subject to discipline up to and including termination and may result in the denial of disability pay to the employee.

Update & Return to Work Communication

Keep supervisors and the Office of Employee Health informed on a regular basis of the expected date of return to work.

Return to work

Prior to returning to work, employees must schedule an appointment and present their medical certificates to the Office of Employee Health. An employee may not return to work until the return is approved by the Office of Employee Health.

If employees return and are then absent from work with the same short term disability illness or injury within 30 consecutive days of return, the absences from the workplace are counted as the same or continuing disability for purposes of **long term disability**.

Employees who are members of a union are subject to the return to work provisions of their representative collective bargaining agreement. Employees and their supervisors should consult the applicable contract to determine the appropriate return to work provisions.

Overpayment

If an employee receives a short term disability overpayment, the employee must repay the University.

Temporary Restriction (including "light duty")

When the employee's medical provider identifies temporary work restrictions, which the Office of Employee Health approves and the supervisor reasonably can accommodate or provide a "light duty" assignment that the employee medically is able to do, the employee must accept the offer.

Permanent Restriction (i.e. accommodation for handicap/disability)

When the employee's medical condition requires a permanent restriction, the employee may request accommodation and engage in a good faith interactive conversation with Human Resources, the supervisor and the Office of Employee Health to assess and determine whether:

1. the employee can fulfill the essential job requirements with or without restrictions and
2. there are reasonable accommodations that would permit the employee to perform the essential functions of the job.

Supervisors

Forms Required

Promptly send employees the required forms or refer the employees to the HR website for form retrieval.

Advise employees of procedures to be followed.

Temporary Replacement

Confer with Human Resources and/or Budget Office on temporary replacement, as necessary.

Charging Time	<p>Ensure appropriate charging of time³, and if eligible, charge time to federal FMLA leave (see 3.2.1 Family and Medical Leave Policy).</p> <p>Advise employees about how time will be charged.</p>
Communication During the Disability Leave	<p>Maintain contact with the employee, Human Resources and the Office of Employee Health during the disability period to ensure:</p> <ol style="list-style-type: none"> 1. appropriate reporting and recording of the absence, 2. appropriate planning for coverage of the employee's area of responsibility and 3. the employee has provided the necessary documentation to support his/her absence. <p>Supervisors should focus their communications on the employee's ability to perform the job duties or plans to return to work rather than on the employee's underlying medical condition or diagnosis.</p>
Return to Work	<p>Confer with the Office of Employee Health and Human Resources, as necessary, to determine whether light duty work is available and to plan for the employee's return to work.</p> <p>Provide information about the job duties to the Office of Employee Health when IMEs, FCEs, or medical case management reviews by a designated third party provider are needed.</p>
Temporary Restriction (including "light duty")	<p>When the employee's medical provider identifies temporary work restrictions, the supervisor should determine whether or not they can be accommodated, or, alternatively they can provide a "light duty" assignment that the employee medically is able to do. In either case, the employee must accept the offer.</p>
Permanent Restriction, i.e., accommodation for handicap or disability	<p>If the employee's medical condition requires a permanent restriction(s) and the employee requests a permanent accommodation, the supervisor should engage in a good faith interactive conversation with the employee, Human Resources, and the Office of Employee Health to assess and determine whether:</p> <ol style="list-style-type: none"> 1. the employee can fulfill the essential job requirements with or without modifications and 2. there are reasonable accommodations that would permit the employee to perform the essential functions of the job.

³ Unless appropriate and timely documentation is submitted to support their application for short term disability leave, employees will have their time out of the workplace charged, with supervisory approval, to other paid absence time or leave of absence without pay until documentation from the health care provider has been received, reviewed and approved.

Office of Employee Health

Review & Approval of Medical Information

Reviews and maintains confidential medical certificates and information received from health care providers.

Makes clinical determination of employee's eligibility for benefit based upon medical information from appropriate treating providers.

Notifies the employee, supervisors and Human Resources that the short term disability leave has been approved or not approved and for how long (expected return to work date).

Arranges for IMEs, FCEs, and/or third party medical case management reviews, as necessary.

Follows up with employees or health care providers for additional information or clarification, as needed.

Obtains necessary medical documentation directly from the treating health care provider with assistance from the employee, as needed.

Communication with Employee

Maintains contact with employees as necessary regarding medical condition and return to work dates.

Communication with Human Resources

Confers with Human Resources and the supervisor, as necessary, regarding the employee's ability to return to work and to assume the duties of the job or whether any work appropriate to the disability is available, with or without restrictions or modifications.

Return to Work

Works with employees, their provider, the supervisors and Human Resources to clarify temporary and/or permanent work restrictions.

Keeps Human Resources and supervisors informed of return to work dates.

Human Resources

Policy & Procedure Oversight

Works with employees and managers to ensure that correct policies and procedures are applied.

May authorize withholding salary and/or disciplinary action, if proper documentation is not received.

Data Entry

Coordinates dates with the Office of Employee Health to ensure employee's PeopleSoft record accurately reflects status.

Communication

Sends letters to employees and their supervisors to confirm approval of the short term disability leave of absence.

When requested by the Office of Employee Health, may contact the employee if the Office of Employee Health has not received the employees' medical certificates.

Sends follow-up letters to employees and their supervisors, as needed, to request additional medical certificates and/or to confirm the return to work date provided by the employee's licensed health

care providers.

**Coordination
Regarding Return
to Work**

May work with employees and managers to facilitate the employee's return to work. In cases that involve temporary restrictions, including light duty; permanent restrictions, including accommodations for a disability or handicap; or long term disability, Human Resources functions as a liaison to facilitate the process.

Returning To Work With Limitations

**Transitional
Reduced Duty
Time**

In some circumstances, an employee's medical provider may recommend that the employee's ability to return to work and assume all of the essential functions of the job will be facilitated by having a graduated duty time schedule and/or altered work assignment over the first few weeks. In these cases, the Office of Employee Health verifies the information with the medical provider and confers with the employee's supervisor and Human Resources regarding these restrictions.

During this transitional period, which normally does not exceed four weeks, if the employee works less than 80% of the normal work schedule, the employee's time is counted as short term disability towards the 26 week limit. The employee's earnings, however, are divided proportionally between short term disability pay and regular earnings. Vacation time during this transitional period is accrued proportionally to the regular earnings distribution. A scheduled vacation day or sporadic absence during this transitional period must be charged to paid time off, and the paid time off will not extend the period of short term or long term disability eligibility.

If the employee returns to 80% or more of the normal work schedule, the time is no longer counted as short term disability. The supervisor must have the employee charge the time not worked to unused paid time off or leave without pay.

If the employee has exhausted short term disability benefits, the supervisor must have the employee charge the time not worked to unused paid time off available or leave without pay.

**Transitional
Temporary Work
Restrictions**

In other circumstances, an employee's medical provider may suggest that the employee's ability to return to work to assume all of the essential functions of the job will require transitional work restrictions⁴. In these situations, which will be handled on a case-by-case basis and will be reviewed by the Office of Employee Health in consultation with the supervisor, the health care provider must indicate that employee's medical status is expected to improve within a predictable and/or relatively short period of time so that the employee is able to perform all the essential functions of the job.

⁴ Temporary transition restrictions typically end within 60 days or less; 30 days for reduced schedule.

Permanent Work Restrictions, i.e., accommodations for handicaps & disabilities

If an employee requires work restrictions of an extended duration or modification of the job functions, the situation will be treated as an accommodation request under state and federal disability law. Human Resources, the supervisor, and the Office of Employee Health, in consultation with the Office of the Provost and the Office of General Counsel, as necessary, will enter into a good faith interactive discussion with the employee to assess and determine whether:

1. the employee can fulfill the essential job requirements with or without modifications and
2. there are reasonable accommodations that would permit the employee to perform the essential functions of the job.

If the request cannot be accommodated, the employee either may be assigned to other duties within the department or remain on short term disability up to the maximum of 26 weeks in a 12-month period. These accommodations may be reviewed by the Office of Employee Health as needed.

Other Considerations

Unused Disability Leave

Unused short term disability leave may not be accumulated or carried forward in any way.

Regular part time or full time 9-, 10-, 11-month employees

If an approved disability occurs during scheduled nonworking periods, i.e., summer months, for regular 9-, 10-, or 11-month pay cycle employees, the disability benefit is paid by Princeton University's Short Term Disability Plan.

The benefit paid from the Princeton plan will follow the New Jersey State benefit formula in effect at time of the disability.

Vacation

Vacation time is not accrued during a short term disability leave of absence nor credited upon employees' return to work.

Holding Employees' Positions

In accordance with the federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA), the University provides a family and medical leave of protected absence for up to 12 weeks in any 12-month period to any eligible regular full-time or part-time employee. The University guarantees that, at the end of a protected absence, the employee can return to the same position or to one that is equivalent in rank, salary and benefits, and other terms and conditions of employment.

It is the University's policy to run FMLA leave concurrent with an approved short term disability leave, if appropriate. If, after a protected absence is exhausted, a regular employee remains absent from the workplace on short term disability, the University will make an effort to hold a position while the employee is receiving short term disability benefits.

Positions are not held for probationary or temporary employees.

While an employee is absent from the workplace due to a short term disability, supervisors may employ a variety of strategies, such as the hiring of temporary replacements or casual employees and temporary reassignment of duties to other staff members, to ensure that the department can continue to operate effectively while the employee is absent.

Supervisors must consult with Human Resources prior to posting the position. With approval of Human Resources, supervisors may post a position where an employee has been absent from the workplace and any protected absence is exhausted, if:

1. the medical prognosis, by an authorizing health care provider, indicates that the employee's condition will not improve sufficiently within a reasonable period of time to allow the person to return to work and to be able to perform the essential duties of the position and/or
2. the supervisor can clearly demonstrate, to the satisfaction of Human Resources, that the continuing absence interferes with the effective operation of the workplace.

Disability Period Beyond 26 Weeks

When an employee is disabled beyond 26 weeks, i.e., the health care provider and/or the Office of Employee Health cannot certify that the employee is able to return to normal duty within 26 weeks, the short term disability leave ends and the employee may become eligible to receive long term disability.

Long Term Disability

If, after three months, the employee's health care provider indicates that the employee's short term disability leave may extend beyond 26 weeks, the **Office of Risk Management** will send information regarding the University's long term disability plan to the employee.

Employees who cannot return to the workplace after 26 weeks and are waiting for determination of their LTD application are placed on a transitional unpaid leave of absence, normally 30 days, pending possible approval under the University's long term disability plan.

Employees who are not approved for long term disability and who cannot perform the essential functions of their job, will have their employment terminated. These individuals are not eligible for severance pay (see **4.0.4 Benefits at Termination** for additional information).

Multiple Disability Periods in excess of 26 weeks in a 12 month period

There are rare instances when an individual may experience a relapse of disability or a new disability within a 12-month period. This is defined by an approved return to work period that is greater than 14 days followed by a subsequent newly approved disability period.

In these instances, the state formula in effect at the time of the disability is paid for any approved disability period in excess of 26 weeks in any 12-month period. Pay received during a new disability period within a 12-month period is limited to a total of two-thirds of the employee's pay received in the immediate 12 months prior to the start of the new disability period.

Poor Attendance Due to Multiple Short Term Disabilities	When an employee has a record of poor attendance because of multiple short term disabilities, the employee may be replaced based on the business needs of the office. Such instances are reviewed on a case-by-case basis and supervisors must consult with Human Resources before replacing the employee (see 5.1.6 Absence from the Workplace).
Determination of Eligibility	The University has responsibility for determining employee eligibility for short term disability.
Termination of employment	<p>If employees become disabled within 14 days following resignation or termination of employment, they may apply to receive the short term disability income benefits from the University. The benefit paid from the Princeton plan will follow the New Jersey State benefit formula in effect at time of the disability.</p> <p>The eligibility for 26 weeks of benefits will include any time used while employed by Princeton University within a 12-month period of the approved disability. Approval to receive short term disability income does not constitute a promise of employment or rights to any other benefits provided by the University to its employees.</p>
Right of Appeal	If the Office of Employee Health denies an employee's claim for short term disability benefits, the employee has the right to appeal the decision in accordance with New Jersey Temporary Disability Law. The Office of Employee Health will provide the employee at the time the decision is made a written notice and the procedure for filing an appeal of the denial.

Contacts

Office of Human Resources	hr@princeton.edu (609) 258-3300
Office of Employee Health	(609) 258-5035 www.princeton.edu/uhs/fs_employee_health.html
Office of the Dean of the Faculty	www.princeton.edu/dof (609) 258-3156 (609) 258-3096

For information about related documents, refer to the policy at **www.princeton.edu/hr/policies/leaves/3.1/3.1.10/3.1.10d/index.xml?page=4**.

Previous revision September 1, 2005