Short-term Disability Guidelines for Managers and Supervisors

These guidelines are to provide you valuable information regarding employees out of work on Short-Term (ST) Disability leave and Extended ST Disability Leave. These guidelines also assist you with employees returning to work who may be requesting reasonable accommodations in order to perform the essential functions of their position.

General Statute
The management of Employee Relations met with the management of Human Resources and Legal Services staff to determine the requirements in General Statute 135-105 regarding UNC Health Care employees out of work on ST Disability. UNC Health Care’s ST Disability policy administration complies with the NC statute.

Leave Program
ST Disability is a leave benefit. Employees out on ST Disability or Extended ST Disability cannot be separated from employment. Employees are allowed by statute to have ST Disability leave up to a year and Extended ST Disability leave as long as an additional year (when their condition meets the criteria of a disability according to their physician’s information and meets the ST Disability determination guidelines).

Partnering
The assigned Benefits Analyst can assist supervisors/managers with questions about the ST Disability process for the employee. Supervisors/managers should partner with the Benefits Analyst to ensure the ST Disability and Long-Term (LT) Disability process is smooth.

In instances where the employee has exhausted all leave, the Supervisors/Managers must provide the Employee Records Office with a HRx form placing the employee on leave of absence without pay. The form must be processed and completed within the same pay period of the employee’s last day of work. If the employee is exhausting leave after their last worked day, then the HRx form must be processed in the same pay period the leave is exhausted. Sending the form timely will ensure that your employees’ benefits do not get cancelled. Questions about this process should be directed to Employee Records. The telephone number for Employee Records is 984-974-1100.

Resignation Requirements
After being out on Short-Term Disability, employees approved for LT Disability, must resign their position to receive their LT Disability benefit since LT Disability pay comes from the NC Retirement System. Only then will managers be able to separate their employee and permanently fill the position.

Filling Position
Please contact the appropriate employment office for your needs with filling the position temporarily. The main number for UNC Health Care Employment Office is: 984-974-1100. The main number for the Nurse Employment office is: 984-974-1160.
Short-term Disability Guidelines for Managers and Supervisors

**Fit-For-Duty**
Employees have the right to return to their previous position once they are determined fit-for-duty regardless of how long they are out on ST Disability or Extended ST Disability. If for some reason, a manager cannot return the employee to their exact same position, the manager must return the employee to a position that is comparable in that it is the same level job, same pay, same hours, and same skills sets needed and utilized. Otherwise, managers could face a disability discrimination claim and have difficulty defending the claim successfully.

When the supervisor/manager becomes aware of an employee’s disabling condition, the employee’s position description should be reviewed and if it is outdated, the supervisor/manager must complete a new Position Description Questionnaire which includes an ADA checklist. Any supervisor/manager who does not have a current job description and ADA checklist for their employee’s position can seek assistance in completing the Position Description Questionnaire and ADA checklist, if needed, from staff in Compensation Services. Any questions about the employee’s position during their leave of absence should be directed to Compensation Services. Compensation Services staff can be reached at: 984-974-1100.

**Return To Work**
Supervisors/managers must discuss any potential return to work with the employee. Supervisors/managers must provide the employee with the following three documents:

- A current position description that includes the essential functions of the position. This must be the position description of the employee’s position at the time the employee was working in the position.
- The ADA Checklist of physical requirements and working conditions of the position at the time the employee was working in the position.
- A Return-to-Work-Fit-for-Duty form.

Employees are not allowed to return to work until the supervisor/manager receives the required Return-to-Work-Fit-for-Duty form completed by their physician. The employee’s physician will need to review the employee’s job description, the ADA checklist, and the employee’s medical record in order to complete the Return-to-Work-Fit-for-Duty form releasing them as capable of performing their jobs.

The supervisor/manager must notify the assigned Benefits Consultant with the date the employee is returning to work in order to ensure that the employee’s disability pay is discontinued. If the employee’s physician returns the employee to work with reduced hours, the supervisor/manager must inform the assigned Benefits Consultant to ensure the employee receives a reduced ST Disability payment. The main number to Employee Benefits is 984-974-1100.

**Reinstatement**
Once the employee has been cleared to return to work by their physician, the employee should submit the UNC HEALTH CARE Return to Work form to the manager/supervisor and the
appropriate disability form to the Benefits Consultant. The Benefit Consultant will reinstate the employee.

Employees should notify their supervisor/manager when they are cleared to return to work with restrictions and need accommodations to perform the essential functions of their position. The EEO/ADA Officer in Employee Relations assists supervisors with these requests. The main number for Employee Relations is: 984-974-1640.

**ADA Accommodations**

Employees returning to work may have informal accommodation requests or formal ones from their treatment providers. Qualified employees who have easily discernable disabilities involving vision, hearing, speech, and walking, may often need assistive technology and assistive equipment to perform the essential functions of their position. These requests for accommodation are easily understandable. Managers and supervisors who receive these requests need not partner with the EEO/ADA Officer or require the employee to bring in physician documentation when the physical disability is clearly an obvious one and the accommodation requested is reasonable.

UNC Health Care managers and supervisors currently consider accommodation requests that do not rise to the level of a disability, though their consideration does not constitute a waiver of UNC Health Care’s right to assert that the employee is not “disabled” within the meaning of the Americans with Disabilities Act (ADA). It is common for a UNC Health Care manager or supervisor to temporarily accommodate employees’ formal or informal requests to flex their hours, modify their equipment, etc., in order to accommodate temporary medication changes that may be treating a disability, injuries, temporary illnesses, etc., without requiring the employee to submit physician documentation that the issue rises to the level of a disability. Managers and supervisors should continue to accommodate employees’ reasonable requests for accommodation to the extent their position allows and to the extent that managers can be fair and consistent with granting these accommodations.

It has been the practice that managers and supervisors have granted informal accommodation requests when they have known the issue to be temporary, the accommodation an easy one to make, and the illness or impairment has been an obvious one. When the issue and accommodation is appearing to develop into a more ongoing need, with the impairment not being obvious, then the manager may request the employee bring in documentation from the physician concerning the impairment, such as the expected duration, the expected impact on the employee’s functioning in the job, and recommendations for accommodations. It may be that the employee is provided the accommodations to the extent their position allows or the employee may need to restart the ST Disability leave process. The EEO/ADA Officer provides consultation with these situations as needed upon request of the supervisor, manager, or employee.