

**HR Memorandum 90-1:
Disability Leaves with Pay**

TO: Deans, Directors and Departmental Chairs

FROM: Office of Human Resources Management

DATE: January 24, 1990

SUBJECT: **DISABILITY LEAVES WITH PAY**

This is a policy memorandum which should be filed in your "Personnel Memoranda" binder.

BACKGROUND

University employees are not covered under the New York State Disability Law. Instead, employees have alternative protection for periods of non-work related absence which are prescribed by a combination of statute, contractual language and administrative rules. The purpose of this memorandum is to describe in general terms the applicable provisions that govern in these matters. Specific questions on individual cases should be directed to the Office of Human Resources Management.

Generally, the rules governing employee eligibility for leaves without pay due to illness or injury are determined by the employee's status under Civil Service Law. Entitlements for classified service employees flow from Civil Service Law and Rules and differ significantly from those afforded professional employees, which are governed by the Policies of the SUNY Board of Trustees. (For these purposes faculty are considered professional employees.)

CLASSIFIED SERVICE

The Attendance Rules promulgated by the New York State Department of Civil Service dictate leaves without pay for employees in the CSEA, Council 82, PEF and Classified Managerial/Confidential bargaining units. Generally, these Rules provide that employees who are necessarily absent from work due to illness or injury must be allowed to use accrued leave credits. Should those leave balances prove inadequate to cover the period of disability, employees may then be eligible for sick leave at half-pay.

In order to qualify for this benefit, an employee must be permanently appointed and have at least one year of State service. In addition, all vacation, sick, overtime and personal leave credits must be exhausted. If those criteria are met, an employee must be granted a cumulative total of sick leave at half pay of one bi-weekly pay period for each six months of

State service. For example, an employee with five years of service would be eligible for ten pay periods of leave at half pay.

The rules governing this process are complex and have minor variations based upon collective bargaining provisions. Specific questions regarding eligibility should be directed to the Classified Services Unit in the Office of Human Resources Management.

PROFESSIONAL SERVICE

Disability leave with pay for professional employees, i.e. members of the UUP or Unclassified Managerial/Confidential bargaining units, arise under the Policies of the SUNY Board of Trustees as well as the State-UUP Agreement. Basically, employees are expected to utilize earned leave credits (sick leave and, as applicable, vacation) to cover periods of absence necessitated by non-work related illness or injury. However, if an employee does not have accrual balances adequate to cover the period of disability, he or she may make a request to the President for additional sick leave for up to six months. Such extended leaves will typically not be at full pay and will require supporting medical documentation.

Requests for extended leave must be submitted through the appropriate Vice Presidential area. The granting of additional sick leave is discretionary, and the following factors will be considered in arriving at a determination:

The Vice President's support of the request

Employee's length of service

Amount of leave requested

Employee history with respect to previous sick leave use

Eligibility for coverage under the University's Group Disability Insurance Program

A second option for income protection, particularly in a long term disability situation, arises under the University's Group Disability Program for Professional Staff. Coverage applies to employees who have one year of service and are either full-time or part-time and eligible for health insurance. Coverage commences six months after the onset of disability and provides for 60% of monthly salary up to a maximum monthly income benefit of \$5,000. Employees or supervisors with specific questions are advised to contact the Benefits Unit in the Office of Human Resources Management.

MATERNITY

Pregnancy is treated like any other temporary disability under both the classified and unclassified rules and policies. Pregnant employees are presumed to be medically disabled from the performance of job duties for a period commencing approximately four weeks prior to delivery and continuing for six weeks following delivery. This period may extend based upon documented medical necessity. Should accrued leave credits prove inadequate to cover the period of disability, then the foregoing provisions for either leave at half-pay (classified) or extended sick leave (professional), will apply.

MEDICAL DOCUMENTATION

Medical evidence documenting an inability to perform the requirements of the job can and will be requested. In addition, employees who are absent due to disability may be required to be examined by a physician selected by the University should the need arise.

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