

HUMAN RESOURCES POLICY
Fauquier County, Virginia

Policy Title: Virginia Local Disability Program
Section No.: 56

Effective Date: 10/08/2015
Supersedes Policy:

I. PURPOSE

It is the objective of the Board of Supervisors that all County employees hired after January 1, 2014 and are Hybrid members of the Virginia Retirement System receive benefits provided by the Virginia Local Disability Program.

II. SCOPE

This policy applies to all Virginia Retirement Systems employees under the Hybrid Plan who are disabled, on maternity leave, or are absent due to a major chronic condition.

III. DEFINITIONS

A. Eligible member

A full-time permanent employee of Fauquier County who is participating in the Virginia Hybrid Retirement Plan described in § 51.1-169 of the *Code of Virginia*.

IV. PROCEDURES

A. Responsibilities

1. Employees

Employee responsibilities are as follows:

- a. Employees must report their disability claim as soon as they believe they will be absent from work for more than 7 calendar days.
- b. If an employee is uncertain about how long they will be absent or whether they should file a claim or not, we suggest that the employee file a claim right way.
- c. To file a claim, the employee may contact the Human Resources Department to obtain a disability claim packet.
- d. Employees must complete the claim form and obtain the required medical documentation.
- e. The employee must cooperate with the insurance carrier's claims adjuster during the investigation of the claim.
- f. The employee must cooperate with the insurance carrier's claims adjuster during the continued handling of the claim, including supplying additional information as necessary.

- g. The employee must keep the department supervisor advised of disability status while out on leave.

2. Departments

Department responsibilities are as follows:

- a. Each Department Head shall ensure all employees within the department are aware of procedures, changes and regulations regarding VLDP.
- b. Each supervisor shall report employee information to the Human Resources Department as soon as the supervisor becomes aware that an employee will be absent for more than seven (7) consecutive days.
- c. Each supervisor shall cooperate during investigation of claims and assist in back-to-work, light duty and vocational rehabilitation programs.
- d. Each supervisor shall notify the Human Resources Department immediately when an employee is able to return to work either in a light duty or full duty capacity.

3. Human Resources Department

Human Resources Department staff responsibilities are as follows:

- a. Develop and manage the County VLDP program.
- b. Maintain records of all disability claims sent to the insurance carrier.
- c. Monitor the progress of all disability claims handled by specific insurance companies and, where necessary, provide status reports to departments.
- d. Assist departments with disability claims processing and coordination of the employees' timely return to light, restrictive or regular duty.
- e. Answer questions and respond to inquiries regarding disability claims.

B. Salary/Wage Benefits

- 1. In accordance with the VLDP policy, no compensation shall be allowed for the first seven (7) calendar days (including Saturday, Sunday and holidays) of incapacity resulting from disability.
- 2. During this seven (7) day period, the employee may use accrued annual, sick, personal or compensatory leave. If the employee does not have sufficient annual, sick, personal or compensatory leave balances, the employee may request leave through the Leave Donation Program. If the employee has no leave balances and receives no leave through the Leave Donation Program, the employee will be placed in leave without pay status for the seven (7) day period.
- 3. If the incapacity extends beyond the initial seven (7) day period, disability benefits (compensation) shall commence with the eighth (8th) day of disability.
- 4. Disability benefits are provided at the rate based upon years of service and length of disability. The chart below explains in detail the compensation payment schedule.

Months of Continuous Service	Work days of 100% replacement of creditable compensation	Work days of 80% replacement of creditable compensation	Work days of 60% replacement of creditable compensation
Fewer than 12	0	0	0
12-59	0	0	125
60-119	25	25	75
120-179	25	50	50
180 or more	25	75	25

5. Employees may supplement their disability compensation benefit by using accrued annual, sick, personal or compensatory leave. If the employee does not have sufficient annual, sick, personal or compensatory leave to supplement the disability benefit, the employee may request leave through the Leave Donation Program.
6. Overpayments resulting from wages paid for part or all of a pay period shall be recouped by the Payroll Department by:
 - i. Adjusting leave balances;
 - ii. Adjusting future leave payments;
 - iii. Adjusting future pay; or
 - iv. Billing for repayment, whichever is appropriate.

C. Return to Work

1. An injured employee must return to work as soon as he/she is released for regular, restrictive or light duty by the treating physician.
2. A Physical Capacities Form must be completed by the treating physician and submitted to the Human Resources Department prior to the employee returning to regular, restrictive or light duty.
3. If the return to work is restrictive or light duty, then the Human Resources Department shall submit to the attending physician a copy of the proposed light duty job description for approval.
4. The employee shall not be permitted to perform light duty unless approved by the attending physician.
5. Employees on light duty assignment may return to their regular duties upon receipt of a Physical Capacities Form signed by the employee's attending physician attesting to the employee's physical and mental fitness to resume regular duties.

D. Light Duty Assignment

1. Whenever an injured or ill employee is temporarily unable to return to his/her regular duty, but is considered medically fit to perform less strenuous tasks, efforts shall be made by the Human Resources Department in consultation with the employee's department head or designee to find light duty assignments for that employee.

2. Such an assignment may not necessarily be in the employee's regular department.
3. Fitness for light duty assignment shall be coordinated with the treating physician and shall be such that accommodates identified restrictions.
4. During the period of light duty assignment, no employee shall be permitted to work more than their normal working hours.
5. A light duty assignment shall not be made in any case where there is no possibility of full recovery. Proper medical certification shall be utilized in arriving at this decision.

E. Family and Medical Leave Act (FMLA)

1. Injuries or illnesses approved for disability generally meet the eligibility for FMLA.
2. An absence due to disability will be charged to the employee's annual 12-week entitlement to FMLA benefits, providing the employee meets the definition of eligibility as listed in the current version of Policy 2-G, Family and Medical Leave.

F. Worker's Compensation

1. If disability arises out of a work injury
 - a. If employee has less than twelve (12) months of continuous service, claim may be eligible if the injury is catastrophic.
 - b. If employee has more than twelve (12) months of continuous service and the employee is scheduled to miss time due a compensable claim, employee should not file a claim as benefits will be paid through Worker's Compensation.