

## 1436.01 WAGE CONTINUATION PROCEDURE

Wage Continuation is NMC's self insured program for short-term disability. Eligible employees may request this benefit according to procedures. Eligibility is determined according to the definition of full-time employees, in the Definition of Employee Categories (1406.00) and have completed 90 days of employment at NMC. Employees not working because of work related injuries that are covered under Workers' Compensation are ineligible for Wage Continuation.

The Wage Continuation period shall run concurrently with Family Medical Leave (FMLA). For an illness/injury requiring three or more days of absence the Family and Medical Leave Policy (1421.00) also applies. You must review that policy as well as this Wage Continuation Procedure. Wage Continuation is a benefit that will pay the employee for time-off that is unpaid under the FMLA regulations and it does not replace or circumvent FMLA.

NMC has attempted to address the most common situations for accidents and illness, and how the Wage Continuation benefit applies. The Director of Human Resources, or designee, reserves the right to address unusual circumstances and administrate this benefit as is practicable.

### **Initial Qualifying for Wage Continuation:**

#### **Accident**

1. After an employee has been off work for one (1) work day or a part of a work day due to a single disability from accident the employee may request to be paid under the Wage Continuation provisions.
2. The first work day off due to a single disability from accident will be paid under Wage Continuation provisions.

In order to qualify for Wage Continuation a medical certification will be required. The employee must submit the medical certification to the Human Resources office as soon as is practicable or within 15 days maximum of the first day of absence. If there are questions or the nature of the disability needs clarification then NMC's physician will contact the employee's physician to determine if a second opinion is necessary. NMC reserves the right to require Medical Certification from NMC's physician. If the employee does not obtain any required certification, their leave will continue according to the Family and Medical Leave Policy (1421.00). Unpaid leave will be granted if certification requirements are met according to the Family Medical Leave Act (FMLA).

#### **Illness**

1. After an employee has been off work for 15 consecutive work days due to a single disability from illness the employee may request to be paid under the Wage Continuation provisions
2. The 16<sup>th</sup> work day off due to a single disability from illness will be paid under Wage Continuation provisions.
  - a. The employee will first be paid (or unpaid if insufficient balances exist in sick or vacation time)

using their accrued leave time. Up to a maximum of 15 sick days, or a combination of sick days and vacation days will be deducted from the accrued time.

- b. If the employee's sick time accrual is less than 15 days the employee must request the use of vacation time by the end of the affected pay period or the remainder of the 15 days will be unpaid.
- c. If the deadline is missed and the request is in the next pay period, the vacation time will be paid retroactively.

In order to qualify for Wage Continuation a medical certification from NMC's physician will be required. The employee must submit the medical certification to the Human Resources office as soon as is practicable or within 15 days maximum of the first day of absence. If the employee does not obtain this certification, their leave will continue according to the Family and Medical Leave Policy (1421.00). Unpaid leave will be granted if certification requirements are met according to the Family Medical Leave Act (FMLA).

### **Wage Continuation Pay**

1. Wage Continuation will provide pay for the balance of a total of 180 calendar days after sick pay, vacation pay or time without pay for the one (1) work day off for injury or 15 work days off for illness has been met. For example: Sick day balance in the bank is 22 work days. The required 15 sick days commencing on a work-day (21 calendar days for this example) have been paid out to the employee as sick leave. Wage Continuation will pay the remainder of 180 calendar days for a total of another 159 days. Seven sick days remain in the accrual for use if the employee returns to work.

### **Continuing Certification Required**

1. A minimum of one additional certification will be required from NMC's physician(s) when the employee has been off work for 90 calendar days. Certification may be required every 30 days in order to continue pay under this policy, depending on the circumstances of the accident/illness. Additional certifications may be required from the employee's personal physician. NMC will pay expenses or any deductible and co-pay, after health plan coverage for required certifications. No additional expenses will be paid by NMC.
2. Particular attention will be paid to item (5) on the Certification of Health Care Provider form to determine if procedures for Long-Term-Disability and MPSERS Retirement Disability (if applicable) applications should be started. If the duration of the condition is anticipated to be less than the remaining 90 days no further action is required.
3. Where the duration of the absence is anticipated to be more than 90 days, applications for Long-Term-Disability and MPSERS Retirement Disability (if applicable) will be processed. This process may change if the duration of the anticipated absence changes.

### **Employee's Responsibility**

1. After requesting Wage Continuation pay the employee will cooperate in a timely manner and obtain medical certification from NMC's physician as soon as is practicable or within 15 days at a maximum from the first day of absence.
2. During the Wage Continuation period, it is the employee's responsibility to contact the Benefits Coordinator and/or the Administrative Assistant in the Human Resources office at least once

every 30 days regarding their fitness for duty or intention to return to work.

3. When practicable the employee will give 30 days notice of their intent to return to work.
4. The employee will be required to provide Fitness for Duty Certification.

Wage Continuation pay may be denied if the employee does not satisfy these requirements.

### **Return to Work**

1. If the employee returns to work for a period of at least 30 days, before the maximum benefit of 180 days is paid out, the 15 day requirement for illness will be waived for future time off related to the same illness/injury.
2. NMC requires the employee to provide a medical certification of the employee's fitness to return to work. This applies only to the health condition which caused the employee to be unable to perform the functions of the employee's job. This requirement will be communicated to the employee when it is determined that the concurrent use of FMLA will be counted during Wage Continuation and it must be job-related and consistent with business necessity pursuant to the Americans with Disabilities Act (ADA).
3. If all of NMC's notification responsibilities have been met and the employee fails to provide a fitness certificate as required at the time the employee is to return to work, NMC may delay the return to work until it is provided.
4. Upon return to work, returning the employee to a position will be as follows:
  - a. If the leave qualified for FMLA and a twelve week period has not expired, placement will be made in the same or an equivalent job according to FMLA standards.
  - b. If the leave qualified for FMLA and a twelve week period has expired every effort will be made to return the employee to the same or an equivalent position, however, there is no guarantee of placement or continuing employment.
5. If an employee is found to have fraudulently obtained Medical Certification to qualify for FMLA and/or Wage Continuation from NMC, then job restoration and maintenance of benefits will NOT be protected.
6. Employees found working outside of NMC while they are restricted from working under Medical Certification and are on FMLA and/or Wage Continuation will have job restoration, maintenance of benefits and Wage Continuation pay terminated.

### **Applicable Benefits:**

All benefits pertaining to the employee's classification shall continue to apply including wage and hour reporting for retirement, except the following:

- Sick leave accrual will be discontinued during the use of Wage Continuation since the employee is not currently working.
- Vacation leave accrual will be discontinued during the use of Wage Continuation since the employee is not currently working.
- If the employee returns to work for less than full-time, as defined in the Definition of Employee Categories, these benefits will accrue at the rate of actual hours worked. (e.g. Staff vacation and sick time: 20 hours work per week equals 50% accrual rate, 30 hours work per week equals 75% accrual rate. Faculty sick time: 8 contact hours per week equals 50% accrual rate, 12 contact hours per week equals 75% accrual rate)

The college maintains the right to administrate this procedure according to the requirements listed, and terminate pay if the employee does not comply with these requirements.

This policy supercedes the benefits of FMLA in pay status only. All other provisions of FMLA regarding benefits apply except where stated in "Applicable Benefits".

Upon completion of the total 180 days of absence the college reserves the right to fill the employee's position or determine if it will remain open. No regular pay will be in effect after the total 180-day period. Unused vacation time will be paid out however, and may extend the employment date for long-term disability or retirement disability purposes. This does not apply to any accrued sick time, which is not paid out (with the exception of Maintenance/Custodial staff according to their employee bargaining agreement).

The Director of Human Resources reserves the right to waive and/or alter any portion of this procedure depending on individual circumstances to meet the needs of the employee and the institution.

#### **AUTHORIZATION OF ADMINISTRATIVE PROCEDURE**

Director of Human Resources authorization: Bill Hendry

Date authorized: 11/21/01 Effective Date: 11/21/01