

CITY OF LOCK HAVEN, PENNSYLVANIA
MAXIMUM LEAVE POLICY

Disability Leave of Absence

A disability leave of absence is available to employees unable to perform their job because of a physical or mental disability as certified by a qualified health care provider. Depending upon the nature of the disability leave, an employee may use one or more of the following benefits during the leave period:

- Sick, vacation or personal leave;
- Short-term disability (STD);
- Long-term disability (LSD);
- Workers compensation;
- Heart and Lung benefits;
- Leave taken in accordance with the Family and Medical Leave Act (FMLA).

Eligibility. Generally, fulltime and regular part-time employees are eligible for disability leave. Other eligibility terms are contained in the applicable provision of the collective bargaining agreement and/or insurance programs for each type of leave benefit.

Example: FMLA leave requires 12 months of employment and 1250 hours of service preceding the leave.

Leave Certification. All requests for a disability leave must be certified as to medical necessity with an estimated length of leave. The City Manager will provide the employee with the required form that must be completed and signed by the employee and his/her health care provider, and returned promptly to the City Manager.

To ensure continued eligibility for disability leave, the City and/or insurance carrier may confirm the medical necessity for the leave at the onset of the leave and throughout the leave period.

FMLA Leave. The first 12 weeks of disability leave which meet the eligibility criteria will be considered FMLA leave. Employees will be required to use accrued sick, vacation, and personal leave time concurrently with FMLA leave.

STD and LTD Benefits. Eligible employees may participate in STD and LTD plans, subject to all terms and conditions plan policies. Details of the STD and LTD benefit plans, including benefit amounts, limitations and restrictions, are described in the Benefits Summary provided to eligible employees. Contact the City Manager for more information about these benefits.

Separation From Employment. An employee may remain on an approved disability leave for up to 180 days, measured from the first day of disability. If an employee remains unable to work after 180 days, the employee may be separated from employment. Separation from employment will not impact the employee's receipt of LTD or workers compensation benefits, provided s/he is otherwise eligible.

Case Review. The City recognizes that there are cases in which an employee would be unable to return to employment upon exhaustion of the 180 days of disability leave, but would be able to return to work and perform the essential functions of his/her job with an extension of leave and/or other forms of reasonable accommodation.

For this reason, the City will initiate a Case Review of the disability leave 30 days before the 180-day period of disability leave expires.

The Case Review will be conducted in accordance with the Americans with Disability Act (ADA) and will take into consideration the following issues:

1. Whether the employee is a qualified individuals with a disability;
2. Whether the employee would be able to resume the essential functions of his/her job in the foreseeable future if granted an accommodation;
3. Whether alternative, effective accommodations are available; and
4. Whether any such accommodation poses an undue hardship on the City.

The Case Review will be conducted as part of an interactive dialogue with the employee, including the submission and review of medical documentation regarding the employee's return to work prognosis, as appropriate.

If the Case Review demonstrates that the employee is able to resume his/her fulltime or part-time position in the foreseeable future with an accommodation, such as extending the disability leave period, the City must consider such a request. If the request does not impose an undue hardship, the City will postpone separation from employment, which typically occurs at 180 days, pending the employee's return to work.

Date instituted: 8/31/2015