

APPENDIX B

Short-term Disability is administered by the City of Fort Collins for the Library District. For purposes of the administration of these policies, Library District employees are covered the same as “City Employees” by this policy as described below.

City of Fort Collins Short-term Disability Policy

6.17 Short-term Disability Leave (8/31/2020)

This policy is intended to provide eligible employees with income replacement associated with time off for certain short-term disabilities arising from non-occupational illnesses or injuries. This policy is not applicable to Police Services employees in the Bargaining Unit who are subject to the collective bargaining agreement.

6.17.1 Eligible Employees

Employees in classified and unclassified management positions are eligible to use short-term disability leave in accordance with this policy. All other employment categories are ineligible for this leave.

6.17.2 Circumstances When Short-term Disability Leave May Be Used

A. An eligible employee may take available short-term disability leave when they are disabled and unable to perform their job due to a non-occupational personal illness, injury, or other medical condition. For purposes of this policy, the term “disabled” means that the employee is unable to perform one or more of the essential functions of their job with the City and the employee is not on full-time modified duty pursuant to Section 7.1 of these policies.

B. The fact that an employee is provided with partial day or week modified duty shall not disqualify an otherwise qualified employee from using partial day or partial week short-term disability.

C. An eligible employee shall not be permitted to use short-term disability leave if the employee is on an unpaid leave of absence for 30 continuous calendar days. For the purposes of this paragraph, if an employee works 10 hours or less during a 30-day period, that period shall be considered a continuous leave of absence.

6.17.3 Amount and Commencement of Short-Term Disability Leave

An employee may be eligible for short-term disability leave for up to 90 calendar days per incident, so long as the employee is under the care of a qualified healthcare provider and disabled as determined by the City’s short-term disability administrator. The first consecutive 14 calendar days of being disabled shall be an elimination period and shall be unpaid unless the employee is permitted to use available sick leave, vacation leave, award time, accrued but unused holiday time, and/or compensatory time. The next 6 weeks of short-term disability leave will be paid by the City at 100% of the employee’s regular pay based on the position’s designated FTE, excluding commissions, bonuses, overtime pay or any other extra compensation. The remaining 4 weeks and 6 days will be paid at 75%. An employee may choose to

use any available vacation leave, award time, accrued but unused holiday time, or compensatory time to increase the short-term disability leave from 75% to 100% of the position’s designated FTE. Example 1: EE (FTE 1.0) works 8 hours, 6 hours would be STD and 2 hours would be vacation or sick time to make up the 25%. Example 2: EE works (FTE .75) works 6 hours, 4.5 hours STD and 1.5 vacation or sick to make up the 25%.

90 Consecutive Calendar Days (Starts with Disability Date through STD Max)		
14 Day Elimination Period (2 weeks)	42 Days of STD Pay at 100% (6 weeks)	34 Days of STD Pay at 75% (4+ weeks)
Not paid by STD benefit, employee may use Sick Leave or request other paid leaves.	City pays employee 100% of salary, no supplement needed.	City pays 75% of salary, employee may use Sick Leave, request use of other paid leaves to supplement the remaining 25% of salary or take unpaid.

A. The elimination period of 14 calendar days is the period of time an employee must be continuously disabled before disability benefits are payable.

B. If an employee returns to work following the use of paid short-term disability leave and subsequently becomes qualified for available short-term disability leave again within two consecutive calendar weeks of returning to work due to the same or related causes, the employee will not be required to complete a new elimination period.

6.17.4 Notice of Intent to Use Short-Term Disability Leave

A. Employees who need to use short-term disability leave for a prolonged, scheduled medical procedure or treatment (such as surgery or childbirth) must notify their manager as soon as learning of the need for such a leave, or about three months before expecting to give birth. The notice must specify the reason for the leave, the date it’s expected to begin, and the expected duration.

B. Employees who unexpectedly become seriously ill or require prolonged treatment or recovery (or someone on behalf of the employee) must call the manager as soon as reasonably possible under the circumstances.

6.17.5 Required Information

A. Employees are responsible for making sure that all of the requested information is provided promptly, including follow-up information and updates. Short-term disability leave may be denied or terminated, and the employee may be subject to disciplinary action up to and including termination of

employment, for failure to undergo a medical examination or promptly provide the types of information described in this policy.

B. Employees who request short-term disability leave or who have used short-term disability leave may be required to do the following:

1. Periodically communicate with the manager or the City's short-term disability administrator regarding the anticipated date of return to duty;
2. Provide written verification to the City's disability administrator of the following from the physician or other health care provider treating the employee:
 - a. Date on which the condition commenced;
 - b. Nature and extent of illness or injury, but only as is necessary to determine the employee's ability to perform the job functions;
 - c. Probable duration of illness or injury;
 - d. Confirmation that the employee is unable to perform essential job functions and a description of the essential job functions that the employee is able to perform along with any work restrictions;
 - e. Anticipated date on which the employee may return to work;
 - f. Release stating that the employee is able to return and perform their duties without endangering the health and safety of themselves or others, and describing restrictions on the employee's work activities;
3. Undergo a fitness for duty examination by a physician or other health care provider designated and paid for by the City; obtain a release from a physician or health care provider confirming that the employee is able to return to work without endangering the health and safety of themselves or others; and/or obtain a detailed description satisfactory to the City of restrictions on the employee's work activities.
4. Provide all information necessary to the City's disability administrator in order to make an eligibility determination.

6.17.6 Misuse Prohibited

Employees are prohibited from using short-term disability leave except under the circumstances described in this policy. Employees who, in the City's judgment, misuse short-term disability leave are subject to disciplinary action and short-term disability leave benefits may cease. When there appears to be a possibility that short-term disability leave is being misused, the department or division head or manager may:

1. Make further inquiry of the employee about past or ongoing use of the leave time;
2. Require the employee to provide the type of information or submit to medical examinations as described above; and/or
3. Require the employee to provide written medical verification or be seen by the City's designated physician in order to use any further short-term disability leave.

6.17.7 Denial or Termination of Short-Term Disability Leave

Short-term Disability Leave shall be denied or terminated on the earliest of:

1. Expiration or exhaustion of the leave;
2. Recovery from disability;
3. Termination of employment;
4. Modification or termination of this policy;
5. Failure of the employee to provide medical records and information deemed necessary by the City to administer this policy;
6. Failure of the employee to follow the provisions of this policy or to reasonably cooperate with the City in administering this policy;
7. Failure of the employee to meet the eligibility requirements of this policy; or
8. The employee is approved to receive long term disability benefits.

6.17.8 Limitations and Exclusions

A. An employee shall not be eligible to use short-term disability leave during any of the following periods:

1. Any period the employee is not under the regular and continuing care of a physician providing appropriate treatment by means of examination and testing in accordance with the disabling condition;
2. Any period the employee fails to submit to any medical examination requested by the City or the City's short-term disability administrator;
3. Any period of disability due to the mental illness, unless the employee is under the continuing care of a licensed mental health care provider; or
4. Any period of disability due to drug and alcohol illness, unless the employee is actively supervised by a physician or rehabilitation counselor and is receiving continuing treatment from a rehabilitation center or a designated institution approved by the City.

B. An employee shall not be eligible to use short-term disability leave if the employee's disability is due to any of the following:

1. War, declared or undeclared, or any act of war;
2. Active participation in a riot, rebellion or insurrection;
3. Committing or attempting to commit an assault, felony or other illegal act;
4. Injury or sickness for which the employee is entitled to benefits under any Workers' Compensation, Occupational Disease, or similar law;
5. Injury or sickness sustained while doing any act or thing pertaining to any occupation for wage or profit; or
6. Sickness or injury due to cosmetic or reconstructive surgery, except for such surgery necessary to correct a deformity caused by sickness or accidental injury.

6.17.9 Holiday Pay during Short-term Disability Leave

Employees who are eligible for holiday time and who are on short-term disability leave during a designated holiday must record holiday time for that day and not short-term disability leave.

6.17.10 Reimbursement/Other Income

A. If the City of Fort Collins pays short-term disability income benefits or any other paid leave benefits for sickness or accidental injury caused in whole or part by the act or omission of another, an employee who receives such benefits must:

1. Reimburse the City of Fort Collins for the benefits paid if the employee recovers damages for lost income by settlement, court order, judgment or otherwise.
2. Provide the City with a lien and order directing reimbursement for benefits. The lien and order may be filed, at the City's discretion with:
 - a. The person whose act caused the sickness or accidental injury and
 - b. Such person's agent; and
 - c. The court; and
 - d. The employee's attorney.
3. Cooperate with the City, including execution, completion, and filing of any document deemed by the City necessary to protect its reimbursement rights.

B. The City of Fort Collins' reimbursement rights under this provision will be valid only if the sick or injured employee is fully compensated for their bodily injury.

C. Any proceeds will be proportionately reduced, as required by law, for the attorney fees and expenses the employee incurs to recover lost earnings from the third party.

D. The City of Fort Collins will have the right to intervene in any suit or other proceedings to protect its reimbursement rights. Any settlement proceeds received by the sick or injured employee's attorney will be held in trust for the City's benefit. The City's rights herein are binding upon and enforceable against the employee's legal representatives, heirs, next of kin, and successors in interest.

6.17.11 Subrogation

A. If the City of Fort Collins pays short-term disability income benefits for sickness or accidental injury caused in whole or part by the act or omission of another, the City will have a right of subrogation against the employee or any third party should the sick or injured employee receive any damages or payments.

B. Sick or injured employees must do nothing to prejudice the City's subrogation rights and must cooperate with the City to protect such rights. This includes:

1. Providing information; and
2. Signing an agreement documenting the City's subrogation rights; and
3. Taking other action requested by the City, including execution, completion, and filing of any document deemed by the City necessary to protect its rights.

C. The City's subrogation rights under this provision will be valid only if the sick or injured employee is fully compensated for their bodily injury.

D. At the City's option, action may be taken to preserve its subrogation rights. This includes:

1. The right to bring any legal action in the employee's name as allowed by law; and
2. Seeking reimbursement out of any amount from any source recovered by the sick or injured employee.

E. Any proceeds will be proportionately reduced, as required by law, for the attorney fees and expenses the employee incurs to recover from the third party.

F. Any settlement proceeds received by the sick or injured employee or their attorney will be held in trust for the City's benefit. The City will have the right to intervene in any suit or proceeding to protect its subrogation rights. The City's rights herein are binding upon and enforceable against the sick or injured employee's legal representatives, heirs, next of kin, and successors in interest.

6.17.12 Continuation of Benefits during Short-term Disability Leave

During short-term disability leave under the terms of this policy, all benefits will continue as though the employee were at work.

6.17.13 Return from Short-term Disability Leave

A. Employees returning from short-term disability leave may, at the discretion of the City, be required to:

1. Obtain a release from their physician or health care provider confirming that the employee is able to return to work without endangering the health and safety of themselves or others;
2. Obtain a description satisfactory to the City of any restrictions upon the employee's work activities; and/or
3. Complete a fitness for duty examination by a physician or other health care provider designated and paid for by the City.

B. If employees do not return to work on the date expected following short-term disability leave, or decline a comparable position, their employment may terminate.

6.17.14 Applicability of Family and Medical Leave

Short-term disability leave used for purposes of childbirth or serious health condition of the employee will, in addition to short-term disability leave, be counted as leave under the Family and Medical Leave Act ("FMLA") if applicable. For additional information, see [Personnel Policy 6.9](#), Family and Medical Leave.

6.17.15 No Payment upon Separation from Employment

Eligible employees who have available but unused short-term disability leave at the time of separation of employment shall not be paid for such unused leave.

6.17.16 Administration of Policy



A. The City may, in its discretion, use a third-party administrator to administer all or any part of this policy.

B. A request for a review of a decision made by a third-party administrator shall initially be made in writing to the third-party administrator within 30 calendar days of the provision of notice of the decision to the employee. A copy of the request for review should also be forwarded to the City's Benefits Administrator. Thereafter, the employee may appeal in writing the final decision of the third-party administrator to the City's Benefits Administrator within 30 calendar days of the provision of notice of the third-party administrator's final decision. The decision of the Benefits Administrator shall be final.