



## **PERSONNEL**

### **Disability Programs for Employees in the VRS Hybrid Plan**

Benefit eligible employees assigned to the Virginia Retirement System (VRS) Hybrid Retirement Plan have disability benefits under the Virginia Local Disability Program (VLDP). The VLDP is administered through VRS and therefore the following Regulation may be subject to change. Employees should refer to the VLDP Handbook provided by VRS for full program details.

The VLDP's short term and long-term disability benefits work in conjunction with a third-party administrator (TPA) and the School Division and will be governed by the following:

#### **A. Membership in Short-Term and Long-Term Disability Plans**

Benefit eligible employees assigned to the VRS Hybrid Plan are automatically enrolled in the required VRS administered Virginia Local Disability Program (VLDP).

#### **B. Management of the Short-Term and Long-Term Disability Plans**

Disability Claims, including determination of payment, will be processed by the TPA. Short-term and long-term will run consecutive with Family and Medical Leave, as governed in Regulation 4-55.1. Employees will continue to receive FMLA determination through the Office of Employee Relations, Department of Human Resources.

Employees who fail to comply with VLDP requirements such as contacting the TPA regarding an illness or injury, compliance with return to work arrangements, or completing and returning requested information to the TPA may have their benefit reduced or terminated and/or may be subject to disciplinary action up to and including termination of employment.

#### **C. Short-Term Disability**

1. Waiting period. There is a one (1) year waiting period for non-work-related short-term disability coverage. Hybrid Plan employees may elect to participate in the School Division's sick leave bank during this waiting period. Employees become eligible for non-work related short-term disability benefits after one year of continuous service<sup>1</sup> with Virginia Beach City Public Schools (VBCPS) and therefore, are no longer eligible to participate in the Sick Leave Bank.

VRS Hybrid Plan employees are eligible for work-related short-term disability coverage upon employment.

2. Notice and Claim Initiation. An employee who becomes ill or injured and expects to be out of work for more than seven (7) calendar days must notify the employee's supervisor and the Office of Employee Relations who will assist with the claim initiation with the TPA. For illnesses or injuries that are known in advance, such as for a scheduled surgery or childbirth, the employee must notify Employee Relations and initiate a claim as soon as possible, up to thirty (30) calendar days in advance. An employee may not receive benefits more than fourteen (14) ~~calendar~~calendar days before the date the disability is reported.

Short-term disability benefits will not be paid until the School Division receives notification from the TPA that the disability claim has been approved for income replacement coverage.

3. Elimination period. Once an employee's short-term disability claim is approved for coverage by the TPA, a seven (7) calendar day elimination period is assigned. An employee must use the employee's available sick leave, personal reasons leave, and/or annual leave accruals during the seven-day elimination period. Short-term disability income replacement normally begins on the eighth calendar day of absence.
4. Reporting other forms of income during STD. Employees receiving short-term disability coverage must report any

additional income to the Office of Employee Relations, Department of Human Resources. If an employee receives or is eligible to receive income from certain sources, short-term benefits will be offset. An employee cannot receive more than 100% of the employee's pre-disability income.

5. Replacement income. Short-term disability coverage provides income replacement for a maximum of one-hundred twenty-five (125) workdays. The number of days and percentage of income replacement depends on continuing service:

- a. Days of Income Replacement: Non-Work-Related Short-Term Disability:

Months of Continuous Service	Workdays of Income Replacement at 100%	Workdays of Income Replacement at 80%	Workdays of Income Replacement at 60%
Less than 12	0	0	0
13 – 59	0	0	125
60 - 119	25	25	75
120 - 179	25	50	50
180 or more	25	75	25

- b. During non-work-related short-term disability coverage, an employee must use available sick, personal reasons, and/or annual leave accruals **to supplement** income replacement levels of less than 100%.
- c. Days of Income Replacement: Work-Related Disability:



<b>Months of Continuous Service</b>	<b>Workdays of Income Replacement at 100%</b>	<b>Workdays of Income Replacement at 80%</b>	<b>Workdays of Income Replacement at 60%</b>
Less than 60	0	0	125
60 - 119	85	25	15
120 or more	85	40	0

- d. Use of available sick, personal reasons, and/or annual leave accruals during work-related disability coverage will be dependent on the option selected under Regulation 4-  
~~37.1~~44.5, *Worker's Compensation: Work Related Injury or Occupational Disease*.

6. Holidays during STD. During periods of short-term disability (STD), 12-month employees are credited with holiday leave based on the percentage of disability benefit (100%, 80% or 60%) they are receiving. To receive 100% income replacement when STD decreases to 80% or 60% employees must use accrued leave to supplement VLDP benefits. Holidays count towards the seven (7) calendar day elimination period.
7. Reports of medical status during STD. During periods of STD absences, the employee is required to maintain contact with the TPA, Employee Relations, and the employee's supervisor regarding the employee's medical status. Should an employee's anticipated return-to-work date change or should the employee be unable to return to work on the date designated by the TPA, the employee should immediately notify the TPA as well as the employee's supervisor.
8. End of STD. Short Term Disability ends when the employee either: 1) is released to return to work full-time, full-duty; 2) Is no longer medically eligible; 3) does not cooperate or comply

with the requirements of VLDP; 4) separates from employment through termination, resignation, retirement, or death; or 5) enters long-term disability after one-hundred twenty-five (125) days.

9. Medical release required to return to work from STD. An employee must present a medical release in order to return to work from a short-term disability.
10. Additional rule for instructional employees. An employee employed principally in an instructional capacity may be required to continue to take leave until the end of the semester even if the short-term disability has ended ~~if the return to work would occur during the 3-week period before the end of the semester.~~
11. Disability benefits for Ten and Eleven Month Employees. 10-month and 11-month employees are only eligible for disability benefits during their contract months, even if they are being paid during the off months.
  - a. If the employee becomes disabled during the contract/employment period, the employee will receive benefits, but benefits end when the contract/ employment period ends. If the employee's contract/employment period is renewed, the benefits start again.
  - b. An employee who becomes injured or ill during a non-contractual period is not required to report his/her/their injury or illness at the time of its occurrence. However, if the disability prevents the employee from returning to work at the beginning of a new contract year, the employee may be eligible for benefits under VLDP and must notify his/her/their supervisor and the Office of Employee Relations as soon as possible (but no later than

thirty (30) calendar days in advance) for assistance with the claim initiation.

12. Conditions for front-loading leave, accrual of annual leave, and other leave eligibility. An employee on a leave of absence will not be front-loaded sick leave, personal reasons leave, or accrue annual leave after twelve (12) consecutive workweeks of leave. Employees in a short-term disability status are not eligible for leave under Regulation ~~53.44-45.6~~, *Leave for Long-term Illness or Injury of an Employee or Family Member*.
13. An employee retains VRS membership while on short-term disability. The employee continues to accrue service credit and remains eligible for retirement after reaching age and service requirements. Time spent on short-term disability counts toward the five years needed to become vested for a retirement benefit.

#### **D. Long-Term Disability**

1. All full-time employees enrolled in the VRS Hybrid Retirement Plan are automatically enrolled in the VRS long-term disability plan.
2. Long Term Disability (LTD) is an income replacement benefit that commences upon the expiration of the maximum period for which the employee is eligible to receive STD benefits and provides income replacement in an amount equal to sixty percent (60%) of a participating employee's creditable compensation or eighty percent (80%) income replacement if the disability has been designated catastrophic. The TPA will work with the employee to apply for LTD. The TPA provides payment for income replacement under LTD.
3. LTD continues until an employee is able to return to work or is eligible to retire pursuant to Hybrid Plan requirements.
4. Once an employee is approved for long-term disability, the position the employee holds may be released and filled, and



the employee is separated as an active VBCPS employee.  
When the employee is able to return to work, the employee  
may apply for open positions in which the employee is  
interested and eligible.

### **Related Links**

School Board ~~Regulation 4-37.1~~[Regulation 4-37.144.5](#)

School Board [Regulation 4-45.1](#)

School Board [Regulation 4-45.2](#)

School Board [Regulation 4-47.1](#)

School Board [Regulation 4-50.1](#)

School Board ~~Regulation 4-53.4~~[Regulation 4-53.445.6](#)

School Board [Regulation 4-54.1](#)

School Board [Regulation 4-55.1](#)

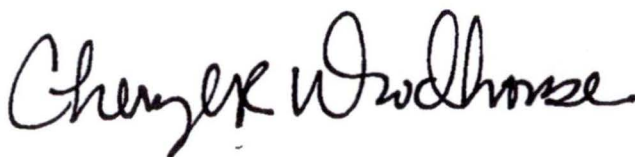
Adopted by Superintendent: November 29, 2017 to be effective January 1, 2018

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### **Footnotes**

<sup>1</sup> Continuous service with VBCPS includes full-time salaried service and absences for military leave or periods of reduced hours or job restrictions while on disability. An employee who moves from another school division or political subdivision employer to VBCPS must satisfy a new one year eligibility period for non-work related disability, as well as the five-year eligibility period for higher income replacement. This also applies if the employee leaves and then returns to VBCPS after a bona fide break in service. For purposes of this regulation, a bona fide break in service is a break of at least one full calendar month from the last day of employment over a period the employee normally would work.



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LEGAL SUFFICIENCY

