I. Purpose/Introduction/Rationale

The purpose of this policy is to provide income protection to eligible faculty and staff during periods of prolonged incapacity (more than 5 consecutive days) that is not work related.

II. Definition

All regular full-time (1462 hours per year and above) employees who have completed at least 90 days of employment prior to an absence covered by this policy are eligible for Salary Continuation. If incapacity results from an automobile accident or some other incident for which an insurance company would normally reimburse lost wages, payment of Salary Continuation will be secondary to lost wage payments by the insurance company. Prior to providing Salary Continuation in such cases, the College may require proof from the employee that payment for lost wages has not been made and will not be forthcoming from a third party. If an employee receives a lost wage settlement from a third party after Salary Continuation benefits have been paid, the employee will be responsible for reimbursing the College for the amount paid for lost time.

Base Salary - Base salary is defined as your regular base wages exclusive of overtime, overloads, or any other special pay.

Physician - duly licensed practitioner who is recognized by the law as qualified to treat the type of injury or illness for which a claim is made. The physician may not be a member of your immediate family.

III. Procedure or Application

A. Effects on FMLA
   1. If the incapacity qualifies for coverage under the Family Medical Leave Act, Salary Continuation will run concurrently with the leave time allotted under FMLA.

B. Salary continuation benefit
   1. After an employee has been out of work for 5 consecutive work days, the College will then continue the employee’s salary based on the following schedule:

<table>
<thead>
<tr>
<th>Exempt/ Non-Exempt</th>
<th>Faculty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st-5th day</td>
<td>Paid Time Off (PTO) at 100% of Base Salary</td>
</tr>
<tr>
<td>6th-90th day</td>
<td>Salary Continuation at 100% of Base Salary</td>
</tr>
<tr>
<td>91st-180th day</td>
<td>Salary Continuation at 66-2/3% of Base Salary</td>
</tr>
</tbody>
</table>
C. Procedure

1. Once a staff member has determined that they will be out of work beyond the 5 days covered by Paid Time Off (PTO), they should contact the Human Resources Department immediately. The 5 day PTO period is not applicable to faculty members. Therefore, a faculty member should contact the Human Resources Department immediately upon commencement of any period of incapacity.

2. In order to receive benefits under this policy, the employee must complete and return the Request for Leave Form and the Physician’s Certification. Under no circumstances will Salary Continuation payments be provided without appropriate certification of disability.

3. The College reserves the right to require that an employee on leave recertify medical incapacity on a monthly basis. The College reserves the right to request more frequent recertification if:
   a. an employee requests an extension of leave;
   b. circumstances described by the original certification have changed; or
   c. the College receives information which casts doubts upon the continuing validity of the certification.

4. Further, the College reserves the right to request an independent medical exam from an independent physician of its choice. In the event that there is no concurrence on the part of the independent medical examiner, the College may request a third opinion or accept the second opinion. The College will pay the cost of the independent examiner as it deems necessary. Failure to comply with the independent medical exam will result in termination of salary continuation benefits and could result in dismissal from the College.

5. If an employee has an illness or condition that requires intermittent time off for the same illness, the time taken is accumulated and charged against the total period allowed under the salary continuation plan (180 days).

6. If the employee returns to work on their regular schedule for two continuous months and then requires additional leave for the same or a different illness or condition, a new salary continuation period begins.

D. Return to work

1. Under the provisions of this policy, an employee on approved Salary Continuation leave will be returned to their same position provided they are able to return to work either within or upon conclusion of the 180 day Salary Continuation period.

2. Employees who regain the ability to return to work but fail to do so at the end of their leave will be required to reimburse the College for the costs of maintaining the employee’s health and other benefits while out on leave. In such cases, the benefit costs accrued are considered a debt to the College and will be collected from the employee or deducted from monies owed the employee at the time of their separation from the College.

3. In those instances where a non-tenured employee has exhausted 180 days of Salary Continuation leave and subsequently requalifies for and commences a second Salary Continuation leave (for loss of full capacity) within a twelve (12) month period following conclusion of the initial Salary Continuation leave, the employing department will be permitted to fill the employee’s position if deemed operationally necessary, provided such action will not conflict with FMLA or ADA requirements. This determination will be made on a case by case basis by the employing department in consultation with the Human Resources Department. In the event that an employee is displaced from their position as a result, the employee’s Salary
Continuation benefits would continue for duration of disability in accordance with this policy, and upon conclusion of leave the employee would be laid off.

E. Restrictive duty
1. The principle of any disability plan is to return the person to active employment as quickly as possible, and to provide a level of salary re-numeration which should encourage a return to their full schedule. An employee may be placed on a light duty restriction or an abbreviated schedule by their physician.

2. If an employee returns to work on an abbreviated schedule or must start their disability on an abbreviated schedule, the following illustrates the protection of the amount of salary continuation for which the employee is eligible.
   a. If during the first 90 days of the disability, the employee returns to work on an abbreviated schedule, they will still receive 100% of their base salary regardless of the number of hours they actually work. The department will be charged for both the actual hours worked and the difference needed to pay the employee 100% of their base salary.
   b. If during the 91st to the 180th day of disability the employee returns to work with an abbreviated time schedule, the department would be charged for actual hours worked and the Benefits Budget would be charged for the remaining amount needed to pay the employee 66 2/3% of their base salary.

F. Status of benefits while on salary continuation
1. Medical, Dental, Vision, Life, Long Term Disability, Life Insurance, Retirement
   a. The employee will receive their salary through regular payroll checks. Therefore, the contributions which are the responsibility of the employee will continue to be automatically deducted from their paycheck. Programs which do not require employee contributions (i.e., Basic Life) will continue to be provided by the College.

2. Tuition Programs
   a. If a dependent of the disabled employee is receiving benefits under any of the Tuition programs, the recipient will be allowed to complete the course.
   b. If the employee does not return to work prior to the start of a new term, the dependent will not be able to register for classes under the Tuition programs. However, if the employee has 5 or more years of service, the dependents would still be eligible for tuition remission.
   c. Employees on salary continuation cannot attend classes under the Tuition Program.

IV. Related Policies or Applicable Publications
See also: Tuition Remission Policy, Paid Time Off (PTO) Policy, Long Term Disability Policy, Family Leave Act Policy

V. Appendices/Supplemental Materials
N/A

VI. Rationale for Revision
N/A