

# ***Accessing and Managing a Short-Term Disability Claim***

(non-work related)

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## BASICS

### ***What is a disability?***

A condition that prevents you from performing the essential functions of your job on a full-time and full-duty basis, without restrictions, for more than 20 work hours in any seven-calendar day period.

### ***STD***

- is for periods when you are ill or are injured and cannot return to work
- for medical absences related to pregnancy
- provides income replacement after a seven-calendar day waiting period

### ***Waiting Period***

- always seven-calendar days
- if determined by UNUM-PROVIDENT at the onset of your disability that the disability is catastrophic or a major chronic condition, you do not have to satisfy the waiting period
- if you work *20 hours or less* during a seven-calendar day period, you have fulfilled the requirements of the waiting period

### ***14-Day Retroactive Limitation***

Benefits will not be paid more than 14 days prior to the date your disability was reported to UNUM-PROVIDENT. When you initiate a claim later than when the illness or injury actually occurred, UNUM-PROVIDENT can, by policy, adjust benefits retroactively only 14 calendar days. Failing to report a claim to UNUM-PROVIDENT in a timely manner may result in your forfeiting disability benefits.

In the example below, the employee became disabled on October 1, 2001.

The doctor has said the period of disability will last six weeks and the employee is expected to return to work on Monday, November 12, 2001.

Date Employee Reported Disability To UNUM-PROVIDENT	End Date for 7-Calendar Day Waiting Period	Begin Date of STD Benefits with Retroactivity Invoked	End Date of STD Benefits	Number of Weeks Of STD Due
10/01/01	10/07/01	10/08/01	11/10/01	5 weeks
10/22/01	10/14/01	10/15/01	11/10/01	4 weeks

### ***Alternate Work Schedules***

Alternate work schedules **must be** and **will be** adjusted to the standard five-day/40 hour week schedule, i.e., Monday – Friday 8 am to 5pm. This is for ease of administration and to ensure work days are accounted for uniformly.

## **ACCESSING YOUR SHORT-TERM DISABILITY (STD) BENEFITS**

### **1. Contact UNUM-PROVIDENT at 1-800-652-5602.**

- If you expect to be unable to work for more than seven-calendar days
- If due to pregnancy or surgery you should call as soon as you are given your expected delivery date or date of surgery
- If you are unable to contact UNUM-PROVIDENT yourself, a family member or friend can contact on your behalf
- Employer can make a contact

### **2. Provide the basic information asked for:**

- Name
- Social security number
- Date of birth
- Current mailing address
- Nature of your disability
- Last day you were able to work
- Name, address and phone number of your treating professional

### **3. UNUM-PROVIDENT will mail you an introductory packet.**

### **4. UNUM-PROVIDENT will verify months of state service with agency**

### **5. UNUM-PROVIDENT will e-mail an “Initialization” action report to the agency (budget, payroll, HR). HR forwards a copy to supervisor.**

### **6. UNUM-PROVIDENT will call your licensed treating professional (LTP) to obtain clinical information concerning your disability.**

- For pregnancy, will not contact the doctor unless you indicate you are having complications
- For surgery, will contact your doctor the day after your surgery to obtain the most appropriate return to work information

### **7. UNUM-PROVIDENT will be contacting your licensed treating professional on an ongoing basis to obtain updates on your diagnosis, symptoms, treatment plan and return to work plan. Agency does not receive this medical documentation from UNUM-PROVIDENT.**

### **8. As clinical information is obtained, UNUM-PROVIDENT will provide the agency with “Determination” action reports indicating appropriate target dates.**

### **9. Once you return to work full-time, full-duty, the agency receives a “Closure” action report indicating the date the claim was closed and your return to work date.**

## **FAMILY AND MEDICAL LEAVE (FMLA)**

UNUM-PROVIDENT notes on the “Initialization” action report if your reason for absence meets the criteria for FMLA. Human Resources will determine your eligibility for FMLA benefits and, if eligible, will mail FMLA notification and other required information to your home address.

## THE SHORT TERM DISABILITY INTRODUCTION PACKET

Once you or your representative contacts UNUM-PROVIDENT to initiate a request for short term disability benefits, an introductory package is sent to you by UNUM-PROVIDENT detailing the steps that need to be taken in order to further the process of substantiating the disability claim. The documents included in this packet, as well as a description of the purpose of each document, are outlined below:

1. **Introductory Letter** (STD-P101)

The introductory letter informs you that your initial call was received and explains that the process for attaining short term disability benefits has begun. The letter details the steps that need to be taken by you in order for UNUM-PROVIDENT to correctly and quickly approve the disability claim. You will find that all of the important information needed to begin the claims process is in this letter as well as other important points about the program that you may have forgotten, including the income percentages used to determine payment, etc.

2. **Authorization for Release of Medical Information** (STD-P102)

Before UNUM-PROVIDENT can process the claim for benefits, you **MUST** complete this form that authorizes UNUM-PROVIDENT to obtain clinical information from the licensed treating professional (LTP) of your choosing. This form also authorizes UNUM-PROVIDENT to obtain clinical information from others, such as hospitals, etc. A claim will not be processed, and therefore benefits will not be paid, if the form has not been signed by you, or an authorized representative, and returned to UNUM-PROVIDENT.

*NOTE:* You can give your doctor a copy of the wallet card entitled “Instructions for the Attending Physician.” This authorizes him/her to release medical information and provides instructions on how to contact UNUM-PROVIDENT. However, some physicians also require a copy of the “Authorization for Release of Medical Information” form (STD-P102) so it is best if you give the doctor both documents.

3. **Letter to the Licensed Treating Professional (LTP)** (STD-P105)

You should provide this letter to your doctor when he/she completes the initial evaluation to determine if your condition is disabling. It informs the doctor of his/her duty to provide clinical information that UNUM-PROVIDENT will use in substantiating or denying your claim. If the claim is approved, you need to inform the doctor that he/she will need to conduct ongoing reviews of your condition until a time when you may return to work.

4. **Election to Use Disability Credits** (STD-P104)

If you have disability credits (old sick leave hours) available to you and want to use them during your stay on short term disability, you must fill out this form and return it to Human Resources. Human Resources will apply the credits and notify payroll.

5. **Earned Income Reporting Form** (STD-P103)

Anytime you earn income from another form of employment while on short term disability, e.g., from self-employment, work at another State agency, or from an employer other than the State, you must fill out the Earned Income Reporting Form and return it to Human Resources. This is required of you so that the agency may make the appropriate adjustment(s) to the disability benefit. If you have earned other income and do not report it to your agency, your benefits may be suspended, your pay may be docked, and/or actions of law may be taken against you. You will be required to repay any overpayment.

## LETTERS AND FORMS YOU MAY RECEIVE REGARDING YOUR STD CLAIM

You will receive a variety of letters and forms from UNUM-PROVIDENT informing you of the status of your claim. Outlined below are the titles and form numbers of these letters and a description of their purpose.

1. **Short Term Disability Approval Letter** (STD-L201)  
Once UNUM-PROVIDENT has received clinical information from your doctor, UNUM-PROVIDENT makes a determination on your claim. If your claim is approved, UNUM-PROVIDENT sends out a Short Term Disability Approval Letter to inform you that your claim for disability has been approved. Included in this letter is information on when the benefits are scheduled to begin and end; how to apply to use any disability credits during short term disability, should you desire to do so; and other contact information you will need to know. Also included is information on how you and your doctor must coordinate your care, treatment, and return-to-work schedules. If you do not adhere to the guidelines of your doctor and/or UNUM-PROVIDENT, your benefits may be affected.
2. **Short Term Disability Denial Letter** (STD-L202)  
If, after careful review of the clinical information provided by your doctor and an independent medical exam, coordinated by UNUM-PROVIDENT, UNUM-PROVIDENT does not feel that you have a valid claim for short term disability benefits, UNUM-PROVIDENT will send this letter to you stating that the claim has been denied and giving the reason(s) for the denial. If UNUM-PROVIDENT originally denies the claim, you can request an appeal to UNUM-PROVIDENT. This letter includes the steps and the information you need to begin the appeal process. The choice to appeal the decision by UNUM-PROVIDENT is left entirely up to you.
3. **Short Term Disability Approval Letter Referencing Extension** (STD-L203)  
This letter identifies the approved period of disability and how extensions may be granted. Also included in the letter is a discussion about the continuing importance of your doctor in your care, treatment, and return-to-work schedules.
4. **Short Term Disability Claim Pending Clinical Call Letter** (STDL204)  
When your doctor has been identified, UNUM-PROVIDENT calls him/her three times within three business days. If UNUM-PROVIDENT has not reached your doctor or has not received the required information, UNUM-PROVIDENT sends you this letter. Your short term disability claim is temporarily suspended until the doctor's information is received. You have *eight calendar days* from the date of this letter to contact your doctor and to make sure that he/she provides UNUM-PROVIDENT with information. If the information is not received in the eight-day period, your claim will be closed by UNUM-PROVIDENT and you will be expected to return to work.
5. **Short Term Disability Claim Pending Medical Release** (STDL205)  
A medical release is needed in order for your doctor to release the clinical information needed to establish the short term disability claim. One way you can provide your doctor with a medical release is by simply showing the VSDP card that came with the handbook. If the medical release is not provided to the doctor, the doctor will withhold information on you until the release is received. When a situation such as this occurs, you receive this letter informing you of the problem and the proper resolution. From the date of the letter,

you have five days to give your doctor permission to release the clinical information and for the information to be sent to UNUM-PROVIDENT or your claim will be closed by UNUM-PROVIDENT.

6. **Short Term Disability Claim Pending Attending Provider Statement (APS)** (STD-L206)  
Besides calling UNUM-PROVIDENT to provide clinical information on your request for short term disability status, your doctor may request an Attending Provider Statement (APS) form. This form allows the doctor to provide the information required by UNUM-PROVIDENT to make a determination on your claim. When the doctor makes a request for the APS form, you are made aware of this request and told to contact the doctor to make sure that the APS form is completed and returned to UNUM-PROVIDENT within ten calendar days. If the form is not returned, then your claim will be closed by UNUM-PROVIDENT.
7. **Short Term Disability Claim Pending APS/Medical Release** (STD-L207)  
Similar to the letter above (#6), this letter indicates your short term disability claim in this instance is pending receipt not only of the APS form from the doctor, but also a medical release form from you. This letter informs you that both the APS form and medical release form were sent to the doctor simultaneously and that it is your responsibility to complete the medical release form so that your doctor may release the clinical information necessary. You also should contact your doctor to make sure that he/she returns the APS form to UNUM-PROVIDENT within ten calendar days so that your claim will not be closed.
8. **Short Term Disability Claim Pending Pregnancy** (STD-L208)  
When you become pregnant, you may apply for short term disability benefits immediately. Once UNUM-PROVIDENT receives verification from your doctor, you will be sent this letter informing you that your claim is approved and outlining to you that your benefits will begin when the baby is delivered. Benefits for a normal delivery typically are granted for six weeks (a seven calendar day waiting period and an additional five weeks of benefits). If the delivery is by C-section, benefits typically are granted for eight weeks (a seven calendar day waiting period followed by seven weeks of benefits). It is your responsibility to inform UNUM-PROVIDENT when the baby is born or the benefits will not commence. If you need to begin your absence prior to delivery because of medical complications, you must contact UNUM-PROVIDENT so that UNUM-PROVIDENT may speak with your doctor to determine if the period also should be covered by disability.
9. **Short Term Disability/Partial Disability - Modifications** (STD-L209)  
Once your doctor determines that you are able to return to work in a limited capacity, UNUM-PROVIDENT will inform you and send this letter telling you when and where to report to work. This letter also informs you that all wages earned during your modified job status will be deducted from the disability pay you receive. It is also your responsibility to report wages and earnings from other employment outside of your agency to further adjust the disability payments. If your doctor feels, at any time during your modified status, that you will require further time in partial disability, the doctor must call UNUM-PROVIDENT to initiate a request for an extension. NOTE: *It is Radford University's practice to allow modified/restricted duty for a period up to a maximum of 90 days.*
10. **Closure 0 Day Approval** (STD-L210)  
If your doctor does not comply with UNUM-PROVIDENT in providing clinical information within the eight-day period after the first request (via letters STD-L204 or STD-L206, i.e., requesting a call or the Attending Physician Statement) UNUM-PROVIDENT sends a

letter to you informing you that your claim is closed. From the date of this letter, the doctor has 60 calendar days to provide the necessary data. If the information is received within the 60-day period, the claim is reopened for consideration.

## ENHANCING INCOME REPLACEMENT

- Total days of income replacement is 125 work days (180 calendar days)
- Income replacement is at 100%, 80% and 60%
- How many days at each level is determined by your total months of state service
- Using Disability Credits. These are sick leave hours you converted to disability credits at the time you entered VSDP. You must **substitute eight credits per day** to remain at the 100% income replacement level.
- You may supplement your income replacement at the 80% or 60% level to continue receiving 100% salary. You may use the following leave balances to supplement your income replacement:
  1. Family/Personal Leave
  2. Annual Leave
  3. Compensatory Leave
  4. Bonus Leave
  5. Recognition Leave
- To supplement income at the 80% level, you must use 1.6 hours of leave per day to remain at 100% income replacement.
- To supplement income at the 60% level, you must use 3.2 hours of leave per day to remain at 100% income replacement.
- Notify Human Resources as soon as possible if you want to supplement your STD payments. Notification should be in writing (e-mail is acceptable) indicating the exact dates you want to use your leave to supplement and the type of leave you wish to use.
- You may retroactively supplement income replacement if notification is received in Human Resources **no later than** the last day of the first **FULL** pay period after your return to work (full-time, full-duty) date as noted on the STD Closure action report.
- Leave already lost (i.e., January 10 rollover) cannot be used to make retroactive adjustments.

Example: If your return to work date is January 14, current leave balances for both annual and VSDP leave are established on the 14<sup>th</sup> using applicable maximums. Leave hours lost at the time of roll-over on January 10 cannot be used to retroactively supplement your income replacement.

## **WHEN IT REMAINS THE SAME DISABILITY**

If you are released to return to your pre-disability position on a full-time/full-duty basis, and again become disabled due to the same condition, it will be considered a continuation of the prior disability if:

- you work fewer than 14 consecutive calendar days after a non-major chronic or non-catastrophic condition; or
- you work fewer than 28 consecutive calendar days after a major chronic or catastrophic condition as determined by UNUM-PROVIDENT.

Absences due to leaves for other reasons, e.g., sick leave for an unrelated condition, annual leave, etc., have no effect in the counting of the 14 or 28 consecutive calendar days.

## **WHEN IT BECOMES A NEW DISABILITY**

If you:

1. return to work full-time/full-duty 14 or more consecutive calendar days after a non-major chronic or non-catastrophic condition, but cannot continue to work, it will be considered a new period of short term disability. You must satisfy a new seven calendar day waiting period. Income replacement begins again at 100% of income.

Example: An employee returns to work from an absence due to illness. He works three weeks (21 consecutive calendar days) and again must be absent from work for the same illness. This is considered a new period of short term disability, and he must serve a new seven calendar day waiting period (unless the condition is determined to be major chronic or catastrophic in which case no waiting period is served).

If you:

2. experience a new disability or illness during the 14 calendar day period, unrelated to the first condition, it will be considered a new period of short term disability.

Example: An employee returns to work full-time/full-duty from six weeks of maternity leave. On day five of the 14 consecutive day period, she's involved in an automobile accident which causes her to be disabled again. This is considered a new period of short term disability, and she must serve a new seven calendar day waiting period (unless the condition is determined to be major chronic or catastrophic in which case no waiting period is served).

In the case of a major chronic or catastrophic condition (as determined by UNUM-PROVIDENT), if you return to your pre-disability position on a full-time/full-duty basis for 28 consecutive calendar days or more, but cannot continue to work, your benefits start over as though it were a new period of disability. Income replacement begins at 100% of income. However, you do not have to satisfy a seven calendar day waiting period.

## HOW TO COMPLETE YOUR LEAVE SCAN SHEET

- Must use existing leave balances, i.e. sick, annual, family/personal, etc., to cover time missed during the seven-calendar day waiting period. Indicate appropriate codes in Sections III and IV.
- Once STD payments begin on the eighth day, you (your supervisor) notes in Section IV “STD” on the appropriate dates. You do not need to complete any detail in Section III. Please bubble in the circle for “Review.”
- If notification is received from you to supplement income replacement with leave after the scan sheet is submitted to Human Resources, the leave technician in Human Resources will make the appropriate adjustments.

## OFFSETS TO STD INCOME PAYMENTS

- You may work for your agency (modified duty), for yourself, or for another employer and still receive STD payments. However, your income will be adjusted by any income received for working.
- **You will never be paid more than 100% of your pre-disability income under VSDP.**
- The VSDP *Outside Earned Income Reporting Form* is included in the STD packet received from UNUM-PROVIDENT. Return it to Human Resources.
- If you fail to report earned income and, as a result, are overpaid, you are required to repay Radford University, with interest, any amount overpaid.

## WHEN SHORT TERM DISABILITY BENEFITS STOP

You will no longer be eligible for short term disability benefits when:

- you are able to perform the essential functions of your pre-disability job on a full-time/full-duty basis.
- you begin receiving long term disability benefits.
- you begin receiving a Virginia Retirement System (VRS) service retirement benefit.
- you separate from state service.
- you fail to meet program requirements.
- you die.

## **STATUS OF OTHER BENEFITS WHILE ON SHORT TERM DISABILITY**

### ***Annual Leave Accrual***

While in short term disability status you will continue to accrue annual leave based on your pre-disability accrual rate. However, should you be out 60 consecutive workdays, accrual of annual leave will stop on the 61<sup>st</sup> consecutive work day. Accrual will not begin again until you return to work for a full pay period.

### ***Health Insurance***

Health insurance coverage continues with the agency paying its portion of the health insurance premium. You must continue to pay your portion of the premium, if applicable.

### ***Life Insurance***

Your basic group life insurance continues with the agency paying for the program. Accelerated benefits and accidental death and dismemberment coverage also continues.

### ***Optional Group Life Insurance***

Optional group life insurance coverage continues, including into retirement, as long as you pay the premiums for this coverage. If you terminate employment or coverage ceases because of non-payment of premiums, you may convert to an individual policy. You may obtain the form for conversion to an individual policy in Human Resources.

### ***Refund of VRS Retirement Benefits***

You may only request a refund of VRS retirement contributions and interest upon termination of employment. ***If you take a refund, all benefits stop***, including VSDP short term disability benefits.

### ***Service Retirement***

VRS service credit is accrued during the time you are out on short term disability. Once vested (after 5 years), you retain your eligibility for retirement benefits when you reach normal retirement age (age 65 for VRS or age 60 for the Virginia Law Officers Retirement System [VaLORS]). Your retirement benefit is calculated using your average final compensation (36 consecutive months of highest creditable compensation), including compensation received while you were out on short term disability. You may purchase service credit while on short term disability. The purchase may be made in a lump sum or through payroll deduction. The cost of purchasing service credit will be based on you pre-disability income, regardless of the actual income replacement percentage you are receiving at the time of purchase.

### ***State Health Insurance Credit***

Time spent on short term disability counts towards the service requirement for the State Health Insurance Credit when you retire.