



**Cochise College
District Board Policy**

**Category: All Employee Groups
Policy Number: 634
Title: Disability and Injury Program**

The college offers a comprehensive disability and injury program intended to provide income protection for qualified employees in the event of a disabling injury or illness. The program also provides the affected employee with a period of protected service during which he/she may return to college employment in the same or a similar position as to what the employee held at the time of the disabling injury or illness. The period of protected service begins with the last day of work. This disability program is for all benefits eligible employees and is designed to:

- a. Create a comprehensive district-wide disability or injury program for both on-the-job and off-the-job injuries and illnesses.
- b. Create a district-wide modified duty work program for employees injured on-the-job to be used where applicable.

**Procedure 634.1
Eligibility**

This policy applies to all regular, benefited employees, but does not extend disability benefits to part-time, seasonal, or temporary employees beyond the provisions of workers' compensation benefits.

**Procedure 634.2
Definitions**

1. **Disability** as defined by the ADA is a permanent physical or mental impairment that substantially limits one or more of the major life activities of an individual, despite medication or other corrective and mitigating measures.
2. **Illness, Injury, or Medical Condition** is a temporary or permanent physical or mental impairment that does not substantially limit one or more of the major life activities of an individual.
3. **Long Term Disability** is a sickness, accidental bodily injury, or pregnancy that causes one to either be unable to perform with reasonable continuity the essential functions of one's own occupation, or to be unable to earn more than 50% of one's pre-disability earnings while working in one's own occupation. Long term disability eligibility and benefits are reviewed and approved by the Arizona State Retirement System long term disability provider.
4. **Modified Duty Assignment** is when an on-the-job injured employee, who is released to return to duty in less than a full, unrestricted status by the attending physician, may be required to work in a position or department other than his or her original position or

department. Duties will be assigned in accordance with the employee's limitations and restrictions, and the needs of the college. The college is not obligated to create a new position as the result of a modified duty assignment.

5. **On-The-Job Illness/Injury** is a disability, injury, illness, or medical condition which occurred as a result of the employee performing the assigned duties of his or her occupation within the course and scope of employment.
6. **Reasonable Accommodation** is a modification of the work environment and/or work process that enables a person with a disability to perform the essential functions of a job. The determination of what accommodations are reasonable shall be the sole determination of the college and is managed between the Disabilities Services and Human Resources Offices.
7. **Scope of Employment** is an activity of any kind or character that is related to and originates in the work, business, trades, or profession of the employer, and that is performed by an employee while engaged in the business of the employer.
8. **Workers' Compensation Program** provides wage replacement, rehabilitation, and medical benefits for employees who become injured or acquire an illness in the course and scope of employment, as well as compensation for dependents of an employee who dies as a result of an on-the-job illness or injury.

Procedure 634.3 Procedures and Provisions

1. An employee who experiences an injury or illness that renders him or her incapable of performing regularly assigned duties shall be required to use all appropriate paid leave balances for a period of 60 days before being eligible for short term disability benefits.
2. Long-term disability benefits are offered through the Arizona State Retirement System after a 180-day elimination period.
3. An employee who becomes eligible for approved disability benefits will be placed on inactive status. Inactive status is defined as not able to work due to illness, injury or disability. Inactive status will terminate upon the earlier of the following occurrences:
 - a. The employee returns to work and is able to perform the essential functions of his or her position;
 - b. An employee's failure to submit an application for long term disability once short term disability eligibility expires, resulting in separation from employment without prejudice; or
 - c. The expiration of twelve (12) consecutive months from the onset of the disability or injury as approved through the short term and long term disability provisions.

4. While receiving short term or long term disability benefits, the employee will cease to accrue annual and sick leave.
5. An employee who is on inactive status or otherwise away from work due to an approved long term disability, illness, injury or medical condition, retains the right to return to employment with the college for up to 12 consecutive months. The employment may be in the same position the employee left or a comparable position at the college.
6. The college may re-activate the employee in the position held prior to the injury, disability, illness or medical condition; or transfer the employee to another available position, provided that the employee is able to perform the essential functions of the assigned position and the 12 month period has not elapsed.
7. After 12 consecutive months, the college shall work with the employee to seek the attending physician's release to return to work that includes confirmation of the employee's ability to perform the essential functions of his or her regular position according to the Americans with Disabilities Act (ADA). If the employee is unable to perform the essential functions of the position with a reasonable accommodation, the employee will be separated from employment without prejudice.
8. An employee has no greater right to return to college employment than if the employee had been continuously employed during the period of disability. Therefore, return to employment may be denied at the end of the 12 months or sooner, if the employment would not otherwise have continued; for example, due to position elimination, lay off, expiration of grant funding, or termination for unrelated disciplinary matters.
9. When a job-related injury causes lost time for an employee, disability compensation is paid to the employee, as provided for under Workers' Compensation guidelines, commencing on the eighth day of disability. If disability extends beyond 14 calendar days, compensation is paid from the initial date of the disability. Disability compensation is based upon 66 2/3 percent of the employee's average monthly wages.
10. Upon becoming disabled from an on-the-job injury, the employee shall provide a written statement from the attending physician specifying the injury and probable length of disability to his or her supervisor and to Human Resources. If the employee is off-duty more than seven days, Workers' Compensation benefits will be paid.
11. The college believes that it is in the best interest of both the employee and the college for an employee to return to work in some capacity following a work-related illness, injury, or medical condition, attempts will be made to make modified duty assignments in the division and department in which the ill or injured employee currently works. However, the college may place the individual in another department based on physical ability, skills, and/or availability of an assignment. Modified duty assignments do not apply to qualified individuals with a permanent disability as defined by the ADA. Workplace accommodations may be available under the guidelines of the Americans with Disabilities Act on an individual case review basis.

12. The college reserves the right to require an independent physical evaluation or assessment upon the return to work at the college's expense.
13. An employee who is being released for modified duty must provide the Human Resources Office with a written release for work signed by the attending physician that stipulates the type of restrictions and the period of time during which the employee is to be on modified duty. While the college will make every effort to provide modified duty assignments, the college is under no obligation to provide such assignments.

**Procedure 634.4
Continuation of Insurance Coverage**

1. An employee who is absent from work and using paid time off (sick leave, annual leave, compensatory time, etc.) shall continue to have insurance coverage as an active employee.
2. An employee on Family and Medical Leave shall be eligible to continue participation in all group insurance plans as required by law.
3. An employee who is on "inactive status" and on short term disability, who has exhausted Family and Medical Leave benefits shall be allowed to continue participation in employer provided insurance benefits while on short term disability.
4. An employee approved for and receiving long term disability benefits may continue insurance coverage until COBRA benefits have been exhausted or access options provided by the Arizona State Retirement System
5. An employee on long-term disability may be separated prior to the expiration of protected service if determined to be totally disabled as defined by the ADA (as supported by appropriate medical certification).
6. The college reserves the right to require an independent physical or mental assessment, at the college's expense, upon the return to work of an employee from a work-related or non-work related disability, illness, injury, or medical condition.
7. An employee who is being released to work following an on-the-job or off-the-job injury will be required to submit a medical release to return to work from the attending physician.

**Procedure 634.5
Records Management**

All medical records obtained pursuant to this policy will be maintained in confidential medical files independent of other benefits files and the employee's personnel file as required by the Americans with Disabilities Act.