

University Enterprises, Inc. Policies and Procedures		Policy No. 550
Section:	Human Resources	
Policy:	Disability Leaves of Absence	
Revised Date:	March 21, 2013	

Disability Leaves of Absence

I. PURPOSE

To provide unpaid leaves of absence when a mental or physical disability prevents the employee from performing the essential functions of his or her position, either with or without accommodation, and a leave of absence would allow the employee to return to work. The policy does not apply, at least initially, to a leave of absence for a disability due to pregnancy, childbirth, or a related medical condition (which are covered by Policy No. 516 - Pregnancy Disability and Policy No. 520 - Family Care and Medical Leave). This policy may apply to extended leaves of absence for a mental or physical disability after the employee has exhausted leave under either Policy No. 516 or Policy No. 520.

II. SCOPE

This policy applies to eligible University Enterprises, Inc. (UEI) employees.

III. POLICY

It is the policy of UEI to provide unpaid disability leave as required by law.

IV. PROCEDURES

- A. **Request for Leave:** A written request for disability leave should be submitted to the employee's immediate supervisor, who will promptly forward the request to Human Resources. It should state the reasons for the leave and its expected duration. For foreseeable events, the employee must provide 30 days advance notice of the need for the leave.
- B. **Length of Leave:** Employees may receive up to four months of unpaid leave when temporarily unable to perform the essential functions of his or her position because of the disability. Requests for leave of longer duration will be considered on a case by case basis, if extending the leave is a reasonable accommodation that will enable the disabled employee to return to work on a date certain and perform the essential functions of his or her position..
- C. **Physician's Statement Requirement:** Employees seeking disability leave must provide a physician's statement specifying the reasons for the leave, the anticipated duration of the leave, and any restrictions on the employee's ability to perform his or her normal work activities. A detailed physician's statement may be required before the employee may return to work. A fitness for duty exam may also be required.
- D. **Extension of Leave:** Any disabled employee who wishes to apply for an extended leave of absence should contact Human Resources. Such requests will be considered on a case by case basis, as required by law.
- E. **Return To Work:** A disabled employee who has been absent for four months or less, and who is able to resume his or her duties with or without accommodation, will be returned to his or her former position or one substantially similar to it unless the position has been eliminated or unless returning the employee to the previous position would create an undue hardship on UEI. An employee unable to perform the essential duties of his or her former position may be reassigned or transferred to a vacant job for which the employee is qualified. An employee with a physical or

mental disability as defined by the Americans with Disabilities Act should notify Human Resources of any need for reasonable accommodation.

- F. **Accrual of Service Credit:** Employees on disability leave accrue employment benefits, such as sick leave, vacation benefits, or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.
- G. **Notification Before Return:** An employee on a leave of absence is required to maintain regular contact with his or her supervisor, and must notify his or her supervisor of his or her availability for return to work at least two weeks prior to the end of the leave. The employee will be required to have a written release statement from a physician and may be required to have a physical and/or mental examination to determine his or her fitness for work prior to returning from any disability leave.
- H. **Failure to Return:** An employee's failure to return from any leave of absence or an employee's failure to present reasons for not returning as arranged will be considered abandonment of the position and may result in immediate termination of employment.
- I. **Relation to Pregnancy Disability and Family Care and Medical Leaves of Absence:** Any leave taken under this policy runs concurrently with leave under the Pregnancy Disability and Family Care and Medical leaves of absence policy (Policy No. 516 and Policy No. 520), if the leave qualifies under both policies (when leave is due to the employee's own serious health condition). Leave under this policy may be used to extend either Pregnancy Disability leave or Family Care and Medical leave if providing an extended leave is a reasonable accommodation of the employee's disability.

V. INDUSTRIAL SICKNESS OR ACCIDENT LEAVE OF ABSENCE

- A. An industrial sickness or accident leave is granted when an employee has sustained a work-related illness or injury covered by Workers' Compensation.
- B. The employee's medical, dental and life premiums will be paid as long as he or she is in employee status and is medically unable to work due to industrial sickness or accident.

VI. STATE DISABILITY INSURANCE

The State of California provides disability income insurance for temporary disabilities. Human Resources will provide eligible employee with a form to apply for this benefit. It is the employee's obligation to file a disability insurance claim with the State of California Employment Development Department. Determination of whether the employee is eligible to receive benefits is made by the State of California Employment Development Department.

VII. LONG TERM DISABILITY

If an employee is eligible for Long Term Disability Insurance, he or she may be eligible for payment according to plan provisions.

VIII. RELATED POLICIES

- Policy No. 034 Qualified Individuals with Disabilities
- Policy No. 515 Sick Leave
- Policy No. 516 Pregnancy Disability Leave
- Policy No. 520 Family Care and Medical Leave
- Policy No. 805 Employee Separation

Policy No. 925 Fitness for Duty Exam