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**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: [3.9](#)**

**REVISED DATE: 05/05/15**

I. Purpose:

To establish consistent application of the processing of Virginia Sickness and Disability Program (VSDP) leave for eligible full-time and part-time classified state employees, and full-time faculty members who have elected the Virginia Retirement System (VRS) retirement plan and VSDP coverage.

II. Definitions:

Catastrophic condition: a condition so severe or debilitating that an employee is unable to perform at least two (2) of the six (6) activities of daily living (bathing, dressing, toileting, transferring, bladder/bowel control, eating); or that requires substantial medical supervision to protect the employee from threats to health and safety as a result of severe cognitive impairment.

Creditable compensation: the full compensation payable annually to an eligible employee working full-time in a covered position, and which includes salary increases awarded during the period of short-term disability coverage. Creditable compensation does not include overtime pay or supplemental pay actions.

Disability: a medical condition that renders an eligible employee partially or totally incapable of performing the duties of his/her job. After the period of short-term disability, the condition must render the eligible employee unable to perform the main duties of any job for which he/she is reasonably qualified based on training or experience.

Disability credits: sick leave that is converted to be used to supplement periods of 80% or 60% income replacement to obtain 100% payment. Employees are required to use disability credits when in long-term disability.

Long-term care benefits: provides payment for nursing home care, assisted living, facility care, hospice care, at-home services, and community-based care at a maximum daily benefit amount of \$96.00 and with a lifetime maximum of \$70,080. There is no cost for this benefit for those enrolled in the Virginia Sickness and Disability Program (VSDP).

Long-term disability benefits: an income replacement benefit that commences upon the expiration of the maximum period for which the employee is eligible to receive short-term disability benefits,

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

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and provides income replacement in an amount equal to 60% of a participating employee's creditable compensation (80% if the disability/illness has been designated catastrophic).

Partial disability: a disability that exists when, as a result of an injury or illness, an employee is able to perform one or more, but not all, of the material and substantial duties of his/her own or any job on a full- or a part-time basis. An employee shall be eligible for partial disability benefits if he/she is earning less than 80% of his/her pre-disability earnings and does not receive benefits payable under the Virginia Workers' Compensation Act.

Short-term disability benefits: an income replacement benefit that commences upon the expiration of a seven (7) calendar-day waiting period and provides replacement income at either 100%, 80%, or 60% for defined periods of time based on an employee's length of service and for which the maximum benefit period is 180 calendar days (125 workdays). If the disability/illness is deemed catastrophic, the employee would receive 100% or 80% income replacement and the waiting period would be waived. [Note: Employees hired, or re-hired, on 7/1/09 or later are not eligible for VSDP benefits for a non-occupational disability until they have completed one year of continuous state service.]

Total disability: exists during the first twenty-four (24) months following the occurrence or commencement of an illness or injury if an employee is unable to perform his/her normal job duties, or after twenty-four (24) months following the occurrence or commencement of an illness or injury if an employee is unable to perform the main duties of any job for which he/she is reasonably qualified based on his/her training or experience and is earning less than 80% of his/her pre-disability earnings.

UnumProvident: the third-party administrator, also known as the case manager, designated by the Virginia Retirement System (VRS) to administer the daily operation of the Virginia Sickness and Disability Program and to handle employee's absences for family and medical leave reasons.

Virginia Sickness and Disability Program (VSDP): provides sick leave, family/personal leave, short-term disability benefits, and long-term disability and long-term care benefits to eligible full-time and part-time classified state employees, and full-time faculty members who have elected the VRS retirement plan and VSDP coverage.

Waiting period: seven (7) calendar days of medical absence from work that must be met before short-term disability benefits can begin and for which annual, compensatory, family/personal, sick, and overtime leave may be used.

III. Policy:

J. Sargeant Reynolds Community College (Reynolds) shall develop and implement administrative procedures consistent with all applicable personnel regulations and policies governing Virginia Sickness and Disability Program (VSDP) leave.

A. Classified employee participation

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

1. The college's Office of Human Resources shall ensure that all new classified employees and rehires hired after January 1, 1999, are enrolled in the VSDP program. The effective date of participation shall be their first day of employment.
2. The college's Office of Human Resources shall ensure that classified employees transferring to the college from other state agencies shall maintain their current status as a participant or a non-participant of VSDP.

**B. Faculty employee participation**

The college's Office of Human Resources shall ensure that all newly-hired faculty and classified staff moving to a faculty rank position are offered the following two (2) options within sixty (60) days of employment:

1. Virginia Retirement System (VRS) Retirement Plan: With this election, the faculty member may elect coverage under the Virginia Sickness and Disability Program (VSDP), which shall govern the sick leave and disability benefits OR elect to participate in the Traditional Sick Leave Program/UnumProvident long-term disability program. (If the faculty member does not wish to enroll in the UnumProvident long-term disability program, then coverage shall default into VSDP.) Also, to complete this election decision, the faculty member shall be required to complete the [Form VSDP-2](#), College and University Faculty Opt-Out, and submit to Reynolds Human Resources.
2. Optional Retirement System Plan (ORP): With this election, the faculty member shall be automatically enrolled in the Traditional Sick Leave Program, which shall govern the sick leave benefit. ORP election option does not provide disability coverage benefits.

The faculty member shall be required to complete within sixty (60) days of employment the [Form VRS-65](#), Election to Participate – Optional Retirement Plan for Higher Education, to make their retirement plan selection.

**C. VSDP leave amounts**

1. The college's Office of Human Resources shall credit hours of sick leave and hours of family/personal leave to newly hired employees based upon the employees' hire date and the New Full-Time/Rehire Table (Table 1) provided by [DHRM Policy No. 4.57](#). In subsequent years, leave shall be credited on January 10 according to the Current Full-Time Table (Table 2).

Table 1. New Full-Time/Rehire Table

Employment Begin Date	Sick Leave Hours/Days	Family/Personal Leave Hours/Days
01/10 – 7/09	64 hrs. (8 days)	32 hrs. (4 days)

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

07/10 – 1/09	40 hrs. (5 days)	16 hrs. (2 days)
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- The college's Office of Human Resources shall credit hours of sick leave and hours of family/personal leave, based on years of service, to all current college employees participating in VSDP on January 10 of each calendar year. The Current Full-Time Table (Table 2) provided by [DHRM Policy No. 4.57](#) shall be used to make this determination.

Table 2. Current Full-Time Table

Months of State Service	Sick Leave Hours/Days	Family/Personal Leave Hours/Days
Less than 60	64 hrs. (8 days)	32 hrs. (4 days)
60 – 119	72 hrs. (9 days)	32 hrs. (4 days)
120 or more	80 hrs. (10 days)	40 hrs. (5 days)

- The college's Office of Human Resources shall ensure that all sick leave balances and family/personal leave balances for VSDP participants are removed at the end of the leave year (January 9) or upon an employee's separation from state employment. [DHRM Policy No. 4.57](#) prohibits the carryover of sick leave/family personal leave at the end of the leave year or payout of sick leave/family personal leave upon an employee's separation.
  - The college's Office of Human Resources shall ensure that employees receiving disability benefits on January 10 of any year shall be granted sick leave and family/personal leave on the date they return to active employment. The amount of leave shall be determined according to Table 2.
- D. Other general provisions
- The immediate supervisor is responsible for notifying the Office of Human Resources when the employee or faculty member has missed more than five (5) consecutive workdays.
  - The college's Office of Human Resources shall ensure that newly-hired employees or state-transferred employees are provided with their VSDP leave balance within the first three (3) days of employment with the college. Subsequently, newly-hired and transferred employees may check their leave balances through the PeopleSoft HRMS system.
  - Employees approved for short-term disability shall have their alternate work schedules reverted back to the standard five-day/40-hour schedule (i.e., Monday–Friday, eight [8] hours per day) to determine VSDP benefits.
  - Employees on approved short-term disability may use the following leave to supplement VSDP benefits to receive 100% pay during periods of 80% or 60%

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

disability: annual, compensatory, overtime, holiday, or family/personal leave on an hour for hour basis or partial hours.

5. The college's Office of Human Resources shall ensure that VSDP participants continue to accrue annual leave up through ninety (90) consecutive calendar days of short-term disability absence. At the beginning of long-term disability, the Office of Human Resources shall authorize the college's Payroll Office to pay the VSDP participant for any annual leave balances.
6. Family and medical leave requests by VSDP participants shall be managed by UnumProvident and the college's Office of Human Resources (see [Reynolds Policy No. 3-29](#), Family and Medical Leave).
7. The college's Office of Human Resources shall ensure that the college continues to pay the employer portion of health insurance coverage for VSDP participants during periods of short-term disability. During the periods of short-term disability, the VSDP participant shall continue to pay the employee contribution of his/her health insurance premium.
8. Prior to the onset of long-term disability, the college's Office of Human Resources shall notify the VSDP participant that he/she may continue health insurance coverage if he/she incurs the full cost (employer portion and employee contribution), and provided that there is no interruption of coverage. The college's Office of Human Resources shall ensure that health insurance coverage ends when long-term disability ends for the VSDP participant, unless otherwise entitled.
9. The college's Office of Human Resources shall ensure that basic group life insurance is continued for VSDP participants during periods of short-term disability and long-term disability. The college's Office of Human Resources shall notify the VSDP participant that he/she may continue optional life insurance as long as the employee continues to pay the premiums (with coverage ceasing at age 65).

**E. VSDP leave use**

1. Sick leave
  - a. Supervisors and the college's Office of Human Resources shall ensure that personal sick leave used by VSDP participants is used for reasons of personal illness, injury, and preventive, well-patient doctors' visits.
  - b. Supervisors and the college's Office of Human Resources shall ensure that sick leave used for qualifying family FMLA absences (parent, son/daughter or spouse) does not exceed 33% of the VSDP participants' credited sick leave amount.

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

- c. For full-time nine-month teaching faculty, sick leave (personal and family purposes) must be used in four-hour increments.

2. Family/personal leave

Family/personal leave may be requested for use by VSDP participants only. The leave may be used for absences due to personal and family reasons, to attend a funeral, or for personal illnesses or injuries. However, the employee shall provide reasonable notice to his/her supervisor. The supervisor shall approve the leave unless agency work demands require the employee to work during the time requested. Additionally, full-time nine-month teaching faculty must use family/personal leave in four-hour increments.

3. Short-term disability seven (7) calendar-day waiting period

During the first seven (7) calendar days of the disability period, the supervisor and the VSDP participant shall ensure that the appropriate leave request is recorded in the PeopleSoft HRMS system and notification is provided to the college's Office of Human Resources. Annual, compensatory, family/personal, sick, and overtime leave may be used during this waiting period.

4. Use of disability credits

- a. Upon approval by UnumProvident of a VSDP participant's disability claim, UnumProvident shall notify the VSDP participant in writing to request if, and how, the participant wishes to use disability credits during the period of short-term disability (if applicable) to replace income at the 100% level. Upon receipt, the VSDP participant shall complete the Election to Use Disability Credit form and send it to the college's Office of Human Resources.
- b. Upon receipt, the college's Office of Human Resources shall inform the VSDP participant that the form was received. The VSDP Short-Term Disability Notification shall be used for this purpose.
- c. All VSDP participants are required by [DHRM Policy No. 4.57](#) to use their disability credits at the commencement of the long-term disability period. The college's Office of Human Resources shall notify the VSDP participant of this requirement prior to the long-term disability period. The VSDP Long-Term Disability Notification shall be used for this purpose.
- d. In instances of short-term disability and long-term disability, the college's Office of Human Resources shall notify the Payroll Office of the distribution of disability credits for the individual participants in accordance with established payroll deadlines. The VSDP Payroll Notification shall be used for this purpose.

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

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**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

**F. VSDP payment provisions**

The college’s Office of Human Resources shall ensure that the following payment provisions are coordinated accurately and timely with the appropriate internal and external organizational units.

**1. Workers’ compensation claims**

VSDP participants who suffer work-related injuries and illnesses that are deemed eligible shall be provided primary benefits according to the terms of the Workers’ Compensation Act (see Table 3). The VSDP short-term disability benefit is secondary.

**Table 3. Creditable Compensation Replacement Levels  
Hired Before July 1, 2009**

	Months of State Service	Work Days 100%	Work Days 80%	Work Days 60%
INJURY ILLNESS: WORK RELATED	Less than 60	65	25	35
	60 – 119	85	25	15
	120 or more	85	40	0

**Hired/Rehired On or After July 1, 2009**

	Months of State Service	Work Days 100%	Work Days 80%	Work Days 60%
INJURY ILLNESS: WORK RELATED	Less than 60	0	0	125
	60 – 119	85	25	15
	120 or more	85	40	0

**2. Non-work related disability claims**

Sickness and disability payments shall be made during periods of total disability, partial disability, and maternity leave (see Table 4). Payments shall also be made during absences for major chronic conditions (as defined by VRS) after the participating employee has satisfied one seven (7) calendar-day waiting period per illness, as long as the employee is under the care of a licensed treating professional.

**Table 4. Creditable Compensation Replacement Levels  
Hired Before July 1, 2009**

	Months of Service	Work Days 100%	Work Days 80%	Work Days 60%
INJURY ILLNESS: NOT WORK RELATED	Less than 60	5	20	100
	60 – 119	25	25	75
	120 – 179	25	50	50
	180 or more	25	75	25

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

Hired/Rehired On or After July 1, 2009

INJURY ILLNESS: NOT WORK RELATED	Months of Service	Work Days 100%	Work Days 80%	Work Days 60%
	0 – 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

3. Successive periods of VSDP

The college's Office of Human Resources shall ensure that an employee's disability, which is related or due to the same cause or causes as a prior VSDP claim for which benefits were paid, shall be considered a continuation of the prior disability when:

- a. an employee returns to active employment for less than fourteen (14) consecutive calendar days after a non-chronic condition; or
- b. an employee returns to active employment for less than twenty-eight (28) consecutive calendar days after a major chronic condition as defined by VRS.

4. Salary increases

The college's Office of Human Resources shall ensure that salary increases are awarded to eligible VSDP-participating employees upon their return to work from short-term disability. Salary increases are not awarded during long-term disability.

IV. Procedures:

A. Employee notification

- 1. The college's Office of Human Resources will provide every new hire, re-hire, and transfer employee with his/her respective credited leave balances within three (3) days of his/her hire date. The VSDP Credited Leave Balance form is to be used for this purpose.
- 2. The college's Office of Human Resources will advise newly-hired and transferred employees to check their leave balances through the PeopleSoft HRMS system.

B. Human Resources benefits/leave administration

- 1. After the close of business on January 9 (of each year), the Human Resources leave administrator will verify all existing leave balances for all VSDP participants.



**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

2. On January 10 (of each year), the Human Resources leave administrator will verify each VSDP participant's leave hours in accordance with their years of service. Employees who are receiving disability benefits on January 10 will be credited with their appropriate leave amounts when they return to active employment.
3. At the onset of a disability claim, the Human Resources benefits specialist will establish a VSDP Action Log in the employee's official personnel file. The benefits specialist will use this log to record all official actions taken by the college's Office of Human Resources in regard to the participant's disability claim. If UnumProvident has not been contacted, the benefits specialist will fax a written memorandum to UnumProvident notifying them of a disability claim.
4. Upon verification from UnumProvident regarding approval of an employee's short-term disability claim, the benefits specialist will send a VSDP Short-Term Disability Notification to the employee (with a copy to the employees' supervisor) informing the employee of policy matters and/or decisions required of the employee by Human Resources related to annual leave, family and medical leave, health insurance coverage, basic group life insurance, optional life insurance, seven (7) calendar-day waiting period, use of disability credits, workers' compensation claims, income replacement levels, and other special requirements.
5. The benefits specialist will continue to correspond with the VSDP participant and/or the participant's supervisor, in writing, in order to request additional information as needed by the Office of Human Resources or UnumProvident.
6. Upon receipt from the employee of any information related to the VSDP Short-Term Disability Notification, the benefits specialist will complete the VSDP Payroll Notification and submit to the Payroll Office in accordance with established deadlines.
7. The Human Resources leave administrator will review the leave record of the VSDP participant on the 90<sup>th</sup> consecutive calendar day of the short-term disability period to ensure annual leave is not accrued after that time. If the VSDP participant's disability claim is approved for long-term disability benefits, the leave administrator will authorize the college's Payroll Office to pay any unused annual leave balances to the VSDP participant via the VSDP Payroll Notification.
8. Upon approval of the VSDP participant's long-term disability claim, the benefits specialist will notify the participant via the VSDP Long-Term Disability Notification regarding policy matters and/or decisions required of the employee that would affect their employment.
9. All documents and written communications related to the VSDP participant's disability claim will be filed in the employee's official personnel file and the employee's leave file (located in the Office of Human Resources).

**TITLE: VIRGINIA SICKNESS AND DISABILITY PROGRAM (VSDP) LEAVE**

**POLICY NO: 3-9**

**EFFECTIVE DATE: 07/17/00**

**VCCS POLICY NO: 3.9**

**REVISED DATE: 05/05/15**

V. Other Information:

The Office of Human Resources is responsible for the official interpretation of this policy and procedures. Questions regarding the application of this policy and procedures should be directed to that office.

References

[DHRM Policy No. 4.57](#), Virginia Sickness and Disability Program

[VCCS Policy No. 3.9](#), Faculty Leave