

Polices on Long Term Disability and L&I retention

Information compiled on October 9, 2009

The Question: How long do you retain employees who are out on Long Term Disability and L&I (Workers Compensation)?

Columbia County Public Transportation says...We haven't had to deal with this issue.

Community Transit says...We have established limits in personnel policy and labor agreements. The general rules:

An employee with less than five years service can be off due to personal illness or injury for up to six months with full benefits. An employee with five years or more service may be off another six months, without benefits. During the no benefits period, the employee can continue some or all insured benefits through COBRA.

Administrative employees as well as those represented by ATU (coach operators, dispatchers, customer relations and facilities maintenance staff), IAM-repped supervisors and service quality monitors all may take up to 12 months of leave to recover from an on-the-job injury or illness, with benefits paid. IAM-repped mechanics have up to 24 months in which to recover from an on-the-job illness or injury and continue to accrue PTO and major sick leave and receive company paid medical and dental insurance during that time.

Having said all that, the company's view is that the period of time an employee may use to recover is not a mandate; if the employee's physician gives us a prognosis that the employee is totally disabled or will never recover sufficiently to perform the job of injury, the company will take steps to sever the employment relationship.

I should also point out that Community Transit provides employer-paid short and long term disability insurance coverage to all employees; those on LTD do not lose coverage if their employment ends.

CUBS says....It depends on what the prognosis is to return. Not longer than 1 year since that is the longest they can be on a leave of absence. But this varies and is highly dependent on the employee's medical condition. So far we have only had to terminate 1 employee who was on LTD and that was because he did not meet the requirements to retain his CDL so he was not and would not ever be eligible to drive a bus. The other employees have been able to return to work within 3-4 months and if not, we found transitional duty for them until they could return.

Everett Transit says...ET doesn't have a hard and fast timeline. It is case by case and largely dependent on the probability of returning to full duty. We work closely with the city's Human

Resources department. We generally allow complete exhaustion of all leave banks plus up to 6 months unpaid leave before we would move to terminate. Some have lasted nearly a year (unpaid). L&I is more difficult. If the employee is still drawing benefits we generally keep them on the books. The union has a LDT program and some move to that.

Grant Transit says...This has not happened to GTA, as we have only 3 employees.

Grays Harbor Transit says...Grays Harbor does not have long term disability; if someone is on L&I they must return within one year or they lose their seniority.

Island Transit says...Island Transit addresses this issue on a case by case basis. It is dependent on whether or not the person will EVER be able to come back and perform the job.

Jefferson Transit says...Up to one year after FMLA runs out.

Kitsap Transit says...Here's the language from Kitsap Transit's current contract with ATU regarding leaves of absence:

The Employer may grant a post-probationary employee a leave of absence without pay for up to six (6) months. An additional six (6) months may be granted, provided such leave can be scheduled without adversely affecting the operations of the Employer.

We track absences closely and correspond with the employee at six (6) months (to formerly acknowledge approval of an additional 6 months of leave), and again at ten (10) months to document the policy and return to work requirements. If it is apparent the employee will not be able to return at the end of one year of leave, then a pre-term meeting is scheduled.

Mason Transit says...Mason Transit has not had an employee out on Long Term Disability to date – related to L&I, we recently terminated an employee at the time their physician provided documentation that they would not be able to return to work to perform the essential functions of their position. There was no light duty opportunity, nor any other position opening within our agency. This particular individual was injured on the job in July 2008 and terminated in February 2009 (8 months).

Pacific Transit says...If an employee is off due to disability or L&I for more than 12 months, they no longer receive the medical benefit payments made by Pacific Transit.

Pierce Transit says...At Pierce Transit this practice has truly varied. We are currently working on setting shorter windows of time where we would assess the individual's ability to return to work sooner than later. Our redeployment program has usually kept employees active about 12-15 months. That is becoming less and less practical for our operations department. We believe a resolution needs to be found within the first six months of an absence, if at all possible. However, like with all matters were the FMLA and the ADA are involved, it truly should be evaluated on a case by case basis.

As far as HR at PT is concerned, the key is staying connected to the employee who is out and closely monitoring their progress so that a decision (whatever that might be) can be arrived at timely and equitably.

Pullman Transit says...Each individual would be dealt with on a case-by-case basis. If a doctor indicates that someone would be back at a definite date (after 6 months), we would try to work with that individual. However, if the doctor indicated that they didn't know when, if ever, an employee was going to return, we would try to work with the employee for other options. So, it really depends on the disability, where we are able to accommodate it, and the probable length of the disability. With L & I, we would bring them back to light duty as soon as possible. If they couldn't return, retraining or another position would be considered.

Skagit Transit says...We have only had one employee go from short term to long term disability. When that person went on long term disability we terminated his employment because he was not able to return to a driving position.

On L&I keep them until they can no longer do their job. If a job opens that they are able to do we would offer to them before opening it to the public.

Valley Transit says...This is currently under negotiation with the ATU. Basically it has gone to the ADA where it is pretty hard to sustain a termination for disability if the employee has been out less than 6-months. We have dealt with it on a case by case basis. We are now negotiating for a hard and fast deadline.

Whatcom Transit says...WTA handles these on a case-by-case basis, with the determining factor being the doctor's ability to provide a definitive (or as close to definitive as possible) return-to-full-duty date. The maximum medical leave of absence is 12 months; this includes the 12 weeks of FMLA allowance.

Yakima Transit says...It varies with the circumstances.