



**NIAGARA COUNTY
HUMAN RESOURCES
DEPARTMENT**

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NYS DISABILITY LEAVE OF ABSENCE FAQ'S

- 1. When should I file the disability application?**
 - Within thirty (30) days of the first day of disability
- 2. Where can I find the disability application?**
 - Niagara County HR Portal; or
 - Department payroll clerk; or
 - Risk Management Department; or
 - The Human Resources Department mails the application upon notice of leave of absence
- 3. How do I complete and submit the disability application?**
 - Complete Part A – Claimant's Statement
 - Have your attending physician complete Part B
 - Have your department payroll clerk complete Part C
 - Send the completed form to the Risk Management Department
- 4. Is there a waiting period?**
 - There is a five (5) working day or seven (7) calendar day waiting period (whichever is less) from the first day of disability
- 5. What accruals may be used for the waiting period?**
 - Employees may choose to use sick, vacation, or comp accruals during the waiting period.
 - It is the County's policy that employees use sick time while on a leave of absence for medical reasons. Once sick time is exhausted accruals should be used in the following order: vacation and floating holiday. Employees may elect to use comp time once sick time is exhausted. Personal time cannot be used while on a medical leave of absence.
- 6. How long may I receive disability benefits?**
 - Disability benefits are available for up to twenty-six (26) weeks within a fifty-two (52) week period
- 7. Am I required to file for NYS Disability?**
 - No; however, if you elect not to file you will be required to use accruals in full-day increments. Employees must contribute 100% towards their healthcare if accruals are exhausted and they are not on a protected leave of absence such as disability or FMLA.
 - Filing late for NYS disability benefits will still require a seven (7) day waiting period from the first day of disability and the twenty-six (26) week maximum begins after that waiting period. Late filing may result in a more difficult and delayed determination of benefits.

8. What happens if I elect to use accruals in full-day increments while on disability leave?

- Sick time must be exhausted prior to using vacation, floating holiday, or comp time;
- If **sick time** is used in full-day increments, you will receive your normal compensation. **Niagara County will receive the \$170 disability check from the provider;**
- If **vacation, floating holiday, or comp time** is used in full-day increments, you will receive your normal compensation and the \$170 disability check from the provider;
- You will continue to earn sick and vacation days while on a disability leave using full-day accruals
- You will continue to pay the same contribution towards healthcare while on a disability leave
- Using full-day accruals may result in the exhaustion of leave accruals more quickly. Employees must contribute 100% towards their healthcare if accruals are exhausted and they are no longer on an disability or FMLA leave of absence.
- There is no adjustment to benefit, longevity, or continuous service dates since the employee is on a disability leave.

9. What happens if I elect to use accruals in half-day increments for a partial disability leave?

- Sick time must be exhausted prior to using vacation, floating holiday, or comp time;
- You will receive half of your normal compensation and the \$170 disability check from the provider;
- You will earn a half sick and half vacation day for any month that you are on partial disability leave for more than half the month
 - Example: Partial disability leave begins 4/10/2018 and you return to work 5/7/2018 using half sick days. You will earn a half sick and half vacation day for April since the partial disability leave is for more than half the month. You will earn a full sick and full vacation day for May since you will work more than half the month.
- You will continue to pay the same contribution towards healthcare while on a disability leave
- Using half-day accruals may result in the exhaustion of leave accruals more slowly. Employees must contribute 100% towards their healthcare if accruals are exhausted and they are no longer on an disability or FMLA leave of absence.
- There is no adjustment to benefit, longevity, or continuous service dates since the employee is on a disability leave.

10. What happens if I have exhausted all leave accruals while on disability leave?

- You will receive the \$170 disability check from the provider and no compensation from the County.
- You will not earn a sick or vacation day for any month that you are on unpaid disability leave for more than half the month
 - Example: Unpaid disability leave begins 4/10/2018 and you return to work 5/7/2018. You will not earn a sick or a vacation day for April since the unpaid disability leave is for more than half the month. You will earn a full sick and full vacation day for May since you will work more than half the month.
- You will continue to pay the same contribution towards healthcare while on a disability leave
- Employees must contribute 100% towards their healthcare if accruals are exhausted and they are no longer on an approved disability or FMLA leave of absence.
- There is no adjustment to benefit, longevity, or continuous service dates since the employee is on a disability leave.