



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 (Late filing may result in a claim denial or reduction)
- 2. Where can I find the disability application?**
 - Niagara County HR Portal; or
 - Niagara County HR Internet Page; or
 - Department payroll clerk; or
 - Risk Management Intranet Page; or
 - The Human Resources Department mails the application upon notice of leave of absence
- 3. How do I complete and submit the disability application?**
 - Fully complete and sign the claimant's information section of the claim form (Part A and questions 1 to 3 in Part B). It is very important that ALL sections be completed fully, accurately, and legibly. Missing, incomplete, or illegible information may delay payment of your claim.
 - Optional – complete the direct deposit enrollment form. If you chose not to enroll in direct deposit, a check will be mailed to you.
 - Have your treatment provider complete and sign Part B on the claim form.
 - Have your department's payroll clerk complete and sign the Employer Information portion (Part C) of the claim form.
 - **It is preferred that you return all forms at once to Risk Management for filing with Guardian.** Please submit ALL sections of the claim (employee, employer, and treatment provider, optional direct deposit form) at the same time. Separate submissions may delay the handling of your claim.
- 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 claim denial or reduction.

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.