

# Hiring Replacements for Staff Members on an Approved Work-Related or Non-Work-Related Illness or Injury Absence

LAST REVISED ON 11/2009

**This policy applies to:** All regular full-time and part-time staff members. (Individuals represented by collective bargaining agreements receive benefits in accordance with those agreements.)

## I. Policy

The University will hold a staff position open for a reasonable period of time during an approved work-related (Workers' Compensation) or non-work related (Short-Term Sick Leave) absence and/or after Family Medical Leave (FML) is exhausted and except in cases in which undue hardship is clearly established or where the need for continuing leave is determined to be indefinite.

## II. Guidelines

A. When an employee is absent due to an approved work related or non-work related disability absence the staff member's position may be filled only on a temporary basis. Except in the case of a position elimination during absence or other unusual circumstances (which must be reviewed with the Office of Human Resources and the Office of Counsel), the department must allow the staff member to return to his/her position if the individual is determined medically able to return to work.

B. If it has been determined that an employee on an approved disability absence is unable to return to work, their position may be permanently filled only after consulting with the Office of Human Resources to determine whether additional leave is a reasonable accommodation under the particular facts and circumstances, and if so, what amount of additional leave will be extended.

C. In no instance will a position be held open where the continuing leave would pose an undue hardship to the department or return to work is determined to be indefinite.

### **III. Procedures**

A. While the employee is absent due to an approved short term absence (work-related or nonwork related), the staff member's position may be filled on a temporary basis as follows:

1. Temporary replacement through Strong Staffing.
2. Replacement through the Office of Human Resources for a time-as-reported (TAR), or temporary regular full or part-time replacement with an end date.
3. The replacement staff member hired into a position with an end date is not entitled to layoff status when the end date occurs; however he/she may seek a transfer.

B. When an employee is unable to return immediately at the end of an approved short term absence (work related or non-work related), consultation must occur with the Office of Human Resources before any permanent replacement may be considered:

1. The department will contact the Office of Human Resources to inquire about the potential for replacing the employee.
2. The department and the Office of Human Resources will discuss the department's needs, the anticipated length of the employee's continuing absence, and a determination will be made as to whether the employee's position should be held open for a longer period of time as a reasonable accommodation in accordance with the Americans with Disabilities Act (ADA) and/or state law.
3. Where a department submits that there is an undue hardship if it continues to hold the position, the matter must be referred to the Office of Counsel for a legal assessment.
4. In no circumstance will a department be required to hold a position open where the need for continuing leave is determined to be indefinite.

**Also see:**

- [#271 Workers' Compensation Insurance \(https://www.rochester.edu/policies/policy/workers-compensation/\)](https://www.rochester.edu/policies/policy/workers-compensation/)
- [#339 Short-Term Disability \(https://www.rochester.edu/policies/policy/short-term-disability/\)](https://www.rochester.edu/policies/policy/short-term-disability/)
- [#358 Family Medical Leave \(https://www.rochester.edu/policies/policy/family-medical-leave/\)](https://www.rochester.edu/policies/policy/family-medical-leave/)

## **ABOUT THIS POLICY**

### **Policy Number**

125

### **Policy Group**

Human Resources

### **Issuing Authority**

Human Resources

### **Responsible Officer**

Kathy Miner

### **Contact Information**

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## **RELATED POLICIES**

**[Family Medical Leave \(https://www.rochester.edu/policies/policy/family-medical-leave/\)](https://www.rochester.edu/policies/policy/family-medical-leave/)**

**[Short-Term Disability Plan \(https://www.rochester.edu/policies/policy/short-term-disability/\)](https://www.rochester.edu/policies/policy/short-term-disability/)**

**[Workers' Compensation Insurance \(https://www.rochester.edu/policies/policy/workers-compensation/\)](https://www.rochester.edu/policies/policy/workers-compensation/)**