

## EXTENDED MEDICAL ABSENCES

This policy supersedes and cancels Human Resources Letter 601 issued May 23, 2003 (formerly titled Administrative Procedures for Employees with Extended Medical Absence).

### PARTICIPATING COMPANIES

The current list of FirstEnergy companies that are covered by the following policy letter is provided in Human Resources Letter 011 entitled Participating Companies.

### PURPOSE

The purpose of this letter is to describe the policy and administrative procedures of FirstEnergy and its operating companies ("the Company") for eligible employees with extended absence due to injury or illness.

### ELIGIBILITY

This policy applies to all full-time regular employees.

### POLICY

During the first six months of employee absence due to injury or illness, local management is to manage and monitor the employee's time-off. The Health and Absence Management section in the Human Resources Department has developed guidelines (Absence Management Program) which are designed to assist local human resources and supervisors manage and monitor employees who are or will likely be off work due to injury or illness. This program is designed to coordinate the efforts of local management, medical professionals, the employee and his/her treating physician with the goal of enabling employees to stay at work during recovery or to bring each employee back to work as soon as medically feasible in a safe and efficient manner.

With the exception of employees whose long-term disability or disability retirement benefit wait period is less than 12 months, qualifying employees who have been absent for six months due to injury or illness, including temporary modified duty, will be transferred to the extended disability area of the Health and Absence Management section in accordance with the procedures below. In the event the employee's medical condition permanently and totally disables him/her prior to the exhaustion of six months of absence, and there is no expectation of the employee's return to any work, transfer may occur earlier upon review by the Medical Review Committee and approval by the Health and Absence Management section. The Health and Absence Management section will manage and monitor employee time-off for employees transferred to the extended disability area.

Both local management and the Health and Absence Management section will work with the employee's physician and applicable members of the Company's Medical Review Committee (reference Attachment B) during this period of oversight to:

- assess the employee's condition, treatment plan and prognosis for returning to work.

- assess the availability of work within the employee's capabilities and medical restrictions. The provisions of the applicable collective bargaining agreement govern the placement of bargaining unit employees.
- assess the medical documentation required to support the continuance of the employee's sick pay or industrial injury supplemental benefits for the anticipated period of absence. Whether or not an employee qualifies for sick pay or industrial injury supplemental benefits is within the sole discretion of the Company. Such determination is separate and apart from any determination by any government agency with respect to eligibility for Worker's Compensation or Social Security benefits.
- ensure compliance with the applicable labor agreements, company policies and practices, employee benefit programs, and applicable laws.

Employees not eligible to transfer to the extended disability area will continue to be managed and monitored by local management who will assist employees with post employment disability plan benefits when applicable. Administrative procedures for employees not eligible to transfer to the extended disability area are detailed below in the Additional Procedures for Employees with Extended Medical Absence section, Attachment A.

#### Temporary Modified Duty

Temporary modified duty, also known as restricted work or light duty, consists of job assignments that have been modified by physical or time restrictions. Time worked in this capacity must be recorded as time code LTDS in the SAP system. Temporary modified duty is not a reasonable accommodation under the Americans with Disabilities Act. The utilization of temporary modified duty or partial workdays is encouraged in order to enable the employee to return back to his/her job as soon as medically justified. However, the use of modified work should be on a temporary basis and, therefore, should not exceed 150 calendar days, or the period specified in any applicable collective bargaining agreement, without review by the Medical Review Committee. Temporary modified duty may be used toward the employee's six month qualification period for transfer to the extended disability area of the Health and Absence Management section.

#### Compliance with Disability Discrimination Law

State and federal law prohibits discrimination against individuals with disabilities in all terms and conditions of employment. These laws require employers to make "reasonable accommodations" for individuals with disabilities unless the employer can demonstrate that doing so would create an "undue hardship" on the Company. To be protected by law an individual with a disability must be able to perform the "essential functions" of the job, with or without a reasonable accommodation. An employee receiving disability income benefits from the Company as described in this policy is not necessarily an individual with a disability under federal or state law.

## PROCEDURE

### First Six Months of Absence

#### **Non-Work Related Absence**

- The Supervisor will follow the local absence policy and will contact local Human Resources no later than the 5<sup>th</sup> day of an employee's absence (including temporary modified duty) due to non-work related injury or illness for assistance in monitoring the employee's medical and work status.
- Local Human Resources may use medical case management services during the employee's first six months of absence to assist in the monitoring of the employee's medical necessity of absence and ability to return-to-work.
- Continue with "Work Related and Non-Work Related Absence" procedures below.

#### **Work Related Absence**

- The Supervisor will follow the procedures for completing and routing the Employee's First Notice of Injury/Illness (Form 241) when medical treatment is provided for a potential work related injury or illness.
- The completed Form 241 serves as notification of an employee's potential work related injury or illness to the local Human Resources, Safety Department, medical case management service and Health and Absence Management section.
- The Health and Absence Management section and the medical case manager will work with the employee, local Human Resources and the employee's physician in determining the employee's medical necessity of absence and ability to return-to-work.
- The Health and Absence Management section will monitor the employee's medical documentation for compliance with workers' compensation benefits.
- Continue with "Work Related and Non-Work Related Absence" procedures below.

#### **Work Related and Non-Work Related Absence**

- Local Human Resources receives medical documentation that supports the employee's medical necessity for the absence.
- Local Human Resources alerts the employee of the suspension of sick pay or industrial injury supplemental benefits when reasonable medical evidence is not received.
- Local Human Resources and Health and Absence Management may consult with the Medical Review Committee on compliance matters involving the employee's medical or work status.

- Local Human Resources will assist those employees whose wait period for long-term disability benefits or disability retirement is less than 12 months with application for their respective Disability Plan (reference Attachment A).
- For all other employees, at the beginning of the sixth (6<sup>th</sup>) month of continuous absence, the local Human Resources representative must use Form 177 (Notification of Extended Illness/Injury) to notify the Health and Absence Management section of the employee with extended medical absence. Form 177 must be accompanied by the employee's:
  - job description,
  - job analysis,
  - signed medical release for non-work related illness or injury, and
  - medical certification supporting the continued medical necessity of absence beyond the estimated transfer date, signed and dated by the employee's physician or company medical doctor within the 30 days immediately prior to completion of Form 177. Failure to provide current medical certification of medical absence may delay the transfer until such time as current medical is provided by local Human Resources.
- At the end of the sixth (6<sup>th</sup>) month of continuous absence, receipt of Form 177 and current adequate supporting medical certification of inability to work, Health and Absence Management will advise local Human Resources of the effective date of transfer and provide instructions on the preparation of the Personnel Action Form (PAF) to transfer eligible employees to the extended disability area.

#### Transfer to Extended Disability Area

- Upon transfer, the Health and Absence Management section will assume responsibility for the employee's medical case management and will monitor the employee's continued eligibility for sick pay or workers' compensation with industrial injury supplemental benefits in accordance with the appropriate labor agreement or plan.
- The Health and Absence Management section will notify the employee of the status of his/her sick pay or workers' compensation and industrial injury supplemental benefit, the need for periodic updates of medical certification, the role of medical case management, when applicable, and will provide guidance on post employment benefits in accordance with the employee's respective disability plan. A copy of the notification will be provided to local human resources.
- The Health and Absence Management section will advise the local timekeeper in the preparation of the employee's time sheets. Sick pay benefits are distributed through the regular payroll process.

- At the eighth month of medical absence, the Health and Absence Management section will notify the Company's long-term disability Plan Administrator of covered employees with extended medical absence and the Plan Administrator will provide to the employee an application for long-term disability benefits.
- The local Human Resources Department is responsible for communicating to the employee pension estimates, retirement options, savings plan options, healthcare benefits and the employee's general employment status. Local Human Resources may assist the employee in completing disability related paperwork required during the period of time the employee is applying for benefits.
- The employee's supervisor is responsible for completing performance appraisals, when applicable, communicating eligibility for the Employee Incentive Compensation Plan, Company newsletters and updates and other work schedule or organizational changes as they apply to the employee.
- Continue with Additional Procedures for Employees with Extended Medical Absences

#### CLARIFICATION

Questions concerning the administration of this policy should be referred to the Health and Absence Management section in the Human Resources Department.

This policy is not a binding contract, but a set of guidelines for implementation. The Company explicitly reserves the right to modify any of the provisions of this policy at any time and without notice.

**ADDITIONAL PROCEDURES FOR  
EMPLOYEES WITH EXTENDED MEDICAL ABSENCE**

*The following additional procedures apply to employees of:*

- **Management**
  - **IBEW Locals 29, 245, 272, 1194 and 1413**
  - **IBEW Local 777 hired on or after 1-1-2006**
  - **IBEW Local 459 hired on or after 1-1-2006**
  - **IBEW Local 459 (Seneca) hired on or after 1-1-2006**
  - **UWUA Local 180 hired on or after 1-1-2006**
  - **UWUA Locals 118, 126, 140, 270 and 457**
  - **OPEIU Local 19**
- The Disability Plan Administrator will send the application for long-term disability benefits to the employee at approximately the employee's 8<sup>th</sup> month of disability and will recommend the employee make application for benefits by the 10<sup>th</sup> month after onset of injury or illness disability.
  - Employees not able to return to work within 12 months after the onset of injury or illness disability will be terminated from their employment regardless of the status of the employee's long-term disability benefits application.
- **IBEW Local 459 hired prior to 1-1-2006**
- The employee must meet a 90-day wait period prior to making written request to the Company for benefits, a minimum of 30 days prior to the requested date of disability retirement.
  - Upon receipt of the employee's request, an application for disability retirement will be sent to the employee by local Human Resources along with an explanation of benefits.
  - If disability retirement benefits are approved, benefits would commence on the requested date. Pension and benefits information will be supplied to the employee by local Human Resources at the time benefits are approved.
  - If disability retirement benefits are not approved and the employee has reached maximum medical improvement, cannot perform any type of work, is unable to return to work and all sick pay benefits have been exhausted, the employee will be terminated in accordance with the provisions of the collective bargaining agreement.
  - For employees who are only partially incapacitated and have completed five (5) years of accumulated service, determination must be made as to whether or not the employee can perform any type of work per the incapacitation clause (Article IX, Section 12) of the collective bargaining agreement.

➤ **IBEW Local 459 (Seneca Plant) hired prior to 1-1-2006**

- When the employee exhausts all sick pay benefits, cannot perform any type of work, has reached maximum medical improvement and has not sufficiently recovered to be reinstated, the employee will be terminated in accordance with the provisions of the collective bargaining agreement.
- Local Human Resources will advise the employee of other benefits for which he/she may be eligible.
- If the employee has completed five (5) years of accumulated service and is only partially incapacitated, determination must be made as to whether or not the employee could perform any type of work per the incapacitation clause (Article IX, Section 12) of the collective bargaining agreement.

➤ **UWUA Local 180 hired prior to 1-1-2006**

- The employee must meet a 90-day wait period prior to making written request to the Company for benefits, a minimum of 30 days prior to the requested date of retirement.
- Upon receipt of the employee's request, an application for disability retirement will be sent to the employee by local Human Resources along with an explanation of benefits.
- If disability retirement benefits are approved, benefits would commence on the requested date. Pension and benefits information is supplied to the employee by local Human Resources at the time benefits are approved.
- If disability retirement benefits are not approved, the employee has reached maximum medical improvement and cannot perform any type of work, is unable to return to work and all sick pay benefits have been exhausted, the employee will be terminated in accordance with the provisions of the collective bargaining agreement.
- For employees who have completed six (6) years of accumulated service and are only partially incapacitated, determination must be made as to whether or not the employee can perform any type of work per the retrogression clause (Article X, Section 14) of the collective bargaining agreement.

- **IBEW Local 777 hired prior to 1-1-2006**
- **System Council U-3 employees eligible for Plan I Disability Retirement**
  - The employee must meet a three-month wait period prior to making written request to the Company for benefits, a minimum of 30 days prior to the requested date of retirement.
  - Upon receipt of the employee's request, an application for Disability Retirement will be sent to the employee by local Human Resources along with an explanation of benefits.
  - If disability retirement benefits are approved, benefits will commence on the requested date. Pension and benefits information will be supplied to the employee by local Human Resources at the time benefits are approved.
  - If disability retirement benefits are not approved, the employee is unable to return to work and all sick pay benefits have been exhausted, the employee must abide with the provisions of the collective bargaining agreement.
- **System Council U-3**
  - Local Human Resources notifies the Health and Absence Management section of an employee's medical absence at the 3<sup>rd</sup> month of disability and the Health and Absence management section notifies the Plan Administrator to send to the employee the application for Disability Plan benefits.
  - Employees who have been totally or partially disabled for six (6) continuous months shall be eligible to apply for LTD benefits.
  - Employees approved for long-term disability benefits may begin to receive benefits at the 7<sup>th</sup> month of disability.
  - Employees not approved for long-term disability benefits, unable to return to work and have exhausted all sick pay benefits must abide with the provisions of the collective bargaining agreement (Appendix A.2 – A.4.I).
- **UWUA Locals 350/351**
  - When the employee exhausts sickness and injury benefits or has reached maximum medical improvement but has not sufficiently recovered to be reinstated, the employee and local Human Resources will be notified by the Health and Absence Management section of the employee's employment status, including termination.
  - Local Human Resources will advise the employee of other benefits for which he/she may be eligible.



## **MEDICAL REVIEW COMMITTEE**

### Purpose of the Medical Review Committee

The Medical Review Committee was established to assist in the monitoring of employees who have been absent from work due to work related and non-work related injury or illness. The Committee reviews the status of these employees and makes recommendations for compliance with Company policies and guidelines. The Committee endorses and fully supports the guidelines for absence management established by Health and Absence Management to ensure the employee's safe and timely return to work and to good health.

The Committee's primary objective is to provide a consistent method of reviewing medical cases to ensure that uniform standards are applied to all employees throughout the Company. While it is recognized that no two cases are alike, the Committee exists to ensure employees are treated fairly and equitably. Decisions made must also be in compliance with the applicable labor agreements, personnel policies and practices, employee benefit programs, workers' compensation rules and regulations, and applicable employment laws.

### Scope of Activity

The Medical Review Committee reviews disability cases at the request of the employee's local Human Resources, supervision or by a Committee member. Cases subject for review include both work and non-work related disabilities.

Committee members maintain confidentiality of case information at all times by adhering to the following practices:

1. The Committee is only given case information on a need-to-know basis to ensure the medical information is kept confidential.
2. Communication between members of the Committee and management, union representatives, or others is done by the appropriate Committee member to minimize redundancy and miscommunication.

The Committee's recommendations are provided to local Human Resources and supervision. It is local management's responsibility to implement the recommendations, as appropriate, in a timely manner.

### Meetings

The Medical Review Committee generally meets on a monthly basis. Meetings may be held more or less frequently as needed. A representative from each member area will attend the meetings as appropriate. Committee advisors generally do not attend meetings but may do so on an as-needed basis.

## **MEDICAL REVIEW COMMITTEE**

### Medical Review Committee Members and Responsibilities

Health and Absence Management: Directs, coordinates and monitors the Committee meetings. Advises the Committee on relevant workers' compensation, short-term and long-term disability benefit and disability time-off programs. Maintains and distributes Committee recommendations as appropriate.

Employee Benefits Compliance: Monitors and advises committee on compliance with employment laws and regulations, and other relevant benefits.

Local Human Resources: Advises Committee on field operations issues relevant to human resource and management responsibilities.

Medical Consultant: Serves as a physician advisor to the Committee in rendering medical opinions and in providing assistance in the development of related policies and procedures.

Industrial Relations: Monitors and advises the committee on contractual and employment practice compliance.

Legal Services: Advises and updates the committee on employment law and provides research on legal issues.

### Committee Advisors and Responsibilities

Local Human Resources and/or Supervisor: Notifies Committee of relevant managerial concerns, advises Committee on field operations issues relevant to human resource and management responsibilities, assists in arrangements for return to work (i.e. modified duty, accommodations, etc.), communicates with employee regarding work status, benefits and other needed information; appraises local management of Committee actions and recommendations, as appropriate.

Medical Services: Receives physician statements regarding disabilities, secures additional medical information as needed, communicates with employee, employee's physician, local Human Resources, Health and Absence Management section and supervision in regard to disability, return to work options and coordination of work assignments for modified/restricted work. Provides advice regarding rehabilitation alternatives.

Employee Compensation: Advises and updates the committee on relevant compensation programs.