



Understanding and Managing Medical Related Leaves

Presented by
Human Resource Services

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WASHINGTON STATE
UNIVERSITY



Objectives

How to manage medical related
leaves

Avoiding pitfalls

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Leave of Absence Provisions

- Family Medical Leave Act
- Extended Leave - RA
- Family Care Leave
- Disability Leave
- Military Family Leave
- Family Leave Act - Parental Leave
- Domestic Violence Leave

Leave Types/Time Offs

- Annual Leave
- Sick Leave*
- Leave Without Pay (LWOP)
- Compensatory Time
- Personal Holiday
- Shared Leave

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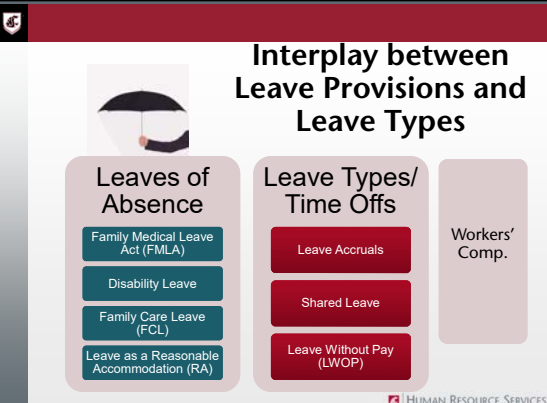


Medical Leave

Benefits provided according to

- Federal Law
- State Law (RCW)
- WAC/Collective Bargaining Agreements
- University Policy
AP Handbook / Faculty Manual

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**Interplay between
Leave Provisions and
Leave Types**

**Leaves of
Absence**

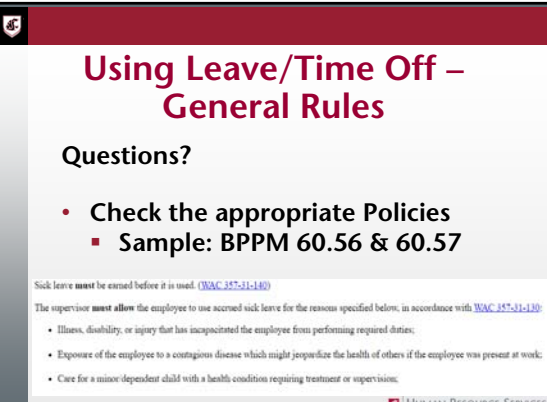
- Family Medical Leave Act (FMLA)
- Disability Leave
- Family Care Leave (FCL)
- Leave as a Reasonable Accommodation (RA)

**Leave Types/
Time Offs**

- Leave Accruals
- Shared Leave
- Leave Without Pay (LWOP)

Workers' Comp.

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**Using Leave/Time Off –
General Rules**

Questions?

- Check the appropriate Policies
 - Sample: BPPM 60.56 & 60.57

Sick leave must be earned before it is used. (WAC 357-31-140)

The supervisor must allow the employee to use accrued sick leave for the reasons specified below, in accordance with WAC 357-31-140:

- Illness, disability, or injury that has incapacitated the employee from performing required duties;
- Exposure of the employee to a contagious disease which might jeopardize the health of others if the employee was present at work;
- Care for a minor dependent child with a health condition requiring treatment or supervision;

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Interaction of Leaves of Absence and Benefits

Leave Provisions

FMLA, FLA – Parental Leave, Disability Leave, Extended Leave as an RA, FCL

Leave Types

Sick leave, Annual leave, Comp time, LWOP, Personal Holiday, Shared leave

Employer Paid Benefits

- FMLA guarantees benefits regardless of pay status (as long as EE premiums are paid)
- FLA –extended Parental Leave in addition to any disability leave allows EE to use a minimum of 8 hours in the month to keep benefits active
- DL - for non pregnancy reasons allows EE to maintain their benefits by using a minimum of 8 hours leave. However an employee may not move in and out of paid leave
- FCL requires that EE stay in pay status and therefore benefits remain active
- RA has no benefit protections. If EE on full LWOP for entire month will need to COBRA benefits

Family Medical Leave

Federal Provision

- Job and Benefits protected leave
- 12 weeks/480 hours of leave, in a rolling 12 month period, for a full-time employee for qualifying event
- HRS determines eligibility

Family Medical Leave

Qualifying Events:


- Employee's serious health condition
- Birth, adoption, or placement of a child (Parental Leave)
- Care for a qualifying family member (child, parent, spouse) with a serious health condition



Family Medical Leave

- Employee chooses how to use accrued leave or LWOP
- Leave can be for a block of time, reduced work schedule, or used intermittently
- All based on supporting medical documentation


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Family Care Leave

State Provision

- Care for an eligible family member
- Extends only as long as paid leave is available. Full-pay status required
- Eligible Family Members include: spouse, child, parent, parent-in-law, and grandparent



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Family Leave Act*

State Provision

- FLA is available to FMLA eligible employees
- FLA Parental Leave is for non-medical 'baby/child bonding'
- Up to 12 weeks of Parental Leave (in addition to FMLA for medical reasons)
- May be used within the first year after birth, adoption, or placement of a child
- FLA may be denied by a department on the basis of business necessity (consult HRS DS)

*FLA is in effect until 12/31/2019

Parental Leave*

FMLA and Family Leave Act interaction

*FLA is in effect until 12/31/2019

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Domestic Violence Leave

State Provision

Allows victims of domestic violence, sexual assault, or stalking to take reasonable leave from work:

- To take care of legal or law enforcement needs and obtain health care
- Family members may take leave to help victim obtain help
- Paid or unpaid


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Paid Sick Leave/Time Off Temporary Hourly Employees

State Provision

- Temporary hourly employees begin accruing PSL on the first day of a new appointment
- PSL accrues at the rate of one hour for every forty hours worked, including overtime hours
- Hours worked do not include PSL hours used
- Notice: Departments are required to provide Notice to employees no later than the first day of the appointment

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Paid Sick Leave/Time Off Temporary Hourly Employees

State Provision

Usage

- For own or family member's health condition
- When WSU has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason
- For absences that qualify for leave under the domestic violence leave act
- Forward medical documentation to HRS


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Disability Leave

University Provision

- **Non-FML eligible employees:** FULL-TIME leave for their own condition, up to total of 4 months
- **FMLA eligible employees:** Additional month of insurance benefits beyond FMLA period when an employee is out full time (4th month)

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Medical Leave Requests

Your responsibility as a supervisor is to:

- Identify a request, or potential need

Sample notice triggers to refer employee to HRS:

- I need to be out every now and then for my/my family member's medical condition
- I'm/We're having/adopting a baby
- I am/My family member is going to need surgery

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Medical Leave Other Notice Triggers

Other Medical leave needs triggers

- Employee calls out for over three days
- Employee was hospitalized
- Consistent use of sick leave or other leaves for sick reasons
- Suspicious use of sick leave or other leaves for sick reasons

BPPM 60.56, 60.57


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Medical Leave Requests and Workday

In Workday, all leave requests, including medical leave, will be electronic:

- Employees, supervisors, designated department time keepers and HRS Disability Services will be able to submit requests from any location.
- If you are not sure if the event should be a leave of absence, contact HRS to begin the process.

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FMLA: To Say or Not to Say

Say

- Ask them if time off is for FMLA event

Not to Say

- Deny leave at any time
- Ask what condition is, specifics
- Retaliation, off-hand comments
- Job impacting decisions against the employee based on FMLA




Leave Types/Time Offs

Shared Leave

RCW 41.04.660
BPPM 60.58

Allows state employees to donate their annual leave, sick leave, or personal holidays to another state employee who meets Shared Leave criteria.

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Shared Leave


- Extraordinary or severe illness, injury, impairment, or physical or mental condition that is serious, extreme and/or life threatening (Employee, relative or household member)
- Victim of domestic violence, sexual assault, or stalking
- Pregnancy disability or Parental leave
- Called to Uniformed Services
- Employee is or is spouse of person in Uniformed Services or is a veteran attending medical appointments
- Emergency volunteer service during state of emergency


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Workers' Compensation

- Injury or Occupational Disease
that has a . . .
- Proximate Cause
which occurred during . . .
- Course of Employment or Volunteer work


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Workers' Compensation

Overview of Coverage


- Washington State Department of Labor and Industries (L&I)
- No fault insurance
- Priority is placed upon returning to work in any capacity


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Workers' Compensation-Benefits

- Approved medical care (100%)
- Employee wage replacement (60-75%)
- Return-to-work assistance
- Other long term benefits (partial permanent disability, pensions etc.)


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When and Incident Occurs

Supervisor / Department Responsibilities

- Ensure first-aid and/or medical treatment is provided.
 - If required - Call **911**
 - Arrange for ride to hospital/doctor as necessary
- Have WSU Online Incident Report completed within 24 hrs.
- Refer to HRS DS


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When and Incident Occurs

Supervisor / Department Responsibilities

- **Immediately** report accidents which result in death, amputation, or serious injury according to policy (SPPM 2.24)
- Interview the injured worker and any witnesses ASAP






Filing a L&I Claim


If an employee chooses to file an L&I claim they do so by contacting L&I through medical provider, online, or over the phone.


WSU may question the claim validity if:

- Not covered by law, nor work related, questionable based on situation etc.




Notify HRS immediately if concerns with incident





Workers' Compensation and Leave/Time Off

- Claims paid through L&I, not WSU
- Employees use own accrued leaves/time off to maintain WSU pay
- Must have ≥ 8 hours of pay in a month to maintain benefits under FMLA and DL leave of absence provisions






Workers' Compensation Return To Work Coordination

- Goal is to return injured worker to the workforce asap
- HRS Pullman coordinates WSU portion of all claims

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Return To Work Coordination

Dear Department

Human Resource Services, if available

- Lift, carry, or move
- Needs to

Based upon a review of your position description, we have identified the following job duties that are outside of the employee's normal duties. HRS will assume there is full-time work available within the employee's normal job duties if no response is received.

Please send copies of timeleave reports to HRS for the entire duration of the employee's leave. HRS cannot complete the processing of this employee's medical leave until all applicable timeleave reports have been received.


NOTE: Duties reviewed are from position descriptions on file with HRS. It is imperative these are accurate.

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Do not change job duties due to illness or injury. Could potentially informally accommodate. Talk to HRS.

from modified


2016 if these required for any



Workers' Compensation Temporary Modified Duties

- If normal job is impacted by limitations, can the job be temporarily modified?
- Examples of Temporary Modified Duties:
 - Part-time/alternate schedule
 - New duties - same knowledge
 - Change building or location
 - Different equipment or work methods
 - Special projects
 - Other duties within position description

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State of Washington

Paid Family & Medical Leave

Beginning January 1, 2020

- **Eligibility**
 - 820 hours worked during the qualifying period (last 4 complete quarters for all Washington employers)
 - Minimum leave of 8 continuous hours, with a 7 day waiting period (except for birth or placement of child)
- **Benefit Duration**
 - Up to 12 weeks of Paid Family or Medical Leave
 - Up to 16 weeks of Paid Family or Medical Leave (when multiple events)
 - Additional 2 weeks for Pregnancy Complications

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State of Washington

Paid Family & Medical Leave

Beginning January 1, 2020

- **Important Differences from Family Medical Leave**
 - Program administered by Employment Security
 - Provides income replacement benefit, up to a maximum \$1,000 per week
- **Important Similarities**
 - Provides similar job and benefit protections
- **Application Process**
 - Apply directly online or via telephone
 - Health Care Providers will submit medical documentation directly to the State of Washington

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Long Term Disability

Benefit for Extended Leaves


- **Basic Plan**
 - \$240/month after 90 day waiting period
 - Available to all WSU employees
- **Optional Plan**
 - Optional benefit plan employees purchase 90-360 day waiting period
 - Benefit of up to 60% of salary, up to \$10,000 per month after an employee selected waiting period
- Benefit administered by The Standard Insurance
- HRS coordinates the submission of documents and company communicates directly with employees

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Reasonable Accommodation






Reasonable Accommodations (RA)

- Disability -WSU will provide RA for a known physical, mental, or sensory limitation
- Pregnancy Related Accommodations

Employee must be able to perform the essential functions of the position, with or without an RA






Not a Qualified Disability

- Non-chronic condition
- Sprain, broken limb, flu
- Current *illegal* drug use
- Active alcoholism or abuse








Types of Disability Accommodations

- Facility, work space modifications or location change
- Equipment purchase or modifications
- Work schedule modifications
- Extended leave (consistent with law)
- Reassignment to an open, vacant, recruited position


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Pregnancy Related Accommodations

If employee requests

- Does Not require medical documentation
 - Longer, more frequent or flexible restroom breaks
 - Modify a no-food or no-drink policy
 - Provide seating or allow the employee to sit more frequently
 - Limit lifting to 17 pounds or less

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Pregnancy Related Accommodations

If Employee requests

- Requires supporting medical documentation
 - Job restructuring, including modifying a work schedule, job reassignment, changing a work station, or providing equipment
 - Providing a temporary transfer to a less strenuous or hazardous position
 - Scheduling flexibility for prenatal visits
 - Additional accommodations based on need


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RA Process Overview

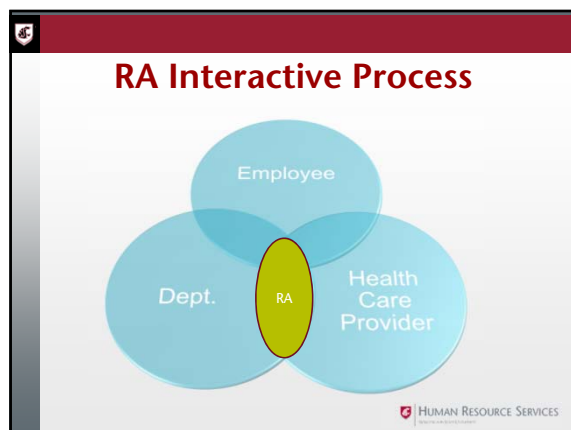
Identification - by the employee, the supervisor or a health care provider

Documentation - medical certification normally required for disability accommodation and certain types of pregnancy accommodations

Accommodation - HRS will work with the department and the employee to review the request and possible options




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RA Stages - Review

1. In collaboration with department
 - Capabilities and limitations
 - Position description and job functions
 - Departmental needs
2. HRS contacts and works with other WSU or external partners as needed
 - Environmental Health and Safety
 - Facilities Services Capital Planning
 - Job coaches

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RA Stages - Decision


If an RA is identified:

1. Appointing Authority and Supervisor review the RA
2. HRS documents accommodation
3. Review date established

If no RA is identified:

1. Full review and vetting process
2. HRS determines next steps in accordance with laws, rules and University policies






Undue Hardship

- Not based solely on departmental funds, it is more global.
- No central funds for accommodations.
- Light duty and/or extended medical leave are RARELY undue hardships.






Department Responsibilities

What to do

- Notify HRS of the possible need for leave or time off or RA
- Keep time off conversations “private”
- Be an active, constructive participant in the leave and RA processes
- Accommodate through the official RA process



Department Responsibilities

What Not to Do

- Do not informally accommodate
- Do not make job changes based on employee provided information regarding a "medical condition" without engaging HRS.
- General Examples:
 - Changing the employee's essential functions. (Over time or even if identified as temporary)
 - Providing equipment
 - Moving their office
 - Adjusting their schedule/work structure

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Disability Services Coordination



Interplay between these leaves is complicated.
HRS is here to help you manage the process.

Resources

- BPPM 60.56 and 60.57 Leave
- BPPM 60.21 Reasonable Accommodation
- BPPM 60.58 Shared Leave
- BPPM 60.81 Volunteers
- BPPM 60.43 Paid Sick Leave for Temp/Hrly
- SPPM 2.24 Reporting Accidental Injuries Illnesses
- Administrative Handbook
- Faculty Manual
- Collective Bargaining Agreements
- Access Center - Student accommodations
- Civil Rights and Compliance Investigations (CRCI)
 - EEO/AA compliance
 - Disability discrimination
 - WSU Accessibility - ADA Coordinator

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Questions

Human Resource Services
Disability Services

hrs.wsu.edu/Disability-Services

509-335-4521 or hrs@wsu.edu

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This has been a
Live
Videoconference

If you attended this live session from a
location outside Pullman and wish to have
your attendance documented in your training
history,
please notify Human Resource Services
within 24 hours of today's date:

hrstraining@wsu.edu
