Understanding and Managing Medical Related Leaves

Presented by Human Resource Services

Objectives

How to manage medical related leaves

Avoiding pitfalls

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
Medical Leave
Benefits provided according to Federal Law

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

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
Leaves Accruals
Shared Leave
Leave Without Pay (LWOP)

Workers' Comp.

Using Leave/Time Off – General Rules
Questions?
• Check the appropriate Policies
• Sample: BPPM 60.56 & 60.57

[Insert notes or additional information here]
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
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

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

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 40 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
**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

**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)

**Medical Leave Requests**

Your responsibility as a supervisor is to:
- Identify a request, or potential need

Sample notice triggers to refer employee to HRS:
- Verbal/written notice of need
- Employee calls out ill for over three days
- Employee was hospitalized
- Consistent use of sick leave or other leaves for sick reasons

If your employee is approved for a medical leave through HRS, You will be notified.
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

Medical Leave: To Say or Not to Say

Say
• Ask them if time off is for FMLA event

Not to Say
• Deny FMLA leave
• 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.
**Shared Leave**

**CRITERIA**
- Severe or extraordinary illness, injury, impairment, or physical or mental condition that is serious, extreme or life threatening (employee, relative or household member)
- Pregnancy disability or Parental leave

**Shared Leave**

**CRITERIA**
- Victim of domestic violence, sexual assault, or stalking
- Called to Uniformed Services
- Employee is or is a spouse of person in Uniformed Services or is a veteran attending medical appointments
- Emergency volunteer service during state of emergency

**Shared Leave**

**PROGRAM**
- Medical documentation and information must clearly reflect how condition meets criteria
- SHL usage eligibility timelines begin on the date the event meets the SHL criteria
- Must receive donations
- Limits to amount of leave per event – Up to 90 days
- Lifetime maximum of 522 days – full time employee
State of Washington
Paid Family & Medical Leave

- Important Differences from Family Medical Leave
- Program administered by Employment Security
- Employees apply directly with ES online or via telephone
- Provides income replacement benefit, up to a maximum $1,000 per week*

- Important Similarities
- Provides similar job and benefit protections

- Supplemental Benefits
- Employees may use annual or sick leave, personal holiday, or compensatory time, as a supplemental benefit.

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

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
When a Workplace Injury 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

When an 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

Workers’ Compensation

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

**Overview of Coverage**

- WA State Department of Labor & Industries (L&I)
- No fault insurance
- Priority is placed upon returning to work
- Medical care (100%)/ Wage replacement (60-75%)
**Filing an L&I Claim**

If an employee chooses to file an L&I claim, they do so by contacting L&I through their 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 Disability Services 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 Coordination**

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

- 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 KSAs/Special projects
  - Change building or location
  - Different equipment or work methods
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
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

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

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
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

**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

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 60.36 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

Questions

Human Resource Services
Disability Services

hrs.wsu.edu/Disability-Services

509-335-4521 or hrs@wsu.edu

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