Understanding and Managing Medical Related Leaves

Presented by Human Resource Services

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Course Objectives

- Managing medical related leaves
- Avoiding pitfalls

Leaves of Absence

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

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

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Medical Leave

Rights & Responsibilities 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
- Time Off
UNDERSTANDING & MANAGING LEAVE

Family Medical Leave Act (FMLA)

Federal Provision
- Job and benefits protected LOA
- Employee must have worked for the State for 12 months and worked 1,250 hours in preceding 12 months
- 12 weeks/1,260 hours of leave, in a rolling 12 month period, for a full-time employee for qualifying event
- HRS determines eligibility for FMLA

UNDERSTANDING & MANAGING LEAVE

FMLA 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
- Eligible military related FMLA events

UNDERSTANDING & MANAGING LEAVE

FMLA Provisions

- Time off can be on a full-time, part-time or intermittent basis based on medical documentation
- Employee chooses how to use accrued time off or LWOP
- Must be tagged "FMLA" in Workday for accurate accounting
UNDERSTANDING & MANAGING LEAVE

Family Care Leave (FCL)

State Provision
- Leave of Absence for care for an eligible family member
- Eligible Family Members: spouse, child, parent, parent-in-law, registered domestic partner and grandparent
- All employees with accrued leave are eligible
- HRS determines eligibility for FCL

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FCL Pay Provisions

- Full-pay status required
- LWOP may not be used for this LOA
- Employee choice of accrued time off
- May be taken on full-time, part-time or intermittent basis

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Domestic Violence Leave

State Provision
- Allows victims of domestic violence, sexual assault, or stalking to take reasonable time off:
  - To access legal or law enforcement needs, social services, health care, and for safety planning and relocation
  - Family members may take leave to assist victim obtain services
  - Accrued time off or LWOP may be used
Paid Sick Leave / Time Off

State Provision
- Paid Sick Leave (PSL) accrual begins on the first day of a new appointment.
- PSL accrual at the rate of one hour for every 40 hours worked for temporary hourly employees, including overtime hours.
- All other employees earn at minimum one hour for every 40 hours worked.
- Hours worked do not include PSL hours used.
- Notice to temporary hourly is required no later than the first day of the appointment.

Parental Leave

State Provision
- Eligibility: 12 weeks as a months in past 12-month period.
- Leave for birth or placement of a child.
- Taken during the first year of child’s birth or placement.
- Employees are entitled to request six months of parental leave (including FMLA parental leave period).
- Employers may deny requests (not FMLA) for operational necessity after consultation with Disability Services.
- Paid or unpaid leave is the employee's choice.
Disability Leave

University Provision

- Full-time basis only
- Non-FMLA eligible employees: Up to a total of four months leave for their own condition
- FMLA eligible employees: Additional month of leave and insurance benefits beyond FMLA period (4th month)

Disability Leave

University Provision

- Pregnancy – Parental related: Employees may use any combination or accrued time off 或 LWOP
- Non Pregnancy – Parental related: Employees may use any combination of accrued time off or LWOP; however, MAY NOT move in and out of paid time off and LWOP. Generally employees deplete their accrued time off before moving to LWOP

Medical Leave Requests

Supervisor responsibility:
- Identify a request, or potential need for leave
- Refer employee to HRS

When to refer employee to HRS:
- Verbal/written notice of need
- Employee calls out sick for over three days
- Employee was hospitalized
- Consistent use of sick or other leaves for sick reasons
UNDERSTANDING & MANAGING LEAVE

Medical Leave: Conversations

- WSU may require employees apply for medical leave if situation meets certain criteria
- Approved medical LOAs as designated by HRS may not be denied
- Departments may ask employees if requested time off is for the approved LOA. Employees are to confirm if so
- Consultation with a department regarding available work may be required based on employee restrictions

UNDERSTANDING & MANAGING LEAVE

Medical Leave: Conversations

- Employees do not specify and employers do not need to know specific condition. HRS will provide designation and any limitations as necessary
- Certain jobs require different disclosures regarding medical leave/symptoms or lack thereof
- An employee on FMLA leave is not protected from actions that would have affected them if the employee was not on FMLA leave

UNDERSTANDING & MANAGING LEAVE

Medical Leave Requests and Workday

In Workday, all leave of absence requests, including medical leave, are electronic:
- Employees, supervisors, designated department time keepers, HR Partners are able to submit LOA requests for employees
- Medical documentation is provided outside of Workday

IMPORTANT: Accurate Time OFF including leave without pay MUST be recorded in Workday each pay period
Shared Leave (SHL)

State Provision
- Allows state employees to donate their annual leave, sick leave, or personal holiday time off 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/household member)
- Pregnancy disability or Parental leave
- 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
- Must shortly deplete time off
  (Under most medical circumstances may maintain 40 hours of annual leave and 40 of sick leave)
State of Washington
Paid Family & Medical Leave

UNDERSTANDING & MANAGING LEAVE

- Program administered by Employment Security Department (ESD)
- Employees apply directly with ESD
- Provides income replacement benefit, max.
- Provides similar job and benefit protections as
- Annual or sick time off, personal holiday, or
- Does not replace employee need to apply for
- Employees must continue to account for all time

State of Washington
Paid Family & Medical Leave

UNDERSTANDING & MANAGING LEAVE

Eligibility:
- 800 hours worked during the qualifying period
- Minimum leave of eight continuous hours, with a
- Benefit Duration:
  - Up to 22 weeks of Paid, Family or Medical Leave
  - Up to 26 weeks of Paid, Family or Medical Leave
  - Additional two weeks for pregnancy complications

Long Term Disability

Benefit for Extended Leaves

<table>
<thead>
<tr>
<th>Basic Plan</th>
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<tbody>
<tr>
<td>Available to all employees</td>
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<tr>
<td>Benefits - Up to $90 monthly after 90</td>
</tr>
<tr>
<td>Optional Plan</td>
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<tr>
<td>Based on chosen Buy Down 50% or</td>
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<tr>
<td>Benefits up to $1,000/month after</td>
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- Benefit administered by The
- 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 (EPPM 2.24A)
- Contact depends on individual classification and injury
- Interview the injured worker and any witnesses ASAP

Understanding & Managing Leave

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%)
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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:
  - The injury was work-related, regardless of other factors.
  - The injury is not covered by law, or work-related, questionable based on situation, etc.
- Notify HRS Disability Services immediately if concerns with incident.

UNDERSTANDING & MANAGING LEAVE

Workers’ Compensation...

- and Time Off
  - Claims paid through L&I, not WSU
  - Employees use own accrued leave/time off to maintain WSU pay and supplement any L&I benefits received.
  - Must have a 48 hours of pay in a month to maintain benefits under FMLA and DL leave of absence provision.

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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 job/special projects
    - Change building or location
    - Different equipment or work methods
Reasonable Accommodations (RA)

- WSU will provide reasonable accommodations that do not create undue hardship, for known and documented physical, mental, or sensory limitation.
- Disability
- Pregnancy Related Accommodations
- Employee must be able to perform the functions of the position, with or without a RA

Not a Qualified Disability

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

Example Disability Accommodations

- Facility, work space modifications, or location change
- Equipment purchase or modifications
- Work schedule modifications (in line with department operations)
- Extended leave (consistent with law)
- Reassignment to an open, vacant, recruited position
Pregnancy Related Accommodations

Does NOT require medical documentation
- Longer, more frequent or flexible restroom breaks - may require employee to adjust schedule or take time off
- Modify a no-food or no-drink policy - must be consistent with safety operations
- Provide seating or allow the employee to sit more frequently
- Limit lifting to 17 pounds or less

Pregnancy Related Accommodations

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 – job in existence or needed
- Scheduling flexibility for prenatal visits - may require employee to adjust schedule or take time off
- 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 works with the department and the employee to review the request and possible options

Decision – HRS engages department Appointing Authority who has the final decision making authority
**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

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**Employee and Department Responsibilities**

- Notify HRS of the possible need for leaves as early as possible
- Keep medical conversations "private"
- Be an active, constructive participant in the LOA and RA processes
- Accommodate through the official RA process - do not informally accommodate
- Do not make job changes based on an employee provided information regarding a "medical condition" without engaging HRS
- Don’t go it alone - reach out to HRS as needed

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**Disability Services Coordination**

- Interplay between these leaves is complicated.
- HRS is here to help you manage the process.
UNDERSTANDING & MANAGING LEAVE

Resources

- Policies
  - BPPM 60.56 and 60.57 Leave
  - BPPM 60.23 Reasonable Accommodation
  - BPPM 60.58 Shared Leave
  - BPPM 60.81 Volunteers
  - BPPM 60.45 Paid Sick Leave for Temporary/Non-Hourly
  - SPPM 4.14 Reporting Accidental Injuries/Involvement

- Additional Resources
  - Administrative Handbook
  - Faculty Manual
  - Collective Bargaining Agreements
  - Access Center - Student accommodations
  - Compliance and Civil Rights (CCR)
  - EEO/AA compliance
  - Disability discrimination
  - WSU Accessibility - ADA Coordinator

UNDERSTANDING & MANAGING LEAVE

Questions

- Human Resource Services
- Disability Services
  - hrs.wsu.edu/disability-services
  - (509) 335-0202
  - hrs.disabilityservices@wsu.edu

IL COURSE COMPLETION

Instructor-Led Training Verification & Completion

- You have completed this course.
- HRIS LCD reconciles attendance manually within 10 business days after receiving the completed attendance roster from the instructor.
  - If one attendance is recorded and the course is "completed" in ILTrack, the date of completion will be appropriately reflected on your Learning Record.
  - Additional Resources
    - HRIS LCD email: hrsis@wsu.edu
    - HRIS LCD site: hrsis.hr.wsu.edu
    - Access Training Record: hrsis.hr.wsu.edu/delta