WASHINGTON STATE UNIVERSITY
Human Resource Services

Understanding and Managing Medical Related Leaves

Presented by Human Resource Services

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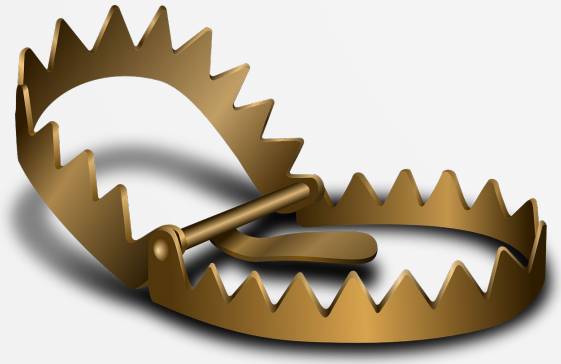
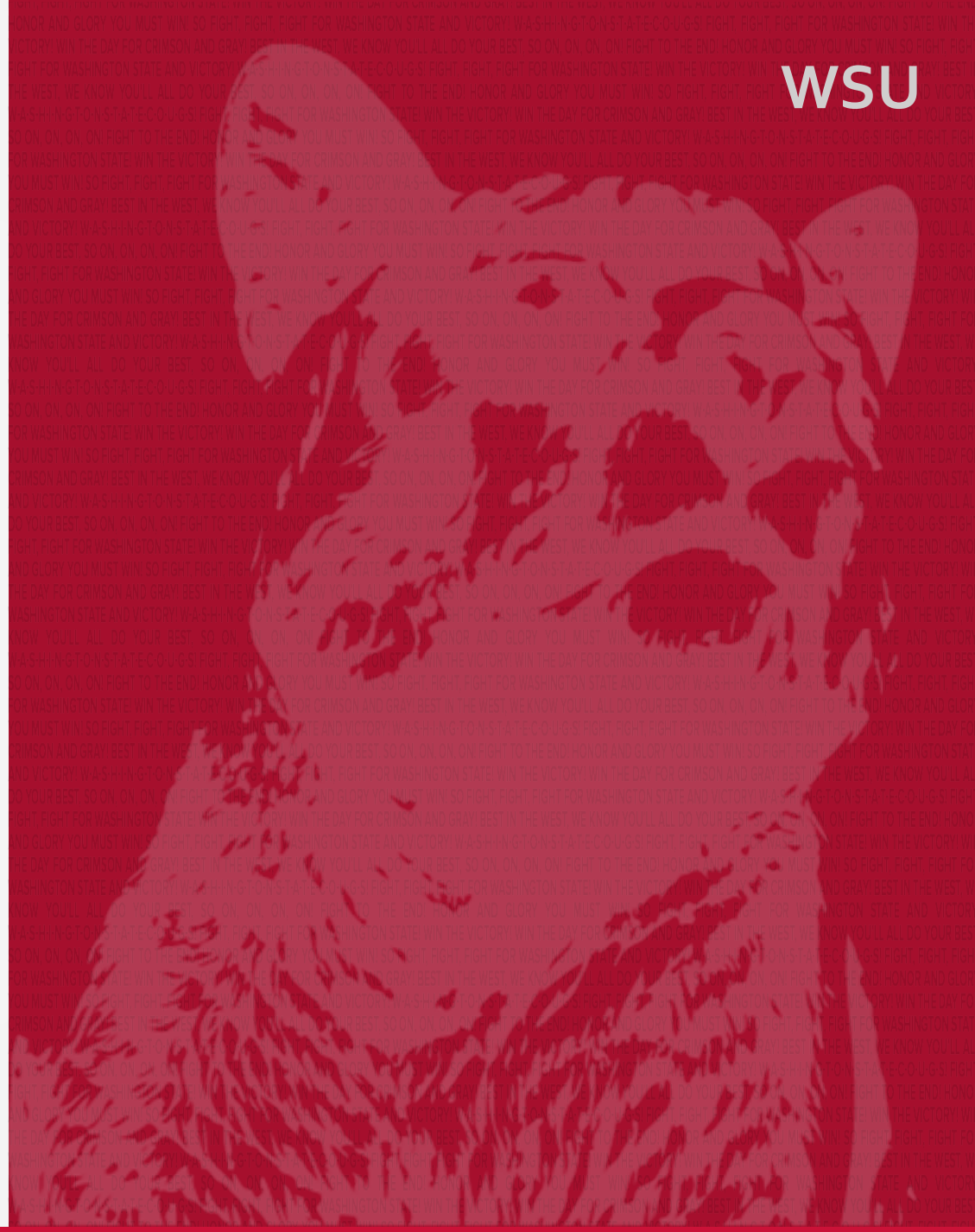
UNDERSTANDING & MANAGING LEAVE

Course Objectives

- Managing medical related leaves
- Avoiding pitfalls





UNDERSTANDING & MANAGING LEAVE

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

WSU

Time Off

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

Medical Leave

Rights & Responsibilities according to…

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

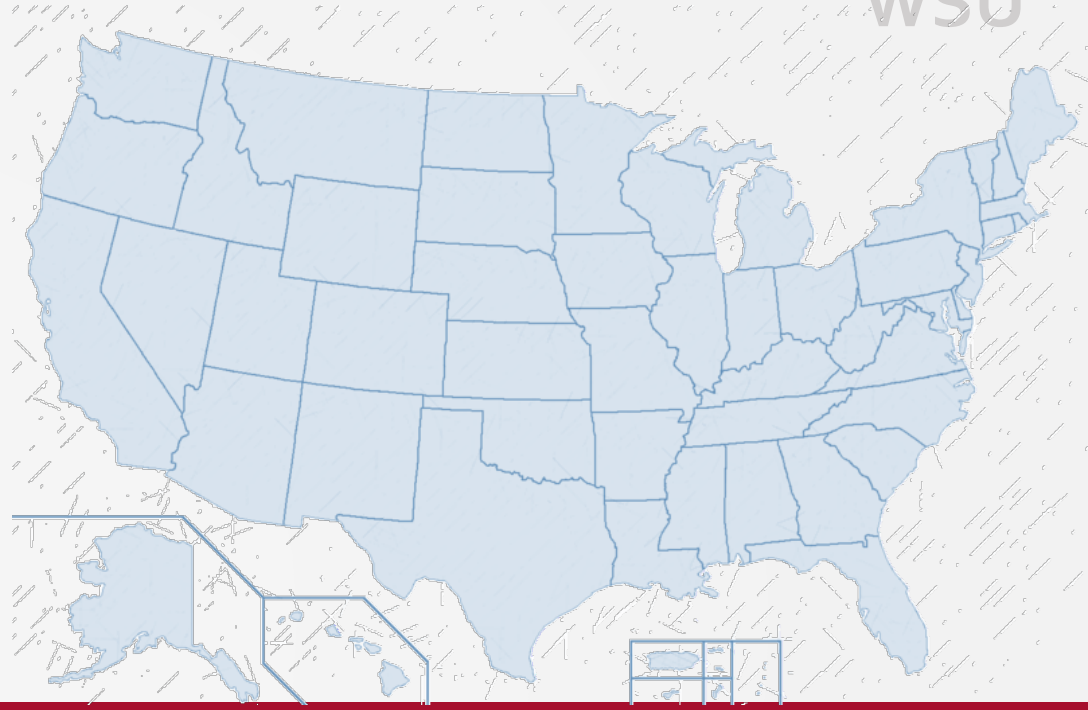
UNDERSTANDING & MANAGING LEAVE

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/480 hours of leave, in a rolling 12 month period, for a full-time employee for qualifying event
- HRS determines eligibility for FMLA

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

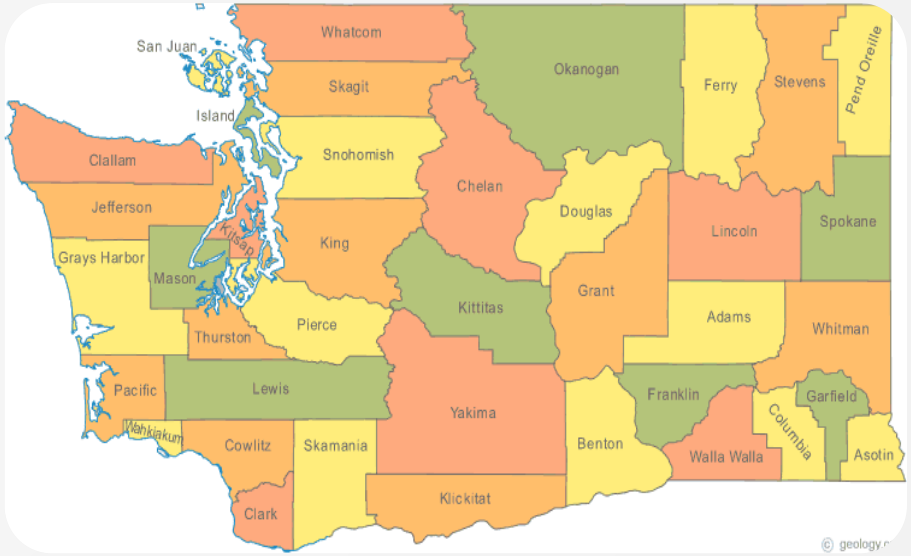
FMLA Provisions

- 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

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



FCL Pay Provisions

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

UNDERSTANDING & MANAGING LEAVE

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 offs or LWOP may be used

UNDERSTANDING & MANAGING LEAVE

Paid Sick Leave / Time Off

State Provision

- Paid Sick Leave (PSL) accrual begins on the first day of a new appointment
- PSL accrues 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

UNDERSTANDING & MANAGING LEAVE

Paid Sick Leave / Time Off

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

WSU

Parental Leave

State Provision

- Eligibility: Work 12 months & 1250 hours in past 12-month period
- Usage: The birth or placement a child
- Taken during the first year of child's birth or placement
- Employees are entitled to request six months of parental leave (includes FMLA parental leave period)
- Employers may deny requests (not FMLA) for operational necessity after consultation with Disability Services.
- Paid or unpaid using accrued time off or LWOP

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 offs or LWOP

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

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

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 requires 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

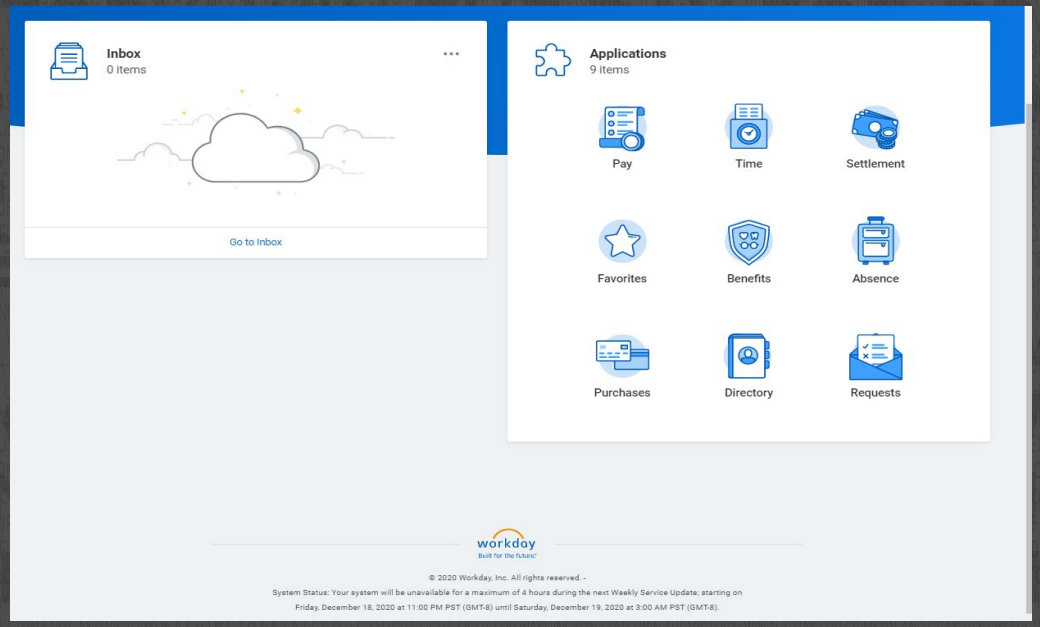
WSU

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 Offs including leave without pay MUST be recorded in Workday each pay period



UNDERSTANDING & MANAGING LEAVE

Shared Leave (SHL)

State Provision

- Allows state employees to donate their annual leave, sick leave, or personal holiday time offs 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 offs (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 $1,000/wk
- Provides similar job and benefit protections as FMLA
- Annual or sick time off, personal holiday, or compensatory time, as a supplemental benefit.
- Does not replace employee need to apply for WSU leaves per WSU policy
- Employees must continue to account for all time off through Workday when on PFML

State of Washington Paid Family & Medical Leave

UNDERSTANDING & MANAGING LEAVE

Eligibility:

- 820 hours worked during the qualifying period (last four complete quarters for all Washington employers)
- Minimum leave of eight continuous hours, with a seven 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 two weeks for pregnancy complications

Long Term Disability

Benefit for Extended Leaves

Basic Plan

- Available to all employees
- Benefits - Up to $240/month after 90 day waiting period

Optional Plan

- Based on chosen Buy Down 50% or Default 60% plan
- Benefits up to $10,000/month after 90 day 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)
- Contact depends on individual classification and injury
- 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%)

UNDERSTANDING & MANAGING LEAVE

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

UNDERSTANDING & MANAGING LEAVE

Workers' Compensation…

….and Time Off

- Claims paid through L&I, not WSU
- Employees use own accrued leaves/time off to maintain WSU pay and supplement any L&I benefits received
- 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)

- 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

UNDERSTANDING & MANAGING LEAVE

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

UNDERSTANDING & MANAGING LEAVE

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

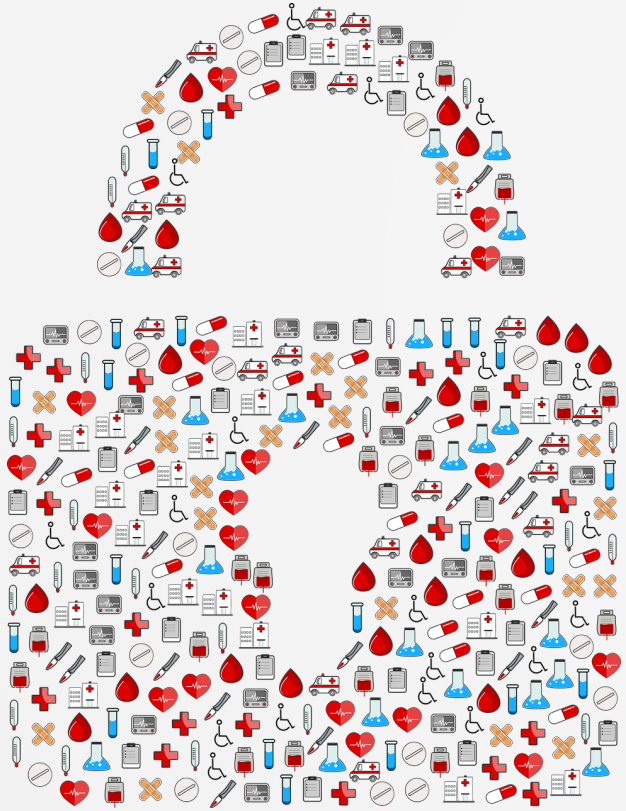
Accommodation - HRS works with the department and the employee to review the request and possible options

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

Employee and Department Responsibilities



- Notify HRS of the possible need for leave/time off/RA
- 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 employee provided information regarding a "medical condition" without engaging HRS
- Don't go it alone – reach out to HRS as needed

Disability Services Coordination

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

Resources

Policies

- 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 Temporary/Hourly
- SPPM 2.24 Reporting Accidental Injuries Illnesses

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

Questions

- Human Resource Services
- Disability Services
  - hrs.wsu.edu/Disability-Services
  - 509-335-4521
  - hrs.disabilityservices@wsu.edu

ILT COURSE COMPLETION

Instructor-Led Training Verification & Completion

- You have completed this course.
- HRS LOD reconciles attendance manually within 10-15 business days, after receiving the completed attendance roster from the instructor.
  - Once attendance is reconciled and the course is "completed" in Skillsoft, the date of completion will be appropriately reflected on your Learning Transcript.
- Additional Resources
  - HRS LOD email: hrstraining@wsu.edu
  - HRS LOD Site & FAQ: https://hrs.wsu.edu/training/
  - Access Training Record: www.hrs.wsu.edu/skillsoft