



Process for Disability Management

Presentation to
RIT Managers
By Human Resources

When Employees Call Prudential

- ◆ When out greater than 3 days for continuous absence for disability and under the care of a physician (illness, injury or maternity) or workers compensation*
- ◆ When out greater than 3 days for continuous absence to care for child, spouse or parent with serious health condition
- ◆ 1st day of absence due to chronic condition of employee or family member
- ◆ 1st day of absence, including partial days, due to “intermittent leave” for employee’s or family member’s serious health condition
- ◆ 1st day of absence to care for employee’s newborn child, or due to placement of a child with employee for adoption or foster care
- ◆ 1st day of absence when an eligible family member is on active duty (see plan summary for details of special rules)

** Workers compensation absences will be reported to but not managed by Unum*

Advantages for Employees

- Seamless and centralized process
- Removes HR and supervisor from middle
- Employee may contact Prudential at any time and speak to an absence professional or follow the prompts to record your absence or disability information.
- Web-based claim submission available.
- Ensures accuracy and consistency of FMLA designations & recordkeeping
- Responsibility for designating FMLA absence is handled by a neutral 3rd party
- Confidentiality of personal information

Pay Process for Exempt Employees

- FMLA approved absences are not subject to restrictions under FLSA (Fair Labor Standard Act)
- FMLA for employee – 5 consecutive days limit on paid days if not approved for STD – no annual limit
- FMLA to take care of a family member – 5 consecutive days to a maximum of 12 days per fiscal year – may use grandfathered sick time

FMLA Basics

- ◆ Provides job protection to eligible employees for absence from work due to specified family, family military & medical reasons.
- ◆ Eligibility
 - Full and part time faculty & staff
 - Worked at least 1,250 hours during the 12 months preceding the leave
 - Completed 12 months of employment at RIT
 - Excludes student employees and adjuncts

FMLA Basics, cont.

- ◆ Up to 12 work weeks of unpaid leave during a 12 month period
- ◆ Paid leave substituted for unpaid leave (both run concurrently) – e.g. sick leave, salary continuation, STD, Workers' Compensation, vacation.

FMLA Basics, cont.

Qualifying reasons for FMLA leave:

- ◆ Care of employee's newborn child (within first 12 months following birth)
- ◆ Placement of child with employee for adoption or foster care (within first 12 months following event)
- ◆ Care of employee's spouse, child or parent who has a serious health condition
- ◆ Inability of employee to perform one or more essential functions of their own job due to employee's own serious health condition

FMLA Basics, cont.

- ◆ Employee's spouse, child or parent has been called to active duty.
- ◆ In addition, employee may be entitled to up to 26 weeks of leave to care for a spouse, parent or child who is a covered service member and is undergoing medical treatment for a serious illness or injury.

State Leave Laws

- ◆ Bone Marrow Donor Leave
 - 24 work hours of leave
 - Seek or undergo a medical procedure to donate bone marrow
- ◆ NY Witness or Victim Act
 - Amount of leave is not specific
 - Appear as a witness, consult with DA, exercise legal rights in connection with criminal procedure law or Family Court Act.

State Leave Laws, cont.

- ◆ Blood Donation Leave – provides up to 3 hours of unpaid leave, in any 12 month period, to an employee who seeks to donate blood.
- ◆ Leave for Military Spouses- up to 10 days unpaid leave to an employee whose spouse has been deployed by the military and is on leave while deployed.

Leave Types/Frequency

◆ Full

- Leave that is continuous (e.g. 12 consecutive weeks)

◆ Reduced

- Schedule of leave that reduces the number of hours an employee works daily or weekly

◆ Intermittent

- Leave taken periodically and may be taken in increments as low as 1 hour.

Certification: Serious Health Condition

Six Serious Health Condition Categories under the FMLA

◆ Hospital Care

- Inpatient care
- Includes a period of incapacity and subsequent treatments
- Example: Overnight stay in a hospital

◆ Absence Plus Treatment

- Greater than 3 consecutive days of incapacity
- Plus treatment twice or once with a regimen of continuing treatment
- Example: Flu – if it meets the above requirements

Certification: Serious Health Condition

◆ Pregnancy

- Period of incapacity due to pregnancy (severe morning sickness)
- Prenatal care appointments

◆ Chronic Conditions Requiring Treatments

- Periodic visits for treatment
- Continues over an extended period of time
- May cause periods of incapacity
- Examples: Asthma, diabetes, migraines

Certification: Serious Health Condition

- **Permanent/Long-Term Conditions**
 - Permanent/long-term period of incapacity due to a medical condition
 - Continuing supervision of health care provider but need not be receiving active treatment
 - Examples: Alzheimer's, severe stroke
- **Multiple Treatments**
 - Absence to receive treatments and recovery
 - Restorative surgery after accident/injury or condition that results in incapacity greater than 3 days without treatment
 - Examples: chemotherapy, dialysis

FMLA & STD Eligibility

FMLA

12 months service
1250 hours worked in 12 months

Unpaid Leave

Federal Job Protection

Maximum 12 weeks in rolling
12 month period

Family or Medical Leave

STD

All employees

Paid Leave

No federal job protection

Maximum 180 consecutive
days (transition to LTD)

Medical leave only

FMLA & STD Requirements

FMLA

Requires completion of medical certification form by physician.
Does not identify specific medical information.

If an employee is approved for STD, FMLA will be automatically approved based on the STD information.

STD

Requires specific medical information, such as:
test results
diagnosis
treatment plans

If an employee is not approved for STD, they are given the opportunity to provide certification to support their need for leave under the FMLA.

Employer Obligations

◆ FMLA

- Notify the employee of their FMLA rights within 2 business days of becoming aware of the possible need for leave.
- Notify the employee when time is being counted under FMLA.
- Return employee to same or equivalent job upon return from leave.
- FMLA time is not included when taking disciplinary action for absences.

Supervisors Should Know...

- ◆ The basics of FMLA and STD Policy
- ◆ RIT is committed to strict adherence to the law.
- ◆ Courts have ruled that supervisors can be individually liable for FMLA violations.
- ◆ When they should get involved.
- ◆ Be aware of time counted as FMLA versus time not covered by FMLA. Work closely with HR to correct attendance problems.

Supervisors Should Know...

- ◆ You may request advance notice for scheduled appointments.
- ◆ You may request the employee schedule appointments that work for the department.
- ◆ If you have sufficient reason to doubt the validity of an FMLA occurrence, notify HR to have Prudential request recertification.
- ◆ You may have a frank conversation with the employee regarding their FMLA absence. This makes the employee realize the manager is paying attention to absences.

Supervisors Should Know.....

- ◆ The frequency and duration of FMLA must be specific on the certification unless the individual has a very serious health condition.
- ◆ You should track absence patterns as they may be supplied to the doctor to address if this is reasonable.
- ◆ Employee is obligated to inform manager of absence if it is FMLA related.
- ◆ HR can provide absence pattern reports and verify days certified per month.

Supervisor Responsibilities

- ◆ Report an employee's possible FMLA qualifying absence to Prudential if the employee has not, cannot or will not.
- ◆ Keep an open and effective line of communication with employees.
- ◆ Avoid discussing medical information with others.
- ◆ Take corrective action if the employee's leave is denied. Work with HR to explore corrective action possibilities for excessive absence not covered under FMLA.
- ◆ Contact HR with questions regarding an employee's leave status.
- ◆ Assess employee's needs upon returning to work – if physician outlines accommodations upon return, work with HR to evaluate these accommodations.
- ◆ Explore alternative solutions to a leave of absence.

Things to Remember...

- ◆ FMLA absences cannot be counted against an employee under the disciplinary process.
- ◆ Common sources of employer liability are:
 - Failure to post Notice of Rights
 - Failure to notify employee of rights to leave
 - Failure to keep adequate records
 - Failure to allow leave including intermittent leave
 - Failure to restore to equivalent job
 - Discipline or discharge in retaliation for leave taking
- ◆ Prudential has 2 business days to conditionally designate an absence as FMLA (2 business days from the date the employee notifies supervisor of a potentially FMLA-qualifying event).
- ◆ When an employee returns to work, check the release note to make sure no accommodations are necessary. Work with HR if requested.

Information Employees Need to Provide

- ◆ Employer Name
- ◆ Employer Control #50757
- ◆ Employee ID
- ◆ Reason for absence
- ◆ First date absent
- ◆ Work Schedule
- ◆ Date you expect to return to work
- ◆ If your absence is due to a health condition, name, fax and telephone number of the treating physician.
- ◆ If caring for a qualified family member, their relation to you.

When Should Employees Contact Prudential Again?

- ◆ If they have updated information.
- ◆ Are unable to return to work on the planned date.
- ◆ Are returning or have returned to work.
- ◆ To report a delivery date.
- ◆ To report time on intermittent leave.
- ◆ Need forms.

FML Certification Timeline

R · I · T

Report of disability claim
or family / medical leave¹

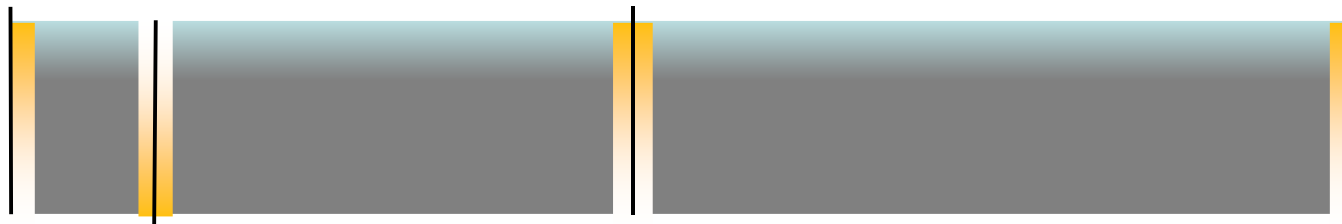
Follow up letter to
employee to advise
Certification has
not been received

FMLA / State leave denial
letter sent to employee if
Certification
has not been received²

DAY 1

Day 14

DAY 30



Day 3

Follow up call and
letter
to employee to advise
if Certification has
not been received

Resolution Timeframes

1. Certification is due 30 days from date of request
2. Incomplete Certifications received are returned to employee with a Certification due date extension—14 calendar days from the date of incomplete letter