Agenda

- Leave entitlements
- Leave with pay
- Leave without pay
- Benefits while on leave
- Case studies
Leave Entitlements

- Family and Medical Leave Act (FMLA)
- Pregnancy Disability Leave (PDL)
- California Family Rights Act (CFRA)
Family and Medical Leave Act of 1993

Intended for
- Care of newborn or adopted child (includes paternity leave)
- Care for spouse, domestic partner, child or parent who has a serious health condition (includes paternity leave)
- For your own serious health condition

Employee’s job is protected for up to 12 weeks per calendar year

To qualify, employee must have at least 12 months of service and worked at least 1,250 hours during the 12 months prior to the requested leave

UC contributions for health (med/dent/opt) plans continue during 12-week period
FMLA (Cont’d)

- Generally, leave is unpaid unless sick leave, vacation or extended sick leave is used
- Requires 30 day advance notice if leave is foreseeable
- Request must be in writing (FMLA form)
- PPSM Employees eligible for FMLA entitled to an additional 12 weeks of supplemental family and medical leave
  - Job protection continues; UC contribution ends
- Contact: UCSF HR/Labor & Employer Relations
Department Responsibilities

- Advise employee to contact Benefits Office for Disability Claim Packet
- Department sends the employee the following FMLA documents (1 – 6) within two days of the initial notice:
  1. Provisional Designation Letter
  2. “Your Rights and Obligations under the Family and Medical Leave Act of 1993”
  3. Leave of absence request form
  4. Family and Medical Leave Certification
  5. Family and Medical Leave Return to Work Certification
  6. Family and Medical Leave Benefits Checklist
  7. UPAY 850 (at least one to enroll the newborn)
  8. HCRA/Depcare Form(s)

http://ucsfhr.ucsf.edu/policies/managers/info.html?x=240

See Exchange for all documents and guidelines
PDL

- Pregnancy Disability Leave
- In California, employee may take up to 4 months of unpaid leave for a pregnancy-related disability
- May run concurrently with FMLA and Short Term/Supplemental Disability (Liberty Mutual)
California Family Rights Act of 1991

- Provides up to 12 weeks of leave with reinstatement rights, just like FMLA
- Runs concurrently with FMLA (paternity leave)
- Begins when Pregnancy Disability Leave ends
- Continues to provide job protection
- Employee must first qualify for FMLA
- No forms to complete
How do FMLA, CFRA and PDL Interact?

- PDL and FMLA run concurrently
- After PDL is exhausted or employee is no longer disabled (whichever is earlier) employee has 12 weeks leave under CFRA to bond with child

*Employee may be entitled to a total of 7 months leave (4 months PDL + 3 months CFRA).*
Interaction of Leaves

- FMLA (if eligible): 12 Weeks (max)
- PDL: 4 months (max)
- CFRA: 12 Weeks (max)
Income While on Leave

- Sick Leave
- Disability Payments
- Vacation
Sick Leave

- Used to cover disability plan waiting period
- Must use all/up to 22 working days of sick leave before Disability benefits begin (regardless of waiting period)
- May continue to use additional sick leave if desired
Short-term Disability
University-paid

- Enrollment is automatic
- Administered by Liberty Mutual
- UC pays monthly premium
- 7 day waiting period
- Must use all/22 working days of sick leave accrual
- Monthly benefit: 55% up to $800 monthly maximum
- 26 week disability period
  - Generally, benefits begin 2 weeks prior to due date and end 6-8 weeks after delivery
    - Maximum 6 weeks for normal delivery
    - Maximum 8 weeks for C-Section
    - Additional weeks may be approved, but only if medically necessary
- UC contribution toward medical plan continues
- Subject to taxes
- Does not include long term coverage
Supplemental Disability

- Administered by Liberty Mutual
- Employee-paid monthly premium based on:
  - age
  - waiting period
  - full-time covered salary rate
- Enrollment without Statement of Health (SOH) only during PIE. All other times, SOH must be completed.
- 7, 30, 90 or 180 calendar day waiting period. The waiting period chosen will also apply to the Short Term plan. Note: This period applies to calendar days, so weekends do count.
- Must first use up to 22 working days of sick leave before benefits begin regardless of waiting period chosen
- Not subject to taxes
- Temporary Component (52 weeks):
  - 70% / $10,000 month maximum
  - Supplements other income up to 70% / max $10,000 per month
  - Unable to perform the duties of your own occupation
- Long Term component (53rd week up to age 65 if eligible):
  - 50% / $10,000 month maximum
  - Supplements other income up to 70% / max $10,000 per month
  - Unable to perform the duties of any reasonable occupation
- Stay-at-work/ Return-to-work (SAW/ RTW) (partial disability)
Pay When Disability/FMLA Ends

- Vacation accruals
  - Requires departmental approval
  - Must re-enroll in benefits upon return to pay status
- Compensatory (comp) time off
- Contact Labor Relations for additional information

*Once vacation/comp time is exhausted, employee will be placed on unpaid leave*
Benefits Continuation

- Paid disability leave
- Unpaid disability leave
Health/Welfare Benefits on Paid Leave

- UC health contributions (medical, dental, optical) continue during FMLA.
- UC medical plan contribution (only) may continue for up to 6 months while employee is receiving short-term disability income. This may run concurrent with FMLA.
- Once the employee’s *Short-term* disability benefits and/or FMLA leave ends, UC contributions stop. If not on pay status, employee will have to pay gross monthly premiums directly to the UCSF Payroll Department.
Benefits For the New Baby

- **Health/Dental/Vision Insurance**
  - Baby must be added to plans within 31 days of birth
  - Baby is temporarily covered under mother’s plan when born, but needs to be permanently added during PIE

- **Life and AD&D Insurance**
  - Basic and Expanded Dependent Life
    - Infant covered after 24 hours
    - PIE to enroll in or increase Supplemental coverage
    - PIE to enroll in Dependent Life

- **AD&D**
  - If employee has Family or Modified Family coverage, infant automatically covered at birth
  - Coverage can be added or changed at any time
Other Benefits while on Paid Leave

- Life & Disability insurance
  - Continue
- HCRA/Depcare
  - Contributions continue
  - Reimbursement eligibility continues
- Legal Insurance
  - Continues
- Auto/Homeowners Insurance
  - Continues
Retirement Plans on Paid Leave

- DC Plan/403(b)/457(b)
  - Contributions continue as usual
Accruals on Paid Leave

- Service credit
  - UCRP
  - Employment service
- Sick leave & vacation leave
  - Should be scheduled at regular appointment rate
Unpaid Leave of Absence

Health & Welfare and Retirement
Health & Welfare Benefits During Unpaid Leave

- **Medical, Dental, Vision and Legal Plans**
  - Employee may continue coverage for up to 24 months by arranging to pay the *gross premium* directly to payroll.

- **Basic Life**
  - Coverage automatically continues for up to 4 calendar months at no cost to the employee while on any approved leave of absence.
  - Guaranteed conversion option.

- **Supplemental Life**
  - Employee may continue coverage for up to 24 months by arranging in advance to pay monthly premium.
  - Waiver of premium.
  - Guaranteed conversion option.

- **AD&D and Dependent Life Plans**
  - Employee may continue coverage for up to 24 months by arranging in advance to pay monthly premium.

- **Short Term/Supplemental Disability & Workers Compensation**
  - Coverage ends the last day actively at work.
If employee loses UC sponsored medical, dental or vision coverage, she may continue benefits under COBRA under the following conditions:

- Employer must provide COBRA notice in a timely manner.
- Employee must elect COBRA within 60 days of the coverage end date or 60 days from the date notice of COBRA rights is issued, whichever is later.

NOTE: COBRA Qualifying Event occurs when FMLA ends.

http://ucsfhr.ucsf.edu/benefits/dbrs/info.html?x=1318
HCRA/DCRA:

- Contributions stop when employee goes off pay status. Employee can only submit for reimbursement of claims that occurred on or prior to the last day of the month in which a contribution was made unless employee is approved under FMLA, in which case, the following applies to HCRA only:
  - Under FMLA, the employee can continue HCRA participation during his/her leave. In order for this to happen, employee must complete the UPAY 919 before the actual leave begins. This will allow medical expenses during FMLA leave to be reimbursed up to the HCRA limits.

- COBRA Option: If employee wants to continue HCRA through remainder of the year and does not qualify for FMLA, he/she can apply for after-tax contributions through COBRA. Employee should contact SHPS for details.
Retirement Plans on Leave Without Pay

- **403(b), 457(b), DC Plans**
  - Contributions stop with employee’s last paycheck
  - Distributions
    - Available upon separation
    - May also be available if permanently disabled

- **UCRP**
  - No service credit is earned, but buyback may be an option upon employee’s return

**Social Security Deductions/Payroll Taxes**

- Stop when on leave without pay
- Begin again when back on pay status
Other Benefits: Leave Without Pay

- **Vacation/ Sick Leave:** Does not accrue during leave

- **Automobile and Homeowners/ Renters insurance**
  - Employee may make personal payments to Payroll for up to 24 months
A Normal Pregnancy and Delivery

- **Disabled**
- **Delivery**

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- **30-Day Waiting Period**
- **Receives Short term & Supplemental Disability Income Benefits**
- **Vacation* or LWOP**

- **FMLA**
  - Family Medical Leave Act
  - (12 weeks maximum)

- **PDL**
  - Pregnancy Disability Leave
  - (4 months maximum)

- **CFRA**
  - California Family Rights Act
  - (12 weeks maximum)

* Sick leave may be used if medical condition of newborn requires mother’s attendance/care
Medical problems require employee to stop working early

Emergency Caesarian Section

30 day waiting period
Receives Short-term and Supplemental Disability Income
Vacation* or LWOP

FMLA
Family Medical Leave Act
(12 weeks maximum)

PDL
Pregnancy Disability Leave
(4 months maximum)

CFRA
California Family Rights Act
(12 weeks maximum)

A Complicated Pregnancy and Delivery

* Sick leave may be used if medical condition of newborn requires mother’s attendance/care
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* Sick leave may be used if medical condition of newborn/spouse requires father’s attendance/care