Disability Leave Interaction/ Mitigating Employer Liability





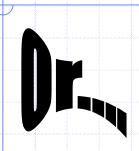






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Azucena M. Coronel, CPDM - City of Long Beach





Don't be

& Let it Go*

*with respect and admiration to Disney

State/Federal Disability Laws



FMLA – Federal CFRA – State



Quiz #1

Name one change in the law that now aligns CFRA/FMLA?

- Purpose of Leave
 - Care for self
 - Family Member
- Criteria for coverage
 - Employment (12 months/previous years/temp or reg count)
 - Hours worked (1250 prior 12 months/consecutive)
- Leave benefit
 - 12 weeks, 480 hours
 - Unpaid (Employer requirements may differ)
- Employee protection
 - Same/comparable position
 - No disciplinary action
- Health care coverage

California Pregnancy Disability Leave (PDL)

- No employment criteria
 - Employment protection
 - Health Coverage

Combined with FMLA/CFRA may be off 7 continuous months must be *disabled* by pregnancy

17 3/4 weeks PDL +
12 weeks CFRA
Can now request Certification
(like FMLA/CFRA)



Quiz



How long do I provide health coverage?

What medical conditions may qualify as PDL?



CASE STUDY



- Applies for FMLA/CFRA on 7/1/14:
 - Starts leave on 9/1/14
 - Off work through 10/31/14
 - Off again 12/1/14 (same condition)
 - Extends leave to 2/1/15
 - Extends leave to 3/1/15
 - Extends leave to 9/1/15
- Address:
 - health coverage
 - protected leave
 - Employment status
- Parties involved and why?

...what's new?

- ◆FMLA (implied?)
- ◆Sick Leave (CA)
- ◆PERB Decision No. 2409-C



FEHA – State*

ADAAA – Federal

- Physical/Mental Condition
 - Limits a life function
- Record of disability
- Regarded as disabled
- Mitigating measures
- "Appears" to be permanent

- Physical/Mental Impairment
 - Substantially limits a major life function
- Record of disability
- Regarded as disabled
- Mitigating measures
- Permanent condition

* CCR 7293.6, Definitions: disability perceived/actual











Transitional or Permanent Work



Your Fortress



Interactive Process

Operations & Employee

Review Restrictions

Essential Functions



Implement Accommodation

Monitor and Adjust

• If no RTW - RTProductivity

• Retirement?

Other options?



Buddies/Partners

- Return to Work
- Workers' Compensation Claims
- Non-industrial Claims
- STD/LTD
- Payroll
- Labor/EmployeeRelations
- Civil Service
- Other



The Change Agent (in disguise)



IDAM



Q & A



