

## DEFINITIONS

### Benefits

The term “benefits” means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.

### Family and Medical Leave Act

The Family and Medical Leave Act of 1993 (FMLA) allows an eligible employee up to 12 weeks of leave in a 12-month period for one or more of the following *qualifying events*:

- 1) The birth and care of a newborn child;
- 2) The placement for adoption or foster care of a child with the eligible employee and to care for that child;
- 3) To care for an employee’s family member (spouse, son, daughter or parent) with a serious health condition; or
- 4) Due to the employee’s own serious health condition.

Entitlement to FMLA leave for the care of a newborn child or newly adopted or foster child ends twelve months from the date of the birth or the placement of the foster or adopted child.

### Eligibility

An eligible employee must meet all of the following conditions:

- 1) The employee must have worked for Washington State University for at least twelve (12) months;
- 2) The employee must have worked at least 1,250 hours in the previous twelve (12) month period. Vacation leave, sick leave, the personal holiday, compensatory time off, or shared leave is not counted towards the 1250 hour eligibility requirement[s].

## Family and Household Members

**Family Member** includes children, spouse, and parents, but not son-in-law, daughter-in-law or parents-in-law.

**Spouse** means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

**Parent** means a biological parent or an individual who stands or stood *in loco parentis* to an employee when the employee was a son or daughter.

**Son or daughter** means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is either under age 18 or age 18 or older and “incapable of self-care because of a mental or physical disability.

***In loco parentis*** – Persons who are *In loco parentis* include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child.

**Household Members (for purposes of Shared Leave only)** - Persons who reside in the same home as the employee and have reciprocal duties to and provide financial support for one another.

## Forward Rolling Year

The University uses a "***forward rolling year***" method of calculating the 12 workweeks. Therefore, if the employee qualifies for FMLA, when they make a request to use FML the 12-month period in which FML is counted begins as of the employee's first day of leave taken, and then counted forward.

## Intermittent Leave or Reduced Work Schedule

Occasionally, an employee need not be off work full-time for their condition, or to care for a family member. Possible temporary options may include:

- An intermittent schedule (i.e. week on, week off).
- A reduced hours schedule (i.e. fewer days or hours per week).
- A flexible schedule (i.e. adjusted work hours).
- A modified duty assignment (i.e. light duty assignments – ex. no lifting over 20 lbs).
- Temporary transfer to a position better suited to need or limitations.

For foreseeable medical treatment, employees must work with their department to schedule the leave, subject to the approval of the health care provider, so as not to unduly disrupt the department's or WSU's operations; including when the leave will be intermittent or reduced schedule.

Contact Human Resource Services for assistance with these scenarios. Due to complexities of FMLA, other related laws and other leave provisions, supervisors and employees are encouraged to contact HRS when handling any type of FMLA request.

### **Licensed Health Care Provider**

"Health care provider" means:

- doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; **or**
- podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law; **or**
- nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; **or**
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; **or**
- Any health care provider recognized by the employer or the employer's group health plan benefits manager.

### **Life Insurance Waiver of Premium**

If an employee becomes totally disabled prior to age 60 and the disability continues at least six months, an employee can apply for a waiver of life insurance premium payments. If approved the life insurance coverage can continue without the employee having to pay the premiums.

For additional information or application process, contact [Benefit Services](#) at 509-335-1760.

## Long Term Disability Insurance

**Basic Plan:** This plan is included in the benefits package at no additional cost for employees. The Basic Plan provides a benefit ranging from \$50 - \$240 a month. Benefits begin after 90 days of total disability or after the period of your accumulated sick leave, whichever period is longer, and continue during your disability up to the Maximum Benefit Period. The Maximum Benefit Period is determined by the type of disability and the age of the enrollee when he or she becomes disabled.

**Optional Plan:** This plan allows eligible employees to apply for additional benefits. When combined with the Basic Plan benefits, the Optional Plan will pay 60 percent of your predisability earnings, reduced by any deductible income. The minimum combined benefit is \$100 per month. Optional Plan benefits begin after the end of the Benefit Waiting Period or after the period of your accumulated sick leave, whichever period is longer, and continue during disability up to the Maximum Benefit Period. The Optional Plan benefit will increase in accordance with the Cost of Living Adjustment (COLA) provision.

For additional information or to apply for [LTD coverage](#), contact [Benefit Services](#) at 509-335-1760.

## Medical Certification

**Medical Certification** is documentation provided by a health care provider certifying the medical condition that constitutes the need for medical leave. Medical Certification may also be used to periodically re-certify or establish an on-going need for leave, re-verify condition or communicate changes in prognosis.

## Disability Retirement

A **disability retirement** may be pursued by the employee when it has been determined that they are unable to perform the essential functions of his/her position due to mental, sensory or physical incapacity. Rather than being separated by the appointing authority, the employee volitionally chooses to retire.

If an employee disability retires, they may be eligible for lifetime retiree medical coverage (at their own cost) vs. only 29 months of COBRA coverage if they were disability separated.

Disability retirement is coordinated by Benefit Services.

## Disability Separation

A **disability separation** is an action taken to separate an employee from continued employment when it has been determined that the employee is unable to perform the essential functions of his/her position due to mental, sensory or physical incapacity. This decision first requires an exhaustive examination of medical prognosis, accommodation possibilities and prospect of returning to normal and customary duties. Further, it is a decision that can only be officially made by the appointing authority.

Disability separations are overseen by Human Resource Services.

## Serious Health Condition

"**Serious Health Condition**" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

(1) Hospital Care

Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; (2) Absence Plus Treatment

A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities) of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity related to the same condition), that also involves:

- (a) **Treatment two or more times** by or under the supervision of a licensed health care provider, or by a provider of health care services (e.g. physical therapist) under order of, or on referral by, a licensed health care provider; **or**
- (b) Treatment by a licensed health care provider on at least one occasion which results in a **regiment of continuing treatment** under the supervision of the licensed health care provider.

(3) Pregnancy

Any period of incapacity due to **pregnancy** or **prenatal care**.

(4) Chronic Condition Requiring Treatments

A **chronic condition** which:

- (a) Requires **periodic visits** to a licensed health care provider, or by a nurse or physician's assistant under direct supervision of a licensed health care provider;
- (b) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and
- (c) May cause **episodic** rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a licensed health care provider is not necessary for each absence; **or**

(5) Permanent or Long-Term Conditions Requiring Supervision

7A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a licensed health care provider. Examples include Alzheimer's, a severe stroke, of the terminal stages of a disease (i.e. cancer).

(6) Multiple Treatments (Non-Chronic Conditions)

Any period of absences to receive **multiple treatments** for **restorative surgery** or for a condition which would **likely result in a period of incapacity of more than three consecutive calendar days if not treated**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Note: Complications to/with minor illnesses. Ordinarily conditions like ulcers, earache, non-migraine headaches or conditions like the common cold or flu, etc. would not be considered a qualifying event. In some circumstances they may qualify as a serious health condition where more than three days' incapacity and a regimen of continuing treatment by a licensed health care provider are involved.

### Severe or Extraordinary Condition

A **severe or extraordinary condition** is defined as extreme or life threatening such as cancer, major surgery, AIDS, fetal endangerment.

### Shared Leave

A program that allows eligible state employees whose regular paid leave has been depleted because of extraordinary illness to receive donated annual, sick leave, and personal holiday leave from their co-workers. To qualify for shared leave an employee must have first exhausted his/her own leave balances and be on an approved medical leave. There are limitations on how much leave can be donated and the amount of leave that must remain in balance following the donation.

Further information regarding shared leave is available at BPPM 60.58