



FAMILY MEDICAL LEAVE
For Employees of Indiana State Government

Return to Work After Leave

From S/LTD, Worker's Compensation, FML

September 2015



Medical Leaves



Four Possible Endings

1. Employee is capable of returning to full duty.
2. Employee needs either temporary light duty or part-time work before returning to full duty.
3. Employee needs accommodation(s) to perform essential job duties.
4. Employee is unable to perform essential job duties.



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Notice that Leave is Expiring

As the date for the end of S/LTD* or FML* approval approaches

- Employee Responsibilities
 - Keep track of the length of the authorization for leave, and
 - Obtain return to work release documents from health care provider (including any need for work restrictions & approximate duration for any restrictions).
 - Submit release to Agency HR Office prior to end of authorized leave.

OR

- Obtain documentation supporting need for additional leave.
- Submit documentation to Agency HR Office prior to end of authorized leave.

*S/LTD means the State's Short/Long Term Disability Plan.

*FML means Family-Medical Leave.



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Notice that Leave is Expiring

As date for end of S/LTD or FML approval approaches

- HR Responsibilities
 - Keep track of the length of the authorization for leave.
 - Contact Employee requesting return to work release documents from health care provider or documentation supporting additional leave. Notice will include:
 - Requiring employee to return to work on next scheduled work day after leave ends to perform his/her duties as assigned, or submit a written resignation on before date S/LTD benefits or FML end to a designated fax number, email address, or mailing address and identify the person to whose attention it should be sent.



Returning to Work

Employee submits full Release to duties

- HR sends notice requiring employee to report to the HR office, gets signatures on necessary paperwork, shares any policy updates or changes the employee needs to know, and arranges for any training the employee missed (or which are needed for recertification or licensing).
- Employee returns to duty on the next scheduled shift after leave ends.



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Returning to Work

Employee documents need for restrictions

- HR sends written notice to the employee setting date/time and location for interactive discussions
 - Interactive process may include gathering additional medical information as well as details about the essential functions of the job, possible accommodations, or need for temporary light duty or part-time work.
 - Employee may report to workplace or make arrangements to have the conversation by phone or ask for a different date/time.
 - HR should take an appropriate action as determined by the interactive conversations.



Returning to Work

Can or Cannot Accommodate?

- After interactive discussions, HR and Management must determine whether or not the employee's restrictions can be reasonably accommodated:
 - If the employee's restrictions can be reasonably accommodated, then make those reasonable accommodations, and the employee returns to work under those circumstances.
 - If the restrictions cannot be reasonably accommodated, there are a few options which are detailed on the next slide.



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Returning to Work

Employee is unable to perform essential functions w/ or w/o reasonable accommodations

- If Employee has additional time remaining under S/LTD, s/he may return to leave and benefits under that plan.
- Employee goes into authorized leave without pay status and on the list for COBRA paperwork in the proper time frame.
 - Employee must be offered the next three (3) medically-appropriate job openings in that agency within a 30 mile radius of the designated work station.
 - This status expires upon (1) acceptance of a job, (2) employee declines three job offers, or (3) expiration of the maximum length of time available on S/LTD for the condition which disabled the employee, whichever happens first.
- Employee submits a resignation.
 - Resignation will be in good standing with eligibility for rehire.
 - Any accrued leave being used concurrently with S/LTD benefits will be paid for those dates, even if employee never returns to work.



Other Key Points



- Employees, HR, and Management should make regular contact during leaves to maintain the employer/employee relationship and ensure current knowledge of all relevant circumstances and status.
- Immediate action is required when circumstances change to let the employee know his/her status, any available options, and the consequences of failure to act.
 - Any notices should be sent certified mail and by first class mail to the last known address of the employee and all known e-mail addresses.
 - Leave does not become unauthorized without proper notice and actions taken by HR/Management related to return to work requirements.



Other Key Points

- Partial Disability Job (PDJ) and Part-time Disability are part of the disability program during Short Term Disability (STD) and the first two (2) years of Long Term Disability (LTD) benefits.
- Upon reaching the third year of LTD, the standard for qualifying changes to an inability to perform any job for which the employee has the education, training, or experience. Therefore, if employee no longer qualifies under the new standard, then
 - Employee returns to work, or
 - PDJ or Part-time Disability opportunities end, and employee no longer receives disability benefit payments (although the plan continues paying 100% of insurance premium until COBRA requirements apply), and
 - The employee goes on authorized leave without pay until the first of these options occurs:
 - employee resigns, or
 - employee accepts a job offer, or
 - the agency for which s/he was working when S/LTD began has offered three (3) jobs appropriate to the employee's medical restrictions, or
 - the time expires for disability eligibility.



Related Information

There are other presentations on topics related to returning to work after a medical leave of absence.

- Check out these slide shows on this website:
 - Light Duty or FML or ADA/RA: Which is appropriate?
 - Reasonable Accommodations upon Return to Work



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Have a Question?

Call the SPD FMLA Line



317-234-7955

or toll free

1-855-SPD-INHR

(1-855-773-4647)



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