



Consistency in all Leave Types

Tommie Brode
August 7, 2024



Consistency in All Leave Types

A Guide for the Exhausted
Disability Management
Professional



Why are we Exhausted?

- Not enough people to work
- Post COVID changes – remote work, expectations of workers
- Low interest in working for some current employees
- Leave professionals do HR/Workers' Comp, and other tasks
- Only person in organization that does your job
- Ever changing laws and rules in this space





Consequences of fatigue

- Try to multi-task
 - Multiple things compete for attention
 - Sometimes we forget the basics
 - Physically tired/trouble with focus
-
- So we must be INTENTIONAL about our processes and guard against this





Consistency





How to be Consistent

- ✓ How the disability arises does not matter (Point out the part of the ADA that says “unless your disability is not work related”)
- ✓ Everyone gets treated the same – even the employees who are your least favorite
- ✓ Same person making accommodations (Do not leave this solely up to individual supervisors)
- ✓ Years of service does NOT have a place here, unlike other general HR considerations



Avoiding the “Bonus” Category of Leave

- Tell employees the leave options from Day 1
- Make sure supervisors know they can and should know who is coming to work
- Make sure supervisors and managers are not “afraid to ask”
- Have written procedures and FOLLOW THEM
- Direct absences through disability professional (YOU)





Setting parameters for Unpaid Leave & other ADA accommodations

- 1) Absences need an ending period (or approx.)
- 2) “Work from Home” is not sufficient. Home is a location. We need restrictions – abilities and/or inabilities to be identified.
- 3) We cannot have an interactive discussion if we do not understand the TOPIC
- 4) What is the employee’s request? Why?
- 5) Careful with language “Employee would benefit”





Status of your documents?

- Written policies on leave (paid and unpaid)
- Job descriptions – current and reliable or outdated?
- Does organization FOLLOW your written policy or is the practice different?





Scenario #1

You are the Disability Leave Manager for Happy USA, Inc. Kelly works on your team and is a below average performer. She regularly asks to leave work early because she is “bored” and you routinely deny this request. Today Kelly presents you with a note from her physician which reads “Kelly would benefit from flexibility. Also she needs to work from home.”

What is your response?



Scenario #2

Larry and Darryl work in the same department on your team. Larry broke his arm at work and has an allowed workers' compensation claim. He has a restriction of no lifting over 10 pounds. Darryl broke his arm at home but also has a restriction of no lifting over 10 pounds. The operations manager tells you he will find a place for Larry to avoid lost time but "Darryl is on his own. I am not the babysitter for clumsy employees."

What is your reply? Is consistency important in this situation?



Scenario #3

An employee of your organization, Brock, asked for an unpaid medical leave. He was not eligible for FMLA and his leave was denied. Brock is an average performer and has only been there for 7 months. Two weeks later, another employee, Reba, also asked for an unpaid medical leave. She exhausted all of her FMLA earlier this year. However, Reba has been with the organization for 14 years, is well liked, and is an above average performer. Should we approve Reba's leave? What are the issues that should have been considered for Brock?



Wrap Up and Quick Sharing

What are you doing to be consistent from one leave type to another? Do you track accommodations?



Thank you – let's stay in touch!



Tommie Brode

President, Venice Solutions Group LLC

tommie@venicesolutionsgroup.com

330-606-8221 mobile