

Employee leave: STD vs. FMLA

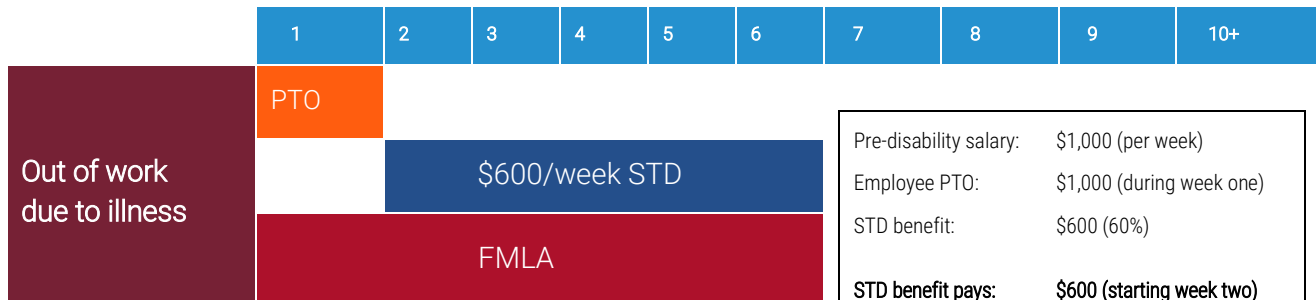
The Family Medical Leave Act (FMLA) and short-term disability (STD) are two different and distinct leave benefits available to the employee. These two benefits often run concurrently based on the leave reason; however, it is also possible to see one approved while the other is not. This is based on eligibility, leave reasons, or another consideration. Check out some of these differences below.

	FMLA	Short-term disability
Definition and leave reasons	FMLA allows eligible employees of covered employers to take unpaid job protected leave to attend to their own serious health condition or to care for a covered family member due to their serious health condition; to bond with a newborn, adopted or foster child; to care for an injured or ill covered service member, or for qualifying exigencies that may arise when an employee’s spouse, child or parent is called to active military duty.	STD is a type of insurance often offered by the employer that provides a partial wage replacement while the employee is out of work for their own non-work-related injury*, illness, surgery, or childbirth. After an elimination period, the employee receives a weekly or bi-weekly cash benefit until they are able to return to work or their coverage ends. This benefit can also provide a partial benefit if you can only return to work part time or do only part of your job. *In some cases, a work-related injury will be covered.
Amount of leave	The FMLA provides 12 weeks of leave within a 12-month period, which may be taken on either a continuous, reduced schedule or an intermittent basis. The FMLA allows eligible employees up to 26 weeks of leave to care for an injured or ill service member within a 12-month period. The employee must be the spouse, child, parent or next of kin to the covered service member.	STD benefit durations vary, based on the plan design selected by the employer. The duration available may range from 9-26 weeks; typically, an STD claim is short in nature and averages 49 days duration.
Eligibility	To be eligible for FMLA leave, an employee must work for the employer for 1,250 hours in the 12 months prior to the leave, work a total of 12 months (not necessarily consecutive) for their employer and be in a location with 50 employees within 75 miles of each other.	Eligibility is determined by the employer.
Job protection and reinstatement	This law requires that an employee is reinstated to the same job or an equivalent position, which is one that is virtually identical to the employee’s original position in terms of pay, benefits and working conditions after they return from FMLA leave.	STD benefits do not offer job protection. However, often FMLA will be running concurrently with STD and provide job protection through their FMLA coverage as described to the left during the concurrent period. It is important to note that once FMLA coverage stops, the job protection does as well.
Documentation	An employer can request a certification of health provider form be completed that provides information about the existence of a serious health condition and the need for leave associated with that health condition.	Similar to the certification of health provider form, the STD claim form includes an “Attending Physician’s Statement” which also documents the employee’s condition causing the need for a disability claim.

	FMLA	Short-term disability
Process to request leave	<p>Employees must let their employers know they will need to take a leave of absence. The request can be oral or in writing, and the employee doesn't need to specifically mention the FMLA. If the leave is foreseeable, the employee should let their employer know 30 days in advance.</p> <p>Employees need to provide enough information for their employer to determine the leave may be covered by the FMLA, including when and how much leave is needed. An employer can also ask additional questions to decide if the leave qualifies for FMLA. The employer may, if they choose, require their employees to comply with the company's customary policies for requesting leave, unless unusual circumstances prevent the employee from doing so. The employer can also take action if an employee doesn't follow these policies. The employer, however, cannot discriminate against employees taking FMLA.</p> <p>Once an FMLA leave is approved, any additional leave for the same reason may require the employee to reference that reason or the FMLA. You can find more information at https://www.dol.gov/whd/fmla/employerguide.pdf.</p>	<p>Employees can report a short-term disability claim 30 days in advance of a planned absence or as soon as they are aware that they will be absent for a certain number of consecutive days due to illness, injury, or other authorized reason.</p> <p>The STD claim form includes a portion that the employer will need to complete. While this does not include information on the disability itself, it is information that is required to administer the claim.</p> <p>Once the STD benefits ends and the employee needs to remain on disability, the policy is transitioned to long-term disability (if provided by the employer).</p>

How do they work together?

This benefit coordination example highlights an employee who earns \$1,000 a week and their short-term disability benefits are \$600 per week.



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