Employee Townhall Session

Salem Health

TheStandard®

Disclaimer

This material is provided for informational purposes only and is subject to change based on legislative and regulatory developments. This material should not be relied upon for tax, legal or other professional advice. We recommend you consult with your professional advisor.

All coverage is subject to the terms and conditions of the group policy or plan document. If there is any discrepancy between this material and the group policy or plan document, the group policy or plan document will govern. Oregon Paid Family and Medical Leave Insurance underwritten by Standard Insurance Company is provided under policy form numbers: 762043-Z.

The Standard's ADA Accommodation Services supports employers' reasonable accommodation decisions under the Americans with Disabilities Act (ADA) by providing assistance with and gathering information for the interactive process, as well as offering reasonable accommodation options to employers. ADA Accommodation Services is a non-insurance adjunct service and is subject to an additional cost. Employers are recommended to consult with their legal counsel prior to outsourcing this service. Employers may have obligations to accommodate disabled employees under laws separate from the ADA.

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www.standard.com

Agenda

- Who is The Standard?
- Absence Management Overview
  - Salem Health Employee Policy
  - Integrated Process
- Upcoming Legislation
  - Oregon Paid Family Medical Leave
  - Oregon Family Leave Act

Who is The Standard?

We are a proud partner of Salem Health offering the following services and coverages:

- Absence Management
- Oregon PFML
- ADA Accommodation Services
- Short Term Disability
- Long Term Disability
- Life/AD&D Insurance

Absence Overview

Overview: Absence and Disability

Federal: FMLA

- Enacted at the national level
- FMLA does not supersede any state or local law that provides greater family or medical leave rights that are more generous
- Common type is FMLA

Federal: ADA

- Federal civil rights law that prohibits discrimination against people with disabilities in everyday activities
- Requires employers to engage in an interactive process to determine and implement a reasonable accommodation for the employee
- An employee must be qualified to perform the essential functions or duties of a job, with or without a reasonable accommodation
- Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities

State: OFLA & Sick Child Leave

- Enacted at the state level
- Differs from FMLA based on legislation passed
- Unpaid
- Complements and goes beyond federal
- Eligibility requirements differ from federal
- Sick Child Leave can be taken when your child has an illness, injury or condition that requires home care but is not serious, or to care for a child whose school or place of care is closed because of a public health emergency

State: Paid Leave

- Enacted at the local level
- Differ based on legislation passed
- Local leaves control the policy and requirements
- Funding differs based on the legislation
- Is a paid benefit to the employee
- Pay and job protection have different eligibility requirements. You could be eligible for one and not both

STD and LTD

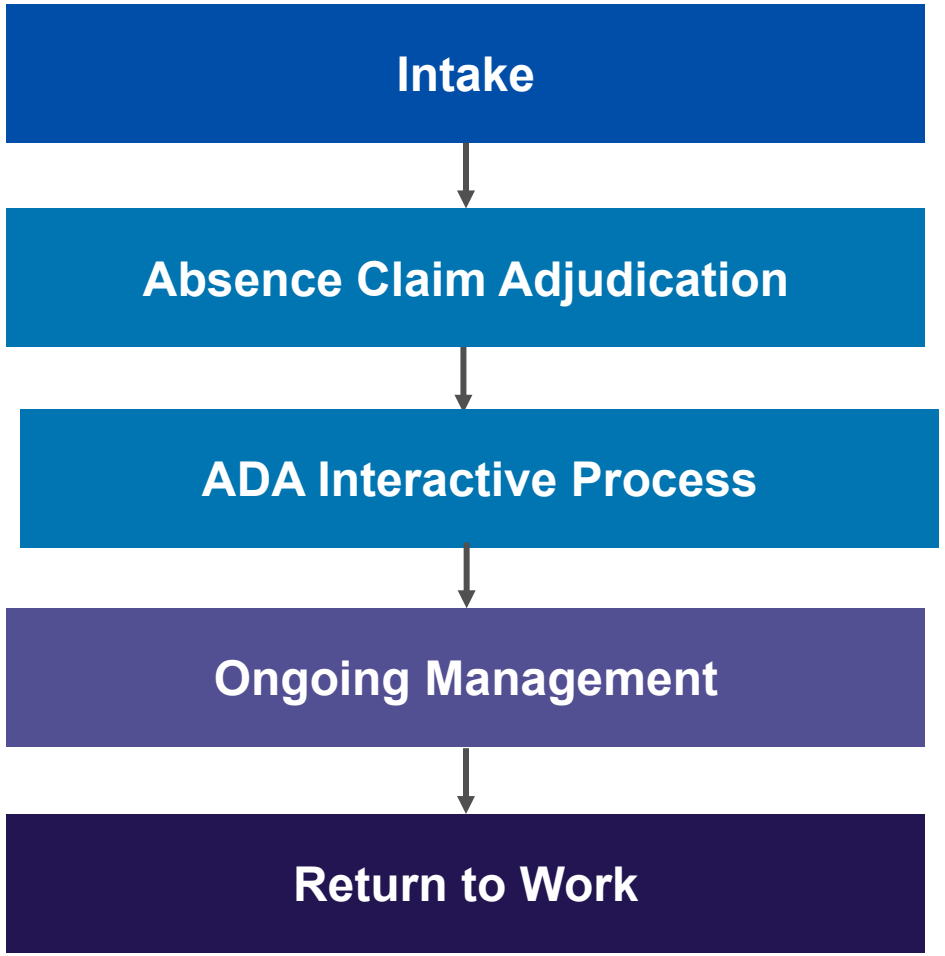
- Vary depending on the customer and carrier policy
- Policies can be insured by the customer or by the carrier
- Policies and definitions are written and controlled by customer or carrier
- Is a paid benefit to the employee

Salem Health Employee Policy

Reporting a Leave of Absence	
Employee: • Request absence with The Standard following the FAQ • Follow Salem Health's absence protocols	FAQ – Absence Management – Employees
Manager: • Notify your manager about the nature of absence • Notify your manager about your anticipated time off work • Do not share your diagnosis information with your manager	FAQ – Absence Management – Managers
HR: • Reach out to HR if you have questions about Salem Health's Paid Time Off policy & using company paid time	Reporting a Leave of Absence

Salem Health® Hospitals & Clinics

Integrated Process Overview



Intake

	Absence	ADA
Employee	• Initiate absence with an agent or through the portal • The Standard sends a letter confirming receipt of your leave request. • The letter will mail and email only when you opt in • Enclosed is medical paperwork your treating physician completes and provides • Completed documents are due 18 days from the initial eligibility letter	• FMLA for your own serious health condition is exhausted or ineligible • Request for at-work assistance to perform job due to medical condition/disability • ADA pending letter issued via DocuSign with Employee Request for Accommodation form, Authorization to Obtain and Release Information form and Healthcare Provider Questionnaire for completion • Send healthcare provider's email via DocuSign so The Standard can send healthcare provider form directly to your provider via DocuSign • ADA documentation is due 15 calendar days from the date of the initial pending letter
Manager	• Email notifies manager of absence requested	• Manager is copied on ADA pending letter
HR	• Email notifies HR of absence requested	• HR is copied on ADA pending letter

Absence Claim Adjudication and ADA Interactive Process

	Absence Claim Adjudication	ADA Interactive Process
Employee	• Keep The Standard informed of any changes to your leave • FMLA & OFLA is decisioned in 18 calendar days • Short Term Disability is decisioned in 45 calendar days • OR PFML is decisioned in 30 calendar days • When medical is not on file by the due date absence will be denied • The decision letter will mail and email only when you opt in	• Engage in the interactive process with The Standard's Accommodation Specialist • Respond to outreach attempts • Your ADA case will be closed if you don't engage and/or documentation is not submitted by the due date • Have flexibility and the willingness to consider many accommodation options • Keep The Standard informed of any changes to your medical condition and/or accommodation request • The Standard will notify you of the accommodation decision
Manager	• Keep your manager informed of any changes to your leave • Email notifies manager of absence decision	• Accommodation Specialist emails the manager with accommodation suggestions • Managers are responsible for approving accommodation • The Standard will copy your manager on the notification of the accommodation decision • Keep your manager informed of any changes to your accommodation request
HR	• Reach out to HR if you have questions about Salem Health's Paid Time Off policy & using company paid time • Email notifies HR of absence decision	• Reach out to HR if you have questions about your benefits, Salem Health's Paid Time Off policy & using company paid time

Ongoing Management

	Absence	ADA
Employee	• Keep The Standard informed of any changes to your leave • When you miss time associated with an intermittent leave you report absences through The Standard's phone system or the absence portal.	• Comply with your medical restrictions • Communicate any difficulties you are having while working with an accommodation • Keep The Standard informed of any changes in your medical condition and/or your accommodation request • Respond to ongoing outreach attempts
Manager	• Keep your manager informed of any changes to your leave • Email notifies manager of absence decision	• Keep your manager informed of any changes to your accommodation needs
HR	• Reach out to HR if you have questions about Salem Health's Paid Time Off policy & using company paid time • Email notifies HR of absence decision	• Reach out to HR if you have questions about your benefits, Salem Health's Paid Time Off policy & using company paid time

Return to Work

	Absence	ADA
Employee	• Send return to work notes to absence@standard.com and SalemHealthADAWPP@standard.com • The form is enclosed in the Approval Letter and Return to Work follow up letter • Your physician completes the form	• If you are released to return to work with limitations and restrictions and don't have an existing ADA case, the absence team will refer you to ADA. • The ADA intake process is initiated, and an ADA pending letter will be issued • If you are already working with an Accommodation Specialist and have an existing ADA case, your healthcare provider fully completes the form • Your provider must indicate if RTW is a release to full-duty or if there are limitations and/or restrictions that will allow the employee to return
Manager	• Administer Salem Health's return to work protocols	• The Accommodation Specialist emails the manager with accommodation suggestions • Managers are responsible for approving accommodations • The Standard will copy your manager on the notification of the accommodation decision • Keep your manager informed of any changes to your accommodation request
HR	• Stop PFML/STD pay by sending return to work notes to absence@standard.com and SalemHealthADAWPP@standard.com	• The Accommodation Specialist copies HR on the notification of the accommodation decision

Absence and ADA Correspondence Timeline

Absence Management Correspondence Timeline

Employee Outreach	Associated Forms/ Correspondence	Timing
New request/ leave notification	Certification or Attending Physician Statement	Within 24 hours of eligibility determination
Follow-up for certification non-receipt	Certification or Attending Physician Statement	9 days following leave request
Incomplete certification	Certification	Only as applicable, within 5 business days of receiving certification
Leave and STD decision	Return to Work Authorization	**Decision:** Within 5 business days of receiving certification **Notification:** Within 24 hours of decision
Leave extension	Certification or Attending Physician Statement	Only as applicable
Recertification	Certification	Every 6 months (or sooner, depending on leave circumstances)

ADA Correspondence Timeline

ADA Event	Associated Forms/ Correspondence	Communication Specifics
ADA case identified/referred	ADA pending letter and forms	ADA pending letter and forms (Healthcare Provider Questionnaire, Employee Request for Accommodation, Authorization) sent to employee and employer **Response required by employee within 15 days**
Pending case; no response within 15 calendar days, or no medical received	ADA closure letter	Case closed due to lack of response or lack of medical certification; ADA closure letter sent to employee and employer
ADA accommodation recommendation	Email to employer	Accommodation request sent to manager/HR for decision **Response required by HR**
Accommodation request; decision communicated to employee	ADA approval or denial letter	The Standard communicates approval/denial decision to employee and cc: Salem Health supervisor or manager For continuous leave approval, a return-to-work (RTW) form is included
RTW or recertification	RTW form, or new medical form sent to employee	RTW form is received, and Salem Health is notified or recertification/ extension process is initiated

Oregon Paid Family and Medical Leave & Oregon Family Leave Act

Key Legislative Highlights

Amendments to OFLA and Sick Leave Rules

The Standard anticipates minimal need for system adjustments.

- Definition updates: family member, domestic partners, pregnancy disability leaves
- Eligibility rule: hours of protected leave (including OFLA) now must be included

Senate Bill 1514

The Standard will continue to be proactive with information as provided.

- Addresses solvency of the state's Paid Family and Medical Leave Insurance Fund

Senate Bill 1515

Direction needed from BOLI (informational webinars are typical). The Standard expects changes to apply only on or after 7/1.

- PFML and OFLA: concurrency eliminated, maximum leave amounts adjusted, and calendar method change reminder/ alignment
- OFLA: leave reasons excluded/updated, addresses family members working for same employer, eliminates prior notice requirement (PDL), and modifies predictive scheduling law
- PFML: leave reasons added, accrued paid leave rule updated, WC time loss clarified, excludes federally recognized tribes, and garnishment exemptions

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The Standard's Insurance & Leave Legislative Involvement

Oregon Insurance Advisory Committee Member

A group of 15 individuals representing insurance companies, producers, and consumer advocates that **supports and advises Oregon's Insurance Commissioner**.

We have served on the Executive Committee since 2021.

Rulemaking Advisory Committee Participant

Interested parties and stakeholders appointed by agencies to **help develop rules**.

In addition to committees related to insurance and Paid Leave Oregon, our recent participation has included a committee to evaluate and provide feedback on Bureau of Labor and Industries rules pertaining to the Oregon Family Leave Act and Sick Leave.

OR PFML Equivalent Employer Plans Working Group

The Standard has worked closely with both the Department of Consumer and Business Services and the Employment Department to **assist them in integrating insurance regulation with Paid Leave Oregon**, formulating filing guidance for Equivalent Employer Plans, and understanding and resolving nuanced and novel claim issues.

OR PFML & OFLA Harmonization Advisor

The Standard helped to raise awareness among Legislators of the need to **harmonize Paid Leave Oregon with the Oregon Family Leave Act**, and then provided significant support and advice to our partners at Oregon Business and Industry as they led negotiations on recent legislation to align leave laws.

The Standard participated actively and deeply in the development of the legislation that would become Paid Leave Oregon, through written public comments, oral testimony, and one-on-one sessions with legislators.

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Key Highlights

Amendments to OFLA

- Eligibility rule: average hours per week now include protected leave (including OFLA)
- Definitions of family member, child, parent updated. Affinity is now a covered relationship and factors are provided to help make this determination. Employers may require the employee to attest in writing whether there is a significant personal bond.
- Domestic partners are no longer required to be the same gender as the employee.
- Modification to the definition of pregnancy disability leave, now includes fertility treatments.
- As of July 1, 2024, all employers will be required to use the 52 consecutive weeks beginning on the preceding Sunday method to determine the OFLA leave year (aligns with PFML).

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Key Legislative Highlights

Senate Bill 1514

- Requires director of the Employment Department to periodically assess solvency of the state's PFML fund. Solvency is based upon ability to pay at least six months of expenses.
- Assessment includes administrative expenses, number of grant applications, average amount of weekly benefits paid, data on birth rates.
- If the fund is – or may be – insolvent, the director can adjust the maximum and weekly benefit amounts or reduce the number of weeks of entitlement.

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Key Legislative Highlights

Senate Bill 1515 – effective July 1, 2024

- OFLA leave cannot be taken concurrently with PFML.
- OFLA no longer covers serious health condition, parental (bonding), or care of a family member.
- OFLA will continue to cover:
  - Care of a child who requires home care (now includes those with a serious health condition)
  - Care of a child due to closure of a school or childcare provider during a public health emergency
  - Bereavement
  - Pregnancy disability
  - Effectuation of legal process for foster care or adoption (for a limited time)
- Removes the 16/18-week combined OFLA/PFML entitlement cap.
- OFLA leave will generally be 12 weeks, with 12 additional weeks for pregnancy disability. Different entitlement amounts apply to bereavement leaves.

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Key Legislative Highlights

Senate Bill 1515 – effective July 1, 2024

- Previous combined maximum leave entitlement between PFML and OFLA has been removed. Employees will continue to be eligible for 12 weeks of PFML benefits, with two additional weeks for pregnancy-related conditions.
- Employees are entitled to use other forms of paid leave — together with PFML benefits — as long as the combined amount does not exceed 100% of the employee's full wage replacement.
- Employers have the option (but are not required) to permit employees to utilize accrued paid leave in combination with PFML, even when it could exceed the 100% cap.
- Employers can determine the order in which accrued paid leave is used, though this is subject to collective bargaining or other agreements.

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Questions?