

FAMILY TEMPORARY DISABILITY INSURANCE BENEFITS

QUESTIONS AND ANSWERS

GENERAL INFORMATION

1. What are Family Temporary Disability insurance benefits?

Family Temporary Disability (FTD) provides temporary disability **insurance** benefits to eligible employees who take approved unpaid time off work to care for a seriously ill family member or bond with a new child.

An employee may file a claim for FTD insurance benefits for the following reasons:

- To care for a seriously ill child, spouse, parent, or California state registered domestic partner,
- To bond with the employee's newborn child or the newborn child of the employee's spouse or registered domestic partner, or
- To bond with a minor child in connection with the adoption or foster care placement of the child with the employee or the employee's spouse or registered domestic partner. Note: Web site to register domestic partner is <http://www.ss.ca.gov/dpregistry/>.

The FTD insurance program **does not create a new right to take a leave** in addition to other leaves provided by law or by Stanford policy. It does not guarantee the employee's job back after using FTD insurance benefits. It provides a way to receive partial income replacement during what would otherwise be an unpaid leave.

2. What is the relationship of Family Temporary Disability Insurance Program to Stanford's Voluntary Disability Insurance (VDI) plan and the State Disability Insurance (SDI)?

FTD insurance benefits are a component of the VDI/SDI programs. VDI/SDI benefits compensate employees who suffer a wage loss when they can't work because of **their own** illness or injury. The FTD benefit compensates employees who suffer a wage loss due to the need to provide care for **a seriously ill family member or to bond with a new child**.

3. How long may an employee receive Family Temporary Disability insurance benefits?

Employees may receive up to six weeks of FTD insurance benefits in a rolling 12-month period.

4. How is the 12-month period defined?

The 12-month period begins on the first day of the employee's waiting period for FTD insurance benefits.

Example: An employee files a claim for FTD insurance benefits that begin on July 15, 2007, and then the 12-month period is July 15, 2007 to July 14, 2008. If the employee files a new claim for benefits that begin on December 10, 2008, the new claim year would be December 10, 2008 to December 9, 2009.

5. How long does an employee have to file a claim?

The employee has 45 days from the first day of absence to file a claim.

6. Who pays for the Family Temporary Disability Insurance Benefits?

The FTD insurance benefits program is fully funded by employees' contributions, similar to VDI/SDI. Employee contributions are made by payroll deduction.

7. Are payroll deductions mandatory?

Yes, FTD insurance benefits are component of VDI/SDI and contributions are mandatory under the California Unemployment Insurance Code. Employees may not opt out or decline payroll deductions.

8. How much are payroll deductions for Family Temporary Disability insurance?

Employers are required to deduct a small percentage from the wages of employees who are covered by the VDI/SDI program.

9. How do employees learn about Family Temporary Disability insurance benefits?

Employers are required to provide a Family Temporary Disability benefits brochure (DE 2511) to new employees. Current employees receive the brochure and claim forms when they take a leave. The brochure may be picked up from Benefits at 655 Serra or may be printed from the Employment Development Department (EDD) web page at www.edd.ca.gov or you may contact EDD for brochures.

10. What is the relationship between Family Temporary Disability insurance benefits and Family Medical Leave (State and Federal)?

Family Medical Leave provides eligible employees up to 12 work weeks of **unpaid** leave in a 12-month period for their own serious health condition, to care for a family member with a serious health condition, or because of the birth or placement of a child with the employee for adoption or foster care. The FTD insurance benefit does **not** change Family Medical Leave in any way and is completely separate from it. FTD merely provides up to six weeks of paid insurance benefits to employees who suffer a wage loss when they take time off work to care for a family member covered by the FTD regulations (child, parent, spouse, or registered domestic partner).

For more information about Stanford's policy on pregnancy leave, short-term disability leave, or Family Medical Leave (FML), see Administrative Guide Memo 22.7 at <http://adminguide.stanford.edu/22.7.pdf>. For additional information about CFRA contact the California Department of Fair Employment and Housing (DFEH) at www.dfeh.ca.gov. Additional information related to FMLA may also be found at the Department of Labor's Web site at www.dol.gov.

11. Are employees required to take Family Medical Leave at the same time they are receiving Family Temporary Disability insurance benefits?

Yes. If the employee is eligible for FML, Stanford will designate the leave as such.

12. Are employees required to use any vacation leave before collecting Family Temporary Disability insurance benefits?

Yes. Employees must take two weeks of earned but unused vacation leave prior to receiving FTD insurance benefits. One of these vacation weeks can be used during the waiting period.

If an employee does not have two weeks accrued vacation time, the waiting period may be without pay, or he/she may use family sick leave, PTO, or floating holiday, if available and applicable.

Information related to the Stanford University family sick leave policy may be found at <http://adminguide.stanford.edu/22.6.pdf>. For employees covered by a collective bargaining agreement, refer to the SDSA or the USW contract.

13. Will there be a waiting period for Family Temporary Disability insurance benefits?

Yes, like VDI/SDI, FTD requires a seven calendar day waiting period before benefits are paid. However, if the employee has accrued vacation he/she will be required to use 2 weeks of vacation before receiving FTD insurance benefits and, therefore, would not receive FTD benefits for 14 days.

14. If the employee has accrued vacation or family sick leave, can their accrued hours be used to supplement FTD insurance benefits?

Yes. FTD insurance benefits may be supplemented using the salary continuation policy to continue regular pay after using two weeks of vacation.

15. Is an employee's job protected if he/she uses Family Temporary Disability insurance benefits?

No. Unlike an approved Family Medical Leave, the FTD insurance program does not protect anyone's job. It simply provides partial wage replacement when an employee cannot work due to the need to care for a child, parent, spouse, or registered domestic partner, or to bond with a new child.

16. If an employee is not yet eligible for FML, can he/she apply for Family Temporary Disability insurance benefits?

Yes, provided the employee has been granted a personal leave and meets the eligibility requirements for FTD insurance benefits.

ELIGIBILITY AND USE

17. Does an employee have to work a minimum number of hours or days before becoming eligible for Family Temporary Disability insurance benefits?

No. The FTD insurance law does not require a minimum number of hours worked or days employed to qualify for benefits as long as the employee has earned at least \$300 from which deductions were withheld.

18. Who is eligible for Family Temporary Disability insurance benefits?

- Full-time employees
- Faculty and Clinician/Educators
- Part-time employees
- Temporary and casual employees on the Stanford University or SLAC payroll
- Students, if they are paid as an employee with VDI/SDI withholding from wages
- Postdocs, if they are paid wages and VDI/SDI is withheld from their wages, however, Postdocs on stipends are not eligible for FTD

19. If a holiday falls during the period when the employee is taking vacation prior to receiving FTD wage replacement, does the holiday count toward the requirement to take up to two weeks of accrued vacation?

No, just as with VDI/SDI, the employee receives holiday pay and it does not count against vacation pay. The employee must take up to 80 hours of accrued vacation, if available.

20. Are employees required to take all of their Family Temporary Disability insurance benefits at one time?

No. The law does not establish a minimum number of hours, days, or weeks that an employee must take FTD insurance benefits. It only establishes the maximum period of wage replacement insurance benefits – six paid weeks within a 12-month period. FTD insurance benefits may be paid intermittently. If the care is for a different care recipient, another 7-day waiting period is necessary.

Example: An employee uses four weeks of Family Temporary Disability insurance benefits to bond with a newborn. One of the employee's parents then becomes seriously ill later in the year. The employee could use two weeks of Family Temporary Disability insurance benefits to care for the parent after another 7-day waiting period.

21. Is a claimant eligible for Family Temporary Disability insurance benefits if he/she has to provide care for a qualifying relative that is out-of-state or out-of-the-country?

Yes, a claim may be filed for FTD insurance benefits to care for a qualifying relative who is out of the state or out of the country. Benefits may be payable provided the medical certificate provided to UnumProvident/ICS or the State, establishes a need for care.

22. Are mothers-in-law and fathers-in-law included as care recipients under Family Temporary Disability?

No, mothers-in-law and fathers-in-law are not included as care recipients under FTD insurance benefits. Family sick leave could be used if available.

23. Can an employee receive both Stanford family sick leave (up to 15 days) and Family Temporary Disability?

Yes. Family sick leave may be used to supplement FTD insurance benefits through the salary continuation program, not to exceed the employee's regular Stanford base pay.

24. Can an employee use Family Temporary Disability back-to-back with a disability insurance (VDI/SDI) claim for pregnancy? Will there be a seven-day waiting period for Family Temporary Disability?

An employee on an approved leave may apply for FTD insurance benefits when the disability period ends, and there is no additional seven-day waiting period for a FTD claim when it follows the VDI/SDI pregnancy-related claim. The employee would have already had a waiting period for the VDI/SDI. However, staff will be required to fulfill the vacation requirement.

25. If a woman has given birth and fulfilled the waiting period of 7 days during her own VDI/SDI, she *does not* have to take a second waiting period if she applies for FTD (see question #24). But, does she still have to take up to two weeks of accrued vacation before receiving FTD wage replacement?

Yes, she must clear up to two weeks of her accrued vacation even if there is no waiting period.

26. Can an employee use family sick leave to supplement the FTD insurance benefits to bond with a healthy child?

No, family sick leave is not available for this purpose because the child is not sick.

BENEFITS

27. Can an employee collect Family Temporary Disability insurance benefits while also collecting other wage replacement?

No. An employee may not receive FTD insurance benefits if he/she is also eligible for or already receiving VDI/SDI, Unemployment Compensation Insurance, or Workers' Compensation (if Workers' Compensation benefits are equal to or greater than the FTD benefits).

28. How is weekly Family Temporary Disability insurance benefits calculated?

VDI participants will receive a weekly benefit equal to 66 2/3% of their current earnings or the program maximum, whichever is less; SDI participants will receive weekly benefits equal to 55% of earnings calculated based on the calendar quarter with the highest earnings during the base period or the program maximum, whichever is less.

29. Will Family Temporary Disability insurance benefits equal an employee's full pay?

No. However, the weekly FTD insurance benefit amount may be supplemented with family sick leave, vacation, PTO, or floating holiday under the Stanford salary continuation policy to maintain full salary.

30. If an employee receives Family Temporary Disability insurance benefits, what happens to the SU retirement contributions?

There are no retirement contributions on FTD insurance benefits. If the employee participates in the salary continuation program, a retirement contribution will be made based on the wages paid by the University, but not on the FTD insurance benefits.

31. If an employee is receiving Family Temporary Disability insurance benefits, what is the effect on health and welfare benefits – when the employee is on a paid leave?

If an employee is receiving FTD and is on an approved personal leave of absence, the University contribution continues.

32. Can an employee continue to receive FTD insurance benefits if the employee terminates employment?

Yes. As long as the employee's claim has been filed and accepted by Liberty Mutual before the date of termination from the University payroll.

CLAIM FORMS

33. How does an employee initiate a claim for Family Temporary Disability insurance benefits?

VDI participants file their FTD claims with UnumProvident and SDI participants file their claims with the California Employment Development Department. Different information is required depending on the reason for the FTD claim. The claim form will provide instructions on how to file the claim.

34. Can the claim form for Family Temporary Disability insurance benefits be downloaded?

Yes. Stanford VDI participants can download FTD claim forms from the Stanford Benefits Web site. SDI participants can obtain FTD claim forms from their local CA Employment Development Department.