



University  
of Idaho

# NAVIGATING MEDICAL COMPLIANCE

University of Idaho Human Resources

# AGENDA



- UPDATES
- KEY TERMS & DEFINITIONS
  - Employee Privacy – Health Insurance Portability & Accountability Act (HIPAA)
  - University of Idaho Sick Leave
  - Family Medical Leave Act (FMLA)
  - Americans with Disabilities Act (ADA)
  - Flexible Work Arrangements
- Resources
- Supervisor Responsibilities
- Understanding Importance of Compliance
- Scenarios
- Q&A

# UPDATES



- RECRUITMENT
- BUSINESS PARTNERS
- BENEFIT SERVICES

# KEY TERMS & DEFINITIONS



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Employee  
Privacy (HIPAA)

Protecting an employee's personal health information

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UI Sick Leave

Provides compensation when an employee needs to be away from work for a reason as outlined in FSH 3710

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Family Medical  
Leave (FML)

Federal law providing unpaid job & benefit protection to eligible employees when they need to be away from work for a serious health condition impacting them or an eligible family member

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Americans with  
Disabilities Act  
(ADA)

Accommodation provided by the employer to assist the employee performing the essential functions of their job

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Flexible Work  
Arrangement

Adjustment to normal working arrangements, either daily hours or work location

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# EMPLOYEE PRIVACY



- Multiple laws protect an individual's personal health information
  - FMLA
  - ADA
  - HIPAA
- Supervisors should never ask questions about medically related conditions
- Supervisors should never obtain or accept medically related documentation. The employee and/or documentation must be referred to Human Resources
- Imperative that supervisors do not disclose specific medical information to others

# SICK LEAVE BASICS



May be taken (without prior approval) for:

- Illness or serious medical condition of the employee or an immediate family member
- Death of an immediate family member or family member (bereavement)
- Parenting / Adoption
- Organ Donation

Medical Appointments:

- 2 hours per month for appointments that qualify under sick leave without charge to their sick leave balance.
- Once exhausted, sick leave would be reported

- Sick leave does not provide job/benefit protection
- Not intended to independently be approved for long term absence
- Employee must follow normal department procedures for notifying supervisor/department of absence

# FMLA BASICS



- Time away for a serious health condition for an employee or their immediate family member.
- May be used on a continuous, intermittent or reduced schedule basis – as outlined by the healthcare provider
- Employees must meet FMLA eligibility criteria
- Provides up to 480 hours of job/benefit protection when approved
- Employers cannot interfere with an employee's rights under FMLA
- Employers may not discriminate or retaliate against an employee for having exercised FMLA rights
- Duties can be temporarily reassigned
- Ensure employee is returning to same position
- University must meet federal requirements

# ADA BASICS



- Reasonable accommodations are designed to enable employees with a disability to perform the essential functions of their positions
- Employees must request accommodation and have rights to an interactive process
  - Request may be as simple as them stating they are not able to do part of their job due to a medically related condition
  - Interactive discussions between employer (HR) & employee to find suitable accommodation that allows them to perform essential functions of their job.
  - Led by HR and includes meetings with employee and supervisor & requires documentation from a healthcare provider
- Prohibits discrimination against individuals with disabilities

# FLEXIBLE WORK ARRANGEMENTS



- Required when an employee is requesting flexible hours or change in work location exceeding 2 weeks
- Not based on medical need
- Approval is at the discretion of supervisory chain

# SUPERVISOR RESPONSIBILITIES



- Make appropriate referrals anytime an employee mentions or makes a request based on a medical condition
  - FML (time away) – Benefit Services
  - ADA (accommodation) – HR Business Partner
- Do not share information with any others who do not have legitimate business need to know
- Ensure all leave is reported correctly
- Adjust expectations for the time employee is away from work for approved FML
- Do not interfere with an employee's rights under FML or ADA; examples include:
  - Asking them to perform work when they have notified you, they need time away for their approved FML
  - Making informal accommodations without consulting with HR

# IMPORTANCE OF COMPLIANCE



- Protecting employee's rights
- Protecting supervisors from personal liability
- Protecting University of Idaho
- Always referring to Benefits/HRBP ensures employee is receiving accurate information about resources available
  
- **ADA Litigation Statistics:** <https://www.eeoc.gov/data/enforcement-and-litigation-statistics-0>
- **FML Violations:** <https://www.dol.gov/agencies/whd/data/charts/fmla>

# SCENARIO 1



You supervise Jane & she tells you that she just found out she is pregnant! It's early on but she is so excited & couldn't wait to tell you. You congratulate her – what else should you do?

# SCENARIO 2



Joe is an employee you supervise; he tells you that he is having surgery next month. He only needs a few days off so he will report sick leave & then the doctor recommended not driving for about a month so he is wondering if it would be OK to work from home until he is cleared to drive. What should you do?

# SCENARIO 3



Jane has been out on continuous FML. There is a big project coming up & she is the only one who has worked on it in the past. She is not expected to return before the deadline, what do you do?

# SCENARIO 4



It is Friday & Joe called in sick again after being out since Wednesday. He said he caught the flu bug going around. What should you do?

# SCENARIO 5



You have a fairly close personal relationship with one of your direct reports. She tells you that she has been struggling in her relationship lately. She isn't scared or anything, but things are not going well. She has called in sick for the last two days and today she didn't call in and hasn't shown up yet. You have attempted to call/text but no response, what do you do?

# SCENARIO 6



You supervise Jane & she tells you that she wants to transfer shifts so that she may get more sleep. What should you do?

# SCENARIO 7



One of the employees you supervise asks for additional time to complete physical tasks because of a back injury. Does this trigger anything?

# SCENARIO 8



One of your employees is struggling to complete online annual training. When you ask them why, they mention that they are having trouble reading a computer monitor but are pursuing surgery to help fix their eyes. What should you do?

# SCENARIO 9



An employee mentions they were recently diagnosed with depression. What would you do?

# Questions

