

Cancer and Careers: Beyond FMLA

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Agenda

- Brief Overview of FMLA
- Employer Sponsored Benefits
- Understanding the ADA
- State Fair Employment Laws
- State Vocational Rehabilitation
- Social Security Disability
- Disclosure in the Workplace
- Online Brand Management
- Workplace Communication Techniques
- Looking for Work During Cancer
- Looking for Work After Cancer

Brief Overview of FMLA

- Federal law which provides 12 weeks of job-protected leave annually due to illness or to care for ill child, parent or spouse
- Covers employees who have worked at least 12 months and 1250 hours at a company that employs 50+ people or a school or government agency
- Leave can be taken all at once or intermittently.
- Guarantees same job or equivalent job upon return
- Allows workers to maintain health coverage during leave

Employer Sponsored Benefits

- Short Term Disability (STD)
 - Offered by some employers
 - May be optional and require monthly premium
 - Typically pays 50-70% of salary (may have maximum amount)
- Long Term Disability (LTD)
 - Typically for disabilities expected to last 12 months or be terminal (sometimes time frame is shorter—6 months)
 - Provisions usually similar to STD
 - May require you to apply for Social Security Disability
- Specific details can be obtained from Human Resources at employer

Americans with Disabilities Act (ADA)

- Applies to companies with 15 or more employees for at least 20 weeks per year
- Applies to any phase of employment: hiring, firing, benefits, etc
 - Hours worked or length of time employed does not apply
- May entitle employee to Reasonable Accommodations
- Must provide unless causes employer Undue Hardship
- Definition of Disability (Differs from Social Security Definition)
 - A physical or mental impairment that substantially limits a major life activity
 - A history of disability (eg: cancer survivor)

ADA—Reasonable Accommodations (RA)

- RA is a legal term that refers to adjustments in the workplace that help employees work or continue to work
- Examples include
 - Modified Work Schedule
 - Less Physically Taxing Job Role (Reassignment)
 - Supplying a More Comfortable Chair
- Only employees who have a disability or history of disability that still causes difficulties are entitled to RA
- Must request as soon as possible
- www.askJAN.gov

State Fair Employment Laws--Ohio

- Prohibits discrimination on the basis of disability in all matters directly or indirectly related to employment
- Also requires reasonable accommodations as per ADA
- The Ohio Civil Rights Commission investigates complaints of discrimination and harassment in employment.
 - Complaints must be filed with the OCRC within 6 months of the last act of discrimination or harassment
 - For assistance, call 1-888-278-7101

State Vocational Rehabilitation

- Opportunities for Ohioans with Disabilities
 - Vocational Rehabilitation Services
 - For more information, call 1-866-325-0026
- Eligibility
 - Physical, cognitive or mental impairment documented by appropriate qualified professional
 - Documented impairment causes a substantial barrier to employment
 - You can benefit from vocational rehab services that lead to an employment outcome
 - Require vocational rehab to prepare for, secure, retain or regain employment

Social Security Disability

- Eligibility
 - Must be not working (or significantly reduced earnings)
 - Condition expected to be disabling for at least 12 months or terminal
 - Must not be able to do any type of work (education and experience are considered)
 - Must have paid into SSD for 5 out of last 10 years (May be less for younger individuals)
 - If you meet other criteria but not work history, may apply for SSI
- Compassionate Allowances

Disclosure in the Workplace

- Do you need to disclose for Reasonable Accommodations or medical leave?
- Consider the culture of your workplace
- With whom to share? Boss, HR, Coworkers?
- When to tell?
 - If able to wait until you have a treatment plan, allows a clearer idea of how cancer may affect employment
- How/What to tell? Reveal only as much as you wish to. Be straightforward and highlight how you expect to be affected

Online Brand Management

- Remember that anything you put online exists forever and may be viewed by colleagues
- If you are not sharing your illness at work, you should consider not sharing on Facebook or other social media
- If you anticipate looking for a job in the future (or now) consider what future employers will also see
- Similarly, consider leveraging networking sites such as LinkedIn

Workplace Communication Techniques

- Identify a trusted point person
- Use “The Swivel”
 - Acknowledge the question or comment and then redirect the conversation to a topic you are more comfortable with
- Be prepared to give direct but brief answers to questions
- Remember: You do not owe anyone an in depth look at your cancer experience. It is always acceptable to limit the conversation to how your work will be affected.

Looking for Work During Cancer

- Be realistic about what you can reasonably commit to and discuss with your medical team
- Consider jobs that offer the option of telecommuting, whether all of the time or part of the time
- Typically best to wait to disclose until a job offer is given
 - This allows for request for Reasonable Accommodations
 - Cannot rescind job offer unless you cannot meet essential job requirements

Looking for Work After Cancer

- Tailor your resume format to your needs (addressing a work gap)
- Network, Network, Network!
- Practice for the interview ahead of time
 - Illegal to ask about health issues, but common to ask about gap in employment
 - Practice ways to use “The Swivel”
- Free Career Assistance
 - Cancer and Careers (www.cancerandcareers.org)
 - Resume review service and career coaching

Sources

- Americans with Disabilities Act of 1990. US Equal Employment Opportunity Commission. <https://www.eeoc.gov/laws/types/disability.cfm>
- Cancer and Careers. www.cancerandcareers.org
- Job Accommodation Network. Office of Disability Employment Policy. US Department of Labor. <https://askjan.org/media/Cancer.html>
- Ohio Civil Rights Commission: Know Your Rights. <http://www.crc.ohio.gov/Portals/0/Brochures/Know%20Your%20Rights%20Poster%20Kasich.pdf?timestamp=1492619973636>
- Opportunities for Ohioans with Disabilities. <http://www.ood.ohio.gov/>
- Social Security Administration. www.ssa.gov
- Triage Cancer: Ohio. <http://trriagecancer.org/resources/ohio>