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# Protecting Your Job While You Recover

## FMLA and Short-Term Disability

A serious medical condition can turn your life upside down in an instant. Beyond the health concerns, many Local 1180 members are left asking urgent questions: *How do I protect my job? Will I still have income? What happens to my health insurance while I recover?*

The good news is that the law, your union contract, and your union may provide important protections to help you through that difficult time.

**Every Local 1180 member is covered by a union contract,** and your Collective Bargaining Agreement (CBA) is often the first place you should look. Many of our contracts provide protections that go beyond what federal law requires, including disability benefits, paid leave options, extended health insurance coverage, return-to-work protections, and enforceable rights through the grievance and arbitration process.

Generally, the Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of unpaid, job-protected leave when they are unable to work due to their own serious health condition. To qualify for federal FMLA protections, an employee generally must work for a covered employer, have been employed for at least 12 months, have worked at least 1,250 hours during the previous 12 months, and work at a location where the employer employs at least 50 employees within a 75-mile radius.

Public employers are generally covered regardless of size. However, for Local 1180 members, it is important to understand that many of our CBAs provide leave protections even when an employee may not technically qualify under federal FMLA rules. That is why reviewing your contract and speaking with your union representative is so important.

For many workers, however, the biggest concern is not just job protection, it is income. Federal FMLA generally provides unpaid leave, but unpaid leave does not always mean going without income.

Many Local 1180 private sector and non-profit members may qualify for state disability benefits or paid medical leave programs that provide partial wage replacement while they are medically unable to work. In New York, for example, employees may qualify for **Disability Benefits Law** (DBL) coverage for their own off-the-job illness, injury, pregnancy-related condition, or medical recovery. In New Jersey, workers may qualify for **Temporary Disability Insurance** (TDI). California's **State Disability Insurance** (SDI) program and Washington, D.C.'s **Paid Family Leave** program also provide wage replacement protections for employees dealing with their own serious medical conditions.

Importantly, many of our private sector and non-profit agreements include wage replacement protections that require the employer to cover the difference between the state-paid benefit and employees' wages, in some cases bringing compensation up to 100% of salary. Depending on the agreement, this coverage may last anywhere from 45 to 180 days. This is exactly why organizing and fighting for strong union contracts matters. Many of these protections exist because workers collectively bargained for benefits that go beyond the legal minimum.

For our public sector members, disability income protection may also be available through union-administered disability benefits funded through Welfare Fund contributions. Members who may need disability benefits should contact their Staff Representative or the Welfare Fund Office to discuss eligibility, application procedures, and available coverage. In many cases, these benefits can provide critical financial support during periods when an employee is unable to work due to a medical condition.

Health insurance continuation is often one of the biggest concerns during an extended medical leave. Under FMLA, employers generally must continue health insurance coverage during the protected leave period under the same terms as if the employee were actively working. Many state leave laws provide similar protections. However, many Local 1180 contracts go even further. Some private sector agreements provide continued health insurance coverage for longer periods, so long as the employee remains on an approved leave status. Members should carefully review their CBA language regarding health insurance continuation, leave status, and benefit eligibility.

For public sector workers in New York City, SLOAC (Special Leave of Absence Coverage) may become important once available leave balances or payroll status are exhausted. SLOAC may allow eligible employees to maintain health insurance coverage for an additional four months, but members should review the rules carefully and consult with their union representative regarding eligibility and timing.

Employees should also remember that notice and documentation requirements matter. Employers may require medical certification for FMLA leave, and employees generally must comply with reasonable documentation requirements and workplace procedures. At the same time, employers cannot use medical leave as a pretext for discrimination, retaliation, or attempts to push employees out of the workplace because of a disability or medical condition.

If you are facing a serious medical issue, do not wait until the situation becomes a crisis. Review your contract. Keep records. Put requests in writing. Ask questions early about disability benefits, health insurance continuation, and protected leave options. Most importantly, involve your union as soon as possible.

Your health should come first. The law, your union contract, and your union are there to help protect your job, your income, your benefits, and your dignity while you recover.

**Disability Benefits Law**

**Temporary Disability Insurance**

**State Disability Insurance**

**Paid Family Leave**