

STD vs FMLA

KEY DIFFERENTIATORS

STD

Eligibility requirements determined by ER
Decisions are policy driven
Replaces income
No inherent job protection
Only for EE health leaves
Up to 26 weeks
Maximum = when EE has collected all benefits for which they are eligible
No replenishment. Max is maximum benefits for this disability
Exclusions prevent EE from being paid (pre-ex, occupational, etc)
Eligible unless EE is no longer in eligible group
Must be eligible as of date of disability
Date of Disability: date EP starts counting
EE must meet definition of disability to be paid
Paid by day as long as EE meets policy definition of disability

FMLA

Eligibility requirements determined by DOL
Decisions driven by federal regulations
Unpaid
Provides level of job protection
Also covers leave to care for some family members
12 weeks in 12 month period
Exhaustion = when EE has used all available entitlement in 12 month period
Entitlement replenishes at start of new 12 month period
EE will be covered as long as eligible, approved and has entitlement
Eligible for 12 months per serious health condition
Can become eligible while on leave
Entitlement deducted as of the minute EE leaves work
EE or family member must meet FMLA guidelines for SHC
EE will be covered as long as eligible, approved and has entitlement