

This checklist explains how your benefits are affected when you are on disability.

You may wish to review this information with the Benefits Office to be sure that you have taken all necessary actions.

Need Help?  
Contact the Benefits Office at 925-422-9955 or visit our website at <https://benefits.llnl.gov>

# Disability

## Benefits Checklist

### Guidelines for Disability Leave

Because every disability is different and personal, LLNS disability benefits are designed to address individual situations and concerns. As a result, the benefits can be complex, and one employee's disability-related experience can be very different from another's.

At the same time, certain things are true for all disability claims:

- Continuous communication with your supervisor and the Benefits Office is essential to provide you the most help.
- Your disability benefits provide income to replace lost wages, while your leave status (FMLA, leave without pay, etc.) generally determines your eligibility for other benefits during your disability period.
- Regardless of the disability benefits for which you are eligible, in most cases you will receive no more than 70 percent of your eligible earnings from all sources.
- The disability benefit provider determines whether you are disabled and eligible for benefits based on information from your doctor. Therefore, you must be under a doctor's care to apply for disability benefits.
- You may be eligible to apply for Family and Medical Leave Act (FMLA) if you are on disability. If you qualify, you are entitled to up to 12 workweeks of FMLA in a calendar year during which LLNS will contribute toward your health coverage premiums (medical, dental, and/or vision).

### *Pregnancy Disability*

The inability to work due to pregnancy and childbirth is treated as any other disability under the terms of State Disability Insurance, the LLNS Supplemental Disability Insurance Plan and applicable laws. For most pregnancies, the disability period begins two weeks before birth and ends six weeks after birth (eight weeks for caesarian section).

### *Questions and Answers*

**1. For what benefits am I eligible if I am unable to work because of injury or illness?**

You may be eligible for one or more of the following benefits designed to replace part of your wages if you are unable to work because of an illness or injury:

- **Sick leave or other salary continuation.** 100 percent of your salary may continue if you have accrued sick leave or salary continuation.
- **Workers' Compensation.** Workers' Compensation benefits will provide you with up to two-thirds of your salary (maximum benefit amount set by the state) if you cannot work due to an illness or injury on the job. You can supplement these benefits up to 100 percent of salary with accrued sick and/or vacation leave. Once you use your accrued sick leave, you may be eligible for Extended Sick Leave, which will supplement your Workers' Compensation up to 80 percent of your salary.
- **State Disability Insurance.** If you are eligible, this benefit provides you with 55 percent of your salary, up to a maximum benefit amount set by the state, for up to 52 weeks.
- **LLNS Supplemental Disability Insurance Plan.** If you are eligible and you are enrolled, this benefit replaces up to 70 percent of your eligible earnings (in combination with other benefits such as State Disability Insurance and Workers' Compensation) for

the first 12 months of disability and up to 50 percent of your eligible earnings generally to age 65. Benefits are limited to \$15,000 per month.

- **LLNS Defined Benefit Eligible Disability Program (TCP1).** If you are eligible, you may apply for disability income from the LLNS Defined Benefit Eligible Disability Program. See the *LLNS Defined Benefit Eligible Disability Program Summary* for more information.

**2. How much will I get paid and for how long?**

The answer depends on a number of factors including whether your injury or illness is work-related, whether you have Supplemental Disability Insurance and the waiting period you selected, how much sick leave and vacation time you have accrued and want to use.

**3. I have a lot of accrued sick and/or vacation leave. Can I use it while receiving disability benefits?**

You have the option of using sick and/or vacation leave before applying for disability benefits to receive your full pay and benefits. You also have the option of using your sick leave and/or vacation to supplement the California State Disability. Once you start receiving benefits from the LLNS Supplemental Disability Insurance Plan, you can no longer use sick and/or vacation leave. You should apply for disability benefits as soon as possible, waiting may result in a lapse in income while your claim is processed. Remember disability plans require that you are under the continuous care of a physician in order to certify your disability date.

**4. What happens to my other LLNS-sponsored benefits while I am unable to work?**

Your LLNS-sponsored benefits continue as long as you are on pay status. If you are on an approved Family and Medical Leave for your illness or injury, LLNS continues contributions for your medical, dental and vision coverage for up to 12 workweeks. See the chart on page 3 for more information.

**5. What happens to my job while I'm unable to work?**

Your job will be protected as long as you are on Family and Medical Leave Act (FMLA), so it is important to complete all paperwork related to FMLA. Although less well-defined in duration, protections also exist under Workers' Compensation. However, while LLNS hopes for your full recovery and return to work, your department is not required to hold your job open indefinitely. At some point, you and your department may decide you cannot return to work and your position may be filled.

**6. I am recovering from my disability and could work part-time. Is that possible?**

Yes, if your supervisor agrees to the reduced work schedule. Under certain circumstances, LLNS's disability plans allow you to return to work on a part-time basis while still receiving partial disability benefits. See the *LLNS Supplemental Disability Insurance Plan Summary Plan Description* for more information on Supplemental Disability. Talk to the Workers' Compensation Office about part-time work on Workers' Compensation.

**7. What if my disability lasts longer than my disability benefits?**

**If you are on Workers' Compensation:** Your benefits will continue as long as you remain temporarily disabled. If you have a permanent disability, you may be eligible for additional compensation.

**If you are on State Disability Insurance only:** Your disability benefit ends after 52 weeks. If you still can't work and you are a LLNS Defined Benefit Pension Plan member, contact the Benefits Office about applying for LLNS Defined Benefit disability income, if you are eligible and you expect to be disabled for more than 12 months. For more information, see the *LLNS Defined Benefit Eligible Disability Program Summary*.

**If you are enrolled in the LLNS Supplemental Disability Insurance Plan:** Your disability benefit generally continues to age 65. After 52 weeks of benefits, however, the definition of disability under the LLNS Supplemental Disability Insurance Plan changes, becoming more difficult to meet. If you cannot meet the more difficult definition and you cannot return to your previous job, you may need to look for a new job that better matches your current abilities.

Remember that LLNS contributions to your medical coverage end six months after you go off pay status. Before that time, you may want to talk to the Benefits Office about applying for LLNS Defined Benefit disability income benefits, if you are eligible and expect to be disabled more than 12 months. If you are approved, you may be eligible to continue your medical, dental and/or legal coverage. See the *LLNS Defined Benefit Eligible Disability Program Summary* for details.

## 8. What if I am unable to return to work?

Even if you cannot return to your previous job, LLNS may be able to accommodate your work restrictions. Contact the Vocational Rehabilitation Counselor in Health Services.

If you are a LLNS Defined Benefit Pension Plan member and your disability is permanent or is expected to last 12 consecutive months or longer, you may be eligible for LLNS Defined Benefit disability income. See the *LLNS Defined Benefit Eligible Disability Program Summary* for information.

In addition, you may be eligible for Social Security disability income. Contact your local Social Security Administration Office for information.

**Important:** Medical and dental benefits are not granted automatically; you must become eligible for disability income from LLNS within 120 days of your separation date from LLNS and meet all other eligibility requirements. See the *LLNS Health and Welfare Summary Plan Description* for more information.

## While on Disability Leave of Absence

Benefit Plan	Benefits Options
<b>Health and Welfare Plans</b>	
Medical Dental Vision	LLNS contributions for your medical coverage (not dental or vision) may continue for six months. In addition, LLNS contributions will continue for your dental and vision coverage if you are on an approved FMLA leave. If you remain on approved leave, you may continue coverage for up to two years (including any periods of disability and FMLA leave) provided you remain employed; however, you must keep your payments current and pay both the LLNS premium and your premium.
Legal	You may continue coverage for up to two years as long as you remain employed Payments must be kept current.
Basic Life Core Life	Your coverage continues (at no cost to you) for up to four months after the month your approved disability begins.
Accidental Death & Dismemberment (AD&D)	You may continue coverage for up to two years as long as you remain employed Payments must be kept current.
Supplemental Life	You may continue coverage for up to two years as long as you remain employed Payments must be kept current. <b>Premium Waiver Benefit:</b> If you become totally disabled while enrolled in Supplemental Life, you may qualify to continue your coverage without paying the premium.
Basic Dependent Life Expanded Dependent Life	If you are enrolled in Basic Life only, you may continue Basic Dependent Life for up to two years. If you are enrolled in and continue Supplemental Life, you may continue Basic Dependent Life or Expanded Dependent Life for up to two years provided you remain employed. Payments must be kept current.
Supplemental Disability	Coverage (for other disabilities) stops on your last day actively at work before your disability begins.
Business Travel Accident Workers' Compensation	Coverage stops on your last day actively at work before your disability begins.

Benefit Plan	Benefits Options
<b>LLNS Retirement Plan, LLNS 401(k) Plan and Other Savings Options</b>	
LLNS Defined Benefit Pension Plan (TCP1)	Your contributions to LLNS Defined Benefit Pension Plan stop when you go off pay status and you stop accruing LLNS creditable service credit when you go off pay status. You remain eligible for any LLNS benefits for which you were eligible when your leave began.
LLNS 401(k) Plan	Your contributions, the LLNS employee match, and the LLNS service based contribution stop with your last paycheck. If you are on leave without pay, you may be eligible to take total or partial distributions from the 401(k) Plan. Contact Fidelity Retirement Services (1-800-835-5095) or ( <a href="http://www.netbenefits.com">www.netbenefits.com</a> ) for your options.
Social Security Other Retirement Plans	Neither you nor LLNS contribute to Social Security while you are on a leave of absence. If you are a member of another retirement plan contact that plan directly for information.
<b>Other Benefits</b>	
Vacation Leave Sick Leave	You do not accrue vacation or sick leave during your disability leave if you are off pay status. For details, see the personnel policy or collective bargaining agreement that applies to you.
Dependent Care Reimbursement Account (DCRA)	Contributions and coverage stop when you go off pay status. Eligible expenses incurred through the end of the pay period in which you made the last contribution are eligible for reimbursement. ADP, Inc. must receive your claims by the filing deadline of the following year; you forfeit funds left in your account after that date. You must re-enroll when you return to work.
Health Care Reimbursement Account (HCRA)	Contributions and coverage stop when you go off pay status unless you are on an approved FMLA leave. However, you may continue under COBRA, if eligible. Eligible expenses incurred through the end of the pay period in which you made the last contribution are eligible for reimbursement, unless you continue participation under COBRA. See “Additional Insurance Continuation Options” on page 6. SHPS, Inc. must receive your claims by the filing deadline of the following year; you forfeit funds left in your account after that date. If your coverage stops, you must re-enroll when you return to work.
California Unemployment Insurance Program	LLNS coverage stops on the last day you are actively at work.

## Order of Benefit Payment

One of the most confusing parts of applying for and receiving disability benefits is which insurer pays benefits and when. In the case of work-related illness or injury, Workers' Compensation is the first insurer responsible for covering your lost wages. However, a Workers' Compensation claim may take longer to process than does a State Disability Insurance or Supplemental Disability claim. As a result, you may receive benefits from State Disability Insurance or Supplemental Disability carrier until your Workers' Compensation claim is processed.

If you are disabled for 12 months or more and are a vested LLNS Defined Benefit Pension Plan member (5 years or more of service credit), you may be eligible for LLNS Defined Benefit disability income. For more information, see the *LLNS Defined Benefit Eligible Disability Program Summary*. Contact the Benefits Office about applying for LLNS Defined Benefit disability income.

The chart below shows one example of how monthly disability benefits coordinate and the order of payment if you are eligible for LLNS Defined Benefit and Supplemental Disability benefits. This same concept applies if additional benefits, such as Social Security disability or LLNS Defined Pension Plan retirement, are added: you can never receive more than 70 percent of your salary from all sources.

Monthly salary:		
\$4,200	100%	
\$2,940	70%	Disability Benefit: \$1,260*
		LLNS Plan(s): \$1,680
* If you are in the long-term disability period, a \$100 minimum payment applies.		

Please note: In some cases one plan may pay benefits while the second plan considers the claim. If the second plan approves the claim and pays retroactive benefits, you must reimburse the first plan for any duplicate benefits received.

## Other Considerations

### Health Care Reimbursement Account

If you are on an approved FMLA, you may choose to continue participation during your leave. In this case, eligible expenses incurred during your leave would be reimbursable. If you choose not to continue HCRA participation, eligible expenses incurred through the end of the pay period in which you made the last contribution are eligible for reimbursement. You must re-enroll in the HCRA within 31 days of your return to work.

### Moving Out of a Plan Service Area

If you continue LLNS-sponsored medical or dental coverage and you move out of your plan's service area for more than two months during your disability leave, you must transfer to a LLNS sponsored plan that provides service in your new location within 31 days of the date you leave the service area. Contact the Benefits Office to make the change.

You and/or your eligible family members may also need to select a new primary care physician(s). Contact your medical plan carrier.

## Address Changes

While on disability leave, please keep LLNS advised of your correct *permanent* address. Changes in your permanent address may affect your eligibility for health plans. In addition, LLNS needs a correct, current address to keep you informed about your benefits.

## 401(k) Plan Loan Program

If you have an outstanding loan when you go off pay status, you must contact Fidelity Investments at 1-800-835-5095 for your payment options.

## Beneficiary Designations

At this time, you may wish to review the person(s) you have named to receive benefits from your LLNS-sponsored plans in the event of your death. For LLNS life insurance and AD&D, you may name or change beneficiaries at any time on LAPIS Self Serve. For the 401(k) plans, you may name or change beneficiaries online ([www.netbenefits.com](http://www.netbenefits.com)) or by phone (1-800-835-5095).

## Additional Insurance Continuation Options

Once LLNS coverage ends, there are additional options for continuing coverage. Note that these options are generally more costly. Conversion policies may also provide fewer benefits than continuing coverage through LLNS.

**COBRA Continuation:** Instead of continuing LLNS-sponsored medical, dental, and/or vision coverage or if you do not return to LLNS employment, you and/or your eligible family members may be eligible to continue group health coverage under COBRA (the Consolidated Omnibus Budget Reconciliation Act of 1985). You have 60 days from the date you lose coverage by reason of a qualifying event, or 60 days from the date you receive notice of your continuation rights (whichever is later), to apply for COBRA continuation. Your COBRA continuation period runs concurrently with, and is not in addition to, any continuation provisions under LLNS, except for FMLA.

If you are enrolled in HCRA and you leave LLNS employment during the plan year, you may continue your participation through the end of the current plan year (December 31) by making direct, after-tax payments to your account.

**Conversion:** Within 31 days after LLNS-sponsored coverage ends (if your participation has been continuous) you may be able to convert your group insurance coverage to individual policies for these plans: Basic Life, Supplemental Life, Basic Dependent Life, Expanded Dependent Life, and AD&D. For medical coverage, you have 31 days after your LLNS-sponsored or COBRA/continuation coverage ends to apply for conversion if available.

## When You Return to Work

Stay in contact with your supervisor, he or she can help you understand your options for returning to work.

Your reinstatement rights are governed by the LLNS policies covering the leave from which you are returning. When you return from FMLA leave, you have the right to return to the same or an equivalent position. When you return from FMLA, you may return to the same position or (at the department's discretion) to a similar position.

**NOTE: you must report to Health Services before returning to your work area. Call 422-7462 to make an appointment.**

**It is also important that you review your benefits with the Benefits Office soon after you return to work.**

The chart below explains your benefits options when you return to work at LLNS with an eligible appointment. For some plans, you have a new period of initial eligibility (PIE) in which to enroll, re-enroll, or make changes. If you miss the PIE, some plans allow you to enroll during Open Enrollment, usually held in the fall. Other plans may require you to submit a statement of health to the insurance company; doing so, however, is no guarantee that you will be accepted. **To be sure you get the coverage you want, sign up during your PIE.**

In addition, you must meet all eligibility requirements when you return to work. If your appointment changes when you return to work, your new appointment will determine the benefits in which you may enroll.

**Benefits Transactions and Deadlines:** When making benefits changes, it is your responsibility to complete your transactions within LLNS deadlines.

Although LLNS makes every effort to ensure your enrollment transactions are completed accurately, you should review your paycheck stub or Direct Deposit statement carefully to be sure it matches your benefits choices. **It is your responsibility to promptly notify the Benefits or Payroll Office of any errors.**

## When You Return to Work

Benefit Plan	New PIE**	Benefits Options
<b>Health and Welfare Plans</b>		
Medical* Dental* Vision* Legal Supplemental Life Basic Dependent Life Expanded Dependent	Yes	<b>If you continued coverage during your disability:</b> Your coverage continues. <b>If you did not continue coverage:</b> If you are on disability and/or leave, you may re-enroll in the same plans (with the same level of coverage) you were enrolled in before you left. Upon request, you will need to provide documentation to verify the relationship of your enrolled family members.
Basic Life	N/A	Your coverage, based on your appointment, resumes automatically when you return to pay status.
Accidental Death & Dismemberment (AD&D)	N/A	<b>If you continued coverage during your disability:</b> Your coverage continues. <b>If you did not continue coverage or if you were not previously enrolled:</b> You may enroll at any time.
Supplemental Disability	Yes	Your coverage resumes automatically on your first day actively at work.
State Disability	N/A	Coverage resumes automatically on the day after your first full day actively at work.
Business Travel Accident Workers' Compensation	N/A	Coverage resumes automatically on your first day actively at work.

\* For more opportunities to enroll in LLNS-sponsored plans, see the *LLNS Health and Welfare Summary Plan Description*.

**\*\*Period of Initial Eligibility (PIE) last 31 days from your return to work.**

Benefit Plan	New PIE**	Benefits Options
<b>Other Benefits</b>		
Vacation Leave Sick Leave	N/A	When you return to pay status, you start accruing vacation and sick leave, if eligible. For details, see the personnel policy or collective bargaining agreement that applies to you.
Dependent Care Reimbursement Account (DCRA)	Yes	You may re-enroll during your new PIE. <b>If you are on leave less than 31 days:</b> You may re-enroll for the remainder of the plan year; your contribution must be the same as before you were on leave.
Health Care Reimbursement Account (HCRA)		<b>If you are on leave for 31 days or more:</b> You may enroll during your 31-day PIE and choose a new annual contribution.
Pretax Transportation	N/A	<b>If you did not cancel you deductions during your disability:</b> Your contributions will automatically begin when you return to work.

### LLNS Retirement Plan and 401(k) Plan

LLNS Defined Benefit Pension Plan contributions, service credit and savings deductions resume automatically when you return to pay status.

**\*\*Period of Initial Eligibility (PIE) last 31 days from your return to work.**

This brochure entitled “Disability” is intended to provide LLNS employees an overview of the policy and procedures required to continue specific benefit coverage’s while assigned to a disability absence. Every effort has been made to insure the accuracy of the information provided. However, should a conflict exist between information provided in this brochure and the benefit Plan document, the Plan document will rule.

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