

How To Leave Work on Disability

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Many people feel that there must be a certain procedure or ritual to follow when leaving work on disability, but that's not really the case. There are as many different ways to do it as there are employers and employees. It will vary based on the type of work you do and the type of company you work for as well as your own personal feelings about work and your co-workers.

The important thing is to know the process. If you do, then you can stay in control of it and leave according to your schedule – not luck or circumstances.

Below is a list of things to be done in the order of what has worked best. Your particular case may require some alteration to this list, but generally proceeding in this order will make the transition smoother with fewer problems or mistakes.

1. **Prepare** – Before doing anything else, review your benefits package and find out what will happen to those benefits when you leave work, and how to keep those benefits that you will need. Also, determine what your income will be once you stop working. You will probably want to get an estimate from Social Security of your estimated disability benefit if you have the month it takes to obtain. Also, once each year, usually about three months before your birthday, Social Security will send you a summary of all your earnings over your working career along with an estimate of your retirement and disability benefit amounts.
2. **Know your rights** – Learn about the various laws that provide you some protection. This includes the federal COBRA statute which allows you to stay on the employer health plan; the federal Family & Medical Leave Act (FMLA) which can continue your benefits and protect your job for the first twelve weeks of disability, plus many states have laws regarding medical leaves of absence.
3. **Get the support of your doctors** – It's your medical record that will support your claim for disability. If your doctor says you are able to work and aren't disabled, that's the end of the claim, unless you find another doctor.

At your next visit, ask something like, "Doc, do you believe that with my medical record and your statements I'll have any problem getting on disability." (Your doctor may or may not know for sure, but a commitment of support from her now may come in handy if she later needs to write a five page letter explaining your medical problem in medical terms.)

4. **Examine your medical records** – After your next doctor visit, ask to sit at a desk and review your medical record. How complete is it and how easy is it to read? Does your doctor list all your symptoms at every visit? Does she give some description of the severity and frequency of symptoms? If you didn't know whose record it is, would you believe the person to be disabled?

- 5. Telling your employer** – This step causes a lot of confusion and stress. Whom to tell? How much to tell? When to tell?

I recommend that you go to the highest level person in Human Resources or in general management, if your employer isn't big enough for an HR department. It is generally not a good idea to start with your immediate supervisor. The reason is that the individual should have a working knowledge of your rights in such situations as well as the confidentiality laws surrounding such medical information and most immediate supervisors don't have that knowledge. Also, you're talking about your medical condition and many people don't want all the details discussed openly by their co-workers. If you start with a high ranking employee, they don't have to give as much information to staff below them.

- 6. Don't Resign** – Even if you know you will never return to that position or that company, to take full advantage of your rights, start with a "temporary" leave. Once out, it can be extended until it is permanent.
- 7. Doctor's note or no doctor's note** – The best way is to go without any documents to HR and state that your doctor is insisting you take some time off "due to my medical condition." Then ask, "What paperwork do you need for this to happen?"

You should see your doctor close to the time you leave work anyway, so one alternative may be to get something to take to your employer. The note from your physician should say something simple like: "Jane Marple needs to take some time off due to her medical condition. Her last day will be this Thursday, and she will be off at least 60 to 90 days." I strongly suggest that the initial note be for some time less than the twelve weeks permitted by FMLA. Present that to your employer and ask, "What other documentation do you need?"

- 8. Be vague about when you'll return** – The employer will always want to know when you're returning. The honest answer is, "I don't know," even if you don't intend to return at all. This will protect your rights under the Family and Medical Leave Act. And who knows, a month or two off and you may be anxious to get back to work.
- 9. Confirm it in writing** – Confirm your discussion with your employer with a follow-up note that confirms all that you said and what they promised. Keep a copy.
- 10. Apply for short term disability first** – These programs usually start paying the quickest whether it's a short term disability plan from your employer or whether you live in one of the five states (California, Hawaii, New Jersey, New York, and Rhode Island) that mandates a short term disability program for workers. This is usually a fairly easy and straight-forward claims process.

11. **Don't miss your opportunity to continue health, dental and vision coverage under COBRA** – Work with your employer to make sure you don't miss this very important right. Ask how long your health insurance will be continued and when you should expect your COBRA notice.
12. **Apply for Long Term Disability** – Your employer will provide the claim form that you and your doctor will complete.
13. **See if the group life insurance has a disability waiver of premium provision** – This benefit usually allows you, after completing the paperwork, to keep your life insurance without paying premiums for as long as you are disabled.
14. **Determine what you should do with your retirement funds** – Whether in a 401(k), an IRA, a 403(b), profit-sharing or other tax-sheltered retirement account, know what your withdrawal rights are and decide whether to maintain the funds where they are, move them but keep them tax-sheltered, or take them out to meet current expenses.
15. **Apply for Social Security Disability Insurance (SSDI)** – This can take more time both to complete the forms and to get approved so it's usually best to wait until last to make this application.
16. **NOTIFY YOUR EMPLOYER/COBRA ADMINISTRATOR OF SOCIAL SECURITY APPROVAL** – An often-overlooked but very important final step. By getting a copy of your Social Security approval letter to your employer within sixty days of receiving it and by meeting the other requirements, you will be able to extend your COBRA Continuation coverage until you become eligible for Medicare.
17. **Don't burn any bridges** – Tempting though it may be to tell them what you really think about them, keep things as amiable as possible. You may need to ask your employer for support if you have a problem with any of the benefits. Your health insurance will probably remain tied to the employer. You may even want to go back to work.

Leaving work and going on disability is a major life change. The better you plan, the more control and power you will have over the process and the less helpless you will feel.