



## Navigating Work after Transplant

Celebrating a Second Chance at Life Survivorship Symposium

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## Navigating Work After Transplant

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# About Triage Cancer

Triage Cancer is a national, nonprofit organization that provides free education on the legal and practical issues that may impact individuals diagnosed with cancer and their caregivers.

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# Triage Cancer Free Resources



- TriageCancer.org
- Educational Events
  - Triage Cancer Conference: 5/15
  - Live & Recorded Webinars
- Resources by Topic
- Quick Guides & Checklists
- State Resources & Chart of State Laws



**Checklist: Managing Work, Insurance, & Finances During Covid-19**

Triage Cancer provides a number of resources to help you manage work, health insurance, and finances. We know that these are especially challenging times for members of the cancer community and it is most important that you understand the laws and programs that might help you. There have been many recent changes at the federal and state levels to help people manage their finances, work, and insurance. Please visit the article about these new updates and resources change frequently. For the latest information about these topics, visit <https://www.triagecancer.org/2020/04/08/financial-checklist-covid-19/> and the resources below. Triage Cancer also offers free webinars and webinars recordings on these topics: <https://www.triagecancer.org/webinars>

1. Understand Your Workplace Rights and Options
  - a. If you have questions about your ability to get accommodations at work, take time off, or explore job swaps, it is critical to understand these options and your protections and benefits.
  - b. Americans with Disabilities Act (ADA) and Reasonable Accommodations
  - c. State Paid Sick Leave Laws
  - d. Family and Medical Leave Act (FMLA) Leave

**TRIEGE CANCER ... beyond diagnosis**

**Quick Guide to Chemo Brain**

What is "chemo brain"?  
Chemo brain is a term that often describes the cognitive challenges that you may experience after receiving cancer treatment. These cognitive challenges may include difficulty with short-term memory, difficulty concentrating or trouble focusing, challenges with executive function, trouble with learning new things, and difficulty when working with numbers. If you are experiencing any of these challenges you should talk with your health care team.

Scientific research on the causes, prevention, and treatment of chemo brain are limited. However, some recent studies have shown that people can meet these cognitive challenges, not only when receiving chemotherapy treatment, but also when receiving radiation or endocrine therapy.

Insurance studies have shown that up to 50% of patients experience cognitive dysfunction post-treatment. There are also 32.25% of people who have cognitive impairments prior to treatment. Some of the predictors of whether or not someone will experience chemo brain include age, genetics, and cognitive reserve before you start treatment (e.g., IQ, education, occupation, hobbies, etc.)

What other factors can affect cognitive function?  
• Stress, depression, anxiety, etc.  
• Sleep disorders (insomnia, sleep apnea)  
• Pain and pain medications  
• Poor nutrition and hydration  
• Lack of exercise

Other potential stressors:  
Practical strategies to improve cognitive function:  
• Get enough sleep  
• Exercise (30 min walk)  
• Eat proper nutrition  
• Exercise  
• Talk to your doctor about medications (e.g., depression, anxiety, pain, etc.)  
• Financial Crisis is a default/home organizing system for Triage that are:  
• Important and urgent (on these days)  
• Important and not urgent (schedule these for another time)  
• Less important and urgent (schedule these if you can)  
• Not important and not urgent (consider removing these from your to-do list)

**Find state specific information at:**  
<https://www.triagecancer.org/state-laws>  
<https://www.triagecancer.org/state-laws>

**Webinars**  
Checklist: Managing Work, Insurance, & Finances During Covid-19  
<https://www.triagecancer.org/webinars>

**Plan, Prepare, and Practice**  
Checklist: Managing Work, Insurance, & Finances During Covid-19  
<https://www.triagecancer.org/webinars>

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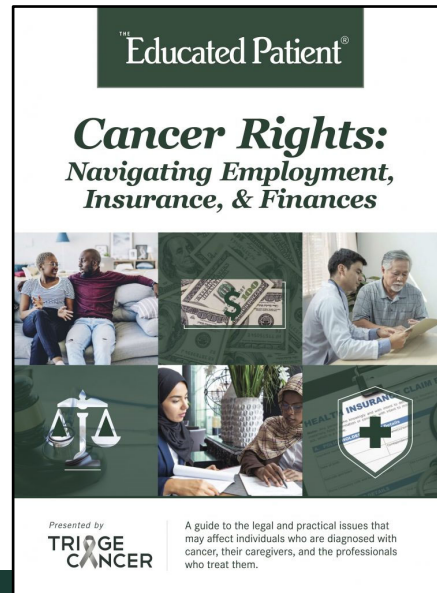


## Practical Guide to Cancer Rights

- Your Rights at Work
- Disability Insurance Options
- Health Insurance Basics & Options
- Medical Records, Appeals, & Managing Medical Bills

[TriageCancer.org/CancerRightsGuides](https://TriageCancer.org/CancerRightsGuides)

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## Triage Cancer Animated Videos

<https://TriageCancer.org/AnimatedVideos>

### Health Insurance:

- Health Insurance Basics
- Picking A Health Insurance Plan
- Options When Losing Insurance at Work
- How to Find & Pay for Clinical Trials
- When an Insurance Company Says No
- Managing Medical Bills

### Work:

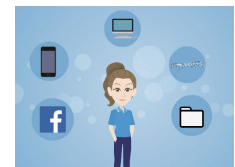
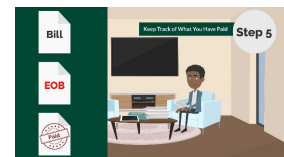
- Dealing with Side Effects at Work
- Taking Time Off & Paying For It
- Supporting Caregivers

### Cancer Survivorship:

- Cancer Survivorship Care Plans

### Estate Planning:

- Planning Ahead ~ Practical Things to Think About
- Planning Ahead ~ Documenting Your Wishes
- Planning Ahead ~ Financial & Medical Decision Making



English & Spanish versions; with Tagalog subtitles

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CancerFinances.org

**Topics include:**

- Health Insurance
- Disability Insurance
- Education Rights
- Employment
- Financial Assistance Resources
- **Think Broadly!**
- Estate Planning
- Life Insurance
- Family Building
- Clinical Trials
- Caregiving
- COVID-19
- Managing Finances
- Understanding Genetics
- Prescription Drug Assistance



**CANCER FINANCES**  
A Toolkit for Navigating Finances After Cancer

GET STARTED

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Legal & Financial Navigation Program

Free, one-on-one help for:

- Individuals diagnosed with cancer
- Caregivers
- Health care professionals

Health Insurance, Employment, Disability Insurance, Finances, Estate Planning, & More



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Legal & Financial Navigation

Our navigation services:

- Explain options
- Provide accurate information
- Empower you to take next steps

Connect Online  
[TriageCancer.org/GetHelp](https://www.TriageCancer.org/GetHelp)

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## Employment Rights

### Fair Employment Laws

- Americans with Disabilities Act (ADA)
  - Discrimination protections for patients and caregivers
  - Reasonable Accommodations for patients
- Rehabilitation Act of 1973
- State Fair Employment Laws
  - Discrimination protections for patients and caregivers
  - Reasonable Accommodations for patients

### Leave Laws

- Federal Family & Medical Leave Act (FMLA)
- State Leave Laws

### Employment & Union Contracts



## Employer Policies



- Employee Benefits
  - Health/dental/vision insurance
  - Short-term and/or long-term disability insurance
  - Life and/or accidental death insurance
- Other Benefits
  - Sick time
  - Vacation time or paid time off (PTO)
  - Pool of donated hours
  - Flex time/job sharing/telecommuting
  - EAP and financial counseling programs
- Medical Leave Process
- Reasonable Accommodation Process

*Checklist to Making the Most of Employee Benefits During Open Enrollment*  
*Checklist to Employee Benefits During a Job Search*



## Americans With Disabilities Act (ADA) Title I



### Eligibility:

- Private employers with 15+ employees & State/Local Governments
  - Note: Federal employees covered by Rehabilitation Act of 1973 (similar to ADA)
  - ADA does not apply to tribal employers
- Be a “qualified individual”
  - “Can perform essential functions of the job with or without a reasonable accommodation”
- Have a disability under the ADA’s definition

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## Americans With Disabilities Act

### Definitions:

- Disability:
  - “A physical or mental impairment that substantially limits one or more major life activities”
- Major life activity:
  - Eating, breathing, speaking, walking
  - ADA Amendments: concentrating, thinking, sleeping, operation of major bodily functions
    - Predictable assessments: cell growth



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## Americans With Disabilities Act

### 4 ways to use the ADA:

1. Currently
2. History
3. Regarded
4. Association

Applies to all phases of the employment process

### Benefits:

- Protection from Discrimination (1 - 4)
  - Employers can't make employment-related decisions based on medical information
- Reasonable Accommodations (1 & 2)

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## Reasonable Accommodations

“Any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities”

### Adjusting Work Space

- Moving offices
- Accessible work equipment
- Special furniture requests
- Hand controls on cars
- Different work location
- Telecommuting
  - Working from home
  - Working from another location

### Adjusting Schedule

- Working part-time
- Change in schedule
- Flexible schedule
- Additional breaks
- Extended leave

### Other Options

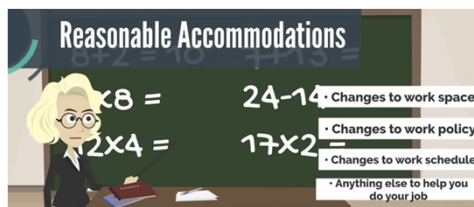
- Use of Technology
- Change in Policy
- Shift Job Responsibilities
- Change Job

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## Reasonable Accommodation Tips

- Do employers have to accommodate you?
  - Yes, unless undue hardship or direct threat
- Has to be “reasonable” and “effective”
- Can get more than one & needs may change over time
- Caregivers not entitled to accommodations, but could still ask



[TriageCancer.org/Employment](https://www.triagecancer.org/employment)

Quick Guide to Reasonable Accommodations  
Checklist: Reasonable Accommodations  
Video: Dealing with Side Effects at Work  
Webinar: Managing Side Effects at Work & at School

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## State Fair Employment Laws

- Similar to ADA
- But, can be more protective in 3 ways
  1. Broader definition of disability
    - Ex: CA, IA, IL, NY, WA, WI
  2. Specifically list cancer as a potential disability
    - Ex: CA, ME, OH, VT
  3. Cover employers with fewer than 15 employees


[TriageCancer.org/statelaws](https://www.triagecancer.org/statelaws)

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## Employer Size - State Fair Employment Laws

1	2	3	4	5	6	8	9	12
AK	CO	CT	IA	CA	MA	KY	AR (but 15 for RA's)	WV
HI	WY		KS	ID	MO	TN		
IL			NM		NH	WA		
ME			NY		OR			
MI			OH					
MN			PA					
MT			RI					
NJ								
ND								
SD								
VT								
VA								
WI								

\*If state is not listed, it requires 15 employees

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## State Leave Laws

- State FMLA Laws for smaller employers:
  - CA (5), DC (20), ME (15 pvt, 25 public), MD (15), MN (21), OR (25), RI (30 for public employers), VT (15), WA (all employers)
- Expanded definition of family:
  - CA, CT, DC, HI, MD, ME, NJ, NY, OR, RI, VT, WA, WI
- Expanded use of FMLA leave:
  - CT, ME, MD, OR
- Paid sick leave:
  - DC, CT, CA, MA, OR + Cities – see chart
  - Federal Contractors - EO
- Unpaid leave to take family members to routine medical visits:
  - MA,VT

<https://TriageCancer.org/StateLaws>

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## Family & Medical Leave Act (FMLA)

Federal law for:

- Employees with a serious medical condition
- Employees with a spouse, parent, or child with a serious medical condition
  - Parents
  - Spouses (common law spouses & same-sex spouses as of 3/27/15)
    - Note: not domestic partners
  - Children (biological, foster, adopted, step, or in loco parentis)
    - 18+ only if “incapable of self-care because of a mental or physical disability”



## FMLA Eligibility

Employer: private employers with 50+ employees and all government employers (federal, state, local)

- 75 mile radius
  - “As the car drives, not as the crow flies”

Employee: 12 months; 1,250 hours

- 12 months = total of 12 months in 7 years
  - Paid vacation or sick leave counts
- 1,250 hours = 24 hours each of the 52 weeks/year
  - Only count hours physically worked, not breaks, vacation, travel time

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## FMLA Benefits

**Protections**

- Up to 12 weeks leave, per year
- Unpaid leave
- FMLA Bubble:
  - FMLA protects job where sick

**• Job protected**

**• Health insurance protected**

[TriageCancer.org/Employment](https://www.triagecancer.org/employment)

- Quick Guide to FMLA
- Quick Guide to FMLA- Extended
- Animated Video: Taking Time off & Paying For It
- Webinar: Employment Rights After a Cancer Diagnosis

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## FMLA Tips

- Can be used in segments or intermittently
- Employers can't make employees use/exhaust PTO, vacation, & sick leave *before* using FMLA
- Employers **can require** use of PTO, vacation, & sick leave concurrently
- Employees **can request** use of PTO, vacation, & sick leave concurrently
- ADA can work with FMLA or **instead of FMLA!**

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## Disclosure Rights

Generally, not required, but may need to disclose *some* information to use . . .

- ADA's discrimination protections
- Reasonable accommodations
- Medical leave

\*Triage Cancer Quick Guide to Disclosure, Privacy, & Medical Certification

<https://tragecancer.org/QuickGuide-Disclosure>

\*Triage Cancer Quick Guide to Helping Navigate Patients Through Disclosure Decisions

<https://tragecancer.org/QuickGuide-DisclosureHCP>



## Why Does Disclosure Matter?

- Could have a wide impact
  - Employment
  - Housing
  - Relationships
  - Disability insurance
- Disclosure can evolve
  - Can change your mind over time
- Inadvertent Disclosure
  - Social media & crowdfunding
  - Family members



<https://tragecancer.org/quickguide-crowdfunding>

<https://tragecancer.org/checklist-camps>



## Disability Insurance Options: Private

- Private Disability Insurance
  - Short term vs. long term
    - Short term – generally last 6-12 months
    - Long term – generally 12+ months
  - Purchase through employer
    - e.g., Aflac
    - Some employers pay all or part of premiums
  - Purchase directly from company
    - e.g., MassMutual

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## Disability Insurance Options: State

- State Disability Insurance
  - Short-term disability benefits
  - CA, NY, NJ, RI, HI, and PR
    - Ex: CA State Disability Insurance (SDI)
      - max weekly benefit in 2021 = \$1,357, for a total of 52 weeks
      - seven-day non-payable waiting period
      - must have at least \$300 in wages subject to SDI contributions during a 12-month base period

[TriageCancer.org/StateResources](https://www.TriageCancer.org/StateResources)

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## Disability Insurance Options: Federal

- Social Security Administration
  - Long-term disability insurance programs
    - Social Security Disability Insurance (SSDI)
    - Supplemental Security Income (SSI)
  - Visit [www.ssa.gov](http://www.ssa.gov) for more info on SSDI & SSI



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## Disability Insurance Resources

[TriageCancer.org/disability-insurance](http://TriageCancer.org/disability-insurance)

- Quick Guide to Disability Insurance
- Quick Guide to Navigating SSDI & SSI
- Quick Guide to the Timing of Social Security Disability Insurance & Medicare Benefits
- CancerFinances.org → Disability Insurance
- Recorded Webinar: Disability Insurance

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## Income for Caregivers

[TriageCancer.org/Caregiving](https://TriageCancer.org/Caregiving)

- State Paid Leave for Caregivers (CA, DC, MA, NJ, RI, WA, NY)
  - Ex: CA Paid Family Leave (PFL)
    - Up to 8 weeks of leave per 12 months for employees who take time off from work
    - To care for a child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner; or to bond with a new child through birth, adoption, or foster care placement
    - Rate 60-70% (depending on income); removed 7-day waiting period for PFL
- Home Help/In-Home Support Services
  - Through state Medicaid program, but may be called something different in each state
  - [TriageCancer.org/statelaws](https://TriageCancer.org/statelaws)

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# Questions?

Celebrating a Second Chance at Life Survivorship Symposium 2021



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