

## *Planning for Disability*

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Even though there are some wonderful, new medications on the market, some people with HCV will still need to consider going on disability at some time in the future.

For most people, it is not always easy to know when the right time to leave is. Liver disease caused by HCV is often marked by a gradual progression toward disability. As well, the emotional issues involved around leaving work and “becoming disabled” further cloud the decision-making process.

Whether you know disability is going to be a reality soon, or it is just one of the possibilities in the future, you should check your safety net and know what programs are in place to continue your health insurance and provide a monthly income now, before it happens. This review includes benefits from your employer, insurance you carry personally, and available public benefits programs.

### **Employee benefits you will want to learn more about:**

1. **Paid Sick Leave Policy (and other paid time off):** How is it accumulated and how much do I currently have available? Ignore vacation time unless your company provides only one type of Paid Time Off. Unlike sick leave days, vacation benefits are vested, so you will receive payment for unused days when you are terminated.
2. **Company Medical Leave of Absence Policy:** Primarily, what you need to know is how long the company will continue your benefits, especially the health insurance, and protect your position while you are out on disability. The federal Family and Medical Leave Act requires eligible employees of groups with 50 or more employees within a 75 mile radius to continue benefits for 12 weeks; some employers offer longer; smaller employers do not have to offer any unless a state law requires it.
3. **Short Term Disability Plan (STD):** What is the waiting period before benefits start? How much does it pay? For how long? Does it require you to use up your sick leave first or can you use remaining sick leave to pay the gap between the percentage paid by STD and your full salary? Who handles the claims, the employer or an outside administrator? How does the plan define Total Disability?
4. **Long Term Disability Plan (LTD):** What is the waiting period before benefits begin (usually they are timed to start just as the STD benefits are exhausted)? How much does it pay? Does it subtract Social Security Disability benefits from their payment? Does it pay to Age 65 or Normal Social Security Retirement Age or something different? What is the definition of Total Disability? Are there other limits on how long they will pay for your condition (such as a limit on mental/nervous disabilities or disability due only to “subjective” symptoms)?

5. **Health, Dental, Vision Plans:** Chances are you have already been using these benefits so you will have an idea how they work. How long they will continue will depend on the company's Medical Leave of Absence policy. Do you make contributions out of your paycheck for any of these benefits? If so, you will need to make arrangements to continue paying them when the paychecks stop. Also, consider as the time to leave approaches whether you would be better off with COBRA Continuation coverage (usually very expensive) or Obamacare (available subsidies, but possibly less coverage).
6. **Group Life Insurance:** Although you don't plan on using it any time soon, you should check to see if the plan provides for a Disability Waiver of Premium which would continue the coverage without premium payment as long as you remain on disability.
7. **401(k) and Other Retirement Plans:** What are the provisions for early withdrawal due to disability? Can they be withdrawn without penalty (usually the case)? Can they be withdrawn in periodic payments? Should you leave the funds where they are or roll them over into an IRA? If you are one of the few that still has a defined benefit pension plan, you need to see if there is an Early or a Disability Retirement available to you.
8. **Any Other Benefit Plans Your Employer Offers:** Most other benefits provided by employers end when active work stops, but it never hurts to double check.
9. **Your Company's Actual Practice in Other Disability Situations:** It also helps to know if a company has ever made exceptions to their written policies and, if so, what the circumstances were. The larger the employer, the more likely they will stick to the written company policy. With smaller employers, however, sometimes the only indication of how they handle items like Sick Leave and Medical Leave of Absence are by knowing what they have done in the past, if anything.

**NOTE:** When you do leave work, it's also a good idea to also have a friend still with the employer who can keep you apprised of changes once you have left work. Many companies overlook disabled employees when making changes in their benefits package, and you need to know about them.

**Where to find this information:**

You need complete information on each plan, not just a brief outline. The literature that will contain this information comes in various forms and your company probably calls them something like:

- Benefit Plan Booklets
- Benefits Handbook
- Employee Handbook
- Insurance Plan Booklet/Policy
- Employee Certificate/Booklets
- Plan Descriptions
- Summary Plan Descriptions or just plain SPDs

Regardless of what your company calls them, the federal government calls them Summary Plan Descriptions or SPDs and federal law requires employers to give them to employees when they are first covered and *whenever they request them*.

### **How Will I Know a Summary Plan Description When I See One?**

A Summary Plan Description will:

- Be a complete description of the benefits. For one of the insurance coverages, that means several pages, not a paragraph or two. A Health SPD should be 20 to 30 pages or more; life insurance will generally be 5 or more pages; disability plans will be 10 pages or more.
- In an SPD, there must be a section, often towards the back, titled ERISA Requirements or ERISA Provisions. Whatever it's called, it will include things like:
  - Plan Name (such as Flying Carpet Mfg., Inc. Employee Health Plan)
  - Plan Number (Usually starts with 5, like 501, 502, 505)
  - Type of Plan (Insurance contract, or Self-Funded Employee Benefit Welfare Plan, etc.)
  - Plan Administrator (Usually the insurance company or an outside plan administrator or occasionally the employer)
  - "Agent for Legal Service" (This is to whom you serve papers if you end up suing the plan). This item is a good clue as it's almost always phrased just this way, and is only found in an SPD. If you see it, you can relax. You got the Summary Plan Description.

**NOTE:** Even if you still have the Summary Plan Descriptions that you got as a new hire, it's a good idea to request new ones to make sure you have the most current versions.

### **Public Benefit Programs**

1. State Disability Programs – California, Hawaii, New Jersey, New York, Rhode Island and the Virgin Islands all have state mandated short term disability programs that pay a weekly benefit for up to twelve months, depending on the state. Information on those programs and claim forms can be obtained from each state's employment development department.
2. Social Security Benefits – Learn about all the Social Security Disability programs at [www.ssa.gov](http://www.ssa.gov) and from articles in the archives of this [website](#). It is imperative that you understand the application process as it will greatly increase your chances of being approved the first time around.

Social Security no longer sends an annual statement to everyone. However, you can get a copy of yours on line. Go to [www.ssa.gov/mystatement](http://www.ssa.gov/mystatement). Complete the registration questions, and you will be able to print it out. It will list your reported annual earnings for every year you have worked, and give an estimate of what your retirement would be as well as your disability benefit. It can also be requested at the Social Security national number at 800-772-1213.

- a. Social Security Disability Insurance (SSDI) – This benefit is available to persons who have paid into Social Security through F.I.C.A. payroll taxes and are unable to work to retirement age.
  - b. Medicare – Medicare becomes available to disabled persons once they have collected SSDI benefits for twenty-four months.
  - c. Supplemental Security Income (SSI) – This is a “needs-based” benefit for persons who either didn’t pay into the Social Security system for SSDI benefits or who paid so little that their SSDI benefit is below the SSI floor amount, which varies from state to state. To be eligible for SSI benefits, you must have spent most of your own savings and be receiving little or no income.
  - d. Medicaid – This has historically been a “needs-based” health insurance program with similar financial requirements to SSI for people age 65 or over and for disabled persons under 65. It can either supplement Medicare or may stand alone to help people not eligible for Medicare. Under Obamacare, it is also available in some states for low income persons who are not disabled, regardless of their personal assets.
3. Personal Insurance – Review your policies to make sure you understand what they provide in the event of disability. If necessary, ask your insurance agent or other knowledgeable person to review it with you.

Even if disability is a year or more away, it is helpful to know just what will happen and what benefits are available to you in the event disability does occur.

However, if the time to leave on disability is approaching, resist the temptation to over-plan. Get the information you need; determine a date with your doctor, and notify your employer and leave.