Not Returning To Work After a Failed Disability Claim Is Abandonment?



Insurance claims can be a challenge to navigate for many organizations. That is why sometimes it seems easier to step back and let the insurance provider take the lead. However, doing so can put your organization at risk.

Consider the situation where an employee has placed a claim for disability with your organization's insurer provider. While awaiting the outcome of the claim the employee has taken leave from work and begun communicating solely and directly with the insurance provider. Once an employee has made a claim it is not uncommon for many organizations to take a hands off approach to their relationship with the employee. However, taking a "hands off" approach may not be the best course of action.

Challenges of 3rd Party Insurance Claims Management

When you step back and allow a third party to take the lead in managing a disability claim you may discover the following consequences:

- Loss of control of the disability claim process
- Poor ongoing employee relationship management
- Lack of information sharing
- Ultimately increased premium costs

Consider this question that was recently posed in an online forum:

"If an employee has been declined disability through application and appeal and does not show up to work after- would you consider this job abandonment?"

The fact is you cannot be certain about an employee's intentions if you have not actively stayed in touch. Assuming job abandonment could lead to problems down the road so it is important you do not act on this assumption until you have all the facts.

Ongoing Communication is Crucial

Having the responsibility of managing disability claims being requires more than processing paperwork. You must remember that the employee represented by the paperwork remains a member of your workforce even in his absences. Maintaining regular communication is critical to maintaining a positive relationship with someone who may very well return to work. It is also a means to demonstrate your due

diligence in preparing for possible future accommodations.

3 Steps To Take Before Concluding a Job Has Been Abandoned

In the case of an employee who has been denied an insurance claim and yet fails to return to work before you proceed with job abandonment actions you will need to prove you have:

- Created a plan which included attempts to accommodate the employee; including holding meetings with supervisors, union rep, and other relevant stakeholders
- Taken proactive steps to make contact directly with the employee
- Communicated to the employee and other relevant stakeholders a return to work plan

At the end of the day, the legal requirement to accommodate or manage an employee with a disability remains with the employer, not an insurance carrier. Allowing an employee to rely on communications from an insurance provider can leave you in the dark.

Tips to Stay in Touch

- Send your employee an monthly email message or place a phone call and ask if you can provide him with any information about the organization during his absence
- Invite him to contact you and ask if he has any questions about what is going on at work.
- When you leave these messages ask him to confirm he has received your communication. Say ***'we would like to hear how you are doing please stay in touch'.***

You do not want to put pressure on an employee to return to work, just provide both of you with an open line of communication. Not only is this a great process for ongoing relationship management it also keeps you in the loop and demonstrates your intention to work with the employee.

Get a Basic Plan Ready To Go

Once you learn that the employee's claim has been denied put an initial return to work accommodation plan in place and invite the employee (do not forget to involve any supervisors or union reps) in to discuss the process for his return to work. You cannot control his response but you can demonstrate your desire to accommodate his return to work. Sometimes your employee will abandon his job but often the onus will fall back on you to facilitate the next steps in this process.

Sources/Resources:

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Knowledge of Disability Insurance Claims Process Is Important to Your Organization