



Employment

Quick Guide to Leaving Work

When dealing with a chronic or serious illness diagnosis and treatment, it can be difficult to work. You may find that you need to take time off, for a short period of time, for a longer period of time, or stop working entirely. You may also find yourself experiencing a loss of employment unrelated to cancer, such as when an employer goes out of business. This Quick Guide has some key things to think about as you leave work.

Taking Time Off for a Shorter Time Period

Job Protection

- Check to see if your employer offers sick time or other types of paid or unpaid leave
- Take up to 12 weeks of unpaid, but job-protected and health insurance protected, leave under the Family and Medical Leave Act (FMLA). Leave is available for eligible employees to manage their own serious medical condition, or to act as a caregiver of a spouse, parent, or child. For more information about the FMLA, read the Expanded Quick Guide to FMLA ([TriageHealth.org/quick-guides/fmlaextended](https://www.triagehealth.org/quick-guides/fmlaextended)).
- Take time off work under state or local leave laws ([TriageCancer.org/state-laws/taking-time-off](https://www.triagecancer.org/state-laws/taking-time-off))
- If you do not have access to, or have used up, your FMLA or state leave, reasonable accommodations under the Americans with Disabilities Act (ADA) may be helpful for taking time off. They may also be helpful when you go back to work. Common examples of reasonable accommodations include a change in your work schedule or additional rest breaks. For more information about accommodations, read the Quick Guide to Reasonable Accommodations ([TriageHealth.org/quick-guides/reasonable-accommodations](https://www.triagehealth.org/quick-guides/reasonable-accommodations)).

Maintaining Income While on Short-Term Leave

- Many types of medical leave, including FMLA leave, are unpaid. Disability insurance provides income while you are out of work because of your medical condition. Short-term disability insurance benefits are offered by some state governments, or through a private insurance company. For more information about short-term disability insurance options, explore our Disability Insurance Materials & Resources ([TriageHealth.org/disability-insurance](https://www.triagehealth.org/disability-insurance)).

Information to Gather Before Taking Leave

- Understand how much leave you are entitled to and which policy/law you are taking it under.
- Does your employer require that you submit a medical certification form if you ask for a reasonable accommodation or medical leave? If so, there are limits on what they can ask. For more information, read the Quick Guide to Disclosure, Privacy, & Medical Certification Forms ([TriageHealth.org/quick-guides/disclosure](https://www.triagehealth.org/quick-guides/disclosure)).
- If your employer pays for all, or a portion, of your health insurance, they have to continue doing so while you are on FMLA leave (this is also true under many state or local leave laws, but check with your employer to be sure). If you typically pay a portion of your premiums by having them withdrawn from your paycheck, you should ask

your employer how to make those payments while you are out on leave. If you do not pay your portion, your health insurance policy could be canceled.

- Are there other benefits you pay for through paycheck deductions (e.g., a vision, dental, life, or disability insurance policy)? If so, how can you continue to make those payments while you are on leave so that your policies do not lapse?
- Do you have access to a disability insurance policy through your job? If so, what are the steps you need to take to file a claim and collect those payments?
- Understand your employer's policies about contact while on leave. For example, are there rules about using your work email or phone? Are other employees allowed to contact you?

Taking a Long-Term Leave or Stopping Working:

If you are unable to work for a longer period of time, your employer may not be required to hold your job for you. You may have intentions to find a new job at some point in the future, or you may not be able to work again. You may decide that you want to retire. Depending on your situation, you may have access to the following options to maintain income and health insurance coverage.

Maintaining Income

Individuals in this situation often have questions about how to replace lost income. There are three common options: disability insurance, retirement, or unemployment benefits.

- **Disability Insurance:** If you are unable to work for a longer period of time due to your medical condition, you may be eligible for disability insurance.
 - Private Long-Term Disability Insurance (LTD): These policies are sold by insurance companies or offered to you through your job. While each policy has different rules, usually as long as you had the policy before your disability began, you can receive benefits. Even if you have been let go from your job, you may be able to still access disability insurance benefits provided through your employer, depending on how much time has passed from when your employment ended. Contact the insurance company for more information about your specific policy.
 - Federal Disability Insurance: The Social Security Administration (SSA) runs two long-term disability insurance programs: Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI). For details, visit our Disability Insurance Materials & Resources ([TriageHealth.org/disability-insurance](https://www.triagehealth.org/disability-insurance)).
 - Note: It's possible to get private LTD benefits and SSDI, but the SSDI amount will be subtracted from the LTD amount. For more information, read the Quick Guide to Navigating SSDI & SSI ([TriageHealth.org/quick-guides/ssdiandssi](https://www.triagehealth.org/quick-guides/ssdiandssi)).
- **Retiring:** Based on your age when you stop working, you may be eligible for retirement benefits. Retirement benefits typically come from the SSA, a private account, or through an employer pension. You may have access to one or more of these options. Consider speaking with an accountant or financial planner to help you make the best decisions for you.
 - If you paid Social Security taxes while you were working, you may be able to begin collecting Social Security retirement benefits. Your monthly retirement payment depends on what you have earned over your work history and when you decide to retire; at your full retirement age, before your full retirement age, or after your full retirement age. If you retire early, your monthly payment will be lower than if you wait until your full retirement age. If you wait to retire until age 70, your monthly payment will be higher than if you retire at your full retirement age. Sign up for my Social Security Account (ssa.gov/myaccount) to see the amount of your monthly payments if you were to apply for Social Security disability benefits, retire early, retire at your full retirement age, or retire later. You can also call SSA at 800-772-1213.
 - Note: You cannot collect Social Security Retirement and SSDI. If you are at your retirement age the SSA will consider your benefits as retirement benefits.



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- If you have a retirement account through your employer, you may have a few options based on age:
 - If you retire after age 59½, the IRS allows you to begin taking distributions from your 401(k) without paying a 10% early withdrawal penalty.
 - If you meet the IRS's definition of having a disability, you can withdraw funds from your retirement account early without the 10% penalty.
 - If you are at least 55 years old, you can withdraw money, and avoid the 10% penalty if the 401(k) is from your most recent employer.
- If you have a private retirement account not related to your employer you should contact the investment company to understand when you can take money out of the account, how much you will receive monthly, and if there are any tax implications.
- If you have a pension, ask your employer about your vested percentage, how the distribution will be made (e.g., monthly, quarterly, etc.), and what income taxes you can expect to pay.
- **Unemployment Benefits:**
 - Generally, when an individual is let go from their job, they are eligible for unemployment benefits. The amount that you will receive depends on where you live and your past earnings.
 - If an individual chooses to leave a job, they are generally not eligible for unemployment benefits. However, if leave your job because it is not safe for you to remain working, you may still be eligible for unemployment benefits. You can ask your doctor to document your condition and why it was not safe for you at work. Generally, you cannot be eligible for both Social Security disability benefits and unemployment benefits. Every state's program has different rules and processes, but most states require individuals to certify that they are able to work and are actively looking for work, while the SSA requires individuals to be unable to work because of a medical condition.
 - For more information about unemployment benefits in your state, visit: [TriageCancer.org/StateResources](https://www.triagecancer.org/state-resources). If you apply for unemployment benefits and are denied, you can file an appeal. Each state has a different process for appeals, so contact your local unemployment office or state agency for specific information. For information on finding a lawyer to help with your appeal, read the Quick Guide to Legal Assistance ([TriageHealth.org/quick-guides/legalassistance](https://www.triagehealth.org/quick-guides/legalassistance)).

Health Insurance Options

- If you had health insurance coverage through your employer, you will need to understand your options for coverage and how to make choices between those options, when your job ends.
 - You may be able to keep the same policy that you had while you were working for a period of time through COBRA or a state COBRA law. If you elect this coverage, you will be responsible for up to 110% of the premiums.
 - You may be able to purchase a new policy through the state Health Insurance Marketplace, and access financial assistance.
 - You may be able to join another group plan, like a spouse's or parent's, if eligible.
 - You may be eligible for Medicaid or Medicare.

For more information about these options, and how to make choices, watch our Animated Video on Losing Health Insurance at Work ([TriageCancer.org/Video-LosingInsurance](https://www.triagecancer.org/video-losinginsurance)) and read the Quick Guide to Losing Employer-Sponsored Health Insurance ([TriageHealth.org/quick-guides/losinginsurance](https://www.triagehealth.org/quick-guides/losinginsurance)).

Steps to Take at the End of Employment

- Confirm how you will receive your last paycheck, if applicable.
- Check to see if you are owed payment for any unused vacation time. Employers may have policies about what they will pay out, and the rules vary from state to state. Ask whomever at your job deals with employee benefits what you should expect.

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- If you are eligible for COBRA or state COBRA, make sure you have the necessary paperwork and know who to send completed paperwork and payments to in the future.
- Are there employee benefits that can be converted into an individual policy (e.g., vision, dental, supplemental, disability, or life insurance policy.)
 - If you have a life insurance policy, you may be able to take that plan with you, by converting it from a group policy to an individual policy. If your employer paid the premiums for this policy before, you will likely have to pay the premiums moving forward. However, in certain circumstances, your policy may be considered paid in full if you are leaving work due to disability.
- Check your options with respect to any retirement accounts (e.g., can you roll over funds into an individual retirement account? Etc.). If you are unsure of the best course of action, meeting with a financial planner may be useful ([afcpe.org/find-an-afcpe-certified-professional](https://www.afcpe.org/find-an-afcpe-certified-professional)).
- If you have a short and/or long-term disability insurance plan:
 - How do you apply for benefits (if appropriate)?
 - If not applying for benefits at the time you are leaving your job, can you convert it into a private policy and take overpaying the premiums moving forward?
 - If considering applying for unemployment benefits, will the employer contest your application?
- If you are planning on moving, make sure that your past employer has your new address so they can send you tax documents in the future.
- Be prepared to return any equipment that belongs to your employer. For example, if you have a company cell phone, make sure that you have saved any personal contacts somewhere else. If you have a company computer, make sure that you have cleaned off any personal information.
- If you are interested, ask your employer if you can set up an automatic response for your email account that provides forwarding contact information.

There should be someone at your job to help answer these questions as you prepare to leave your job. Some employers have an internal human resources (HR) department or staff person, some hire an external company to handle their HR needs. Some smaller employers don't have any HR staff. If you aren't sure who to ask, start with the person who handles timesheets or other employment paperwork. There are usually deadlines to make these decisions, so don't delay getting the information you need to make them!

Filing a Discrimination Complaint

If you feel that you have been let go because of your medical condition, you may consider filing a complaint. Depending on the type and size of the employer, the agency you will file the complaint with varies. You may be able to file a disability discrimination complaint ([eeoc.gov/filing-charge-discrimination](https://www.eeoc.gov/filing-charge-discrimination)) with the federal Equal Employment Opportunity Commission, or a state fair employment agency. If you are a member of a union, you may have additional options through your collective bargaining agreement.

More Resources

- Your rights at work: [TriageHealth.org/employment](https://www.TriageHealth.org/employment)
- Disability insurance options: [TriageHealth.org/disability-insurance](https://www.TriageHealth.org/disability-insurance)
- Health insurance options: [TriageHealth.org/disability-insurance](https://www.TriageHealth.org/disability-insurance)
- Quick Guide to Legal Assistance: [TriageHealth.org/quick-guides/legalassistance](https://www.TriageHealth.org/quick-guides/legalassistance)
- CancerFinances.org: [TriageCancer.org/cancer-finances](https://www.TriageCancer.org/cancer-finances)

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