



EDUCATIONAL SERIES FOR HEALTHCARE PROFESSIONALS

2019

CEU REQUIREMENTS

If you plan on requesting continuing education credits, you **MUST** complete all of the following steps:

1. You must have registered online for today's session
2. Dial-in to the audio portion of the webinar
Please note that participants who "listen-in" on another participant's line will NOT be eligible for credit.
3. Within **2 WEEKS** of this session:
 - ✓ Complete the evaluation*
 - ✓ Complete the post-test & earn a passing grade*

***An email with links to the evaluation and post-test will be sent Friday, November 1st by 5:00 PM ET.**

****Certificates will be emailed within 4-6 weeks****

SPEAKERS

Rachel Becker, LMSW
*Senior Director of Programs,
Cancer and Careers*

Monica Fawzy Bryant, Esq.
*Cancer Rights Attorney & COO,
Triage Cancer*

This presentation is intended to provide general information on the topics presented. It is provided with the understanding that the author(s) is not engaged in rendering any legal, medical, or professional services by its publication or distribution. Although this content was reviewed by a professional, it should not be used as a substitute for professional services.

CONTENT PARTNER

TRIAGE
CANCER

RETURNING TO WORK

Key Topics:

- Transitioning off disability insurance
- Re-entry into a job
- Changing perceptions of post-cancer abilities in the workplace
- FMLA and ADA return to work requirements
- Job search

CASE STUDY: SARAH

- When Sarah was diagnosed at age 60, with kidney cancer, she had surgery and chemotherapy treatment for almost 18 months.
- She received short-term disability insurance benefits through her employer for six months, then her employer let her go. She has been receiving SSDI benefits for the last year.
- She is still experiencing fatigue, cognitive difficulties, and some neuropathy in her feet, but is considering trying to go back to work, because she has exhausted her savings and the SSDI payments aren't enough to cover her living expenses. But she hasn't talked it over with her medical team yet.
- She needs health insurance coverage because her COBRA is ending.
- She is anxious about going back to work and having to talk to her co-workers about her medical condition and she knows she will need time off for medical appointments.
- *What are Sarah's options?*

DECIDING TO RETURN TO WORK

- Are you still in treatment? If so, for how long and how often?
- What are your financial needs?
- What is your psychological mindset?
- Does it make sense to go back to your former job?
- If not your former job, should you try to stay at your employer?

TRANSITIONING OFF DISABILITY BENEFITS

About Work Incentives

- Keep your Medicaid/Medicare while you work
- Access to individualized support services
- Select part-time or work-from-home alternatives
- Trial Return to Work Period
 - ~9 months out of 60 months



www.socialsecurity.gov/disabilityresearch/wi/generalinfo.htm#work

Example: Ticket to Work Program (www.chooseworkttw.net)

RETURNING TO A EXISTING JOB

- What kind of flexibility is available in your existing job?
- Can you still do the work?
- Do you still want to do the work?
- What if they always see you as a person with cancer?

THE SWIVEL

My uncle had cancer . . .

- “I’m sorry to hear that, it must have been hard . . . (AND) . . . What did you think about the meeting that we had yesterday?”

How are you feeling?

- “Really excited to be back! In fact, I have a few questions about the new time-card system. Do you have a few minutes to answer them?”

<https://www.cancerandcareers.org/en/at-work/back-to-work-after-cancer/recasting-yourself-after-cancer>

<https://www.cancerandcareers.org/en/at-work/back-to-work-after-cancer/insensitive-comments>

CASE STUDY: ROBIN ROBERTS

Robin Roberts' return to work spotlights resuming a career after cancer



This Jan. 24, 2013 photo released by ABC shows Robin Roberts on "Good Morning America," in New York. Roberts will be back on the job at the "Good Morning America" anchor desk on Feb. 20. Her return will be five months to the day since her bone marrow transplant to treat a rare blood disorder. (AP Photo/ABC, Ida Mae Astute) / **IDA MAE ASTUTE**

https://www.youtube.com/watch?v=q4koa6_BOLY

EMPLOYMENT RIGHTS

Federal 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 Contracts

- Employment Contract
- Union Contract

LEGAL PROTECTIONS WHEN RETURNING TO YOUR FORMER JOB

- Similar issues to “Working Through Treatment”
- ADA Reasonable Accommodation Requests
 - If, when, and how
- Use of Intermittent FMLA leave
- Disclosure Decisions
 - If, when, and how
 - Some info required for use of ADA/FMLA protections
 - Medical Certification for ADA/FMLA – how much to share
- Return to Work Rights under ADA/FMLA

<https://TriageCancer.org/Employment>

© Triage Cancer 2019



FMLA RETURN TO WORK RIGHTS

- Prompt return to *equivalent or same employment*
- Equivalent position =
 - virtually identical to employee's former position in terms of pay, benefits, working conditions, including privileges, perquisites, and status; AND
 - same or substantially similar duties and responsibilities
- Employer not required to reinstate employee who takes leave beyond 12 weeks of FMLA
- But, must comply with company policies, state leave laws (which may be better than FMLA), and any federal and state pregnancy and disability protections

ADA RETURN TO WORK RIGHTS

- Reinstatement to the *same* job!
- More restrictive than FMLA, which allows reinstatement to same *or* equivalent position
- If reinstatement to same job is an undue hardship for the employer, employer may have to reinstate employee to any available vacant position the employee is qualified to perform

A RETURN TO WORK THEORY

- There may be value in asking for additional time off as a Reasonable Accommodation, so that the last law used for time off is the ADA
- Caveat: where you live (7th Circuit – IN, IL, WI)
- Stay tuned for a US Supreme Court decision

RESEARCH: JOB SEARCH

- Top 3 reasons unemployed cancer patients and survivors want to work:
 - Financial (92%)
 - Feel well enough (41%)
 - I do not feel like myself when I am not working (36%)

(Cancer and Careers/Harris Poll 2017)

RESEARCH: JOB SEARCH

- Among cancer patients and survivors looking for work:
 - 38% feel prospective employers would treat them differently if they disclosed their cancer.
 - 47% fear disclosing would negatively affect their ability to get hired.
 - 51% express at least some concern about getting hired if a potential employer finds out about their diagnosis.

(Cancer and Careers/Harris Poll 2018)
- In a study with fake cover letters, employers expressed 26% less interest in candidates who disclosed a disability than candidates who did not (Source: www.nber.org/papers/w21560)
- Applicants who disclosed a cancer history received fewer callbacks from managers (21%) than the applicants who did not (37%) (Source: *HR and Employment Law News 11/17/15*)

JOB SEARCH

- Preparing your patients
 - Emotional highs/lows
 - Being strategic
 - Holding yourself to a higher standard
- The steps of a job search are the same as the steps to build any relationship—consider what you reveal, and when.

<https://www.cancerandcareers.org/en/looking-for-work>

JOB SEARCHING IS LIKE DATING

- Phases of a job search
 - Networking
 - Job Application
 - Resume
 - Cover Letter
 - First Interview
 - Additional Interviews
 - Offer Letter
 - Hired!

JOB BOARDS

- Only a small percentage of job seekers find employment on job boards
- Great articles and surveys
- Useful for researching job descriptions & companies
- Possible exception: www.flexjobs.com

NETWORKING

- 85% of jobs are found through networking
- Networking sources:
 - Websites such as LinkedIn
 - Write a compelling profile; include photo
 - Ask for substantive recommendations
 - Post status updates regularly
 - Join “groups” and participate actively
 - Former colleagues and vendors
 - Friends, neighbors, fellow church members
 - Professional associations
 - Doctors, lawyers, dentists, accountants

<https://www.cancerandcareers.org/en/community/videos/BWC/linkedin>

<https://www.cancerandcareers.org/en/looking-for-work/online-footprint/guide-to-linkedin>

EFFECTIVE RESUMES & COVER LETTERS

Resumes

- A succinct summary of capabilities and accomplishments
- Easy to read and understand
- Future focused and targeted toward career goal
- Two pages; one page for early career

Cover Letters

- Make it personal
- Don't waste reader's time
- Highlight one or two professional experiences that are relevant to the job you are applying for
- Proof your letter
- Follow-up

https://www.cancerandcareers.org/resume_reviews/new

https://www.cancerandcareers.org/publication_orders/new

<https://www.cancerandcareers.org/career-coach>

THE SWIVEL

Can you tell me what you were doing during this gap on your resume?

- “I was dealing with a family issue that is resolved now AND I am thrilled to discuss how my management skills can build the team and grow your business.”
- “I realized that what I was doing didn’t fulfill me so I took a step back to think about what would make me happy AND I think my tech background would really be an asset not just for this role but for the company as a whole.”

MORE SWIVELING

I noticed on your LinkedIn profile that you're a member of a lot of cancer-related groups. Are you a cancer survivor?

- "Like most people, I've been touched by cancer, and finding a way to give back is very important to me. Plus, all my volunteer work has given me the opportunity to develop some valuable skills that I think would be applicable here, including X, Y, Z."

When I Googled your name, an article came up in which you were interviewed about being diagnosed with cancer. Are you still experiencing any problems or health needs?

- "Thank you for taking so much interest in me. The opportunity to speak to the press gave me some incredible new skills that I think would be very relevant to this role, including X,Y, Z."

APPLICANTS CAN GOOGLE, TOO

- Company size: Will the ADA apply? Will the FMLA?
- Benefits
- How have they treated employees in the past
- Discrimination lawsuits
- Do they have employee programs
 - EAP, affinity programs, etc.
- Other info that can help identify their workplace culture
- Sites like: www.glassdoor.com and www.Linkedin.com

LEGAL PROTECTIONS WHEN LOOKING FOR A NEW JOB

- Check the Benefits Package
 - Health, Life, Disability, ADA, FMLA, COBRA, etc.
 - Which protections and benefits do they have to provide and when
- Reasonable Accommodation Requests
 - During the application process and after getting the job
- Disclosure Decisions
 - If, when, and how
 - Pre-offer, post-offer, employed
 - Some info required for use of ADA protections
 - Medical exams

WORKING IN A NEW JOB WITH A NEW EMPLOYER

- How do you assimilate?
- How do you handle it if you are still in treatment?
- Managing your energy
- How can you succeed?
- Asking for accommodations

TOP TAKEAWAYS

1. Patients have a lot of anxiety about returning to work—be it a new or existing job—helping them focus on practical solutions can help
2. ADA (or similar laws) may protect patients during the job search process
3. Patients can return to work and get support: SSA return to work programs, reasonable accommodations, etc.

UPCOMING ACCREDITED WEBINARS

Balancing Work & Cancer Webinars*:

AFTERNOON/MORNING SESSIONS - 1 PM ET / 10 AM PT:

- **HEALTH INSURANCE OPTIONS**, WEDNESDAY, NOVEMBER 6
- **STRATEGIES FOR EATING WELL**, WEDNESDAY, DECEMBER 11

**All sessions are 60-minutes*

More information & Registration:

For more information & to register visit:

<http://www.cancerandcareers.org/en/community/events/healthcare-professionals>

<http://www.cancerandcareers.org/en/community/events/webinars>



**EDUCATIONAL
SERIES** FOR HEALTHCARE
PROFESSIONALS

UPCOMING CAC CONFERENCES:

Midwest Conference on Work & Cancer

March 27, 2020, Chicago

www.cancerandcareers.org/en/midwest

Scholarship applications and registration open early November

National Conference on Work & Cancer

June 19, 2020, New York City

www.cancerandcareers.org/conference

Scholarship applications and registration open in January



**EDUCATIONAL
SERIES** FOR HEALTHCARE
PROFESSIONALS

TRIAGE CANCER RESOURCES

FREE CEs for Nurses & Social Workers

- Events (<http://TriageCancer.org/Events>)
 - Health Care Professional Trainings
 - Triage Cancer Conferences
- Webinar Series (<http://TriageCancer.org/Webinars>)
- Resources (<http://TriageCancer.org/Resources>)
 - Quick Guides & Checklists
 - State Resource Contact Information
 - Charts of State Laws
- CancerFinances.org

ADDITIONAL RESOURCES

Employment Rights & Options:

- Equal Employment Opportunity Commission www.EEOC.gov
- Job Accommodation Network www.AskJan.org
- U.S. Department of Labor (COBRA) www.dol.gov/EBSA
- U.S. Department of Labor (FMLA) www.DOL.gov/WHD
- FlexJobs: www.flexjobs.com
- Workplace Transitions: www.workplacetransitions.org

Disability Insurance Rights & Options:

- Social Security Administration: www.SSA.gov
- National Organization of Social Security Claimants' Representatives (NOSSCR): www.nosscr.org

Legal Assistance:

- National Cancer Legal Services Network www.NCLSN.org
- LawHelp www.lawhelp.org
- Lawyer Referral Service:
<http://apps.americanbar.org/legalservices/lris/directory>

CONTACT INFORMATION

Monica Fawzy Bryant, Esq.

MB@TriageCancer.org

<http://TriageCancer.org>

Twitter

@TriageCancer

Facebook

www.Facebook.com/TriageCancer

Blog

<http://trriagecancer.org/blog/>

Rachel Becker, LMSW

Rbecker@cew.org

www.CancerandCareers.org

Twitter

@CancerAndCareer

Facebook

www.Facebook.com/CancerandCareers

Newsletter

www.cancerandcareers.org/en/community/newsletter

CEU REQUIREMENTS

If you plan on requesting continuing education credits, you **MUST** complete all of the following steps:

1. You must have registered online for today's session
2. Dial-in to the audio portion of the webinar
Please note that participants who "listen-in" on another participant's line will NOT be eligible for credit.
3. Within **2 WEEKS** of this session:
 - ✓ Complete the evaluation*
 - ✓ Complete the post-test & earn a passing grade*

***An email with links to the evaluation and post-test will be sent Friday, November 1st by 5:00 PM ET.**

****Certificates will be emailed within 4-6 weeks****