

## **What you should know about NYU changes to FMLA and disability benefits**

Effective September 1, 2008 NYU has subcontracted to UnumProvident the administration of short-term disability and FMLA. While the administration of FMLA is being handled by UnumProvident in selected administrative units/divisions within NYU, we expect that it will become University wide.

### *What does this mean to you and who is UnumProvident?*

The administration of these benefits had previously been handled by your local Human Resource office in conjunction with Central Human Resources, and an insurer, Zurich, in the case of FMLA. It is our understanding that this process will be very different as a result of the outsourcing to UnumProvident.

In three critical areas we believe employees will be disadvantaged by this.

- The required use and contingency of benefits upon an overly broad and misleading authorization form.
- The history of UnumProvident forcing workers to return to work before they are medically ready to do so.
- A monitoring and call-in process that doubles the number of calls an employee must make, and an aggressive position by non-NYU employees to “facilitate an ongoing dialogue . . . regarding problem/suspect leaves and to facilitate appropriate disciplinary or employment action”.

**We believe the purpose behind this initiative is to discourage access to contractual and legal benefits; and to limit those that are granted.**

### Who is UnumProvident?

The history of UnumProvident is a deeply disturbing one. UnumProvident is the world's largest disability insurer and arguably this country's most heavily fined insurer. In 2005, the Department of Labor, along with 50 states entered into an unprecedented settlement agreement with UnumProvident forcing them to re-open hundreds of thousands claims. Calling UnumProvident an "outlaw" insurer, the California Insurance Commissioner, John Garamendi promised to kick them out of the state if they continued to break the law. His department's investigation concluded "that the Company was engaged in widespread violations of state insurance regulations and in fraudulent denial practices. Those included using phony medical reports, policy misrepresentations, biased investigations as pretexts for cutting off legitimate claims." In New York State, Eliot's Spitzer's investigation forced UnumProvident to reopen 115,000 claims.

Their malfeasance however, isn't limited to the U.S. (see the BBC new report here: <http://search.bbc.co.uk/search?scope=all&edition=d&tab=av&recipe=all&q=welfare+rogue&x=0&y=0>)

A simple Google search will return hundred's of articles about UnumProvident and none of them are flattering. It is clearly a company that inspires disgust, as it promotes profit over the health of employees.

### What is the Union doing?

We have begun extensive conversations with attorneys about the authorization form (click on: authorization.pdf), and have initiated contacts within the New York State Attorney General's office for support. We have also filed two grievances with NYU along with extensive information requests. If there are violations of FMLA, we will move aggressively to bring those issues to court. UnumProvident should not be administering anyone's benefits or FMLA.

### What can you do?

If you must speak with UnumProvident keep a notepad handy and record the day and date of the conversation, the name of the individual you are speaking with, what they are requiring you to do, and what they say will happen if you do not. All information we receive will be treated confidentially- it is your information that you are sharing with the union for purposes of protecting contractual benefits and FMLA. We will not release or use this information without your consent. The union is not asking for personal, confidential, or medical information. If you suspect or feel that you are being asked to do or say something that is not in your best interest, contact the union immediately.

We cannot at this time advise you to sign or not to sign the authorization form. However, please read it over very carefully to determine if you are comfortable doing so. We are available to discuss with you possible strategies to find a “work around” until such a time as a contractual/legal remedy is in place.

We can only insure our guaranteed contractual and legal protections by reporting to the Union what we believe to be attempts to limit or ignore these critical protections.

In these difficult and uncertain times job security is on everyone’s mind. We encourage you to become involved by speaking up.

If you have questions or concerns regarding FMLA/Short-term disability\UnumProvidnet please contact the Union at 646-602-1485 or via email at [ucats@erols.com](mailto:ucats@erols.com). All conversations are confidential.