

Voya Leave Management

Federal Accommodations



What you need to know about the ADA* and PWFA

The **Americans with Disabilities Act (ADA)** is a federal civil rights law that prohibits discrimination against people with disabilities in everyday activities. It impacts employers, job applicants and disabled workers. The ADA guarantees that people with disabilities have the same employment opportunities as everyone else. It's an employer's responsibility to provide reasonable accommodation to qualified individuals with disabilities for employment.

The **Pregnant Workers Fairness Act (PWFA)** is a federal law that requires covered employers to provide reasonable workplace accommodations to employees and applicants because of pregnancy, childbirth, or related medical conditions, absent an undue hardship. Passed by the U.S. Congress in late December 2022, and effective since June 27, 2023, the PWFA applies to employers with 15 or more employees. All qualified employees and applicants are covered without any length of service, hours-worked, or salary requirements.

Voya Leave Management can help employers comply with the ADA and PWFA by managing leave of absence requests, accommodation requests, and Stay at Work (SAW) accommodations requests. Our services support employers by identifying absences that may require ADA analysis and facilitating an interactive process to support leave and non-leave requests for accommodation.

* ADA is also in reference to ADAAA (Americans with Disabilities Act Amendments Act).

What is Stay at Work?

Stay at Work (SAW) is a proactive approach that helps employees continue to perform the essential duties of their job when they are having difficulty because of a physical or mental condition or limitation, and in some cases, may eliminate the need for an employee to file for a leave of absence. These efforts offer the potential to:



Save time and money

When an employee can stay at work, employers don't need to absorb the cost of a temporary contract employee or interview, hire and train new staff. It also reduces the time HR and Supervisors could be spending on managing absences.



Maintain morale and productivity

When coworkers and supervisors need to cover the work of a colleague, morale, productivity — and even employee retention—can suffer. Stay at Work Services can help teams stay on track.



Support an employee during a difficult time

Staying at work helps keep an employee's health care benefits active, resulting in continued access to necessary medical care with no premium disruption.

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Two levels of Federal Accommodation Services

The following Federal Accommodation Services are available through Voya Leave Management for an additional fee.

1

Leave as an accommodation

When your employees need to apply for a leave of absence as an accommodation under the ADA and PWFA, we will manage the intake of the request, request information as needed (from the employee, employer, and/or health care provider), determine if the request is reasonable and provide our guidance and assessment to the employer. We utilize our in-house medical and vocational professionals to provide guidance and support. Once the employer makes a decision, we will communicate that back to the employee. If the leave is approved, we will manage the leave claim going forward until it ends. All other accommodations requests will be managed by the employer.

2

Accommodation management (leave and non-leave)

Administration of any ADA and PWFA accommodation requests, including leave as the accommodation as well as Stay at Work accommodations, and facilitation of the interactive process with the employee, Health Care Provider, and employer. In addition to reviewing for any accommodation related to a leave of absence claim, we will also manage requests for accommodations to employees who are still at work to allow them to continue to perform their job functions.

- This is a proactive approach to help employees remain at work and continue to feel like a valued member of your business when they have a physical or mental condition or limitation.
- It also may eliminate the need for an employee to file for a leave of absence. We manage the intake of the request, request information as needed from the employee, employer, and health care provider, determine if the request is reasonable versus causing undue hardship on the employer, review for essential versus marginal functions of the employee's job, determine applicable costs involved, recommend alternatives where applicable, and provide our guidance and assessment to the employer.
- We also utilize our in-house medical and vocational experts to provide guidance and support.
- Once a decision is made by the employer, we will communicate that back to the employee and manage the successful placement of the accommodation.

Accommodation enhancements/differentiators

Integrated into our Voya Leave Management services are:

- Documented processes, secure tracking, utilization reports, and tailored correspondence.
- Medical documentation gathering and review to support requests.
- Identification of absences requiring accommodation analysis.
- Details supporting the necessity of approved leave or accommodation.
- Assistance in completing medical certification paperwork.
- Dedicated ADA Specialists, in-house clinical and vocational resources, and national medical providers.

The information provided on this document does not, and is not intended to, provide legal advice. Neither Voya® nor its affiliated companies or representatives provide legal advice. Please consult a legal professional regarding your specific circumstances.

For more information, contact your Voya representative.



Voya Leave Management services are provided in part by Disability Reinsurance Management Services, Inc.

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