

# Take It Or Leave It - Episode 43

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## **Josh Seidman**

Hi everyone, and welcome back for the 43rd episode of Take It Or Leave It, where we discuss the hottest topics in the world of workplace leaves absence, management and accommodations. I'm your host. Josh Seidman.

Summer is upon us, barbecues and beaches, concerts and camps, water slides and swimming laps, soaking in the sun and steering clear of cicada swarms. Yes, technically, it's broods, but I opted for the alliteration, so - swarms, it is - all in the name of summer. There isn't much that can disrupt the rhythm of summer. Once the summer winds come blowing in, they tend to linger. For instance, let's say there is too much seaweed in the ocean on a given day, pivot to a swimming pool. If Kingda Ka, the former world's tallest, fastest roller coaster, which was located at Six Flags Great Escape in New Jersey, super close to where I'm based out of, is demolished - which it was back in February and by the way, this news really devastated my six year old, who adores a good roller coaster - you pivot to Hershey Park. If you are missing your daily dose - minus Wednesdays, of course - of Love Island USA season seven, then pivot to the Bachelor, Bachelorette, Golden Bachelor or Bachelorette, Survivor, or a personal family favorite, American Ninja Warrior.

For today's episode, we will be examining a topic that has all the makings of being a true disrupter in the world of Leaves and Accommodations, one where pivoting to the next alternative might not be possible depending on the scope and severity of its imprint. The topic I'm talking about is AI and how its growth and evolution is, and will continue to, impact the world of Leaves of Absence Management and Accommodations. For the first of an ongoing examination of this monumental moment, one that is both seriously and casually, consistently compared to some of the biggest technological moments in human history, The Industrial Revolution, the internet and so on.

I am so elated to welcome Bryon Bass from the Disability Management Employer Coalition, or DMEC, to Take It Or Leave It. Bryon joined DMEC as CEO in 2023; he brings more than 20 years of experience in the absence and disability management industry to the role. He was previously Senior Vice President, Workforce, Absence and Disability Practice Leader for Sedgwick, where he oversaw disability and absence management, product strategy, innovation, standards and compliance and product line best practices. He also worked in a variety of absence and disability management roles for employers across a broad range of industries. Bryon holds a BS in business management from the University of Phoenix, and is a certified leave management specialist, CLMS. Bryon, welcome to Take It Or Leave It.

## **Bryon Bass**

Thanks, Josh. I'm thrilled to be here today and to kick off such a timely and essential series, the intersection of AI and leave management isn't just the future, it's already reshaping the present, and I'm looking forward to diving into it with you today.

**Josh Seidman**

Oh, me too. I've had this one circled on my calendar for many, many weeks, so I'm glad we're making it happen today.

**Bryon Bass**

Absolutely.

**Josh Seidman**

Before we get into the specifics of this hugely impactful evolving topic of how AI is impacting our leaves and accommodations world and some of the notable related work that you and your colleagues at DMEC have been focused on in recent months. I want to start off with a quick ask, can you tell our listeners just a bit about DMEC, the organization's goals, offerings, core focuses, steps that the group takes to promote those goals and the like?

**Bryon Bass**

Yeah, I'd be happy to. So DMEC is a nonprofit trade and professional association that supports employers in managing absences, leave, disability and accommodations. Our mission really is to equip employers and practitioners with the tools, education, benchmarking and networking they need to support compliant, effective and employee centric leave and disability programs. To do that, we offer four key areas of benefits to our membership, ones around education and certification, like our certified leave management specialist, the CLMS program, and my credentials on topics like state leave laws and benchmarking Integrated Disability and absence management programs.

We also offer research and benchmarking, where we deliver data on plan, design outcomes, practices that are being employed by employers across the nation. We provide policy and regulatory insights, helping employers navigate the challenging Leave Law landscape. And you're one of those who help us with the paid sick leave space, and we are appreciative of picking your blog and providing it to our members as well. And on innovation through our national conferences, we have one coming up, and we have one in the spring, which is focused solely on compliance in this space. And then we've done a number of think tanks through our 30 year history that are focused intensively on areas that are impacting our field and to help guide employers, and to overcoming one of those challenges might be.

**Josh Seidman**

Oh, that's wonderful. Bryon. So much that the organization does. You know, I have been involved with the DMEC for a few years now. It feels like it's been significantly longer than that, because it's how much of a wallop all the events present and put on. I mean, there's so many good presentations, good content, good networking. I love going to every conference that's happened since I got involved with the group a few years ago. I've attended both of them every year, and have loved every minute of it. And of course, you know, love being a part of any of the policy, regulatory insight work that my team can help

out with, like on the paid sick leave front, which is a whole other beast that we will leave on the sidelines for today's episode. But, but love, love helping out there as well.

### **Bryon Bass**

Yeah, thanks. And we know that this work is both compliance heavy and people centered, and there's a lot for us to take apart and dissect and really understand, and even those of us that claim to be experts in this space learn something new every single day.

### **Josh Seidman**

Oh, ain't that the truth? I hear you. Also you mentioned the annual conference that's coming up in just a few weeks down in Washington, DC, I can't wait for it. The content at all these conferences, as I mentioned a second ago, consistently top class. The networking is brilliant, wonderful, equally impressive. I'm personally presenting with a good friend of mine, Lynn Souza, on federal paid leave activity, which is a topic that we've covered on this podcast periodically, both in episodes 30 and 32 and then way back in episode 3. That was in December of 2021 which made me realize that this podcast has been going on for a minute, which is kind of cool to think about that.

But as always the case with the leaves and accommodations world, the landscape is continuing to shift on us plenty of new content on the federal paid leave front to explore and dissect in a couple of weeks in DC. So I can't wait for that one. But I digress. I want to shift our focus over to the meat of today's episode, which is AI and its impact on leaves and accommodation. So first off, you go online, turn on the TV, you read an article, listen to the radio. Chances are you are very quickly going to see or hear something about AI. But it is so important to make sure that we are all aligned when we talk about AI and what it is and what it isn't. So to set the table for our listeners, can you describe how you generally define AI, and if this definition changes at all, once you enter into the leaves of absence management industry?

### **Bryon Bass**

Yeah, I'd be happy to. You know, first, I want to preface it by saying that, you know, from a background perspective, my first employer that I worked for was Intel Corporation, and so have a lot of experience in the technology field. So much so that when I was getting my undergraduate degree, my minor was in computer science. So that was 30 years ago, though so things have changed in 30 years, but AI in one form or another has really been around for quite a long time. We're just seeing a different type of automation or artificial intelligence that's starting to come into the forefront, and now it's becoming the big shiny object. So in the broadest terms, the best way that I describe it is AI is the ability for machines to perform tasks that typically require human intelligence. So think about things like learning, reasoning and decision making.

We're talking about that context of AI today, that's really what folks are talking about. We're talking about the large language models that are then being used to, from a generative AI perspective, to start identifying and detecting patterns and predicting outcomes and providing recommendations. And so in the leave and accommodation space, we really are talking about narrow AI and that is, again, like detecting the patterns, the reasoning and the decision making. What makes this unique in our industry is that there really is deep, personal personalization that's required. I mean, as you know, leave

decisions aren't one size fits all. They all depend on medical facts. They depend on company policies. They depend on local and state laws. There's federal laws out there too. And let's not forget the most important component that's going to be difficult for AI to overcome, and that is human empathy. So AI can support all the processes, but it has to be integrated thoughtfully.

### **Josh Seidman**

Wonderful, that is so helpful and so many great points, setting the table for folks. Leave of absence not being one size fits all - we talk about that all the time on this podcast, on webinars, just in meetings and chats with clients and conversations with other folks in the industry, and there are so many variables, as you said, that where AI can step in and support there are still some inherent limitations, including on that very important part of empathy, right? So I think that's really, really hitting the nail on the head. I want to ask a quick related follow up to you, Bryon, because I think it's another table setting question and making sure that we and our listeners are all on the same playing field as we talk through the rest of today's episode. Can you define sort of the differences talk about the differences between AI and automation, given that folks sometimes and understandably, I might add, conflate the two concepts?

### **Bryon Bass**

Yeah, I'd be happy to. I think that really is one of the biggest misconceptions that I see, and that we've been uncovering in our think tank that we've been focused on AI. So I like to use a little bit of an illustrative example to talk about the differences between the two. I like to use a car and a cruise control analogy here. So we think about automation. Let's think about cruise control. Cruise control, technically, is an automation. You're telling the car exactly how fast to go. You set it for 65 miles an hour, it stays at 65 miles an hour. It doesn't think about anything else. There's no thinking. It's just executing and doing what you're asking it to do. Now, over time, I think some of us might have these in our newer cars. If you have one of these newer cars that have these safety features that have been incorporated into the technology. AI can be considered an adaptive cruise control. So in the sense that it's not just keeping your speed at 65 but it's also sensing traffic, so it's looking at the car in front of you and whether or not it's going at the proper speed, if you will, and to ensure that you have the proper distance between your car and their car, and in doing so, it adjusts the speeds, and over time, it continues to learn what's going on. It might even learn the habit of the person that's driving in front of you, if you follow them for 100 miles, perhaps.

But it's still imperfect, and the important thing to remember here is it still needs driver supervision, so you still have to give some type of oversight into it to ensure that it doesn't do something it's not supposed to do because it is programmed. It is that it is adaptive, and it's using some artificial intelligence to keep things moving along, so you don't have to do as much of the work, but it still needs to be supervised. In leave, for example, automation might be something where you automate a leave packet that generates when someone fills out a request form. And I've been in this field, I've built claim systems over my career, and I like to also explain this in the way of automation is if x happens, then y should occur. So it's very simple, very to the point.

And so in this example, someone fills out a leave request form, and now you're generating a leave packet for them, hopefully you got more information than they just requested it. You know what type of leave they're requesting. You probably know the date, so you can include that type of information in the

letter. You don't need sophisticated AI to do that type of work. Where AI comes in, it might start to look at historical leave data and suggest trends like maybe they see a spike in fatigue related leaves that are tied to shift patterns. Or maybe you see an individual, from an intermittent absence perspective, who seems to be taking patterns of absences around, let's say Wednesday, because, you know, a lot of people like to call the FMLA the Friday Monday Leave Act. But it's actually not true. When you look at the data, people are actually taking days off in the middle of the week more than they are on Fridays or Monday so I think we should stop calling it the Friday Monday Leave Act.

### **Josh Seidman**

I love it. I'm chuckling to myself. I have heard through the grapevine of the Friday Monday Leave Act, but I'm happy that I think is the first time it's actually made an appearance on the podcast. That was great. You know, it's funny. I was excited for today's episode, for a whole bunch of reasons, as we will continue to kind of get through and get into the weeds on this topic. But a good analogy - that resonates with me, the car cruise control, I was sitting on the edge of my seat for that whole last segment, that was beautiful.

### **Bryon Bass**

Wonderful.

### **Josh Seidman**

So thank you for that, Bryon. You know, we've got automation and AI and generative AI and AI bots and the large language models and, you know, our ever looming march towards singularity and so on. It can be a lot. It's a lot for me. It feels like a lot, certainly for any novice out there. In broad strokes, and you mentioned this point, I think, very early on in the episode - from your perspective, you know, AI isn't just coming. It's here in some ways, right? So where are we today in terms of how AI is being leveraged, integrated into leave management and accommodations? How are leave and accommodations professionals using AI? And what are some of the applications they want AI to solve, but don't quite yet have that capability?

### **Bryon Bass**

Yeah, it's a it's a really good question. And I think part of our surveying as we were marching down the think tank phase from an AI perspective was really to get a perspective of what do people really know about AI out there, and how are they actually using it? And what we found is that for the most part, it's not being used, at least when we're talking about AI and the construct of large language models and generative AI, not the automation stuff that I was talking about a moment ago, but the more advanced things where it's taking data and it's determining what the next, next things need to occur based on the patterns or the data associated with that individuals leave, or whatever might be going on there. It's not really being used in that capacity right now, and if it is being used, people don't know that it's being used. And so as part of our discovery process with our think tank AI, we have identified that, you know, we really are still early, but adoption is starting to grow. It's starting to grow, and we already see employers and TPA, so this isn't just like you have a third party administrator. This is like something that they do as part of their bread and butter, or it's an insurance carrier, and it's something that they do often for a number of employers, but there are employers that are out there that are using some forms

of AI to help them in their processes, and some of them are relatively simple in nature, but they still involve some form of AI.

So for example, triaging leave requests like you can route cases based on urgency or complexity. You can identify like, what's going on with this particular type of leave. And for example, you might look at patterns of leave that an individual may have had. Maybe you have what we call a frequent flyer who likes to take a lot of leave. And not to say that they're not entitled to the leave necessarily, but they take a lot of leave, and so you might want to say, oh, maybe they need to have a little step up in terms of case management or claims management based on those different patterns that they've experienced over time. So that would be an example of triaging leave requests. We're also starting to see an emergence of tools that are helping to interpret the overlapping laws. Someone might qualify for FMLA, FMLA has its set of criteria. There's a state paid family leave that might run concurrently with that. Oh, and by the way, you may be in a state that you just gives you state paid family leave that says a job protection but doesn't have wage replacement associated with it, or maybe you're taking it for your own serious health condition, and therefore there's gonna be a short term disability claim that's all gonna be running together from that wage continuation perspective. They all have different rules, they all have different eligibility requirements. They all have different entitlement perspectives. They all have different layers of proof that's required in order for you to be designated under each of them. So we're seeing some areas where the interpretation of those overlapping laws are starting to be helped with from an AI perspective.

We're also seeing like documentation collection, and not only documentation collection, but in some instances, I've seen it in workers comp and in particular, I'm starting to see it move into some of the short term disability in the leave area is taking medical documentation and summarizing it. Trying to take out the relevant, salient pieces of the medical documentation, and then using that as necessary to if you will, document what needs to be documented in that claim file, without an examiner or the claims examiner having to document on their own, and then also completing certain fields, maybe with dates or diagnostic codes and things of that nature. Still needs to be checked, don't get me wrong, but we're starting to see an increased amount of efficiency and accuracy with the summarization of documents that are occurring, especially as it relates to medical information. As long as the AI can read the doctor's handwriting, that's important, right? And you can also automate claimant communications. You know that reminders things of that nature.

One thing that we're hearing a lot of requests on is around accommodation matching. So if you could imagine an AI that suggests accommodations based on job duties and medical restrictions, that's kind of like the wish that we keep hearing as we've been talking about this in broader context with our members out there, is, wouldn't it be great if we had a model that could help us make matches for accommodations based on what that particular employee needs. And then one other area that has been really going back and forth over the years is outcome prediction. So really trying to estimate Return to Work timelines based on similar cases. And I think that depending on the situation, the variables that are there, it does a fairly good job of this, of predicting. But there are so many elements associated with an individual we talked about this one size fit all approach, that the outcome prediction becomes somewhat difficult. And if you look at some of the experts, or read some of the experts that are out there around AI, there's one book in particular called AI Snake Oil, which is written by a couple

of Princeton folks who are running their AI Lab, and they talk about the fact that predictive modeling, in their opinion, is something that's never going to be accurate enough to rely upon in AI. I don't know if that's going to actually be true or not, but I can understand where they're coming from. And they give examples of situations over time where predictive modeling has unfortunately introduced a significant amount of bias into certain groups of people and caused insurance rates, for example, for one segment of individuals to be raised when they shouldn't have been. So there's a lot of these. There are a lot of these, I guess, scenarios that are out there that are cautionary and we need to take a step back and understand those and see how those might have a parallel in the space that we're working in, because there are some parallels that could definitely happen in that space.

**Josh Seidman**

Yeah, absolutely. Bryon, appreciate the book reference for anyone looking to add to their summer reading list: AI Snake Oil. That was a great, a great shout out. It's on mine. So I appreciate you mentioning that to folks there. You know, there are so many unique use cases or possible use cases. And I, I love the summary. And I was jotting some things down here, right the triaging leave requests, looking at the frequent flyers, and maybe understanding where we might need to pay some extra attention to that, to that management, the document summarization. I mean, I think those are useful tips that feel like they can be dispersed somewhat more widely to organizations or to TPAs, carriers and the like. The accommodation matching and the outcome predictions are both really interesting because of the variables and the elements and how fluid every case can be and oftentimes is.

And with that, Bryon, I want to thank you again for this great content. I and our listeners, I'm sure appreciate this core background and appetizer, if you would, on AI and how it is already impacting leaves and accommodations. I am also so, so overjoyed that we are having you back for our next episode, part two of this important conversation to delve deeper into topics like ethics surrounding AI and its use in the leaves and accommodation space, the DMEC AI think tank that you mentioned earlier, and the role federal, state and local governments can play and are already playing, when examining AI use and best practices in leaves and accommodations, as well as the workplace more generally.

**Bryon Bass**

Thank you, Josh, for the opportunity. It's really been a pleasure to join the conversation, and I'm really glad we're raising awareness around AI's impact in our space. These are all conversations that we need to be having, and not just to adapt, but to lead.

**Josh Seidman**

Absolutely wonderful, wonderful. Thank you again, and thank you to our listeners for tuning in for today's episode, we will see you next time.