

JAN

Job Accommodation Network

Practical Solutions • Workplace Success

Accommodation and Compliance Series

Accommodation and Compliance Series: Family and Medical Leave Act (FMLA)

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Introduction

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified reasons with continuation of group health insurance coverage under the same terms and conditions as if they had not taken leave.

The FMLA is designed to help employees balance their work and family responsibilities by taking reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promotes equal employment opportunity for men and women.

For general FMLA inquiries, contact DOL/Wage and Hour information and referral line: 866-4-uswage (866-487-9243).

- [Department of Labor's FMLA Field Operations Handbook](#)
- [Wage and Hour Division: Family and Medical Leave Act Employer Guide](#)
- [The Employee's Guide to the Family and Medical Leave Act](#)

Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

A general laborer for a warehousing company had a shoulder impairment that required surgery.

He had restrictions in lifting, reaching, pushing and pulling that prevented him from performing essential job duties. He required eight weeks of leave for surgery and recovery, but only had six weeks of FMLA time available. After his FMLA exhausted, he was allowed two weeks of additional leave as an accommodation under the ADA. When he was ready to return to work, he was placed in a vacant modified duty position for two additional weeks to accommodate remaining restrictions.

A social worker who developed severe preeclampsia during the last trimester of her pregnancy was placed on modified bed rest by her healthcare provider.

This prevented her from working on-site. She was able to perform some of the essential duties of her position by working at home. The employee was permitted to work at home part-time, as an accommodation under the ADA. She applied leave on a reduced leave schedule under the FMLA for the remaining hours she was unable to work, until the delivery of the baby.

A customer service representative working in a call center was experiencing limitations associated with generalized anxiety disorder and depression.

He began treatment with a new healthcare provider who adjusted his medications and recommended bi-weekly counseling sessions for one month. He exhausted his accrued paid sick leave but was FMLA eligible. He applied FMLA leave intermittently in order to attend counseling appointments.

A marketing manager disclosed to her employer that she has alcoholism and would like to seek treatment.

She would need to attend a 60 day residential program and requested a leave of absence to do this. She was granted job-protected leave under the FMLA for the duration of her treatment.

An automobile parts assembler had hoped to regain strength in his dominant right side following a stroke resulting in hemiparesis.

He had exhausted FMLA leave and decided to request reassignment. He was placed in a vacant stock clerk position that was less physically demanding. He was also provided a scooter to access the facility and a tablet device was mounted to the handlebars, which allowed him to access purchasing and receiving documents with one hand.

A retail sales associate with diabetes developed complications that affected the functioning of her kidneys.

She required hemodialysis three times a week. Hemodialysis requires adhering to a

fixed schedule. The employee requested a transfer to a store closer to the dialysis center as an accommodation under the ADA, and applied leave under the FMLA, when needed, to receive dialysis.

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