

What is FMLA? How is it different than ADA?



# FMLASource - Leaves We Administer for You

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## Family and Medical Leave Act (FMLA) leaves

- Up to 12 weeks\* of unpaid job/benefit protection in 12 month period
- For one's own serious health condition or care of an immediate family member
- To qualify, an employee must work for 1 year and have worked 1250 hours in the last 12 months

## Other regulatory leaves

- USERRA military leaves
- State leaves

## Americans with Disabilities Act leaves

## Company / Personal Leave

\* 26 weeks to care for injured military service member

# Your Role – Identify Potential Medical Leaves

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Direct an employee to us when leave is needed for:

- Medical reasons
  - FMLA or state medical leaves
    - Pregnancy/prenatal care
    - An overnight stay at a hospital or medical care facility
    - Illness or incapacitation for more than 3 days
    - Repeated absences for the same chronic health condition (examples: asthma, diabetes, migraines)
    - Permanent or long-term conditions/treatments (examples: cancer, stroke, Alzheimer's)

# Your Role – Identify Potential Disability Leaves

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Direct an employee to us when leave is needed for:

- Disability-related Reasons
  - ADA or state disability law leaves
    - Any request for time off related to a long-term mental or physical impairment
    - Must limit a major life activity (examples: walking, talking, seeing, hearing, breathing, working, self-care)
    - Or must limit a major bodily function (examples: digestive, circulatory, neurological, brain, respiratory systems)

**Note: many conditions could qualify for leave under FMLA or ADA**

# Your Role – Identify Potential Family-Related Leaves

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Direct an employee to us when leave is needed for:

- Family-related reasons
  - FMLA or state family leaves
    - Arrival of a new child (newborn bonding or adoption/foster care)
    - Care of an immediate family member with a serious health condition
      - Spouse, Child, and Parents (includes step child/parent, foster child/parent)
      - In-loco parentis


# Your Role – Identify Potential Military Leaves

Direct an employee to us when leave is needed for:

- Military Reasons

- FMLA


- Care for a family member who becomes seriously ill or injured related to military service
- Qualifying exigencies – emergencies caused by family member being called into military service



**Leave for  
family  
member  
in service**

- USERRA

- Employee taking time off to serve in Armed Forces



**Leave for  
employee's  
own service**

# Your Role – Identify Potential Other Leaves

Direct an employee to us when leave is needed for:

- Other reasons that may be protected by state law:
  - Witness / victim
- Company / personal leaves

**Rule of thumb: when employees express the need for leave, send them to us.**



Medical Leaves



Disability Leaves



Family-Related  
Leaves



Military Leaves



Other Leaves  
Protected by  
State Law

# Your Role – Reinforce Proper Call-Off Procedures

Remind employees of proper call-off procedures for each leave type:

	<b>Intermittent</b>	<b>Continuous</b>	<b>Reduced Schedule</b>
Definition	Sporadic/episodic absences	Uninterrupted block of days missed	Pre-arranged schedule of days/hours to be missed
Example	Occasional migraines	New child bonding	Knee rehab appointments
Employee's responsibility	<ol style="list-style-type: none"><li>1. Follow your normal call-off procedure for each absence</li><li>2. Contact FMLASource within 24 hours of each absence</li></ol>	<p>No need to call with each absence; approved leave serves as notice BUT employee needs to contact FMLASource if:</p> <ol style="list-style-type: none"><li>1. Start date changes</li><li>2. End date needs to change—sooner or later</li></ol>	<p>No need to call with each absence; approved leave serves as notice BUT employee needs to contact FMLASource if schedule needs change</p>

# ADA-Specific Leave Process Overview



# ADA vs. FMLA – A Comparison

## ADA

No hours worked or tenure requirements – new employees may qualify

No set limits on amount of leave-- may be for as long as reasonably needed

Undue hardship may be a defense

Paperwork “deadlines” are not backed by law and considered “soft” deadlines

## FMLA

Hours worked (1250 in last year) and tenure (1 year) requirements

Specific limits on amount of leave (up to 12 weeks in 12 months)

No undue hardship defense – employer must grant leave if certified

FMLA regulations provide specific paperwork due dates

**Note: an employee may cycle between FMLA leave and ADA leave**

# Medical and Personal Leaves

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## Medical Leave

Eligibility: 90 Day Employment

ONLY applies if FMLA and ADA are denied

Entitlement: up to 12 weeks

Only for Employee's Own Serious Health Condition or Maternity

Requires Manager Approval (FMLASource will email manager for approval)

## Personal Leave

“Catch All” Leave

Eligibility: 90 Day Employment

Entitlement: up to 12 weeks

Requires Manager Approval (FMLASource will email manager for approval)

# FMLASource – Tracking Intermittent Leaves

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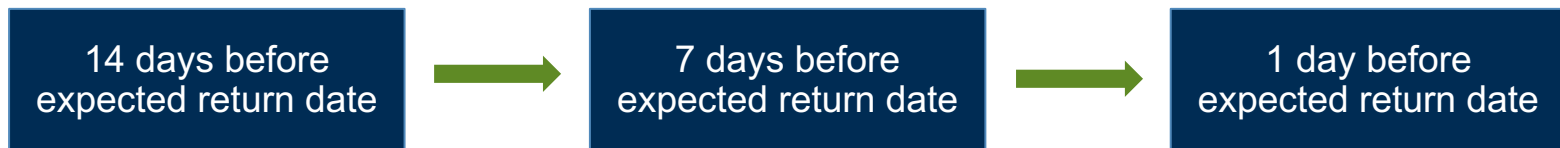
Employees can report intermittent absences to us via:

- Website: [www.fmlasource.com](http://www.fmlasource.com)
- Smartphone App: FMLASource Now
- E-mail [FMLACenter@fmlasource.com](mailto:FMLACenter@fmlasource.com)
- Phone: 1.844.242.6747
- Live service 8:30 a.m. – 10:30 p.m. EST
  - Automated (IVR) phone system

# FMLASource - Return to Work

## FMLASource will:

- Provide the employee (and healthcare provider, if authorized) with any required return to work documents
- Collect RTW documents and advise HR and Manager of any restrictions
  - HR and Manager confer and advise FMLASource if employee may return with restrictions or should remain on leave.
- Request employee's confirmation of return to work date



# FMLASource Resources

	<b>FMLA Inbox</b> (fmlacenter @fmlasource.com)	<b>Phone</b> (844-242-6747)	<b>Website</b> (fmlasource.com)	<b>Phone App</b> (FMLASource® Now)	<b>Account Manager</b> (Partners with HR)
Open new leaves	X	X	X	X	
Track leave time	X	X	X	X	
Request extensions	X	X	X	X	
Report return to work	X	X	X	X	
Customize and run reports			X	X	
View employee data			X	X	
24-hour access to leave data			X	X	
Solve complex leave issues					X
Discuss compliance concerns					X
Discuss abuse/recertification					X