

*Webinar on*

# **How Do They Work Together—Or Not? : The Complexity & Interplay Among the ADA, FMLA, and Worker's Comp**

# • Learning Objectives

- *To review the intricacies of how WC, ADAAA, and WC intersect to provide employees' coverage under these acts*
- *To discuss the challenges in terminating an employee after they have expended their FMLA benefits without ignoring their rights through the ADAAA or state laws*
- *To identify steps to follow when an employee fails to provide the requested and required medical certification*
- *To explain the process in responding to an intermittent leave request that may include a potential ADAAA accommodation*



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- *To clarify a physical or mental impairment that substantially limits one or more major life activities based on the ADA*
- *To discuss the criteria for essential job functions*
- *To determine if and why you need a second or third medical opinion*
- *To judge WC/ADA light duty restrictions while keeping FMLA intermittent and reduced scheduled leave viable*
- *Tips - To identify the top ten FMLA leave mistakes*
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This webinar will separate the three laws and examine how each law applies to work situations.

**PRESENTED BY:**

*Dr. Susan Strauss is a national and international speaker, trainer, consultant and a recognized expert on workplace and school harassment and bullying. She conducts harassment and bullying investigations and functions as a consultant to attorneys as well as an expert witness in harassment lawsuits. Her clients are from business, education, healthcare, law, and government organizations from both the public and private sector.*

On-Demand Webinar

Duration : 90 Minutes

Price: \$200

# Webinar Description

Challenges - It's confusing, isn't it? How are we supposed to keep it all straight when there are times when the legal requirements of both Family Medical Leave Act (FMLA) and the American Disabilities Act Amendment Act (ADAAA) are similar, yet at other times one law contradicts another? We find that we can't comply with both laws at the same time, so which one takes precedence over the other? And where does WC come in? To complicate matters, even more, WC is a state law, while FMLA and ADAAA are federal laws, and there are other state civil rights laws that also impact FMLA and the ADAAA. Consider that an injury under WC may also be a "serious health condition" under FMLA. State laws may differ from federal laws by covering additional health conditions, may apply to small organizations, or may cover situations in which the federal laws have no say such as domestic abuse. As HR, we have the responsibility of sifting through these laws to ensure that we comply with each law that provides the best benefit to our employees. These laws provide entitlements to our employees which means they are not considered an optional benefit. So, even if you fail to apply the law to your employee, they can claim protection anyway. For example, if you fail to provide appropriate leave under FMLA, that does not remove the employee's right to job-protected leave. The ultimate goal of all three laws is to assist the employee to return to work.



Financial – Costs related to absenteeism, turnover, liability based on civil rights laws, costs related to investigations.

Ensuring compliance with FMLA can be frustrating for many HR professionals who are uncomfortable with the Act. This leads to litigation. Then, to add the ADA/AA legal requirements adds to the confusion which can also lead to discrimination under civil rights law. Sometimes sprinkled in with FMLA and the ADA/AA is WC – the nexus among the three legal requirements, especially as it relates to leave, medical certification, and getting the employee back to work as quickly as possible, can be daunting. This webinar will separate the three laws and examine how each law applies to work situations.



# Who Should Attend ?

*VP of HR*

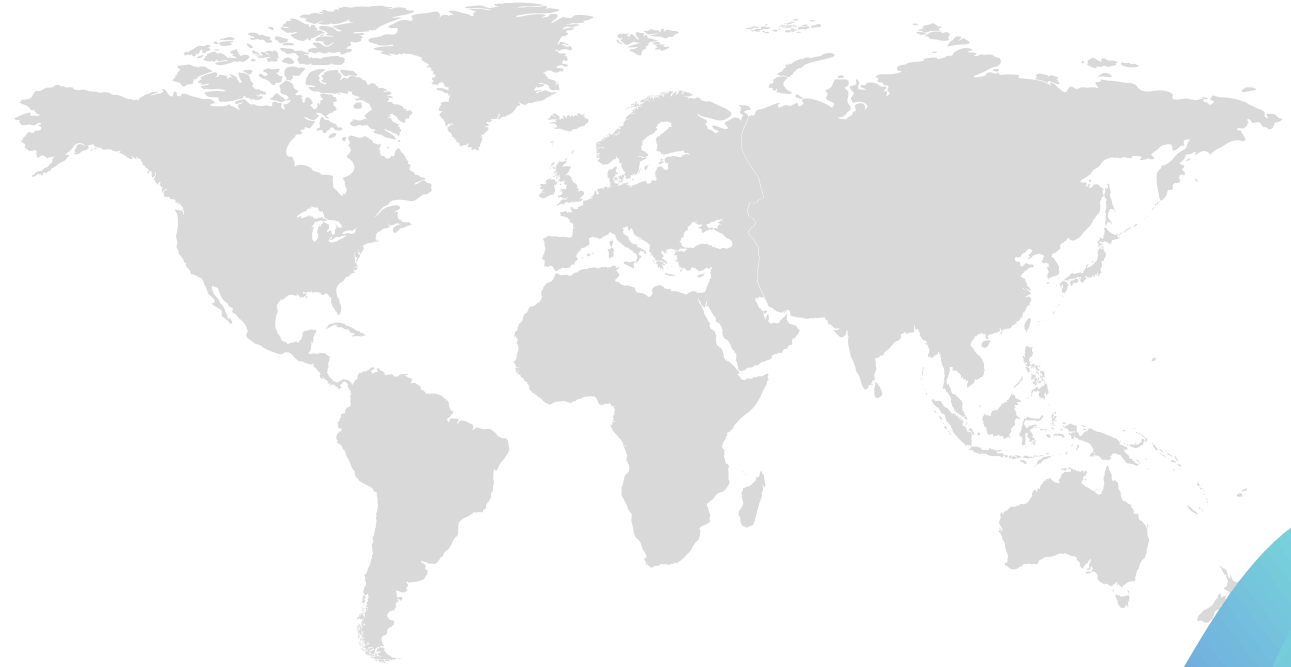
*All HR directors*

*Generalists*

*Supervisors*

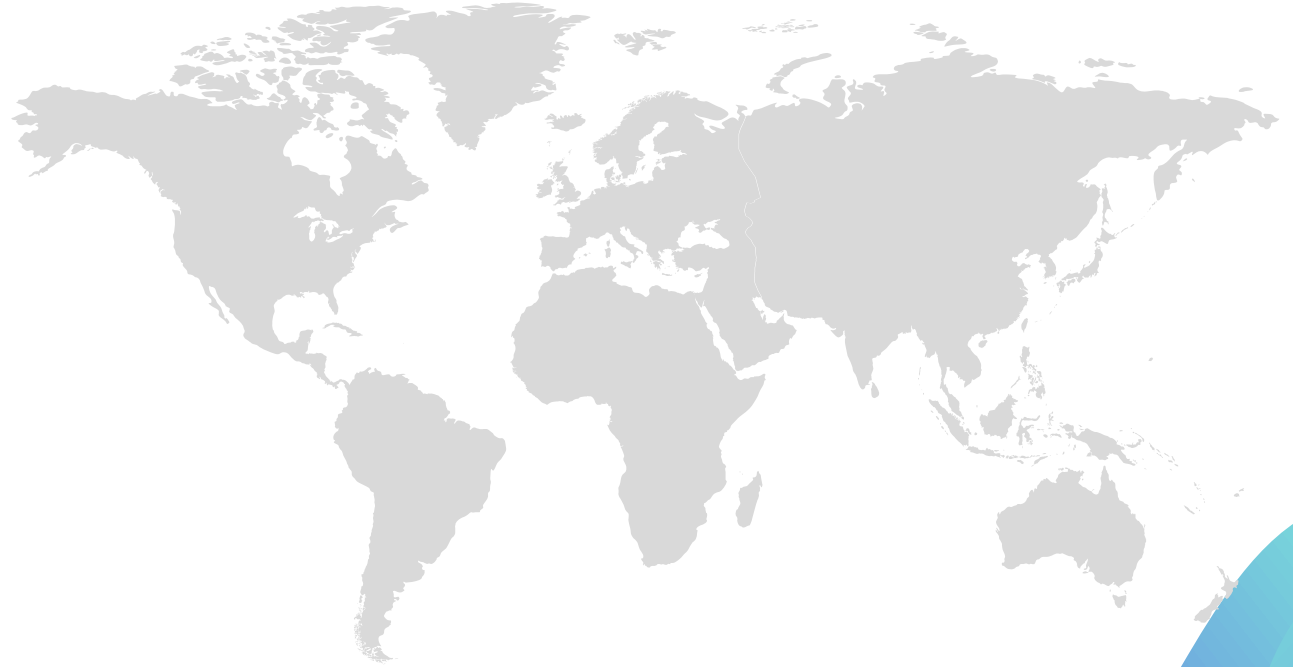
*Managers*

*Director of Risk Management*



# Why Should Attend ?

*The webinar addresses laws that HR is responsible for upholding. When the laws are not followed, it increases the liability for the organization and interferes with a fair and equitable work environment for employees. The interplay among Workers' Comp, ADA, and FMLA is confusing to many HR professionals, this webinar will help decipher the complexities.*





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