Some Additional Federal Employment Law Protections

• Military Leave under the FMLA
• Reasonable Accommodations under the ADA
The Family Medical Leave Act (FMLA)

*Traditional FMLA Leave*: Permits **eligible employees** to take up to **12 weeks of unpaid leave** for the following reasons:

1) the birth or adoption of a child;  
2) the “serious health condition” of an employee; or  
3) the “serious health condition” of an employee’s immediate family member.
Who is an eligible employee?

1) work for employers who employ at least 50 employees either at the employee’s worksite or in total at other worksites within 75 miles; and

1) employed for at least 12 months (need not be consecutive) and worked at least 1250 hours during the previous 12 months.
New Military Leave Provisions

• Up to 12 weeks for any **qualifying exigency** arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on covered active duty

• Up to 26 weeks to be a **military caregiver** for a covered servicemember with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee
Key Military FMLA Definitions

• Who is a covered military member?
• What is a qualifying exigency?

1. Short-notice deployment activities
2. Military events and related activities
3. Childcare and school activities
4. Financial and legal arrangements
5. Counseling activities
6. Rest and recuperation activities
7. Post-deployment activities and/or
8. Additional activities agreed to by EE & ER
Military Caregiver Leave

Recap: an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember … to a total of 26 workweeks of leave during a [single] 12-month period to care for the servicemember.

- Who is covered?
- For what type of caregiving?
The Americans with Disabilities Act (ADA)

Employers with at least 15 employees must make a “reasonable accommodation” to the “known physical or mental limitations of an otherwise qualified individual with a disability,” unless providing such an accommodation would pose an “undue hardship” for the employer.
Key ADA Definitions

- Person with a Disability for RA
- Essential Functions of the Job
- Reasonable Accommodation
- Undue Hardship