

PAF Articles



WORK PROTECTIONS

Table of Contents

| | |
|---------------------------------------|---|
| Working While Being a Caregiver | 2 |
| ADA Protections for Patients | 2 |

Working While Being a Caregiver

You may find yourself in a position where you are unable to work because of your own illness or a family member's illness. There are some employment protections designed to help you keep your job and ultimately, your health insurance benefits.

The **Family and Medical Leave Act (FMLA)** gives you the right to take up to 12 weeks of unpaid leave from work for a qualified medical reason for yourself or to serve as a caregiver for your child, spouse, or parent. You are only required to provide limited medical information to your employer, but you must provide documentation from a physician that supports your request for leave.

You are eligible for FMLA leave if:

- You have worked at least 1,250 hours in the past 12 months; the 12 months do not need to be consecutive
- You work at a location where the company employs 50 or more employees within a 75-mile radius
- Leave can be taken all at once or a few hours at a time
- You need time off for the birth and care of a newborn child or placement of a child with the employee for adoption or foster care
- There is an urgent family situation arisen due to active military duty, which may qualify family members to take up to 12 weeks of leave
- You are the spouse, child, parent or next of kin of a member of an Armed Forces member with a serious injury or illness, which may qualify family members to take up to 26 work weeks to care for the service member

In addition to protecting your job, FMLA allows you to maintain your group health insurance coverage as though you are still actively at work.

When you return to work, your employer must return you to your original position or an equivalent job with the same pay, benefits, and other employment terms. You may be required to use your vacation and sick time before you can take unpaid leave.

ADA Protections for Patients

The **Americans with Disabilities Act (ADA)** is a federal law that requires employers with 15 or more employees to make reasonable accommodations allowing qualified employees with disabilities to function properly on the job.

Under the ADA, a disability is defined as “a physical or mental impairment that substantially limits one or more major life activities”.

Any individual with the disability can inform the employer that an accommodation is necessary at any point during their employment. *Reasonable accommodations* cannot be refused unless they cause undue hardship, difficulty, or expense for the employer, and must be intended to help the employee do their job. Employers are not required to eliminate a fundamental duty of a position.

Some examples include:

- Requesting modifications so that the workplace is accessible
- Being able to leave for doctors’ appointments and/or to seek to recuperate from treatment
- Being able to take periodic breaks in a private area to rest or take medication
- Requesting a modified work schedule, shift change, or if possible, telecommute

If your FMLA leave expires, and you are not yet ready to return to work, you can consider asking for extended leave as a reasonable accommodation under the ADA.

The **Federal Rehabilitation Act** protects qualified individuals from discrimination based on their disability as outlined in the ADA. This law applies to employees of the federal government as well as to organizations and employers who receive financial assistance from any Federal department or agency.

Additional provisions for patients can be found at the [Equal Employment Opportunity Commission website](#)