



FEDERAL, GOVERNMENTAL AND INCOME BENEFITS AND PROTECTIONS

WHO IS RESPONSIBLE FOR WHAT?

The U.S. Department of Labor's Wage and Hour Division (WHD) oversees the administration and enforcement of the **Family Medical Leave Act**.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces the **Americans with Disabilities Act**, and will respond to complaints (for example, about denials for reasonable accommodations).

JOB PROTECTIONS

FAMILY AND MEDICAL LEAVE ACT (FMLA): A federal law that allows workers with a serious health condition to take up to 12 weeks off work without losing their job. For FMLA to apply, the employer must have at least 50 employees within 75 miles. All federal, state, and local agencies are covered regardless of the number of employees.



✓ The employee must have worked at least 12 months or 1250 hours.

✓ **FMLA** is not a paid benefit, but certain other benefits can help replace your income, including paid time off balances (if you have them) or short-

A GUIDE TO THESE PROTECTIONS

Know your rights. Knowing about your job's income protections is key to helping you navigate through your critical illness. Utilizing the benefits available to you through the federal government can help ease your financial stress. The more you know, the less time you can spend worrying so you can focus on what's important—your health!

term disability insurance (if you have that insurance plan and your condition qualifies under the policy).

AMERICANS WITH DISABILITIES ACT (ADA): Federal protection to ensure that people with disabilities have the same rights and opportunities as everyone else in the workplace. The ADA prohibits employers from discriminating against qualified individuals with disabilities. The ADA covers employers with 15 or more employees, and all federal, state and local agencies.

✓ **"QUALIFIED"** means you have the skill, experience, education, or other requirements of the job and can perform "essential functions" with or without reasonable accommodations. "Qualified" means you also need to meet certain rules for proving disability.

✓ **ADA'S DEFINITION OF DISABILITY:** A physical or mental impairment that substantially limits one or more major life activities.



✓ **REASONABLE ACCOMMODATIONS:** A change in work rules, facilities, or conditions that help a disabled individual apply for a job, perform essential functions of a job, and/or enjoy equal access to benefits and privileges of employment.

INCOME PROTECTIONS

SOCIAL SECURITY DISABILITY INSURANCE (SSDI): A Federal program that is available to individuals who have paid into the **Federal Insurance Contributions Act (FICA)** taxes through payroll deductions for at least 5 of the last 10 years. SSDI pays a monthly benefit based on your earnings when you are deemed disabled.

SUPPLEMENTAL SECURITY INCOME (SSI): A need-based federal program that is available to individuals with very low income and assets who do not meet work requirements. SSI pays a set monthly benefit when you are deemed disabled.

FEDERAL, GOVERNMENTAL AND INCOME BENEFITS AND PROTECTIONS Continued

KEY TERMS:

SOCIAL SECURITY ADMINISTRATION (SSA) DEFINITION OF DISABILITY: An individual must not be able to engage in any substantial gainful activity (SGA) because of a medically determinable physical or mental impairment(s) that is expected to result in death or has lasted or will last for a continuous period of at least 12 months.



SUBSTANTIAL GAINFUL ACTIVITY (SGA): Specific criteria and calculations used by the SSA to determine whether your physical or mental impairment prevents you from work activity for pay or profit. This amount is calculated and changes annually.

WHO SHOULD HAVE CONVERSATIONS ABOUT THESE BENEFITS?

YOU SHOULD TALK WITH YOUR DOCTOR ABOUT DISABILITY.

If you think you will need to eventually access these benefits, bring it up at your doctor's appointments so it can be documented in your record.

IF YOU HAVE QUESTIONS ABOUT ADA OR FMLA, reach out to your employer's human resource department.

THE PATIENT ADVOCATE FOUNDATION is here to help you connect with and benefit from federal income and employment protections. We can assist you in determining if you are eligible for these programs and help with questions and eligibility surrounding Social Security Disability and other coverage.

For more information about federal and government protections and many other healthcare-related topics, go to www.patientadvocate.org and explore our Education Resource Library. Disability is a complex topic. PAF's 7-part training series and booklet will guide you through the process.



RESOURCES

-  [A Guide to Navigating the Disability Process](#)
-  [Disability Eligibility and Enrollment Interactive Training Series](#)
-  [Understanding How SSI and SSDI Can Help Patients](#)
-  [Family Medical Leave Act- What You Need to Know About This Workplace Protection](#)
-  [Moving Forward After a Diagnosis](#)
-  [Understanding Workplace Benefits Related to Health Webinar](#)

Patient Advocate Foundation, a national nonprofit organization founded in 1996, provides direct services to patients with chronic, life-threatening, and debilitating diseases. For more information about medical expenses and other health care-related topics, explore our Education Resource Library at <https://education.patientadvocate.org>

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