

ADA and FMLA Compliance

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AGENDA

- Introduction to the ADA
- What is a “disability”?
- Who is a “qualified individual”?
- Reasonable accommodation
- Special circumstances
- Best practices
- Who is Covered under FMLA
- Amount of Family Medical Leave
- 12-Month Period
- Serious Health Condition
- Certifications
- Employee Obligations
- Employer Obligations
- Employer Notifications
- Intermittent or Reduced Schedule Leave
- Common Reasons for Employee Absence
- Employer Risks in FMLA Administration
- Managing FMLA
- Resources

THE AMERICANS WITH DISABILITIES ACT

U.S. Congress found individuals who experienced discrimination on the basis of disability often had no legal recourse unlike individuals who were protected from discrimination based on race, color, sex, national origin, religion, or age.

Congress found discrimination persisted in critical areas such as employment, housing, public accommodations, and transportation.

The Americans With Disabilities Act was signed into law by George H.W. Bush on July 26, 1990.

Purpose is to eliminate discrimination against individuals with disabilities in several areas:

- Employment (Title I)
- Public Accommodations by State and Local Governments (Title II)
- Public Accommodations by Private Business (Title III)
- Telecommunications and Misc. (Title IV, Title V)

TITLE I - EMPLOYMENT

Who is covered by Title I?

- Private employers
- State and local governments
- Employment agencies
- Labor unions
- ADA standards apply to federal sector employees under Section 501 of the Rehabilitation Act

Employer is defined as:

- a person engaged in an industry affecting commerce and
- who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year

Regulated and enforced by the Equal Employment Opportunities Commission (EEOC)

TITLE I - EMPLOYMENT

What employment activities are covered? ALL OF THEM!

Prohibits discriminating against “qualified individuals with disabilities” in:

- job application procedures
- hiring
- discharge
- advancement
- compensation
- job training
- other terms, conditions, and privileges of employment

Also applies to:

- recruitment
- advertising
- tenure
- layoff
- leave
- fringe benefits
- other employment-related activities

TITLE I - EMPLOYMENT

The ADA prohibits discriminating against “qualified individuals with disabilities” all employment activities

WHAT IS A “DISABILITY”?

Under the ADA, a disability is defined as:

- a physical or mental impairment that substantially limits one or more major life activities of an individual;
- a record of such an impairment; or
- being regarded as having such an impairment

THE ADA AMENDMENTS ACT

The 2009 ADA Amendments Act changed major life activities in the following ways:

- The person's impairment must be considered without corrective (mitigating) measures, except for ordinary eyeglasses and contact lenses.
- The definition of disability now includes those impairments that are episodic or in remission.
- Expands the list of major life activities: eating, sleeping, walking, standing, lifting, bending, reading, concentrating, thinking, and communicating (this is a non-exhaustive list).
- Includes the operation of major bodily functions such as functions of the immune systems, normal cell growth, digestive, bowel, bladder, neurological, brain, circulatory, respiratory, endocrine, and reproductive systems.

THE ADA AMENDMENTS ACT

The ADA Amendments Act changed “regarded as” having an impairment in the following ways:

- the individual is protected by the ADA if the employer takes an adverse employment action because of an actual or perceived impairment (no longer needs to be “substantially limiting” of a major life activity)
- excludes impairments that are transitory or minor

Proposed rules further state that employer cannot take adverse employment action based on:

- symptoms of an impairment or
- use of mitigating measures.

WHO IS A “QUALIFIED INDIVIDUAL”?

The ADA prohibits discriminating against “qualified individuals with disabilities”.

A “qualified individual” is an individual who, with or without a reasonable accommodation, can perform the essential functions of the position.

An accommodation is not reasonable when it causes an “undue hardship” to the employer.

ESSENTIAL JOB FUNCTIONS

If there is no reasonable accommodation available, an employee is not protected by the ADA if he or she cannot perform the essential job duties.

Consideration is given to the employer's judgment as to what functions of a job are essential.

Written job descriptions before advertising or interviewing are evidence of essential functions.

ESSENTIAL JOB FUNCTIONS

The following can be essential functions of a job:

- regular attendance at work
- mandatory overtime
- ability to rotate through different jobs

Don't lose sight of your focus. You want to retain your best employees and preserve your ability to discharge poor performers. Essential job functions are critical to managing your workforce and preventing poor performers from using the ADA in a manner inappropriate to its intent.

REASONABLE ACCOMMODATION

A reasonable accommodation includes:

- making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and
- job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Employers not required to lower quality or quantity standards as an accommodation nor are they required to provide personal use items such as glasses or hearing aids. They also do not need to monitor medication use.

REASONABLE ACCOMMODATION

Some reasonable accommodation examples

- Deaf applicant may need a sign language interpreter during the job interview
- Employee with diabetes may need regularly scheduled breaks during the workday
- Blind employee may need someone to read information posted on a bulletin board
- Employee with cancer may need leave to have treatments

In studies compiled by the EEOC in their proposed rules for the ADA Amendments Act, data derived from the Job Accommodation Network show the average cost of a reasonable accommodation is \$865.43.

Another study cited in the proposed rules found half of all accommodations cost no money and 75% cost less than \$500.

REASONABLE ACCOMMODATION

Some reasonable accommodation scenarios

- Vacant position
 - if an employee is unable to do his or her original job because of a disability even with an accommodation, reassigning to a vacant position for which the employee is qualified can be a reasonable accommodation
 - no obligation to find a position for an applicant who is not qualified for the position sought
- Unpaid leave
 - can be a reasonable accommodation
 - courts have held this does not include unpredictable or indefinite absence

REASONABLE ACCOMMODATION

Some reasonable accommodation scenarios (cont.)

- Job restructuring
 - requires transferring to other workers only non-essential functions
 - employers do not have to create a job or combine two part-time jobs
- Light-duty jobs
 - do not have to change temporary light-duty to a permanent position
 - can reserve light-duty jobs for work-related disabilities and can give preference to a disabled person with a work injury over another disabled person with a personal illness or injury

REASONABLE ACCOMMODATION

A reasonable accommodation is an interactive process.

- Employers do not need to come up with the accommodation.
- It should be a dialogue with the individual.
- Use outside resources if the individual doesn't have a suggestion.
- However, it is up to the employer to determine what is reasonable.
- You can consider mitigating measures (not available under definition of "disability")

Managers and HR staff should be trained and comfortable when interacting with an applicant or employee who has a disability.

"These are the essential functions of this job. Can you perform them with or without a reasonable accommodation?"

EMPLOYER DEFENSES

Undue hardship

Defined as an action requiring significant difficulty or expense, in light of these factors:

- Nature and cost
- Overall financial resources of the facility or employer; number of persons employed at the facility or size of employer; effect on expenses and resources; number, type and location of facilities
- Type of operation, including composition, structure, and function of the workforce; the geographic separateness, administrative or fiscal relationship of the facility to the employer.

Some consider the definition of undue hardship so restrictive that it is rarely applicable, especially for a medium-sized or large company.

EEOC does not typically view the impact on employee morale as an undue hardship defense.

EMPLOYER DEFENSES

Direct threat

An individual with a disability need not be employed if he or she poses a direct threat to themselves or others.

Defined as “a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.”

Factors to consider:

- duration of the risk,
- nature and severity of the problem,
- likelihood that the potential harm will occur; and
- imminence of the potential harm.

Not a defense if a reasonable accommodation would eliminate the risk or at least reduce it to an acceptable level.

SPECIAL CIRCUMSTANCES

Medical exams and inquiries

Cannot make any pre-employment inquiry about a disability or require a medical exam before making a job offer.

With certain limitations, may ask an individual with a disability to describe how he or she would perform specific job functions.

May condition a job offer on satisfactory result of post-offer medical exam, if required of all employees in same job category.

If the employer does not hire because a medical exam reveals a disability, then the employer must show:

- no reasonable accommodation was available;
- accommodation would impose an undue hardship; or
- individual poses a direct threat (with no reasonable accommodation)

Tests for illegal drugs are not medical exams under the ADA

SPECIAL CIRCUMSTANCES

Drug and alcohol use

Individuals engaged in the illegal use of drugs are specifically excluded from the ADA when the employer takes action on the basis of their drug use.

Alcoholics are protected by the ADA and an employer may be required to make an accommodation for the individual to perform the essential job functions.

- Employer can still discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct.
- The employer may prohibit the use of alcohol in the workplace and require employees not be under the influence of alcohol.

SPECIAL CIRCUMSTANCES

Mental disorders and psychiatric disabilities

Most are considered disabilities especially after the ADA Amendments Act.

EEOC proposed rules specifically stated the amendments may cause an increase in reasonable accommodation requests for disabilities such as depression, bipolar disorder, OCD, PTSD, and schizophrenia.

EEOC Enforcement Guidance on the ADA and Psychiatric Disabilities – www.eeoc.gov/policy/docs/psych.html

Employee benefit programs and the ADA Amendments Act

More important than ever to avoid benefit exclusions based on a disability.

Focus on treatments and services.

BEST PRACTICES

- ADA policy in employee handbook
- Written procedures for accommodation request
- Manager procedures and training
- Safety management programs
- Keep medical information in a separate file
- Thorough job descriptions
- Document in writing all employee performance!

FMLA Rights and Risks

WHO IS COVERED UNDER FMLA

Employers

- All public employers and private employers with 50 or more employees (full or part-time) within 75 miles for 20 or more weeks in the current or preceding year.
- Once a private employer meets the 50 or more employees for 20 nonconsecutive workweeks threshold, it remains covered until it no longer has 50 employees in the current and preceding calendar year.
 - Example: ABC Company employs 30 permanent workers all year at its headquarters. It has two smaller locations, one 25 miles away and another only 10 miles away. ABC Company hired an additional 11 employees to work at each of the satellite locations for six months during the summer and fall to handle their busy time. Because ABC Company hired 52 employees within a 75-mile radius of all of its worksites for more than 20 weeks of the year, it is covered by the FMLA and qualified employees are entitled to take leave for an FMLA-covered reason.
 - Note: 75 mile rule does not apply to Wisconsin State FMLA

WHO IS COVERED UNDER FMLA

Employees

- Those who have worked at least 12 months (need not be consecutive, 7 year max) and for at least 1250 hours during the 12 months immediately preceding the start of the leave.
- Example: An employee quit working for an employer in 2012 after having been employed by it for a full year. The employee then returns to work for that same employer in 2018. The earlier period of employment counts toward the employee's FMLA 12-month eligibility requirement because the break in service was for fewer than seven years.

AMOUNT OF FAMILY AND MEDICAL LEAVE ALLOWED

FMLA allows 12 weeks of unpaid leave in a 12-month period to care for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job.

AMOUNT OF FAMILY MILITARY LEAVE

FMLA allows unpaid leave as follows:

- 12 weeks of leave during a 12-month period due to a qualifying exigency arising out of deployment to a foreign country
- 26 weeks of leave during it's own 12-month period to care for a family member injured or ill as a result of service in the military

12-MONTH PERIOD

Employers must chose one of the following 12-month periods:

- a calendar year,
- a fixed 12-month “leave year,”
- a 12-month period rolled forward from the date any employee’s first FMLA leave begins, or
- a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave

- Note: Wisconsin State FMLA requires calendar year!

SERIOUS HEALTH CONDITION

- Physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider
 - Continuing treatment is treatment for 3 or more consecutive full calendar days and a later treatment or period of incapacity that involves: treatment 2 or more times within 30 days of the first capacity; or treatment by a healthcare provider on at least one occasion which results in a regimen of continuing treatment
- Pregnancy or prenatal care
- Chronic, serious condition which may cause episodic periods of incapacity and continues over an extended period of time which requires treatment at least twice a year (ex: migraines or asthma)
- Multiple medical treatments (ex: chemotherapy or kidney dialysis)

MILITARY LEAVE: QUALIFYING EXIGENCY

Qualifying exigencies occurs when a spouse, son, daughter, or parent of the employee is called to active duty and is deployed to a foreign country.

Qualifying exigencies include:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Counseling
- Financial and legal matters
- Periods of rest and recuperation
- Post-deployment activities
- Other activities

MILITARY LEAVE: SERVICEMEMBER CAREGIVER LEAVE

Employees may take leave to care for a covered family member (spouse, son, daughter, parent, or next of kin) who is recovering from a qualified injury or illness that occurred while on active duty who is:

- A member of the armed forces undergoing medical treatment, recuperation, or therapy; in military outpatient treatment; on the temporary disability retired list
- A veteran undergoing medical treatment, recuperation, or therapy (injury or illness must have occurred within 5 years of receiving treatment)

CERTIFICATIONS

FMLA

- Certification of Health Care Provider for Employee's Serious Health Condition WH-380E
 - Certification of Health Care Provider for Family Member's Serious Health Condition WH-380F
 - May contact healthcare provider for clarification or authentication
 - If incomplete, employee has 7 days to correct deficiencies.
 - Employee must return form within 15 days (in most cases)
- * Employers can pay for second and third opinions. Third is binding.

CERTIFICATIONS

Military FMLA

- Certification for Serious Injury or Illness of Covered Servicemember
WH-385
- Certification for Qualifying Exigency WH-384
- Employee must return form within 15 days (in most cases)

EMPLOYEE OBLIGATIONS

- Give 30-day notice for foreseeable leave. Leave may be verbal without mentioning FMLA
- If leave is unforeseeable, as soon as practicable
- Once established, employee must comply with the employer's usual and customary notice requirements (call-in procedures)
- Give notice "as soon as possible" for military leave
- Provide orders or other documentation for military leaves
- Medical certification should be provided within 15 days, if possible
- Leave can not unduly interrupt the employer's operations
- Pay benefit plan premium contributions

EMPLOYER OBLIGATIONS

- Must have written FMLA policy in effect
- Identify, declare, and track FMLA leaves and denials of leave
- Refrain from using FMLA leave as a negative factor in employment actions
- Reinstate employees on FLMA to “same or equivalent” position with equivalent pay
- Maintain group health insurance during FMLA unless absence of payment
- Employers must make, keep, and preserve records for no less than three years
- May require employee to use accrued time concurrently
- Be aware of differences in state laws

EMPLOYER NOTIFICATIONS

- Must post Employee Rights and Responsibilities under the FLMA (WH 1420) poster.
- Must also give to new hires and make available for applicants
- Must provide Notice of Eligibility and Rights & Responsibilities WH-381 within 5 business days of employee requesting leave
- Must provide the Designation Notice within 5 business days when the employer has enough information to determine whether the leave is being taken for a FMLA-qualifying reason or not

INTERMITTENT OR REDUCED SCHEDULE LEAVE

- Intermittent leave- leave taken in separate blocks of time due to a single illness or injury.
- Reduced schedule- leave that occurs when an employee requires a work schedule change or hours reduction over a period of weeks or months.
- Intermittent or reduced schedule leave may be taken due to an employee's serious health condition, to care for a covered family member with a serious health condition, or for family military leave.
- Leave may not be reduced by more than the amount of leave actually taken.

COMMON REASONS FOR EMPLOYEE ABSENCE

Bullying and harassment

- Employees who are bullied or harassed by coworkers and/or bosses are more likely to call in sick to avoid the situation

What Can Employers Do?

- Adopt and enforce a policy on bullying and harassment
- Make sure your handbook is up to date
- Train employees and supervisors
- Don't tolerate it!

COMMON REASONS FOR EMPLOYEE ABSENCE

Burnout, stress and low morale

- Heavy workloads, stressful meetings/presentations and feelings of being unappreciated can cause employees to avoid going into work. Personal stress (outside of work) can lead to absenteeism.

What Can Employers Do?

- Listen to employees
- Make sure employees have the tools and resources they need to do their jobs
- Be fair
- Give employees a voice/provide a feedback mechanism
- Have fun
- Recognize success

COMMON REASONS FOR EMPLOYEE ABSENCE

Childcare and eldercare

- Employees may be forced to miss work in order to stay home and take care of a child/elder when normal arrangements have fallen through (for example, a sick caregiver or a snow day at school) or if a child/elder is sick.

What Can Employers Do?

- Enact policies to provide flexibility that works for both employees and employers
 - Flexible work schedules
 - Reduced hours
 - Leave
 - Telecommuting
- Make sure management understands and is sensitive to work/life balance issues

COMMON REASONS FOR EMPLOYEE ABSENCE

Disengagement

- Employees who are not committed to their jobs, coworkers and/or the company are more likely to miss work simply because they have no motivation to go.

What Can Employers Do?

- Address key disengagement drivers
 - Lack of respect for employees
 - Lack of respect for management
 - Lack of fairness
 - Lack of empowerment/autonomy
 - Lack of opportunity/career track

COMMON REASONS FOR EMPLOYEE ABSENCE

Illness

- Illness and medical appointments are the most commonly reported reasons for missing work (though not always the actual reason). Not surprisingly, each year during the cold and flu season, there is a dramatic spike in absenteeism rates for both full-time and part-time employees.

What Can Employers Do?

- Wellness policy
- Flu shot clinic
- Pandemic/Communicable disease policy
- Telecommuting

COMMON REASONS FOR EMPLOYEE ABSENCE

Injuries

- Accidents can occur on the job or outside of work, resulting in absences. In addition to acute injuries, chronic injuries such as back and neck problems are a common cause of absenteeism.

What Can Employers Do?

- Proactive safety program
- Training
- Return to work program

COMMON REASONS FOR EMPLOYEE ABSENCE

Depression

- According to the National Institute of Mental Health, the leading cause of absenteeism in the United States is depression. Depression can lead to substance abuse if people turn to drugs or alcohol to self-medicate their pain or anxiety.

What Can Employers Do?

- Identify and deal with key employee stressors:
 - The demands made on employees
 - The level of control workers have over how they carry out their duties
 - The support staff receive from their managers
 - The clarity of an employee's role in their organization
 - The nature of relationships at work
- EAP

COMMON REASONS FOR EMPLOYEE ABSENCE

Job hunting

- Employees may call in sick to attend a job interview, visit with a headhunter or work on their resumes/CVs.

What Can Employers Do?

- Select the right people in the first place through behavior-based testing and competency screening.
- Offer a competitive compensation and benefits package
- Ensure employees have an internal career path
- Demonstrate respect for employees at all times
- Offer performance feedback and praise good efforts and results to reduce employee turnover
- Enable employees to balance work and life
- Recognize excellent performance

COMMON REASONS FOR EMPLOYEE ABSENCE

Partial shifts

- Arriving late, leaving early and taking longer breaks than allowed are considered forms of absenteeism and can affect productivity and workplace morale.

EMPLOYER RISKS IN FMLA ADMINISTRATION

- Not offering FMLA
- Not offering FMLA correctly
- Retaliation for requesting or taking FMLA

EMPLOYER RISKS IN FMLA ADMINISTRATION

Not offering FMLA

- If you are a Covered Employer, must offer FMLA
 - Covered Employer if you have at least 50 employees for at least 26 weeks of the year
 - 50 + employees within 75 driving miles

EMPLOYER RISKS IN FMLA ADMINISTRATION

Not offering FMLA

- Eligibility for FMLA
 - Employed at least 12 months on the date of leave
 - Worked at least 1250 hours during prior 12 months
- Triggers for FMLA
 - a “serious medical condition”
 - birth/placement of a child
 - “providing care for”
 - New Military Leaves (12/26wks)

EMPLOYER RISKS IN FMLA ADMINISTRATION

Not offering FMLA correctly

- Not having an FMLA policy
- Applying policy inconsistently
- Not having an up to date FMLA policy
- Failure to include an FMLA policy in handbook
- Failure to use or provide appropriate FMLA forms
- Failure to notify applicants
 - Notice must be posted where applications are accepted, physically or on the internet

EMPLOYER RISKS IN FMLA ADMINISTRATION

Not offering FMLA correctly

Wallace v FedEx Corp

FedEx was at fault for failing to provide an employee with written notice of the consequences of not returning a completed medical certification form.

Verdict of \$173,000

EMPLOYER RISKS IN FMLA ADMINISTRATION

Retaliation for requesting or taking FMLA is prohibited

- Cannot deny raises, promotion
- Cannot treat badly or give poor reviews
- Cannot terminate or take other disciplinary action

EMPLOYER RISKS IN FMLA ADMINISTRATION

Pagan-Colon v. Walgreens of San Patricio Inc.

Jury verdict in favor of employee with heart problems who was fired after he took a two-week leave of absence that included hospitalization and recuperation.

\$67,782 verdict

Nicholas Lore v. Chase Manhattan Mortgage Corp.

Jury verdict in favor of employee who was fired when he wanted to take FMLA to deal with serious medical issues.

A jury found for the employee and awarded him \$2,227,241. With liquidated damages equal to the amount of the verdict and prejudgment interest added in, the recovery equaled between \$6.2 and \$7.6 million.

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

The challenge is how to comply with the law's intent and specific provisions without allowing employees to game the system.

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Here are some tips:

- Ensure policies and practices are up to date and compliant/consistent
- Train supervisors to spot and respond to situations involving FMLA
- Confirm eligibility
- Restrict intermittent leave to only what the law allows and ensure that it is taken properly
- Medical certifications, re-certifications, second and third opinions
- Track all usage and look for patterns to reduce improper usage
- Investigate suspected FMLA leave abuse

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Ensure policies and practices are up to date and compliant/consistent

- Clear, concise FMLA policy
- Include call-in procedures
- Uniformly apply and enforce the policy

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Train supervisors to spot and respond to situations involving FMLA

- Employees do not have to specifically mention FMLA
- Timely reporting to HR (5 day notice)
- Supervisors should not question medical condition or contact medical provider
- Should not discipline for absence due to FMLA

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Confirm eligibility

- Has employee worked 1250 hrs and worked 12 months
- Work with 50 employees within 75 mile radius
- State laws
- Is it a serious health condition?
- Qualified family member

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Restrict intermittent leave to only what the law allows and ensure that it is taken properly

- Define the smallest increment allowed for leave. When leave is taken, count all of it and track it.
- Choose not to allow intermittent leave for the birth, adoption or placement of a child
- Require advance scheduling of planned intermittent leave (least disruptive)
- Consider temporary transfer for employees who require planned intermittent leave if it would better accommodate the leave

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Medical certifications, re-certifications, second and third opinions

- Medical certification
 - Require certification for all requests
 - Must return form within 15 days (in most cases)
 - May contact healthcare provider for clarification or authentication
 - If incomplete or insufficient, employee has 7 days to correct deficiencies

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Medical certifications, re-certifications, second and third opinions

- Recertification
 - No more often than every 30 days & only in connection with an absence
 - Annual certification (did they meet 1250 hr requirement)
 - Every 6 months
 - Recertification sooner if time off does not align with frequency or duration, employee extends the leave, or employer receives info that casts doubt

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Medical certifications, re-certifications, second and third opinions

- Second and third opinions
 - Employer pays
 - Must be independent doctor
 - If second opinion differs from first, employer may require a third opinion
 - Third opinion is binding

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Track all usage and look for patterns to reduce improper usage

- Smallest increments of time allowed for other forms of leave
- Only the amount of leave actually taken
- Designate time as FMLA if it qualifies
- Workers compensation, short-term disability
- Make sure summary plan description mirrors your FMLA or leave policy
- Look for patterns (Monday-Friday or certain departments)

HOW TO EFFECTIVELY MANAGE FMLA AND CURB ABUSE

Investigate suspected FMLA leave abuse

- Employers are entitled to investigate if there is honest suspicion
- Investigate before taking action

Thank you!