

Equal Opportunity Employment, Disability, & FMLA FAQ

This section will give you a brief overview of some frequently asked questions regarding Equal Opportunity Employment, Disability, and the Family and Medical Leave Act. If you have additional questions or would like to speak to someone more in depth about these topics, please contact Shane Munoz 813.261.7803 or smunoz@fordharrison.com

FMLA

What are the changes to the definition of a serious health condition?

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

What are my requirements as an employer for posting general notices on FMLA?

Employers must post a general notice explaining FMLA's provisions and providing information regarding procedures for filing a claim under the Act in a conspicuous place where it can be seen by employees and applicants. Failure to do so may result in a penalty of \$110.

Can I require an employee to give me their medical records for a leave due to a serious health condition?

No; however, the employer does have a statutory right to request that an employee provide medical certification containing sufficient medical facts to establish that a serious health condition exists.

Can FMLA be used against an employee receiving a bonus?

Under the regulations, an employer may deny a bonus that is based upon achieving a goal, such as hours worked, products sold, to an employee who takes FMLA leave as long as it treats employees taking FMLA leave the same as employees taking non-FMLA leave.

Disability

What 'reasonable accommodations' do I have to provide for an employee with a disability?

Reasonable accommodation is any change to a job that permits a qualified applicant or an employee with a disability to perform the essential functions of the job, or to enjoy benefits of employment. Reasonable accommodation may include; modified work schedules, adjusting training materials, or providing readers and interpreters.

Can I ask questions about an individual's disability?

No, but you can ask he/she questions about their ability to perform job-related functions, as long as the questions are not phrased in terms of disability.

Equal Opportunity

What is an example of something not allowed in a job posting?

Specifying any type of criteria that could deter someone else from applying is illegal; this includes details such as 'seeking recent college graduates'.

If I'm charged, what is the timeline?

When a charge is filed against you, you will be notified within 10 days. If you choose to resolve the charge through mediation, the average processing time for mediation is 84 days.

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Tags: Healthcare, staffing