

Quick Guide to How the FMLA Works with Other Laws & Benefits

Often the ways that federal laws, state laws, and employer policies work together are like puzzle pieces fitting together. Except that everyone's puzzle is looks a little different, depending on which laws apply to you, which state you live in, and what benefits are offered by your employer.

When you are thinking about taking time off work, you may have multiple options or puzzle pieces available to you. Some people ask, "Can I use my sick time, then my vacation time, and then my FMLA, and then I also have a short-term disability policy at work. Can I string them all out to cover all the time that I need to be away from work because of my cancer treatment?" And the answer is, it depends.

First, the FMLA can work with paid leave options and disability insurance.

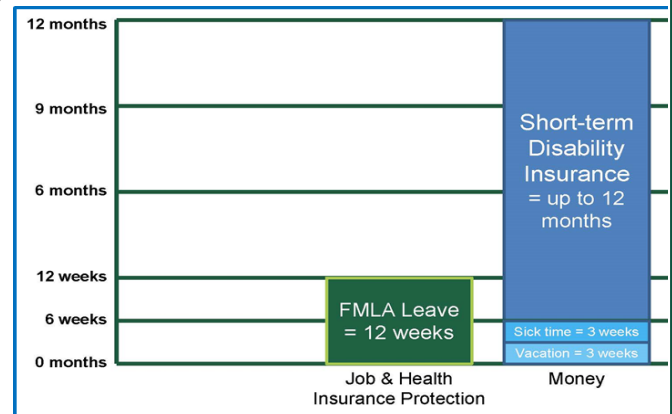
- **Family and Medical Leave Act (FMLA):** the FMLA is a federal law that provides eligible employees with up to 12 weeks of unpaid, but job protected leave, per year. For more information, read Triage Cancer's Quick Guide to the FMLA: <http://trinecancer.org/QuickGuide-FMLAExtended>
- **Paid Time Off (PTO):** Your employer may give you vacation days, sick days, or maybe just a general bank of PTO hours for you to use for vacation or sick leave. If you are not familiar with what your employer offers, contact your human resources representative or review your employee manual.
- **Disability Insurance:** If you have to take time off because of a medical condition, or are unable to work at all, you should consider how to replace your lost wages using disability insurance. Disability insurance benefits can be purchased directly from a private insurance company, or can be offered by an employer, some state governments, or the federal government. Get more information about disability insurance at <http://cancerfinances.org> or <http://trinecancer.org/QuickGuide-DisabilityInsurance>.

Step 1: Find out if any of these options are available to you. Step 2: Figure how they work together.

Case Study #1: Jane has 3 weeks of vacation, 3 weeks of sick time, her employer is covered by the FMLA, and her employer offers a short-term disability insurance policy that lasts up to 12 months. Jane thinks that she will need to be out of work for 12 weeks.

As shown here, Jane can use all of her benefits together, concurrently. In fact, her employer can require her to substitute the unpaid leave under the FMLA, with any paid leave that she has (e.g., her sick time hours). But, if her employer doesn't require her to do that, and she still wants to, her employer must allow her to:

1. Take 12 weeks off under the FMLA, which protects her job and maintains her health insurance;
2. For the first 3 weeks that she is off, she is paid by her vacation days;
3. For the next 3 weeks that she is off, she is paid by her sick time; and
4. For the final 6 weeks, she is paid a portion of her salary by her short-term disability policy.



Using these benefits together allows Jane to maintain her income, while also protecting her job and access to health insurance coverage. If Jane prefers to string out her sick time, vacation time, then use her FMLA and short-term disability benefits, she may be able to do that, but only if her employer allows her to. However, Jane should know that just taking sick time or vacation time, or receiving short-term disability benefits does not protect her job. In this situation, the FMLA is providing the job protection.

Second, the FMLA and the ADA can work together to give you access to time off from work because of your medical condition.

Americans with Disabilities (ADA): The ADA is a federal law that provides eligible employees with disabilities protection from discrimination in the workplace, as well as access to reasonable accommodations. Reasonable accommodations can be anything from modifications in schedule, workplace environment, use of technology, telecommuting, and more. Employers are required to accommodate eligible individuals.

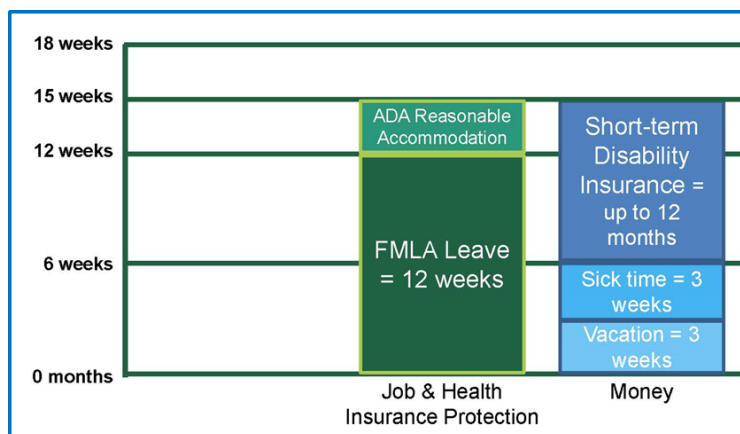
For more information about the ADA: <http://triacancer.org/QuickGuide-ADA>. For more information about reasonable accommodations: <http://triacancer.org/QuickGuide-Reasonable Accommodations>. Note, the ADA only applies to private employers with 15 or more employees, as well as state or local governments. If you work for a smaller employer, you may be covered by a state fair employment law.

If you have used up your 12 weeks of FMLA leave during a 12 month period, you may be eligible for additional time off as a reasonable accommodation under the ADA. However, court cases have suggested that additional time off as a reasonable accommodation will only be considered reasonable if the request for additional leave is for a definite period of time. How long is considered reasonable will depend on your job responsibilities and your workplace.

Case Study #2: Mark has 3 weeks of vacation, 3 weeks of sick time, his employer is covered by the FMLA, and his employer offers a short-term disability insurance policy that last up to 12 months. Mark will need to be out of work for 15 weeks.

As shown in this picture, Mark can use all of his benefits together, concurrently. If he wants to, his employer must allow him to:

1. Take his 12 weeks off work under the FMLA, which provides him with job protection and maintains his health insurance
2. Take the remaining 3 weeks off work as a reasonable accommodation under the ADA, which provides him with job protection
3. For the first 3 weeks he is off, he is paid by vacation days
4. For the next 3 weeks he is off, he is paid by sick time
5. And, for the final 9 weeks, he is paid a portion of his salary by his short-term disability policy.
6. Using these benefits together allows Mark to maintain his income, while also protecting his job and access to health insurance coverage.



As you can see, there are lots of details to using these laws and benefits. It is crucial to learn about all of your options before making decisions about taking time off from work, to ensure that you are making educated decisions, and putting together the best puzzle for you.