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"It's Complicated": The Always-Evolving ADA/FMLA Relationship



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"It's Complicated": The Always-Evolving ADA/FMLA Relationship

- Shifts in technology
 - Telecommuting arrangements
 - Employees working while on leave
 - Curbing abuse with surveillance
- Shifts in business needs
 - Outsourcing leave administration
 - Scheduling
 - Call-out procedures



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How has case law evolved around telecommuting as a reasonable accommodation?

What challenges has this created for employers?



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If you're going to set up a telecommuting arrangement, what things should you think about?



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The ADA favors accommodations that allow employees to work; can an employer respond to an FMLA leave request with a telecommuting arrangement offer?



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When employees are on leave protected by either the FMLA or ADA, can they do any work? What do we do if they start replying to emails?



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As employers increasingly outsource leave (according to the DMEC Employer Leave Management Survey), case law has emerged on enforcing call-out policies for employees on FMLA leave.



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Questions?

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