



Chapter 1

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Employee Leave and Return to Work Issues: The Interplay of the ADA, FMLA, and Workers' Compensation

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Most employers affected by the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), and workers' compensation laws have learned how difficult it is to track employees' requests and reasons for leave and to make decisions that are both practical and legally correct when employees request leave, return from leave, or fail to return after leave. All three of these statutory schemes protect employees and place obligations upon employers, but because they differ in their respective scopes and aims, their application sometimes causes confusion. An employer scrupulously obeying one of these statutes may inadvertently violate another. When analyzing employees leave, employers should be conscious of all of the statutes that may apply to particular situations.