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Explanation: HR Compliance Library, ¶13,132, How do key leave concepts compare between the FMLA and the ADA?

Other Documents

¶13,131, How are employers' FMLA obligations coordinated with other legal requirements?

¶13,133, What can be done to effectively manage the requirements of

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HR Compliance Library > Benefits > Leave Administration > Quick Answers

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¶13,132 How do key leave concepts compare between the FMLA and the ADA?

Leave entitlement

ADA: An employee who needs leave related to a disability—a substantial impairment to a major life activity—will be entitled to leave if:

1. there is no other effective "reasonable accommodation," and
2. the leave will not cause the employer undue hardship.

FMLA: An employee is entitled to a maximum of 12 weeks of leave per 12-month period for pregnancy, birth or adoption, or a serious health condition of the employee, child, or parent.

Paid and unpaid leave

ADA: The employee should be allowed to use any accrued paid leave first, but if that is insufficient to cover the entire period, then the employer should grant unpaid leave.

FMLA: The employee should be allowed to use any accrued paid leave first, but if that is insufficient to cover the entire period, then the employer should grant unpaid leave.

Health insurance

ADA: The employer must continue the employee's health insurance benefits during the disability leave period if it

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