

ADA/FMLA and WC Cheat Sheet

General Purpose

ADA	Prohibits discrimination against qualified individuals
FMLA	Provides protected leave to qualifying individuals for qualifying events (illness, to care for family member, birth/adoption)
WC	Provides compensatory benefits for illnesses or injuries incurred in the course and scope of employment

Eligibility

ADA	Employees and applicants with a qualifying disability
FMLA	Employees who have worked for at least 12 months and at least 1250 hours during the previous 12 months at a location within a 75-mile radius of where at least 50 employees work
WC	Employees who incur an illness or injury in the course and scope of employment

What Conditions are Covered?

ADA	“Disability” that substantially limits one or more major life activities (or a history or perception of having such a disability)
FMLA	“Serious health condition” of employee or certain family members of employee. Birth, adoption, and foster care placement of employee’s child. Certain types of military-related leave.
WC	Any job-related injury that is in the course and scope of employment

Reinstatement

ADA	If leave is required as a reasonable accommodation, the employer generally must keep the employee’s position open during the leave
FMLA	Employees must be reinstated to the same or a substantially equivalent position.
WC	There are no statutory reinstatement rights under NC state workers’ compensation law. Employers are prohibited from retaliating against an employee for exercising his/her workers’ compensation rights.

What Type of Leave/Benefits are Required?

ADA	Leave for employee may be required if it would constitute a reasonable accommodation that doesn't impose undue hardship on the employer. Leave typically must be for a defined period and is unpaid unless employer pays for other similar leaves. Benefit continuation is not required, but discrimination is prohibited.
FMLA	Up to 12 weeks/year for serious health condition-related leave. Up to 26 weeks/year for certain military-related leave. Leave may be intermittent and is unpaid but the employer can require or the employee can choose to use accrued paid benefits. Seniority, service, benefits, and vesting continue.
WC	Varies, depends on length of incapacity. Some states have statutory prohibitions against terminating employees on workers' compensation leave (but not NC). Workers' compensation will compensate the employee for the temporary period he or she is unable to work.

Light Duty

ADA	Employers are not required to remove essential job functions as an accommodation, but if an employer reserves light duty jobs for workers' compensation purposes, it may have to offer such jobs to disabled individuals.
FMLA	An employer can't require FMLA-qualifying employees to work light duty.
WC	Generally, if a physician certifies that an employee may return to work under some restrictions that require a light duty position, the employee must generally accept such a position or risk losing workers' compensation benefits.

Additional Resources

- [FMLA Forms](#) (DOL)
- [Sample ADA Form](#)
- [WC Forms](#)

ADA: Americans with Disabilities Act

FMLA: Family Medical Leave Act

WC: Workers Compensation

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