



**ODEP**

Office of Disability  
Employment Policy

SEPTEMBER 2014

# FACTSHEET

## **STAY-AT-WORK/RETURN-TO-WORK:**

### *Supporting Employees Who Experience Unexpected Illness or Disability*

**Employee and Employer Rights and Responsibilities:** Employees with disabilities or medical conditions may be entitled to reasonable accommodations under the Americans with Disabilities Act (ADA) or other disability nondiscrimination laws. A reasonable accommodation is any modification or adjustment to a job or work environment that enables a qualified person with a disability to perform the essential functions of his or her job. An accommodation may be tangible (i.e., a certain type of chair or piece of equipment) or non-tangible (i.e., a modified work schedule for someone with a medical condition requiring regular appointments with a health-care provider). Either way, most are inexpensive and easy to implement. For help, contact the Job Accommodation Network (JAN) at [askjan.org](http://askjan.org) or 1-800-526-7234 (Voice), 1-877-781-9403 (TTY).

**Equipment, Retraining and Job Assessments:** Your state's vocational rehabilitation (VR) agency when it provides services and resources that specifically address the employment needs of individuals with disabilities, may cover the costs of any equipment, training or job assessments necessary to help an employee maintain his or her current employment or retrain for another position within your organization.

To contact your state's VR agency, visit [1.usa.gov/NcvvVr](http://1.usa.gov/NcvvVr). American Job Centers, each part of a nationwide network of employment service centers run by state and local workforce systems, also may be able to help employees retrain for a different job. To locate your nearest center, visit [servicelocator.org](http://servicelocator.org) or 1-877-872-5627 (Voice), 1-877-889-5627 (TTY).

### Strategies:

**Remain positive and keep an open mind** about options for both you and your employee. Your employee may be facing considerable stress, and staying focused will assist both of you.

**Avoid making assumptions** about what an employee with an illness or disability can do. Instead, use the free resources available to facilitate their staying at work or returning to work. In many industries, flexible work arrangements, accessible technology and office automation have increased the capabilities of employees and made it easier for them to do their jobs in alternative ways. For more information, visit the Return-to-Work Toolkit at [1.usa.gov/1d2RibP](http://1.usa.gov/1d2RibP).

**Network with other employers** to share effective strategies. The U.S. Business Leadership Network (USBLN®) is a national non-profit, non-partisan business-to-business network promoting workplaces, marketplaces and supply chains inclusive of people with disabilities. It has more than 60 affiliates across the country representing more than 5,000 businesses. For more information, contact [usbln.org](http://usbln.org) or 1-800-706-2710.



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**Start an Employee Resource Group (ERG)** to encourage employees to work together to address health-related problems and issues that impact their workplace. For more information, read the ERG Toolkit at [bit.ly/1eGyQ5h](http://bit.ly/1eGyQ5h) or call the Employer Assistance and Resource Network (EARN) at [AskEARN.org](http://AskEARN.org) or 1-855-AskEARN (1-855-275-3276).

**Cross train your employees** so they are familiar with different types of jobs in your organization. This will allow others to temporarily cover for an employee with an illness or disability and give you time to assist the employee to stay at work or return to work as soon as possible.

**Implement workplace flexibility policies** that help your employees remain productive on the job while also managing their illness or disability. For more information visit the Workplace Flexibility Toolkit at [1.usa.gov/NDySEU](http://1.usa.gov/NDySEU). Workplace flexibility may mean flexible scheduling of when work is done, or it may mean flexibility around how work is done. Such flexibility around job task is called customized employment. For more information about customized employment, go to: [1.usa.gov/1gHEy9z](http://1.usa.gov/1gHEy9z).

## FMLA Considerations:

**Become savvy on the requirements of the Family and Medical Leave Act (FMLA)** by checking out the FMLA Employee Guide located at [1.usa.gov/1eHit8o](http://1.usa.gov/1eHit8o). This guide can help you and your employees understand employees' FMLA leave rights and responsibilities and your obligations under the Act as an employer. For more information about the FMLA or to request technical assistance, visit: [1.usa.gov/1hqVkfE](http://1.usa.gov/1hqVkfE), where you can find contact information for the U.S. Department of Labor Wage and Hour District Office nearest you.

**If your business is covered by the FMLA, your employees may have the right to take time off for their own medical reasons or those of qualifying family members and to be restored to their same or an equivalent job when the leave ends.** This protection also applies to FMLA leave, which when it is taken intermittently, such as to cover doctor's appointments or medical procedures related to a serious health condition.

**For information specific to your situation**, see the Wage and Hour Division's FMLA web page, [1.usa.gov/1gHE03r](http://1.usa.gov/1gHE03r), or call 1-866-4USWAGE (1-866-487-9243) (Voice), 1-877-889-5627 (TTY).



**WAGE AND HOUR DIVISION**  
**OFFICE OF DISABILITY EMPLOYMENT POLICY**  
UNITED STATES DEPARTMENT OF LABOR

1-866-ODEP-DOL (633-7365) TTY: 1-887-889-5627 | [dol.gov/odep](http://dol.gov/odep)

*This fact sheet was developed collaboratively by the U.S. Department of Labor's Wage and Hour Division and Office of Disability Employment Policy.*