

FMLA OR ADA?

What they are, what they aren't and when to request them.

Family Medical Leave Act

WHAT IT IS

Job-and benefit-protected time off for up to 12 weeks* when you are absent due to:

- The birth of a child, bonding time, or placement of a child for adoption or foster care
- Your own serious health condition (including intermittent absences, absences of more than three days, and/or overnight hospitalization).
- Care for your spouse, child, or parent with a serious health condition.

WHAT IT ISN'T

- It isn't paid leave. You must use your available time off accruals or short-term disability (if applicable) to receive pay while on FMLA leave.
- It isn't optional. If you are absent for a qualifying reason and FMLA is available, it will be applied. This is required by law.
- It isn't automatic. You must meet service and hours requirements to be eligible.

Americans with Disabilities Act

WHAT IT IS

A federal law that protects individuals with disabilities in the workplace. It requires employers to engage in an "interactive process" with employees to identify reasonable accommodations that enable them to perform the essential functions of their job. Accommodations must be reasonable and cannot pose an undue hardship to the employer.

WHAT IT ISN'T

- It isn't for family members' disabilities.
- It isn't all-inclusive. Only conditions that substantially limit one or more major life activities are covered.
- It isn't a substitute for FMLA. If you need a leave of absence due to an FMLA-qualifying condition, FMLA leave must be used if available.
- It isn't guaranteed. Accommodations must be reasonable and cannot create an undue hardship for the employer.

HOW DO I KNOW WHICH ONE APPLIES?

Follow the chart below to determine whether an FMLA leave or ADA accommodation request fits your situation.



Contact us if you need to begin either the ADA accommodation or FMLA leave process.
972-548-4606 or humanresources@collincountytx.gov

*12 weeks of leave for any qualifying exigency arising from an employee's spouse, child, or parent who is a covered military member OR 26 weeks of leave to care for a covered servicemember with a serious injury or illness

**One year of service does not have to be consecutive. Prior service may apply.