

FMLA – ADA & Workers Compensation

Federal FMLA regulations [in addition to job protection for up to 12 weeks (up to 26 weeks for service member caregiver leave) in a 12 month period] provide individuals who are employed by a company with 50 or more employees benefit continuation protection for the duration of their FMLA leave, provided the employee pays his/her normal cost share for the coverage.

Individuals who are employed by a CT company (who employ 75 or more individuals) are afforded job protection by CT FMLA for up to 16 weeks in a 24 month period. Unlike Federal FMLA, the CT regulation is silent on benefit continuation protection.

An employee who is covered under both the state and federal regulation is entitled to the most generous benefit available to him/her.

Additionally, individuals employed by a CT company of any size who offer a fully funded health plan, are covered under the CT “Mini” COBRA regulation, which provides that during an employees’ absence due to illness or injury, insurance coverage shall be continued for up to twelve months from the beginning of such absence; provided the employee continues to pay his/her normal cost share for the coverage.

Often, a work related injury or illness, covered under workers compensation insurance, will also be an FMLA qualifying event. While workers compensation insurance provides salary replacement for lost wages and covers the cost of medical treatment, FMLA (or CT FMLA and “mini” COBRA) provides job and benefit continuation protection. Therefore FMLA and Workers Compensation Injury leave will often run concurrently.

Further protections are afforded ill or injured employees, whether work related or not, by the ADA and often an accommodation may need to be considered when the employee is ready to return to work.

***gbac HR consultants are experts in our field and can help you with all or a portion of your
FMLA, ADA. Workers Compensation related employee matters.***