

# Disability, Leave and Health Management



A lot rides on an employer's response to employee leave and accommodation requests. Talent acquisition and retention; attendance and productivity; health, disability and workers' compensation costs; and exposure to workplace litigation are just a few business exposures to consider. Unfortunately, purposely vague laws like the ADA and FMLA frustrate employer efforts to navigate confidently disability and leave issues, causing them to feel vulnerable no matter what course they take. In this uncertain legal environment, employers need much more than an explanation of the federal, state and local laws – they must have access to reliable, creative, and practical business advice that considers both the costs of action and inaction. Applying decades of experience in almost every industry, our firm provides employers the resources they need to tackle these complex business issues. Our deep understanding of integrated disability and absence management issues helps in-house legal and human resources professionals make better, faster and more insightful business judgments on high-risk disability and absence decisions. With our support, companies:

- **Better “operationalize” leave and disability programs:** By simplifying what many find complex; we help clients build internal programs and systems that administer leaves and accommodations in a way that complies with a daunting amount of federal, state and local law while respecting the constraints of company culture, structure and technology. Our programs allow them to “tell their story” to their employees and the outside world; one that reduces the risk of litigation and increases the chance of prevailing when cases are brought.
- **Save time and money:** Our preventive programs help employers improve attendance and productivity by implementing creative approaches to take control of risks posed by injured, ill, and pregnant employees as well as those with caregiver responsibilities. We help employers streamline leave and accommodation decisions while simultaneously enhancing their ability to prevent and/or successfully defend workplace litigation.

Our goal is to help employers reduce the risk of employment litigation and agency audit or enforcement actions, decrease the costs associated with absence and under-productive employees, help contain health care-related expenses, and promote employee health, safety and wellness. Some of the hallmarks of our approach include:

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## Client Service and Communication



Jackson Lewis is proud to hold to [Client Service Standards](#) that support unmatched understanding of our client’s business, consistency in client service performance, proactive two-way open communication, and preventive counseling. Our Disability, Leave and Health Management group constantly monitors federal, state and local leave and disability laws, including a rapidly growing number of state and local paid sick leave laws, and summarizes recent developments to guide our clients’ day-to-day decision-making for employees who are absent or request an accommodation. We are also in constant contact with clients on critical issues that could impact their operations, including through our legal alerts, Disability, Leave and Health Management blog at [disabilityleavelaw.com](http://disabilityleavelaw.com), and local and national events. Because of our role as thought leaders, we are frequently asked to provide commentary to the press on emerging developments in this area of the law and speak at national conferences addressing the latest legislation. Our clients benefit from our expertise as we seek ways to proactively navigate these laws to their best advantage for their unique industry.

## Collaborative Firm Culture



We are proud to be part of a firm that values collaboration and continues to facilitate knowledge sharing between our various practice groups and offices. We routinely work closely with other practice groups, such as Affirmative Action, Employee Benefits, Labor, Litigation, Privacy, Wage and Hour, Workplace Safety and Health, Data Analytics, and Workplace Training, so we can provide comprehensive legal advice in a wide range of scenarios. At Jackson Lewis, disability and leave are not treated as a separate category of legal work; instead, our team is integrated into all our areas of practice so we can advise on these issues as they arise in specific situations with unique details. In this way, we can proactively take account, for example, of how an accommodation policy impacts federal contractors or workplace safety or how employee leave entitlements impact the chance of unionization.

## Peripheral Vision



Effective disability and leave management requires employers to develop “peripheral workplace vision”— the ability to identify and integrate federal, state and local leave entitlements with employer benefit programs, including extensions of job-protected leave required for individuals whom may be disabled under federal, state or local law and coordination with disability benefits and paid time off. We believe that looking at a legal question in this area of the law from only one perspective will create pitfalls and potential litigation. Instead, our team is trained to look at each situation from all vantage points and to draw upon our vast collective knowledge.

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Some of our specific offerings include:

**Disability Management Products & Services**

- Reasonable Accommodation & Interactive Process Policies, Guidelines, & Reporting
- Reasonable Accommodation Forms & Letters
- Fitness for Duty Policies & Guidelines
- Transitional Work Policies & Guidelines
- Workplace Violence Prevention Policies & Guidelines
- Telework Programs
- Functional Job Analysis & Descriptions
- Title III ADA Compliance, including Website Accessibility
- Section 504 Compliance
- Substance Abuse Policies & Guidelines, including DOT Compliance
- Data Analytics for Leave and Accommodation

**Leave Management Products & Services**

- Comprehensive Leave, Accommodation, and Disability Program Creation and Administration
- Federal and State Leave Policies & Guidelines, Including FMLA
- *workthruIT*® - an intuitive, self-service application allowing corporate counsel and HR professionals to navigate employment laws and regulations
- Audit support with DOL and EEOC
- Medical Leave Policies & Guidelines, Including ADA Leave
- Personal Leave Policies & Guidelines
- USERRA Leave Policies & Guidelines
- Leave Administration Guidelines, Forms & Letters
- STD Benefit Plans and Administration Guidelines
- Paid Sick Leave and Paid Family Leave Policies & Guidance
- Parental Leave, Pregnancy, and Maternity Benefits Policies and Guidance
- Attendance Policies & Guidelines
- Attendance Forms & Letters

**Health Management Products & Services**

- Physical Ability Testing Programs
- Pre-Employment Medical Evaluations
- Medical Surveillance Programs
- Occupational Health Clinic Audits
- Mandatory Injury Reporting
- Pregnancy and New Parent Programs
- Workplace Wellness Programs
- Infection Control Policies, including but not limited to TB, Blood borne Pathogens, & Pandemic Response
- DOT Medical Qualification Programs

**Management Training & Education**

- ADA Compliance
- FMLA Compliance
- ADA/FMLA/STD/WC
- Accommodating Mental Disabilities
- Workplace Violence Prevention
- Workplace Threat Assessments
- Intermittent Leave
- Paid Sick Leave
- Drug and Alcohol Testing Policy Training, including Reasonable Suspicion Training
- Employee Education and Awareness Programs on Drug and Alcohol Abuse

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