

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 through 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, Jackson Lewis P.C. provides employers the resources they need to tackle these complex business issues. Our deep understanding of integrated disability and absence management issues help 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:

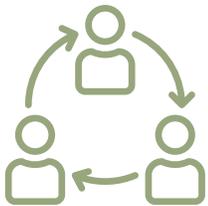
- ▶ **Better “operationalize” leave and disability programs** — By simplifying what many find complex, we help clients build internal programs and systems that administer leaves and accommodations in a way that complies with a daunting amount of federal, state and local law while respecting the constraints of company culture, structure and technology. Our programs allow them to “tell their story” to employees and the outside world, a story 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:



Client Service and Communication

Jackson Lewis is proud to hold to [Client Service Standards](#) that support unmatched understanding of our clients' businesses, consistency in client service performance, proactive two-way open communication and preventive counseling. Our Disability, Leave and Health Management Practice Group constantly monitors federal, state and local leave and disability laws. This includes 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 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 deep substantive experience as we seek ways to proactively navigate these laws to their best advantage for their specific industry.



Collaborative Firm Culture

We are proud to be part of a firm that values collaboration and that 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 focused detail. 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.

Some of our specific offerings include:

Disability Management Products and Services

- ▶ Reasonable accommodation and interactive process policies, guidelines and reporting
- ▶ Reasonable accommodation forms and letters
- ▶ Fitness for duty policies and guidelines
- ▶ Transitional work policies and guidelines
- ▶ Workplace violence prevention policies and guidelines
- ▶ Telework programs
- ▶ Functional job analysis & descriptions
- ▶ Title III ADA compliance, including website accessibility
- ▶ Section 504 compliance
- ▶ Substance abuse policies and guidelines, including DOT compliance
- ▶ Data analytics for leave and accommodation

Leave Management Products and Services

- ▶ Comprehensive leave, accommodation and disability program creation and administration
- ▶ Federal and state leave policies and 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 and guidelines, including ADA leave
- ▶ Personal leave policies and guidelines
- ▶ USERRA leave policies and guidelines
- ▶ Leave administration guidelines, forms and letters
- ▶ STD benefit plans and administration guidelines
- ▶ Paid sick leave and paid family leave policies and guidance
- ▶ Parental leave, pregnancy, and maternity benefits policies and guidance
- ▶ Attendance policies and guidelines
- ▶ Attendance forms and letters

Disability Management Products and 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, and pandemic response
- ▶ DOT medical qualification programs

Management Training and 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

Disability, Leave and Health Management FAQs

Do you find FMLA, ADA and state leave laws increasingly difficult to manage?

- ▶ We don't. We help organizations navigate these issues every day.

Do you need to develop or update resources to help your organization administer absence management programs?

- ▶ We have developed templates and other resources that can help you get started today.

Do you find yourself spending too much time researching state leave law obligations?

- ▶ We have identified more than 450 state leave laws and are currently tracking more than 100 pending leave laws.

Do you need assistance navigating employment decisions affecting employees on leave due to their own medical conditions or family caregiver obligations?

- ▶ We have a team of attorneys whose primary practice is advising clients on these difficult personnel issues.

Would you need to hire an additional in-house attorney to respond to the demand for guidance from Human Resources, Benefits and front-line management?

- ▶ Our leave management resource center can fill this gap for a fraction of the cost of an additional full-time in-house attorney.

Are you looking for attorneys who regularly defend decisions to terminate unproductive or poor performing workers who claim disability discrimination or interference with FMLA rights?

- ▶ Our firm handles hundreds of such claims each year.

Learn more: [jacksonlewis.com/practice/disability-leave-and-health-management](https://www.jacksonlewis.com/practice/disability-leave-and-health-management)



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