

The Intersection of ADA, FMLA, and Workers' Compensation:

A Comprehensive Review with Best Practices for Human Resource Professionals

January 17, 2019

Quiz Questions and Answers

Quiz Question 1

Sarah, who has been with her company for two years, broke her wrist after slipping on ice at work. She is going to require surgery and will be out of work for 4 weeks. What course of action should be taken following Sarah's injury?

- A. Have Sarah file a workers' compensation claim.
- B. Tell Sarah that she can remain out of work on FMLA, but there's no need to file a claim because she has health insurance to cover her injury.
- C. File a workers' compensation claim and follow FMLA guidelines to designate Sarah for block leave under FMLA.

Quiz Question 2

When providing temporary modified duty for an occupational injury, it's best to do the following:

- A. Allow the employee to tell you what duties they can do – they know their injury best!
- B. Establish a TMD based on the work restrictions from the WC provider and include a specific duration for the length of time the TMD will be provided.
- C. Don't offer TMD regardless of recommendations – why risk having the employee hurt themselves further?

Quiz Question 3

Jason has been out of work under FMLA for cancer treatment. He is nearing leave exhaustion and provides updated medical documentation stating he will need be out for 6 more weeks and can then return to full duty. What steps should be taken?

- A. Thank Jason for the update and terminate employment at the end of his FMLA.
- B. Tell Jason he has to return to work before the end of his FMLA or you cannot guarantee he will have a job.
- C. Engage in the interactive process to assess leave as a reasonable accommodation.

Quiz Question 4

Alex, who has been with the company for 4 years, sustained a concussion at work. After taking two weeks to recover, his provider releases him to temporary duty, working 4 hours/day 3 days/week for the next month and will then re-evaluate. You're able to accommodate the TMD but Alex declines, stating he doesn't agree he can work yet.

- A. Inform Alex of his rights to take leave under FMLA and that he can refuse TMD, but that it might impact his WC benefits.
- B. Tell Alex that the WC provider is the one who makes the decisions and he has to take the TMD in order to not be terminated.
- C. Allow Alex take his leave but terminate him once it exhausts for refusing to work.

Quiz Question 5

Ashley has been employed with the company for four months. She recently learned she is diabetic and will require several appointments over the next few months to establish an appropriate treatment regiment. As her HR, you should...

- A. Tell Ashley her appointments will have to fall outside of work hours because she isn't covered under FMLA and hasn't accrued enough time to miss work.
- B. Take Ashley at her word; don't request documentation and allow her to miss work whenever needed.
- C. Engage in the interactive process to assess intermittent leave as an accommodation and encourage Ashley to discuss with her provider additional accommodations that may be effective for her.

Quiz Question 6

Medical documentation received for ADA accommodations can also be used for assessing and designating FMLA.

- A. Correct. Medical documentation is all the same – there's no need to duplicate paperwork.
- B. Incorrect. Department of Labor has different requirements for determining FMLA eligibility and documentation for accommodations will not be sufficient

Quiz Question 7

Dan is returning to work after being on block FMLA for 8 weeks due to depression. He submits an FTR stating he needs attend weekly appointments for 1 hour/day. How should Dan's FTR be handled?

- A. Engage in the interactive process to determine if there's an alternative to Dan attending his appointments – he's missed a lot of time already.
- B. Dan has 4 weeks remaining of FMLA. He should be transitioned to intermittent FMLA for his appointments. If his FMLA exhausts, engage in the interactive process to assess accommodations including leave.
- C. Mandate Dan's appointments be with the internal EAP so he doesn't have to miss too much time.

Quiz Question 8

Rachel is receiving leave as an accommodation for a mental health disorder. Since she hasn't been with the company long enough, she isn't eligible for FMLA. She contacts HR and asks what will happen to her health insurance and other benefits while she is out. HR tells her...

- A. Only employees under FMLA continue to receive benefits.

- B. She will continue to receive benefits but only if she has enough PTO and other accruals to cover lost time.
- C. She continues to receive her benefits while on leave.

Quiz Question 9

Jack, an FMLA eligible employee, has a WC injury that results in a permanent condition. The condition qualifies as a disability under ADA. Jack submits an FTR identifying he cannot return to his previous position due to his restrictions. What happens to Jack when it's determined he can't return?

- A. Jack will be terminated because he was unable to return to work.
- B. The interactive process should be engaged to assess reassignment as a reasonable accommodation.
- C. Jack can remain on his TMD as a long-term accommodation

Quiz Question 10

Molly has worked for her company for 11 months and needs leave for 8 weeks. After engaging in the interactive process, she receives leave as an accommodation and is told it will transition to FMLA at one year of employment, as she has already met the hour requirement. Following Molly's leave, what requirement is her employer expected to follow?

- A. Return Molly to any position with a current vacancy.
- B. Return Molly to the same position or an equivalent position.
- C. Return Molly to the same position, absent any undue hardship.

Quiz Answers

1. C

2. B

3. C

4. A

5. C

6. B

7. B

8. C

9. B

10. B