



FAMILY MEDICAL LEAVE
For Employees of Indiana State Government

Light Duty or FML or ADA/RA: Which is appropriate?

September 2015



Light Duty

Definition of Light Duty

- Light duty is a temporary assignment that is physically or mentally less demanding than normally-assigned job duties.
 - Physically at work with restrictions
 - Working on regular paid time
 - Often associated with Worker's Compensation or returning from a medical leave



FML Absence

When using FML, you are not physically at work.

- FML is a leave of absence.
 - Not physically at work
 - Unpaid, unless concurrently using accrued leave
 - Upon returning to work, employee will have the same or equivalent position



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Light Duty vs. FML

Light Duty – Physically at Work

FML – Not Physically at Work

- **Light duty applies at the workplace**
 - A short period of time that allows an employee who is recovering from illness or injury and cannot perform all the duties of his/her job to gain strength or stamina gradually before returning to full duties.
 - Is paid work time.
- **FML applies away from the workplace**
 - Allows an employee to be absent from the workplace; the “L” in FML is “leave.”
 - Is unpaid unless the employee uses appropriate accrued leave.



Reasonable Accommodations

A reasonable accommodation is modification or adjustment to a job or the work environment that will enable a qualified individual with a disability to perform essential functions in the position.

- **The reasonable accommodation process involves:**
 - Discussion(s) with the employee, HR and the supervisor
 - Documentation of the disability
 - Decision
 - Implementation of reasonable accommodation(s) absent undue hardship
 - Monitoring and follow-up on effectiveness



ADA / Reasonable Accommodation

A reasonable accommodation may include a change in duties and/or leave time

- An accommodation may involve removing marginal duties, but not essential duties.
 - Light duty that temporarily removes essential functions is not appropriate as a permanent reasonable accommodation.



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ADA / Reasonable Accommodation

A reasonable accommodation may include a change in duties and/or leave time

- While leave may be a reasonable accommodation, unpredictable absences are not a reasonable accommodation.
 - When leave from the workplace is determined a reasonable accommodation
 - If FML is available, the absence may be charged to FML and use of accrued time.
 - If FML is not available, use of accrued leave and/or authorized leave without pay may be used.
 - The length of available FML does not determine the reasonableness of an accommodation.



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Summary

Which is appropriate?

- Analyze the facts – What does the employee need?

A temporary change in duties while recovering from an illness or injury?



Light Duty

A leave of absence for an incapacity or to receive or recover from treatment?



FML

Adjustment(s) to perform the essential functions of the job?



ADA Reasonable Accommodation



Related Information

There are other presentations on topics related to returning to work after a medical leave of absence.

- Check out these slide shows on this website:
 - Return to Work from Leave
 - Reasonable Accommodations upon Return to Work



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Have a Question?

Call the SPD FMLA Line



317-234-7955

or toll free

1-855-SPD-INHR

(1-855-773-4647)



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