

# **Family and Medical Leave Act in Illinois**

**Oak Brook, Illinois  
December 3, 2004**

## **Benefits for You:**

The FMLA does not exist in a vacuum – this seminar will focus the interplay between FMLA and other laws that complicate application of the FMLA. Employers need to know what steps they must take to comply with the law and what steps they should take to prevent enforcement actions. They need to know how to prevent abuse of leave provisions. Seasoned labor and employment law attorneys, Greg Andrews, Ron Passarelli and Kerry Davidson will help employers to understand the FMLA in practical real world terms through the use of case studies and useful resource materials.

Topics to be discussed include the following:

- **Overview of FMLA**
- **Information and Notice Requirements**
- **Treatment of Compensation and Benefits**
- **The Certification Process and Serious Health Conditions**
- **Trouble-shooting and Case Studies: The ADA, FMLA HIPPA, STD, LTD, VESSA, Military Leave, Social Security and Workers' Compensation**

# Critical Issues on the Agenda

9:00 a.m. - 10:30 a.m.

## **I. Overview of FMLA**

— *Gregory H. Andrews*

- A. Scope of Coverage
  - 1. Covered Employees
  - 2. Employee Eligibility
- B. What the FMLA Provides
  - 1. Length of Leave and Limits on Leave
  - 2. Reason for Leave
    - a. New Child Leave
    - b. Employee Serious Health Condition
    - c. Family Member Serious Health Condition
  - 3. Types of FMLA Leave
    - a. Full Weeks
    - b. Intermittent/ Reduced Schedule
  - 4. Benefit Continuation
  - 5. Reinstatement Rights
- C. FMLA Enforcement/ Recent Case Law
  - 1. Department of Labor
  - 2. Judicial Enforcement
  - 3. Remedies

10:30 a.m. - 10:45 a.m.

## **Break**

10:45 a.m. - 12:00 p.m.

## **II. Information and Notice Requirements**

— *Kerry Lin Davidson*

- A. General Employer Notice Requirements
  - 1. Postings
  - 2. Handbooks
  - 3. Policies
  - 4. Practical Solutions to Absenteeism
- B. Employer Notice Requirements at Time of Leave Request
  - 1. Notice of Eligibility
  - 2. Notice of Rights
  - 3. Designation of Leave
- C. Employee Notice Requirements
  - 1. Need for Leave
  - 2. Ability to Return to Work
- D. Other Notice Requirements and Issues
  - 1. Joint Employer
  - 2. Temporary Agencies

12:00 p.m. - 1:00 p.m.

**Lunch (Sponsored by Andrews Koehler & Passarelli, P.C.)**

1:00 p.m. - 1:30 p.m.

## **III. Compensation and Benefits Issues**

— *Ronald J. Passarelli*

- A. Pay
- B. Use of Accrued Paid Leave
- C. Health Insurance Coverage
- D. Calculation of Intermittent Leave

1:30 p.m. - 2:30 p.m.

## **IV. The Certification Process and Serious Health Conditions**

— *Gregory H. Andrews*

- A. Limits on Information Obtained During Certification
- B. Serious Health Conditions
- C. Re-Certification
- D. Second and Third Opinions

2:30 p.m. - 2:45 p.m.

## **Break**

2:45 p.m. - 4:30 p.m.

## **V. The Real World: Trouble-shooting The ADA, FMLA, Workers' Compensation, HIPAA, STD, LTD, SSIB, VESSA and Military Leave**

— *Gregory H. Andrews, Ronald Passarelli, and Kerry L. Davidson*

- A. Traps for the unwary: the many different definitions of disability
- B. HIPAA – Generally
- C. Workers' Compensation – Generally
- D. VESSA
- E. Military Leave
- D. Inter-Play Between ADA, FMLA, STD, LTD, SSIB, VESSA And Workers' Compensation
  - 1. Leave as Reasonable Accommodation
  - 2. Light Duty and Favored Work
  - 3. Reinstatement
  - 4. Medical Inquiries And Informational Issues
- E. Case Studies