

ADA Not a Medical Leave Entitlement Statute According to Seventh Circuit

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Employers are sometimes faced with the situation where an employee has exhausted leave under the federal Family Medical Leave Act (FMLA), but is still not able to return to work. While FMLA obligations may end at that point, the U.S. Equal Employment Opportunity Commission (EEOC) has long taken the position that terminating the employee without considering offering additional leave may violate the federal Americans with Disabilities Act (ADA).

The federal Americans with Disabilities Act (ADA) requires employers to reasonably accommodate a qualified individual with a disability, and more time off may be a form of reasonable accommodation. But how much more time off is reasonable?

In her article published in Indiana Bankers Association's November/December 2017 feature of *Hoosier Banker*, Debra Mastrian addresses the Seventh Circuit Court of Appeals decision, which was contrary to EEOC guidance and prevailing precedent in other federal circuits, ruling that an employee who required multi-month leave after his FMLA leave expired was not protected by the ADA.

While this decision is good news for employers in the Seventh Circuit, Debra emphasizes that employers should still exercise caution when considering requests for leave. The EEOC is not expected to change its position that extended leave may be required as a reasonable accommodation.

Read the full article in the November/December feature of *Hoosier Banker* digital [here](#).

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