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Protecting Your Legal Rights- Illness and Injury and Employment

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If an employee is injured or suffers serious illness, numerous federal and state laws may be implicated. For instance, the Illinois Workers' Compensation Act covers an employee for an injury which occurs on the job. Another statute that may apply to protect an employee in the situation of illness or off the job injury is The Family and Medical Leave Act of 1993 (FMLA). The FMLA requires an employer with 50 or more employees at a given work site to provide up to 12 weeks of unpaid leave in a 12-month period to "eligible" employees. To be eligible for FMLA leave, the employee must have worked for the employer for at least 12 months, have been employed for at least 1,250 hours during the 12-month period immediately prior to the leave. Leave is allowed for an employee who needs time off as a result of their "serious health condition," or for the serious condition of a parent, spouse or child of the employee when the employee is needed to care for the family member. Under the FMLA a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a healthcare provider.

In addition to the FMLA, The Americans With Disabilities Act (ADA), may also apply in the situation where an employee suffers from a permanent disability as a result of an injury or illness. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities. A qualified employee with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. A reasonable accommodation may include, but is not limited to making existing facilities used by employees readily accessible to and usable by persons with disabilities, job restructuring, modifying work schedules, reassignment to a vacant position; or acquiring or modifying equipment or devices, adjusting modifying examinations, training materials, or policies, and providing qualified readers or interpreters. Additionally, many employers provide their employees with an insurance policy which provides coverage for a short term or long term disability. If you have suffered from illness or injury whether on or of the job, I encourage you not to delay in seeking legal guidance to determine what state or federal laws apply to your situation. For further information, please visit our web site at www.joettedoran.com

This article is not intended as legal advice. You should consult with an attorney for individual advice regarding your own situation.

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