Office of Communication and

Legislative Affairs

131 M Street, NE  
Washington, DC 20507

FOR IMMEDIATE RELEASE

Monday, May 9, 2016

CONTACT:

Kimberly Smith-Brown

Justine S. Lisser

Christine Saah Nazer

Phone (202) 663-4191   
[newsroom@eeoc.gov](mailto:newsroom@eeoc.gov)

**EEOC ISSUES NEW RESOURCE DOCUMENT ADDRESSING ISSUES RELATED TO**

**LEAVE AND DISABILITY**

WASHINGTON – The U.S. Equal Employment Opportunity Commission (EEOC) today issued a new resource document that addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the Americans with Disabilities Act of 1990 (ADA). The document is entitled [*Employer-Provided Leave and the Americans with Disabilities Act*](https://www.eeoc.gov/eeoc/publications/ada-leave.cfm)*.*

Disability charges filed with the EEOC reached a new high in fiscal year 2015, increasing over 6 percent from the previous year. The ADA requires employers to provide reasonable accommodations that allow people with disabilities to perform the essential functions of their jobs, unless it would pose an undue hardship for the employer.

One troubling trend the EEOC has identified in ADA charges is the prevalence of employer policies that deny or unlawfully restrict the use of leave as a reasonable accommodation. These policies often serve as systemic barriers to the employment of workers with disabilities. They may cause many workers to be terminated who otherwise could have returned to work after obtaining needed leave without undue hardship to the employer. EEOC regulations already provide that reasonable accommodations may include leave, potentially including unpaid leave that exceeds a company’s normal leave allowances.

This resource is intended to help educate employers and employees about workplace leave under the ADA to prevent discriminatory denials of leave from occurring. It responds to common questions employers and employees have raised about leave requests that concern an employee’s disability. The document creates no new agency policy, but it is one in a series of EEOC Resource Documents that explains how existing EEOC policies and guidance apply to specific situations.

It consolidates existing guidance on ADA and leave into one place, addressing issues that arise frequently regarding leave as a reasonable accommodation, including the interactive process, maxi­mum leave policies, “100 percent healed” policies, and reassignment. It also provides numerous examples that illustrate existing legal requirements and obligations for both employees and employers.

“Providing employees with a period of leave for medical treatment or recovery can be a critical reasonable accommodation for people with disabilities,” said EEOC Chair Jenny Yang. “This resource document explains to employers and employees in a clear and practical way how to approach requests for leave as a reasonable accommodation so that employees can manage their health and employers can meet their business needs.”

*Employer-Provided Leave and the Americans with Disabilities Act* also addresses undue hardship issues, including the amount and/or length of leave required, the frequency of leave, the predictability of intermittent leave, and the impact on the employer’s operations and its ability to serve customers and clients in a timely manner.

“I’m pleased that the Commission has created a user-friendly resource document regarding this often complicated area of law,” said Commissioner Chai Feldblum.

“I believe it will be helpful to both employers and employees,” Commissioner Victoria Lipnic added. "Leave issues often present some of the toughest situations for employers and employees to deal with in our workplaces. This document provides needed one-stop guidance on how the EEOC approaches many of the common issues we see."

EEOC enforces federal laws prohibiting employment discrimination. Further information about EEOC is available on its website at [www.eeoc.gov](http://www.eeoc.gov).

# # #