

HR TIP OF THE WEEK

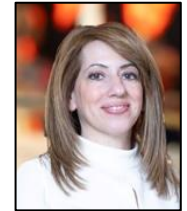
TOPIC: Are You Requiring Employees To Be 100% Healed Before Returning To Work?

LEGAL DEVELOPMENT: This fall, the Equal Employment Opportunity Commission (EEOC) filed a lawsuit against a hospitality group with an alleged 100% healed policy. This type of policy requires an employee to return to work from medical leave without any restrictions. The EEOC claims in its lawsuit that the hospitality group unlawfully applied this 100% healed policy and terminated an employee who tried to return to work from medical leave with restrictions.

HR TIP: Policies requiring an employee to be 100% healed before returning to work bypass the ADA's requirement for employers to conduct individualized assessments of accommodation requests. Review your handbook. Do you have a policy on accommodating qualified individuals with disabilities? Does the policy contain an interactive process where the employee and HR discuss proposed and alternative accommodations? Don't forget to look beyond your handbook and review informal department practices. Are your supervisors requiring employees to be 100% healed before returning to work? Are they ignoring requests for accommodations and failing to notify HR of employees with injuries or known disabilities? These types of informal practices create just as much exposure as non-compliant handbooks.

ABOUT ME

I partner with HR and legal on complex workplace issues. I've spent my career counseling employers on employment, HR, and compliance issues. I'm a Partner at Genova Burns and Chair of the Human Resources, Law and Compliance Practice Group.



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