

Surviving The NEW ADA, FMLA, PDA & Workers' Compensation ... All At The Same Time!

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Scott will provide attendees with all the forms and process you need to comply with all of these laws.

UNDERSTANDING THE NEW FAMILY AND MEDICAL LEAVE ACT OF 1993

- What do the *NEW 2008 FMLA REGULATIONS* say and how they have changed the FMLA?
- How do you count **MILITARY SERVICE** towards FMLA eligibility?
- How do you count the amount of FMLA time off an employee gets ... including mandatory overtime?
- How should employers coordinate FMLA leave with other leaves, such as sick time, vacation time, holidays and so on?
- Who qualifies as a “**CHILD**”?
- Who now qualifies as a “**PARENT**” and a “**CHILD**” under the new FMLA?
- How should employers count **HOLIDAY** time off under the FMLA?
- How are “**SAME SEX MARRIAGES**” viewed under the FMLA?
- What is a “**SERIOUS HEALTH CONDITION**” under the FMLA?
- What does it mean to “**CARE FOR A COVERED FAMILY MEMBER**” under the FMLA?
- What does it mean to provide “**PSYCHOLOGICAL COMFORT**” for a covered family member?
- When is an employer “**ON NOTICE**” of an FMLA condition?
- When can employers ask employees for a **MEDICAL CERTIFICATION** or a **RETURN TO WORK SLIP** ... and when **CAN THEY NOT**?
- What FMLA Notice requirements are placed upon **EMPLOYEES** ... and which are placed on **EMPLOYERS**?
- What is the difference between a “**General Notice**,” an “**Eligibility Notice**,” a “**Rights and Responsibilities Notice**” and a “**Designation Notice**” ... and when do you use each one?

UNDERSTANDING THE NEW AMERICANS WITH DISABILITIES ACT OF 1990

- What do the *NEW 2011 ADA REGULATIONS* say and how they have changed the ADA?
- Why was the FMLA the most *PRO-EMPLOYEE* Employment Law in 2011 ... *AND WHY IS THE ADA NOW THE MOST PRO EMPLOYEE LAW NOW*?
- Why is it almost **IMPOSSIBLE** to have an employee miss time from work for their own serious health condition under the **FMLA** and have it **NOT ALSO BE ADA**?

- What did the EEOC say about the ADA and **LEAVES OF ABSENCE**?
- What **EXACTLY** must an employee say to be covered by the ADA?
- When do you **HAVE** to keep granting **ADDITIONAL EXTENSIONS FOR LEAVE OF ABSENCE** under the ADA ... and when do you **NOT**?
- What did the EEOC say about the **TIMING OF PROVIDING ADA ACCOMODATIONS**?
- What conditions are on the new ADA's "**VIRTUALLY ALWAYS**" list ... and why are so many of your employees now covered by the ADA?
- What did the courts say about "**ATTENDANCE**," "**PUNCTUALITY**" and **ESSENTIAL FUNCTIONS** under the ADA?
- How does the new ADA define "**ESSENTIAL FUNCTIONS**"?
- Why is it **ILLEGAL** to require employees to sign **LAST CHANCE AGREEMENTS** when they voluntarily go into rehab?
- Why are your "**NO LIGHT DUTY RULE**" and "**100% RETURN TO WORK**" policies illegal under the ADA?
- How does the new ADA define "**SUBSTANTIALLY LIMITED**"?
- How have the courts treated "**TELECOMMUTING**" and "**FLEXTIME**" under the ADA?
- What are you required to do under the "**INTERACTIVE PROCESS**"?
- Are "**ANGER ISSUES**" covered by the ADA?
- When can you conduct "**MEDICAL**" and "**DRUG**" testing under the ADA ... and when can you not? What do you need to do to comply with the new ADA?

PREGNANCY DISCRIMINATION ACT OF 1978 and WORKERS' COMPENSATION

- How does Workers' Compensation protect employees ... and how does it not?
- How does the Pregnancy Discrimination Act of 1978 protect employees ... and how does it not?

DEALING WITH ALL FOUR LAWS AT THE SAME TIME!

- How do the ADA and FMLA, PDA and WC **INTERACT** with one another?
- What are the primary ***DIFFERENCES & SIMILARITIES*** between the ADA, FMLA, PDA and WC?
- What **POLICIES, DOCUMENTS** and **FORMS** do you need to comply with these laws?
- What **RIGHTS** should you reserve for your organization in order to better operate under these laws?
- How do the ADA and FMLA **DESTROY** your current "Point System Attendance" policies ... **AND HOW DO YOU HANDLE THAT?**

- When can you give **LIGHT DUTY ASSIGNMENTS** to *ONLY EMPLOYEES ON WORKERS' COMPENSATION* ... and when is that **ILLEGAL**?
- How can you effectively keep **ALL OF THESE LAWS STRAIGHT** in *ANY* situation?

... and **MUCH, MUCH** more ...

Join one of Ohio's most popular speakers and learn how to apply each of these laws to real situations. Scott will review the critical differences between these laws ... and well as the **CRITICAL CHANGES** that have occurred in the last few years. Scott will show you how to use this information **IMMEDIATELY** with his own "rubber hits the road" approach as a 40 year human resource professional and employment attorney.

LIST OF FORMS TO NEEDED TO COMPLY

Scott will provide attendees with all the forms and processes you need to comply with all of these laws and he will review them all with so you will know when to use each one.

- **MEDICAL CERTIFICATION FORM FOR EMPLOYEE (Complies with the Circuit Court requirements)**
- **MEDICAL CERTIFICATION FORM FOR FAMILY MEMBER (Complies with the Circuit Court requirements)**
- **ADDITIONAL MEDICAL CERTIFICATION INFORMATION BY HEALTH CARE PROVIDER**
- **FIT TO RETURN TO WORK DUTIES FORM**
- **PHYSICIAN LETTER and CHECKLIST OF ESSENTIAL FUNCTIONS**
- **EMPLOYEE'S AUTHORIZATION TO RELEASE INFORMATION**
- **HIPAA NOTICE OF TERMINATION OF HEALTH INSURANCE COVERAGE**
- **NOTICE OF TERMINATION OF HEALTH INSURANCE COVERAGE**
- **FMLA DESIGNATION NOTICE**
- **FMLA NOTICE OF ELIGIBILITY, RIGHTS and RESPONSIBILITIES**
- **FMLA TERMINATION OF KEY EMPLOYEE**
- **FMLA LEAVE FOR CARE GIVER OF A CURRENT MILITARY MEMBER**
- **FMLA LEAVE FOR CARE GIVER OF A VETERAN**
- **FMLA MILITARY QUALIFYNG EXIGENCY NOTICE**

LEARNING POINTS

In this session you will learn...

- What the new ADAAA regulations say and how they have drastically changed the ADA.
- What changes have occurred to the FMLA and they affect how you administer the new regulations.
- How the ADA, FMLA, Workers' Compensation and the Pregnancy Discrimination Act relate to one another and they will affect how you administer leave policies.

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Scott Warrick, JD, MLHR, CEQC, SHRM-SCP (www.scottwarrick.com) is a two-time best-selling author, a national professional speaker, a practicing Employment Law Attorney and a Human Resource Professional with 40 years of hands-on experience. Scott uses his unique background to help organizations get where they want to go, which includes coaching and training managers and employees in his own unique, practical and entertaining style.

Scott Trains Managers & Employees ON-SITE in over 50 topics, all of which can be customized **FOR YOU!** Scott travels the country presenting seminars on such topics as Employment Law, Conflict Resolution, Leadership and Tolerance, to mention a few.

LET SCOTT DESIGN A PROGRAM FOR YOU!

Scott combines the areas of law and human resources to help organizations in “Solving Employee Problems **BEFORE** They Start.” Scott’s goal is **NOT** to win lawsuits. Instead, Scott’s goal is to **PREVENT THEM** while improving **EMPLOYEE MORALE**.

Scott’s first book, **Solve Employee Problems Before They Start: Resolving Conflict in the Real World**, is a #1 Best Seller for Business and Conflict Resolution on Amazon. It was also named by EGLOBALIS as one of the best global Customer and Employee books for 2020-2021. Scott’s most recent book, **Living The Five Skills of Tolerance: A User’s Manual For Today’s World**, is also a #1 Best Seller in 13 categories on Amazon, including Business Leadership, Minority Studies, Organizational Change, Management, Religious Intolerance, Race Relations and Workplace Culture, to mention a few.

Scott’s **MASTER HR TOOL KIT SUBSCRIPTION** is a favorite for anyone wanting to learn Employment Law and run an HR Department.

Scott has been named one of Business First’s 20 People To Know In HR, CEO Magazine’s 2008 Human Resources “Superstar,” a Nationally Certified Emotional Quotient Counsellor (CEQC) and a SHRM National Diversity Conference Presenter in 2003, 2006, 2007, 2008, 2010 and 2012. Scott has also received the Human Resource Association of Central Ohio’s Linda Kerns Award for Outstanding Creativity in the Field of HR Management and the Ohio State Human Resource Council’s David Prize for Creativity in HR Management.

Scott’s academic background and awards include Capital University College of Law (Class Valedictorian (1st out of 233) and Summa Cum Laude), Master of Labor & Human Resources and B.A. in Organizational Communication from The Ohio State University.

For more information on Scott, just go to www.scottwarrick.com.

