

Employer Policies & Legal Guidance

FMLA Basics

- Eligibility: Employees with 12+ months of service and 1,250 hours worked in the past year at a covered employer.
- Coverage: Up to 12 weeks unpaid, job-protected leave for serious health conditions, including substance use treatment.
- Process: Employee must provide medical certification; HR should provide required notices and track timelines.

Short-Term Disability (STD) & Addiction Treatment

- Many employer-sponsored STD plans cover inpatient or outpatient addiction treatment.
- Benefits vary by policy; employees typically must exhaust sick leave before STD begins.
- HR should help employees connect with benefits providers for claim guidance.

ADA Protections

- Employees in recovery are protected under the Americans with Disabilities Act (ADA).
- Current illegal drug use is not protected, but treatment participation and recovery status may qualify as a disability.
- Employers must consider reasonable accommodations (flexible schedules, leave, reassignment) unless it causes undue hardship.

Balancing Rights & Workplace Safety

- Protect employee rights while maintaining a safe environment.
- Enforce drug-free workplace policies consistently and document performance concerns.
- Communicate clearly that safety-sensitive roles may require additional compliance measures.

FAQ: Compliance & Addiction Treatment

- Q: Can an employer terminate an employee in rehab? ■ Not if the employee is covered under FMLA/ADA protections and is compliant with policies.
- Q: Do employees need to disclose their condition? ■ Only to the extent needed for job-related accommodations or protected leave.
- Q: What if safety risks arise? ■ Employers may act if an employee poses a direct threat or violates workplace safety rules.
- This reference helps HR support employees fairly while ensuring compliance with employment laws and safety obligations.