

Legal Considerations for Employee Support

For HR Professionals & EAP Teams – Bridging the Gaps

Introduction

Supporting employees with wellness, behavioral health, or substance use challenges requires a clear understanding of legal obligations. This guide provides an overview of **FMLA, ADA, and workplace accommodations**, helping HR and EAP professionals support employees effectively while staying compliant.

1. Family and Medical Leave Act (FMLA)

- Employees may be eligible for **protected leave** for their own serious health condition or to care for a family member.
- HR teams must provide **timely notice, documentation, and tracking** to ensure compliance.
- FMLA leave cannot be denied based on an employee's participation in EAP or treatment programs.

Key Actions:

- Verify eligibility and leave type.
 - Maintain confidentiality of medical information.
 - Coordinate leave with payroll and benefits teams.
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2. Americans with Disabilities Act (ADA)

- The ADA protects employees with **disabilities, including substance use disorders in recovery**.
- Employers must provide **reasonable accommodations** unless it creates undue hardship.
- Accommodations may include schedule flexibility, remote work, or modified duties during recovery.

Key Actions:

- Engage in an interactive process to determine accommodations.
 - Document all requests, decisions, and accommodations offered.
 - Ensure supervisors and managers understand **privacy and non-discrimination requirements**.
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3. Workplace Accommodations

- **Flexible scheduling:** Allow for therapy, counseling, or medical appointments.
- **Modified workload:** Temporarily adjust responsibilities during recovery.
- **Telework or remote options:** Support treatment or wellness needs without disrupting workflow.
- **Access to EAP services:** Encourage voluntary participation in confidential programs.

Key Considerations:

- Accommodations should be individualized and documented.
- Regularly review accommodations to ensure effectiveness.
- Maintain confidentiality and avoid stigmatizing language.

4. Coordination Between HR & EAP

- HR and EAP teams should collaborate while **maintaining privacy protections**.
- Ensure legal compliance while providing **supportive workplace interventions**.
- Establish clear policies for **tracking leave, accommodations, and follow-up**.

5. Contact & Support

For further guidance or training:

Bridging the Gaps EAP Support Team

Email: sue@bridgingthegaps.com

Phone: 540-535-1111