

Leave as an ADA Reasonable Accommodation

Frequently Asked Questions and Answers

(1) What is Leave as an ADA Reasonable Accommodation?

The American's with Disabilities Act (ADA) defines reasonable accommodation as any change or adjustment to a job or work environment that permits a qualified employee with a disability to perform the essential job functions of a job. For purposes of assessing the need for a reasonable accommodation, a person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities.

Time away from work or leave is one type of reasonable accommodation. Leave may be requested to allow a disabled employee to manage his or her medical impairment. Common reasons for ADA Leave include:

- To attend medical appointments related to an episodic or chronic medical impairment
- To obtain medical treatment
- To recuperate from an illness or surgery, or exacerbation of symptoms associated with an episodic or chronic medical impairment

In addition, leave may also be requested for other reasons related to performance of a major life function (ex. To train a service animal).

ADA leave is job protected time away from work that may be taken on a continuous, intermittent or reduced schedule basis.

(2) Can I request ADA leave if I have time available under the Family Medical Leave Act (FMLA), state or company leave program?

ADA leave is generally only considered after an employee has exhausted FMLA or other leave entitlements. If you have exhausted your leave allotment (ex. 12-weeks under the FMLA) and need additional time away from work as a result of your disability, at that time you may request leave as a reasonable accommodation under the ADA.

In addition, employees who are not eligible for FMLA or other leave may request leave as a reasonable accommodation for reasons related to their disability.

Note that if you regain time or eligibility under a federal, state or other leave program, your ADA leave may be reclassified and time deducted from the applicable leave entitlement program.

(3) How do I request consideration of leave as a reasonable accommodation under the ADA?

Your employer has asked Prudential to support some of the administrative tasks related to managing leave as an ADA accommodation on their behalf. These support services include leave request intake and gathering supporting documentation.

To initiate or check on the status of an ADA leave request, call Prudential at 877-367-7781 to speak with one of our absence professionals.

(4) What information is needed to process my request for leave as an ADA Reasonable Accommodation?

To process your request, we will need documentation to:

- Confirm you are disabled
- Support your request for time away from work; and
- Identify the duration and frequency of the leave being requested

Upon receipt of your Leave as an ADA Accommodation request, Prudential will send you a medical inquiry form that will need to be completed by you and your healthcare or other appropriate professional.

(5) How much leave time may I request as an ADA accommodation?

Unlike the Family Medical Leave Act (FMLA), there is no set duration for ADA leave. Rather, the length of leave must be determined on a case by case, fact-specific basis by your employer.

A leave request that has an undetermined duration or where a return-to-work date cannot be provided may not be considered a reasonable accommodation. In such cases, your employer may explore alternative accommodation ideas with you.

(6) Can I request an extension if I need leave beyond my initial ADA leave?

Yes, you may request an extension of your ADA leave request by contacting Prudential. Medical documentation will likely be required to support the additional time.

Please note, not all employees will be eligible to receive an extended leave under the ADA.

(7) Who should I contact to request an ADA reasonable accommodation other than leave?

If you feel you have a disability and would be able to work with a workplace accommodation other than leave, please contact your supervisor or the Human Resources department to initiate a request.