



Your FMLA and ADA Rights

Understanding your rights is important so you may make decisions that are in the best interest of you and your family. Texas AFT has more information available on our **COVID-19 Resource Page**, including recorded webinars on FMLA and ADA rights. Visit us at www.texasaft.org/covid.

Americans with Disability Act (ADA)

Purpose: To allow you to keep working, with reasonable accommodation as long as an employee can perform essential functions of the job.

- Prohibits discrimination on the basis of disability;
- Employee must be able to perform essential duties of job, with or without accommodations;
- School district must make “reasonable accommodations” changing the work environment that allows employee with disability to perform essential functions;
- School district does not have to make accommodations if it would pose an “undue hardship” on the district;
- Employee can apply for ADA accommodations if they are 65 or older, and the employee will want to include any underlying health information;
- Reasonable accommodations requests could include telework, removal of non-essential duties, modified shift schedule, additional PPE and more, decided on a case-by-case basis; and
- Employee must inform the school district of disability and request an accommodation and the district can request medical documentation and question how the disability affects an employee’s work.

Family Medical Leave Act (FMLA)

Purpose: To allow employees to take leave from work to take care of themselves and/or their family, while maintaining employment relationship.

- FMLA entitles employees to take unpaid, job-protected leave for their own serious medical condition or that of a family member. If the need for leave is directly related to COVID-19 (including having the virus or seeking a diagnosis), as opposed to another medical condition, employees may qualify for two (2) weeks of paid emergency sick leave under the FFCRA;
- Employee must have worked for the school district for at least 1250 hours during the 12 month period immediately preceding the leave;
- Eligible employees may take up to 12 work weeks in a 12-month period for serious health conditions. Prior use of FMLA during the applicable period counts against the 12 week allotment;
- Employee can be required to use their own paid leave concurrently with the FMLA leave, with the total adding up to 12 weeks; and
- The FFCRA is temporarily expanded until December 31, 2020 to allow an employee to take leave and receive partial pay if the employee must care for a child whose school has been closed for Covid-19 related reasons.