

Know Your Legal Rights

If you are unable to work for medical reasons, you may qualify for protection under The Family and Medical Leave Act (FMLA) or The Americans with Disabilities Act (ADA). (See a summary of what these laws provide below.)

If you can work as usual during your cancer treatment and/or you have a supportive employer who says those magic words, "do what you need to do-just take care of yourself," then you may not need to read any further. If not, here are some federal acts you should know about that can help protect you.

The Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 is a federal act that requires employers to grant family and medical leave when needed.

The catch is, not all employers are bound by it. And, if you qualify, the family and medical leave is unpaid. Here are some highlights:

- The FMLA applies to all public agencies and local schools, as well as private employers who employ 50 or more workers within 75 miles of your job location for at least 20 workweeks during the calendar year.
- To be eligible, you have to have worked for the employer for at least 12 months and logged at least 1,250 hours during the previous 12 months.
- If you qualify, you can get a total of 12 workweeks of leave during a 12-month period.

When you return from leave, you must be given back your original job or one that is equal in pay, benefits, and other conditions. (There can be exceptions, if the employer shows it would cause a serious economic hardship to the business.) Although your leave is unpaid, it is, however, benefit protected.

- You can learn more about the Family and Medical Leave Act by visiting the U.S. Department of Labor web page at <http://www.dol.gov/esa/whd/fmla/>.

The Americans with Disabilities Act (ADA)

The ADA of 1990 prohibits discrimination against people with disabilities in the workplace. The Equal Employment Opportunity Commission (EEOC) enforces the provisions of the ADA.

- The ADA applies to employers with 15 or more employees. To be qualified as disabled, you must have: a physical or mental impairment that substantially impacts a major life function, a history of an impairment, or a record of impairment.
- You must also be qualified, which means you can perform the essential functions of your job with or without a reasonable accommodation. An employer must provide a reasonable accommodation to a qualified person with a disability so long as it is not an undue hardship for the employer.

For more information on the ADA and cancer, visit the EEOC website at www.eeoc.gov. In addition, the EEOC has a publication entitled Questions and Answers About Cancer in the Workplace and the Americans with Disabilities Act (ADA), which you may find at <http://eeoc.gov/facts/cancer.html>