

TABLE OF CONTENTS

PREFACE	i
CHAPTER 1: INTRODUCTION	1
I. AMERICANS WITH DISABILITIES ACT/REHABILITATION ACT	1
A. THE EEOC REGULATIONS AND OTHER RESOURCES	1
B. ENFORCEMENT GUIDANCE AND SIMILAR DOCUMENTS	2
C. FMLA INFORMATION	2
D. CASELAW	2
E. REASONABLE ACCOMMODATION ASSISTANCE	2
II. FEDERAL EMPLOYEES' COMPENSATION ACT	3
A. OWCP REGULATIONS	3
B. OWCP GUIDANCE DOCUMENTS	3
C. ECAB DECISIONS	3
III. FAMILY AND MEDICAL LEAVE ACT	4
A. REGULATIONS	4
B. OTHER GUIDANCE	4
C. CASELAW	4
IV. OPM MEDICAL LEAVE REGULATIONS	5
V. REFERENCES IN REGULATIONS AND GUIDANCE TO STATE LAWS	5
CHAPTER 2: OVERVIEW: REHABILITATION ACT AND AMERICANS WITH DISABILITIES ACT	7
I. ENFORCEMENT	7
II. REHABILITATION ACT AND ADA EMPLOYMENT PROVISIONS	7
A. SECTION 501—REHABILITATION ACT	7
1. Prohibition on Discrimination	8
2. Affirmative Action	8
3. Prohibition on Retaliation	8
B. SECTION 505—REHABILITATION ACT	8
1. Civil Rights Act of 1991	9
C. ADA—FINDINGS AND PURPOSE	9
D. TITLE I—ADA	9
1. Non-Affirmative Action Requirements	10
2. Title I Defenses	10
E. TITLE V—ADA	11
1. Retaliation	11
F. ADA AMENDMENTS ACT OF 2008	11
1. Retroactivity	12
III. DEFINITION OF DISABILITY UNDER ADA/REHABILITATION ACT	12
A. QUALIFIED INDIVIDUAL WITH A DISABILITY	13
1. Impairment	14
2. Substantially Limits Major Life Activity	14
3. Performance of Essential Functions	15
B. REGARDED AS DISABLED	16
IV. INDIVIDUALS COVERED	16
A. LEGISLATIVE AND JUDICIAL EMPLOYEES	16
B. PRESIDENT'S OFFICE EMPLOYEES	16
C. PERSONS EXCLUDED	16
1. Drug Users	17
2. Sex-Related Behaviors	17
3. Other Behaviors	17
V. MEDICAL EXAMS, INQUIRIES, AND DOCUMENTATION	17
VI. REASONABLE ACCOMMODATION OVERVIEW	18
A. DEFINITION OF REASONABLE ACCOMMODATION	18
B. WRITTEN PROCEDURES REQUIREMENT	19
C. REASONABLE ACCOMMODATION STAGES	19
1. Knowledge of Disability and Need for Accommodation	20

2.	Individualized Inquiry.....	21
3.	Identification of an Accommodation.....	21
4.	Undue Hardship.....	21
D.	HEALTH CARE PROVIDER.....	22

CHAPTER 3: OVERVIEW: FEDERAL EMPLOYEES' COMPENSATION ACT 23

I.	STATUTORY AUTHORITY.....	23
II.	ADMINISTRATION OF THE ACT.....	23
A.	OFFICE OF WORKERS' COMPENSATION PROGRAMS.....	23
1.	Division of Federal Employees' Compensation.....	24
2.	District Offices.....	24
3.	National Office.....	24
B.	EMPLOYEES' COMPENSATION APPEALS BOARD.....	25
1.	ECAB Decisions.....	25
III.	EMPLOYEES COVERED.....	25
A.	COVERAGE OF APPLICANTS FOR EMPLOYMENT.....	26
B.	INDEPENDENT CONTRACTORS.....	26
C.	MEMBERS OF CONGRESS.....	27
D.	STATUTORY "EMPLOYEES".....	27
E.	OTHER COVERED "EMPLOYEES".....	27
1.	U.S. Postal Service.....	27
IV.	BENEFITS.....	27
A.	LOSS OF WAGES.....	27
1.	Continuation of Pay.....	27
2.	Wage-Loss Compensation.....	28
B.	DISFIGUREMENT OR LOSS OF USE.....	28
C.	MEDICAL EXPENSES.....	29
D.	VOCATIONAL REHABILITATION SERVICES.....	29
E.	DEATH/SURVIVORS' BENEFITS.....	29
V.	DOCUMENTATION OF INJURY/ILLNESS.....	30
A.	FORMS REQUESTING MEDICAL INFORMATION.....	30
B.	DEFINITION OF PHYSICIAN.....	30
C.	TRAUMATIC INJURY.....	31
D.	OCCUPATIONAL DISEASE OR ILLNESS.....	31
1.	Checklists.....	31
2.	Personal Statement.....	31
E.	ATTENDING PHYSICIAN'S REPORT.....	32
F.	CLAIMS FOR COMPENSATION.....	33
G.	AGENCY RIGHT TO DISPUTE NOTICE AND MEDICAL INFORMATION.....	33
VI.	MEDICAL EVIDENCE/DOCUMENTATION.....	34
A.	CLAIMANT'S PHYSICIAN.....	34
B.	SECOND OPINION PHYSICIAN.....	34
C.	IMPARTIAL MEDICAL SPECIALIST.....	35
D.	FITNESS-FOR-DUTY EXAM.....	35
E.	EMPLOYEE'S DUTY TO COOPERATE.....	35
F.	SIGNATURE REQUIREMENT.....	35
G.	PRIVACY ISSUES.....	36
VII.	ELEMENTS OF A CLAIM FOR BENEFITS.....	36
A.	FACT OF INJURY.....	36
1.	Evidence Required.....	36
2.	Employee Statement.....	37
B.	PERFORMANCE OF DUTY.....	37
1.	Employees Who Work Off-Premises.....	37
2.	Travel Status.....	37
3.	Recreational and Social Activities.....	37
4.	Union Activities.....	37
5.	Assaults and Altercations.....	38
6.	Horseplay.....	38
C.	CAUSAL RELATIONSHIP.....	38

CHAPTER 4: OVERVIEW: FAMILY & MEDICAL LEAVE ACT	39
I. FMLA APPLICABILITY IN FEDERAL SECTOR.....	39
A. DETERMINING WHICH TITLE APPLIES.....	39
B. PROVISIONS APPLICABLE TO ALL FEDERAL AGENCIES	40
II. EMPLOYEE ELIGIBILITY	40
A. TIME WORKED AND NUMBER OF EMPLOYEES AT WORKSITE.....	40
1. Title I Employees.....	40
2. Title II Employees.....	41
B. SERIOUS HEALTH CONDITION.....	42
1. Continuing Treatment by a Healthcare Provider	43
2. Substance Abuse.....	45
3. Serious Illness or Injury Incurred in Line of Duty.....	45
C. COVERED RELATIVES	45
1. Son or Daughter	45
2. Spouse.....	45
3. Parent	46
4. Covered Servicemember.....	46
D. IMPROPER USE OF FMLA LEAVE	47
III. NOTICE OF LEAVE	47
A. EMPLOYER OBLIGATIONS.....	47
1. Title I Employees.....	47
2. Title II Employees.....	49
B. EMPLOYEE NOTICE AND REQUEST	49
1. Title I Employees.....	49
2. Title II Employees.....	50
IV. MEDICAL CERTIFICATION.....	51
A. REQUIREMENTS OF CERTIFICATION.....	51
1. Title I.....	51
2. Title II	52
3. Covered Servicemember.....	53
4. Certification and the ADA	53
B. TIMING OF CERTIFICATION AND RESPONSE	54
1. Title I Employees.....	54
2. Title II Employees.....	54
3. Failure to Provide.....	54
C. RECERTIFICATION	55
1. Title I.....	55
2. Title II	56
D. DEFINITION OF HEALTH CARE PROVIDER.....	56
1. Title I.....	56
2. Title II	56
V. CALCULATION OF LEAVE PERIOD	57
A. TITLE I EMPLOYEES	57
B. TITLE II EMPLOYEES.....	57
C. NDAA	58
VI. INTERMITTENT LEAVE.....	58
A. SCHEDULING INTERMITTENT LEAVE	58
B. TEMPORARY REASSIGNMENT.....	58
VII. SUBSTITUTION OF PAID LEAVE	59
VIII. ENFORCEMENT.....	59
A. TITLE I.....	59
B. TITLE II	59
C. EEOC AND MSPB JURISDICTION.....	59
IX. INTERFERENCE/RETALIATION.....	60
CHAPTER 5: OVERVIEW: OPM MEDICAL LEAVE & DOCUMENTATION REGULATIONS.....	61
I. ADMINISTRATION OF SICK LEAVE	61
A. ENFORCEMENT	61
B. CONDITIONS ENTITLING EMPLOYEES TO SICK LEAVE	61
C. AGENCY POLICIES AND PROCEDURES.....	62

D.	AMOUNT OF LEAVE.....	62
1.	Family Member’s Incapacity, Medical Treatment, or Death	62
2.	Family Member’s Serious Health Condition	62
3.	Advanced Sick Leave.....	62
4.	Agency Requirement to Maintain Records.....	63
E.	REQUESTING SICK LEAVE.....	63
1.	Advance Approval.....	63
2.	Inability to Request.....	63
F.	SUPPORTING DOCUMENTATION.....	63
1.	Time to Provide	63
2.	Absences Less Than Three Days	64
3.	Evidence of Incapacity for Work.....	64
4.	Care for Family Member.....	66
5.	Sufficiency of Documentation.....	66
6.	Documentation After the Fact.....	67
G.	SICK LEAVE RELATION TO ANNUAL LEAVE AND BENEFITS	68
II.	VOLUNTARY LEAVE TRANSFER PROGRAMS	68
A.	REQUESTS FOR LEAVE UNDER TRANSFER PROGRAM	68
B.	TRANSFER OF ANNUAL LEAVE	69
C.	LEAVE ACCRUAL	69
III.	VOLUNTARY LEAVE BANK PROGRAM.....	69
A.	AGENCY PROCEDURES	69
B.	REQUESTS FOR LEAVE FROM LEAVE BANK	70
C.	MINIMUM CONTRIBUTION AND MAXIMUM LIMITATIONS	70
D.	LEAVE ACCRUAL	70
IV.	ADVERSE ACTIONS FOR LEAVE USE.....	70
A.	EXCESSIVE USE OF LEAVE	70
B.	MEDICAL INABILITY TO PERFORM	70
C.	VIOLATION OF AGENCY LEAVE POLICY	72
D.	MISUSE OF SICK LEAVE	72
V.	MEDICAL QUALIFICATION DETERMINATIONS.....	72
A.	REASONABLE ACCOMMODATION	72
B.	MEDICAL DOCUMENTATION.....	73
1.	Medical Examinations—Authority to Require.....	74
2.	Psychiatric Exams—Authority to Require	74
3.	Authority to Offer Medical/Psychiatric Exams	75
4.	Conditions on Examinations	75
C.	DISQUALIFICATION BY OPM.....	75
D.	QUALIFICATION STANDARDS	75
1.	Medical Standards	75
2.	Physical Requirements	75
3.	Medical Evaluation Programs	76
4.	Disqualification	76
5.	Waiver	76

CHAPTER 6: ADA MEDICAL EXAMS AND INQUIRIES..... 77

I.	ADA STATUTORY PROVISIONS	77
A.	WHO IS PROTECTED?	78
B.	DEFINITION OF MEDICAL EXAM	78
1.	Vision Tests.....	79
2.	Psychological Tests	79
3.	Alcohol Tests	79
C.	ACTIVITIES EXPRESSLY PERMITTED.....	79
1.	Drug Tests and Illegal Drug Use	79
2.	Rules Prohibiting Alcohol and Drugs.....	80
3.	Smoking Restrictions	80
4.	Benefit Plans	80
5.	Voluntary Health and Wellness Programs	80
6.	Affirmative Action Planning.....	82
D.	GENETIC INFORMATION NONDISCRIMINATION ACT.....	83

1.	Genetic Information and Tests	84
2.	Prohibition on Acquisition and Use of Genetic Information	84
3.	Documentation to Support Reasonable Accommodation	86
4.	Employment-Related Medical Exams	86
5.	Voluntary Wellness Programs	86
II.	APPLICANTS FOR EMPLOYMENT	87
A.	INQUIRIES ABOUT ABILITY TO PERFORM JOB: GENERAL RULE	87
1.	Impermissible Areas of Inquiry	88
2.	Inquiries About Attendance	89
B.	JOB DEMONSTRATIONS AND QUESTIONS ABOUT PERFORMANCE ABILITY	89
1.	No Known Disability	90
2.	Known Disability That May Interfere With Job	90
3.	Known Disability That Will Not Interfere With Job	91
4.	Reasonable Accommodation Required	91
5.	Reasonable Accommodation and Medical Documentation	92
C.	APPLICATION FORMS	92
1.	Identification of Impairment Prohibited	92
2.	Identification of Reasonable Accommodation for Application Process Permitted	92
3.	Ability to Perform Major Life Activities	92
D.	QUALIFICATION STANDARDS AND NON-MEDICAL TESTS	93
1.	Job-Related and Consistent With Business Necessity	93
2.	Vision Tests	93
3.	Applicants With Sensory, Manual or Speaking Impairments	93
4.	Physical Agility/Fitness Tests	94
5.	Direct Threat Standard	95
6.	Enforcement of Standard	95
7.	Aviation and Transportation Security Act	95
III.	AFTER CONDITIONAL OFFER OF EMPLOYMENT	97
A.	IMPACT OF GINA	98
B.	MUST MEASURE ABILITY TO PERFORM ESSENTIAL JOB FUNCTIONS	98
C.	CONDITIONAL OFFER MUST BE "REAL" OFFER	98
D.	CRITERIA TO DENY EMPLOYMENT BASED ON RESULTS	100
1.	Direct Threat	102
2.	Permissibility of Follow-Up Questions	103
3.	Reasonable Accommodation Issues	103
E.	CONFIDENTIALITY OF MEDICAL RECORDS/INFORMATION	103
IV.	CURRENT EMPLOYEES	103
A.	APPLICATION OF PROVISION	104
1.	Purpose of Rule	104
2.	Definition of Employee	104
3.	Definition of "Disability-Related" Inquiry/Exam	105
4.	Impact of Other Laws and Regulations	106
B.	JOB-RELATED AND CONSISTENT WITH BUSINESS NECESSITY	106
1.	Evidence of Condition That May Interfere With Performance	107
2.	No Evidence of Condition That May Interfere With Performance	108
3.	Questions About Prescriptions	109
4.	Fitness-For-Duty Exams	109
5.	Exams/Documentation to Determine Reasonable Accommodation	110
6.	Leave-Related Inquiries	110
7.	Returns to Work	110
8.	Periodic Testing and Monitoring	111
9.	Periodic Alcohol Testing	112
C.	CONFIDENTIALITY OF MEDICAL INFORMATION	113
D.	DIRECT THREAT	113
1.	Significant Risk of Substantial Harm	113
2.	Factors to Consider	113
E.	EVIDENCE REQUIRED	114
1.	Requests for Medical Information	114
2.	Authority and Scope for Agency Exam	114
F.	INDIVIDUALIZED ASSESSMENT	115

1.	Limits on Inquiries	118
G.	SPECIFIC DIRECT THREAT ISSUES	118
1.	Threats of Violence	118
2.	Paranoid and Delusional Behavior.....	119
3.	Suicide Attempts.....	122
H.	DUTY TO REASSIGN CURRENT EMPLOYEES	123
V.	REASONABLE ACCOMMODATION.....	123
A.	SCOPE OF MEDICAL DOCUMENTATION REQUESTS	123
1.	Reasonable Documentation	124
B.	MEDICAL REQUESTS PERMISSIBLE	125
1.	Workers' Compensation Process.....	125
2.	FMLA Requests.....	126
C.	MEDICAL REQUESTS IMPERMISSIBLE.....	126
D.	FOLLOW-UP REQUESTS.....	127
1.	Agency Requirement to Follow Up	127
2.	Follow-Up Inquiries Permissible	127
3.	Permissibility of Exam by Agency	128
4.	Review of Documentation by Agency Medical Personnel.....	129
E.	DUTY TO INQUIRE ABOUT NEED FOR ACCOMMODATION	129
F.	FAILURE TO PROVIDE REASONABLE DOCUMENTATION.....	130
VI.	MEDICAL DOCUMENTATION AND RETALIATION	131
CHAPTER 7: STORAGE AND CONFIDENTIALITY OF MEDICAL RECORDS.....		133
I.	ADA CONFIDENTIALITY AND UNLAWFUL DISCLOSURE OF MEDICAL RECORDS.....	133
A.	APPLICATION OF PROVISION.....	133
B.	STORAGE OF RECORDS.....	133
1.	Databases Accessible by Supervisors	134
C.	DEFINITION OF "CONFIDENTIAL MEDICAL RECORD".....	134
1.	Drug tests.....	135
D.	SPECIFIC DISCLOSURE ISSUES.....	136
1.	Disclosure to Hiring Officials.....	136
2.	Disclosure to Managers/Supervisors	136
3.	Voluntarily Disclosed Information	136
4.	Disclosure of Reasonable Accommodation.....	136
5.	Disclosures of Preemployment Exams	137
6.	Employee as Patient.....	137
7.	Disclosure to Union Steward or Representative	137
II.	OPM MAINTENANCE OF MEDICAL RECORDS.....	137
A.	EMPLOYEE MEDICAL FILE SYSTEM	137
B.	SAFEGUARDING MEASURES.....	138
C.	AVAILABILITY OF RECORDS TO EXAMINED EMPLOYEE.....	139
D.	DISCLOSURE TO OTHER AGENCIES.....	139
III.	FECA AND MEDICAL DOCUMENTATION.....	139
A.	PRIVACY ACT	139
B.	ADA AND OPM CONFIDENTIALITY PROVISIONS	139
IV.	FMLA AND MEDICAL DOCUMENTATION.....	140
V.	GENETIC INFORMATION NONDISCRIMINATION ACT	140
A.	TREATMENT OF GENETIC INFORMATION.....	141
B.	LIMITATIONS ON DISCLOSURE	141
CHAPTER 8: DETERMINING AND IMPLEMENTING THE APPROPRIATE LEAVE.....		143
I.	ADA: LEAVE AS REASONABLE ACCOMMODATION.....	143
A.	REQUIREMENTS FOR REQUEST	144
1.	Retroactive Requests	144
B.	ALTERNATIVE ACCOMMODATION.....	144
C.	PER SE LIMITS ON LEAVE USE	144
D.	INTERMITTENT LEAVE OR REDUCED SCHEDULE	145
E.	AGENCY OBLIGATIONS WHEN LEAVE IS GRANTED.....	145
1.	Requirement to Hold Position Open.....	145
2.	Employee May Not Be Penalized.....	146

3.	Type of Leave and Continued Benefits.....	146
II.	INTERSECTION OF LEAVE: ADA AND FMLA	146
A.	“SERIOUS HEALTH CONDITION” AND “DISABILITY”.....	147
1.	Comparison of Requirements for Coverage	147
B.	LEAVE FOR EMPLOYEES COVERED UNDER BOTH STATUTES	149
1.	Requests for Leave	149
2.	Amount of Leave	150
3.	Intermittent Leave	150
4.	Continuation of Benefits.....	151
5.	Bonus or Payment for Hours Worked.....	151
6.	Leave to Care for Others	152
7.	Returning From Leave	152
C.	MODIFICATIONS OTHER THAN LEAVE.....	152
D.	MEDICAL DOCUMENTATION.....	152
1.	Recertification	153
E.	EXAMPLES INVOLVING OVERLAP	153
III.	FEDERAL EMPLOYEES’ COMPENSATION ACT, ADA, AND FMLA	153
A.	DEFINITION OF “DISABILITY”.....	154
1.	Serious Health Condition	154
B.	ELIGIBILITY AND NOTICE	154
1.	Form of Notice.....	154
2.	Time Limits	155
3.	Medical Documentation.....	155
4.	Fitness-For-Duty Exam	155
5.	Relation to FMLA/ADA	155
C.	CALCULATING THE 45-DAY CONTINUATION OF PAY PERIOD	155
1.	Continuation of Pay During Scheduled Leave.....	156
2.	Recurrence of Disability	156
D.	PARTIAL DISABILITIES	156
1.	FMLA and Light Duty.....	156
E.	USE OF OTHER TYPES OF LEAVE	157
F.	TIME OFF FOR MEDICAL TREATMENT.....	157
G.	AGENCY CONTROVERSION OF CONTINUATION OF PAY	157
1.	Denial of Payment Permissible.....	157
2.	Retaliation.....	158
H.	TERMINATION OF CONTINUATION OF PAY	158
1.	Agency Termination	158
2.	OWCP Termination or Denial	158
I.	DISABILITY BEYOND CONTINUATION OF PAY PERIOD	158
1.	Compensation for Periods of Continuation of Pay or Leave.....	159
2.	Duration of Compensation Period.....	159
3.	Temporary Total Disability	159
4.	Leave Buy-Back	159
J.	IMPACT ON BENEFITS.....	159
K.	PAY CHANGES.....	159
L.	WAGE-LOSS COMPENSATION AND FMLA LEAVE.....	160
M.	EEO COMPLAINTS ABOUT PROCESSING CLAIMS.....	160
IV.	SICK LEAVE	160
A.	REQUESTING SICK LEAVE.....	160
B.	MEDICAL DOCUMENTATION.....	161
1.	Relationship to FMLA Certification	161
C.	LEAVE AND WORKERS’ COMPENSATION	161
CHAPTER 9: RETURNS TO WORK		163
I.	OWCP RETURN TO WORK EFFORTS	163
A.	AGENCY OBLIGATIONS.....	163
1.	Advise Employee of Duty to Return to Work if Possible.....	163
2.	Initial Reemployment Attempts: Same or Equivalent Position	163
3.	Monitoring Medical Progress.....	164
4.	Advising the Office	164

B.	EMPLOYEE'S RESPONSIBILITIES	164
C.	OWCP PROCEDURES	165
	1. Personnel Involved	165
	2. Claims Examiner's Responsibilities	165
	3. Referral to Rehabilitation Specialist/Counselor	165
D.	SERVICES PROVIDED	165
	1. Occupational Rehabilitation Programs	166
	2. Assisted Reemployment	167
	3. Relocation Expenses	167
E.	SUITABLE EMPLOYMENT	167
	1. Content of Offer	167
	2. Suitability Determination	167
	3. Subsequent Medical Restrictions	168
	4. Notification to Claimant and Opportunity to Accept	168
	5. Acceptable Reasons for Refusal	169
	6. Unacceptable Reasons for Refusal	170
F.	EMPLOYEE'S FAILURE TO COMPLY	171
	1. Failure to Cooperate With Rehabilitation	171
	2. Refusal to Seek Suitable Work	172
	3. Refusal of Suitable Employment Offer	172
	4. Abandonment of Suitable Work	173
G.	ADA IMPLICATIONS.....	173
II.	RESTORATION RIGHTS	173
A.	DETERMINATION OF ENTITLEMENT TO RESTORATION RIGHTS.....	174
B.	WHO IS COVERED	174
C.	TYPE OF RESTORATION	174
	1. Fully Recovered Within One Year	174
	2. Fully Recovered After One Year	175
	3. Physically Disqualified	175
	4. Partially Recovered	175
D.	EMPLOYEE'S STATUS WHILE SEPARATED BY INJURY	176
E.	SERVICE CREDIT AND PROMOTIONS	176
F.	ENFORCEMENT AUTHORITY	176
	1. Fully Recovered Employees	176
	2. Partially Recovered Employees	176
	3. Scope of MSPB Jurisdiction	177
G.	PERSONNEL ACTIONS DURING ABSENCE	177
	1. Related to Compensable Injury	177
	2. Job or Function Transfer	177
	3. Reductions in Force	177
H.	DENIAL OF RESTORATION	177
	1. Danger to Self/Others.....	177
	2. Subsequent Medical Condition	177
	3. Voluntary Retirement/Resignation	178
III.	RETURNS FROM FMLA LEAVE.....	178
A.	EMPLOYER POLICY OR COLLECTIVE BARGAINING AGREEMENT	178
B.	RETURNS FOLLOWING LIGHT DUTY	178
C.	REQUIREMENTS FOR EQUIVALENT POSITION.....	178
	1. Same Commuting Area.....	178
	2. Same or Similar Duties/Responsibilities	178
	3. Same Pay, Schedule, Status and Benefits	179
	4. Impact of Impending RIF	180
D.	PREREQUISITES TO RETURNING	180
	1. Employee Notification.....	180
	2. Medical Certification	180
	3. Impact of Collective Bargaining Agreement.....	181
	4. ADA Implications.....	182
E.	BENEFITS	182
F.	DISCIPLINE OR PERFORMANCE-RELATED ACTIONS DURING LEAVE.....	183
	1. Discipline for Misuse of FMLA Leave	183

2.	Absences Not Covered by Approved FMLA.....	183
G.	MEDICAL EXAMS FOLLOWING RETURN TO WORK.....	183
IV.	RETURN FOLLOWING ADA LEAVE	183
A.	REASSIGNMENT	183
1.	Vacant and Funded Position	184
2.	Search for Vacancies.....	184
3.	Positions to Consider for Reassignment	185
4.	Location for Reassigned Position	185
5.	Seniority Systems	185
V.	NOTABLE DISTINCTIONS AMONG LAWS	186
A.	FECA AND ADA	186
1.	Reasonable Accommodation vs. Suitable Employment.....	188
B.	FMLA AND ADA	188
1.	Fitness-For-Duty Exams	189
C.	FECA AND FMLA.....	189
 APPENDIX: WH-380E: CERTIFICATION OF HEALTH CARE PROVIDER FOR EMPLOYEE'S SERIOUS HEALTH CONDITION		191
 TABLE OF CASES.....		195
 INDEX		199