



# When Leave Laws Collide: Navigating the ADA–FMLA Overlap

Practical, litigation-driven guidance for HR professionals

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# Learning Objectives

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- » When ADA and FMLA apply together
- » When additional leave may be required
- » How to handle return-to-work issues
- » Avoid common litigation traps

# ADA vs. FMLA: Key Differences

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- » FMLA: leave entitlement (12 weeks)
- » ADA: anti-discrimination + accommodation
- » Different triggers and coverage
- » Often apply at the same time



# Why the Overlap Creates Risk

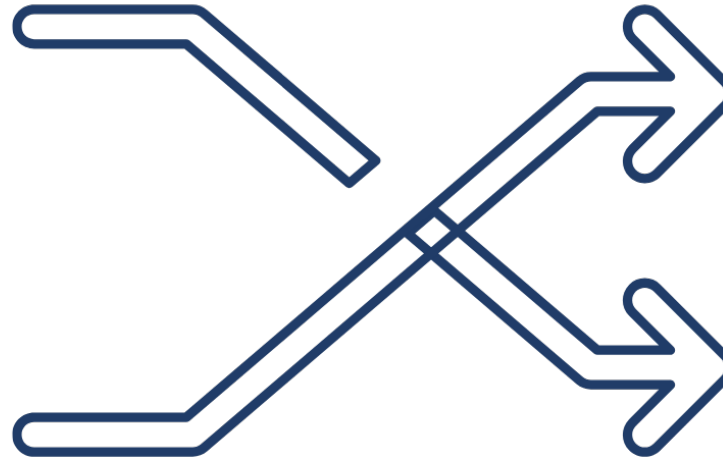
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- » Same facts trigger different obligations
- » HR must navigate both simultaneously
- » Rigid policies create exposure
- » Documentation becomes critical

# Where the Laws Intersect

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- » FMLA leave may be an ADA accommodation
- » Leave exhaustion does not end obligations
- » Interactive process required
- » Case-by-case analysis



# After FMLA Exhaustion

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- » Employee requests additional leave
- » Must evaluate under ADA
- » Is it reasonable?
- » Is there undue hardship?

# Interactive Process During Leave

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- » Ongoing communication required
- » Clarify restrictions and duration
- » Explore alternative accommodations
- » Document every step



# Hypothetical #1: Exhausted Leave

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- » Employee uses 12 weeks FMLA
- » Requests 4–6 more weeks
- » No clear return date certainty
- » What should HR do?

# Hypothetical #2: 100% Healed Policy

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- » Employee cannot return without restrictions
- » Policy requires full clearance
- » Employee could work with limitations
- » What are the risks?

# Hypothetical #3: Intermittent Leave

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- » Frequent absences tied to condition
- » Manager suspects abuse
- » Performance concerns arise
- » How should HR respond?



# Common Employer Mistakes

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- » Treating FMLA as a hard cap
- » Failing to engage in the interactive process
- » Poor undue hardship analysis
- » Inconsistent handling
- » Manager-driven decisions

# Practical Framework for HR

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- » Identify which laws apply
- » Track leave carefully
- » Engage interactive process early
- » Document decisions
- » Ensure consistency



# Key Takeaways

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- » FMLA exhaustion ≠ end of obligations
- » ADA requires individualized assessment
- » Process matters as much as outcome
- » Consistency and documentation are critical

# Q&A



» Questions?



Contact Mark



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