

When Three Laws Collide: Navigating FMLA, ADA, and Workers' Compensation on the Jobsite

By Ashley H. Connell, Woods Aitken LLP



In the construction industry, workplace injuries and medical conditions are, unfortunately, inevitable. When an employee is hurt on the job, employers often think solely in terms of workers' compensation. However, a single workplace injury can trigger obligations under three separate legal

frameworks: the Family and Medical Leave Act ("FMLA"), the Americans with Disabilities Act ("ADA"), and the Nebraska Workers' Compensation Act. Understanding where these laws overlap and differ is critical to avoiding potential liability.

Nebraska workers' compensation generally addresses work-related injuries and occupational illnesses. It provides a system for medical benefits, wage-loss benefits, rehabilitation, and return-to-work issues. These are benefits paid by the employer's third-party workers' compensation insurance provider.

The **FMLA**, by contrast, is a job-protected leave law. For eligible employees of covered employers, it provides up to 12 weeks of unpaid, job-protected leave for qualifying medical and family reasons, including the employee's own serious health condition as a result of a work-related injury. To be eligible for

at least 1,250 hours in the past 12 months, and work at a location with 50 or more employees within 75 miles.

Finally, the **ADA** adds a third layer. The ADA covers private employers with 15 or more employees. It prohibits disability discrimination and may require reasonable accommodation for a qualified individual with a disability, unless doing so would impose an undue hardship. A reasonable accommodation

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may include modified duties, schedule changes, equipment, reassignment, or in some cases additional unpaid leave. The ADA can apply where an employee is not eligible for FMLA, or even after FMLA leave is exhausted.

For contractors, the practical takeaway is simple—if an employee suffers a work-related injury or medical restriction, do not assume the analysis stops with workers' compensation. Employers should also evaluate FMLA eligibility and designation and whether ADA accommodation duties are triggered. Each law operates independently, and an employer must analyze its obligations under all three to avoid legal liability. If you have questions or need assistance, please give us a call at (402) 437-8500. Learn more about Woods Aitken's [Labor & Employment Practice Group](#) and [subscribe](#) to our E-Briefs for the latest news, tips, and updates.

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FMLA leave, an employee must have worked for a covered employer for at least 12 months, completed



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