



No Restrictions Return to Work Policies

Note: This information does not constitute legal advice. The law is constantly changing and application of the ADA depends on the specific circumstances of each case. Consult an attorney when faced with legal issues.

Sometimes when an employee returns from leave an employer requires the employee to be 100% able to work, or must have no medical restrictions.

What are 100% return to work policies?

- A 100% return to work policy is one that provides that an injured employee cannot return to work until s/he is “100% healed.” This means that the employee must have no residual restrictions or limitations in order to return to work.
- Also known as “full duty recovery” policies and “no restrictions” policies.

Are 100% return to work policies allowed under the ADA?

- Generally not. Courts have rejected 100% return to work policies because they “simply defy” the American with Disabilities Act (ADA) and are a violation of the ADA.
 - But, an employer may require return-to-work certification for non-disabled employees returning from FMLA leave. Thus it is essential to clearly communicate your disability to your employer to be protected under the ADA.
- These policies discriminate against qualified individuals with disabilities because they do not make individualized assessments of individuals’ abilities to perform the essential functions of their jobs with or without a reasonable accommodation.

- For example: it is likely that a company policy requiring employee with disabilities to have a full medical release before returning for work from leave without considering reasonable accommodations would violate the ADA.

What is my employer allowed to do after I return from leave?

- An employee who has been granted leave under the FMLA or the ADA may return to the same job unless the employer can show that it would be an undue hardship
- An employer may require a medical exam to determine whether an employee can continue performing essential job functions, or will pose a significant risk to the health or safety of him/herself or other employees due to a medical condition, but only to the extent necessary to assess the employee's ability to work.
- Note: An employee can perform the essential functions of the job with or without a reasonable accommodation. Similarly, an accommodation may reduce or eliminate what might otherwise be a significant risk to the health or safety of others in the workplace. You should always make written requests for accommodations when needed. Please [follow this link for information on how to request an accommodation under the ADA.](#)