

## EEOC Example of Indefinite Leave:

An employer grants 12 weeks of medical leave at the request of an employee with a disability. At the end of this period, the employee submits a note from his doctor requesting six additional weeks, which the employer grants. At the conclusion of this period, the employee submits a new note seeking another six weeks of leave, which would bring the employee's total leave to 24 weeks. The employer is concerned about the requests for extensions and whether they signal a pattern. Although the employer has been able to cope with the extended absence to date, it foresees a more serious impact on its operations if the employee requires more than a few additional weeks of leave. The employer requests information from the employee's doctor about the two extensions, including the reason why the doctor's earlier predictions on return turned out to be wrong, a clear description of the employee's current condition, and the basis for the doctor's conclusion that only another six weeks of leave are required. The doctor explains that there have been complications and that the employee is not responding to treatment as expected. The doctor states that the current request for an additional six weeks may not be sufficient and that more leave, maybe up to several months, may be needed. The doctor states that the employee's current condition does not permit a clear answer as to when he will be able to return to work. This information supports a conclusion that the employee's request has become one for indefinite leave. This poses an undue hardship and therefore the employer may deny the request.

See "The Americans With Disabilities Act: Applying Performance And Conduct Standards To Employees With Disabilities," Section III, P. 21.