

Accommodation requests can affect unemployment benefits

How you handle disability accommodation requests may determine whether a worker receives unemployment compensation if you terminate her after she's used up all her leave.

Recent case: Theresa, who worked in human services, took time off under the FMLA for a chronic health condition. When her leave was up, she returned to work for one day and was then injured in a car accident.

Despite receiving letters informing her she needed a doctor's certification to be considered for more leave, she did nothing. She was terminated and filed for unemployment benefits, arguing she had quit for compelling and necessitous reasons, namely her health.

But the employer showed it hadn't had a chance to make accommodations because she never asked. That's a requirement when workers quit for health reasons. (*Scott v. UCBR*, Commonwealth Court, 2017)