



FAMILY MEDICAL LEAVE  
For Employees of Indiana State Government

# FML

## To care for Adult Children

March 2015





## Child is defined as:

- Biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee has day-to-day responsibility for care and financial support who is under age 18.

## Adult Child is defined as:

- A child (as defined above) age 18 or older and “incapable of self-care because of a mental or physical disability.”



# Can eligible\* employees take Family Medical Leave to care for their Adult Child?



It will depend on the information contained in the “Certification of Health Care Provider for Family Member’s Serious Health Condition” form.

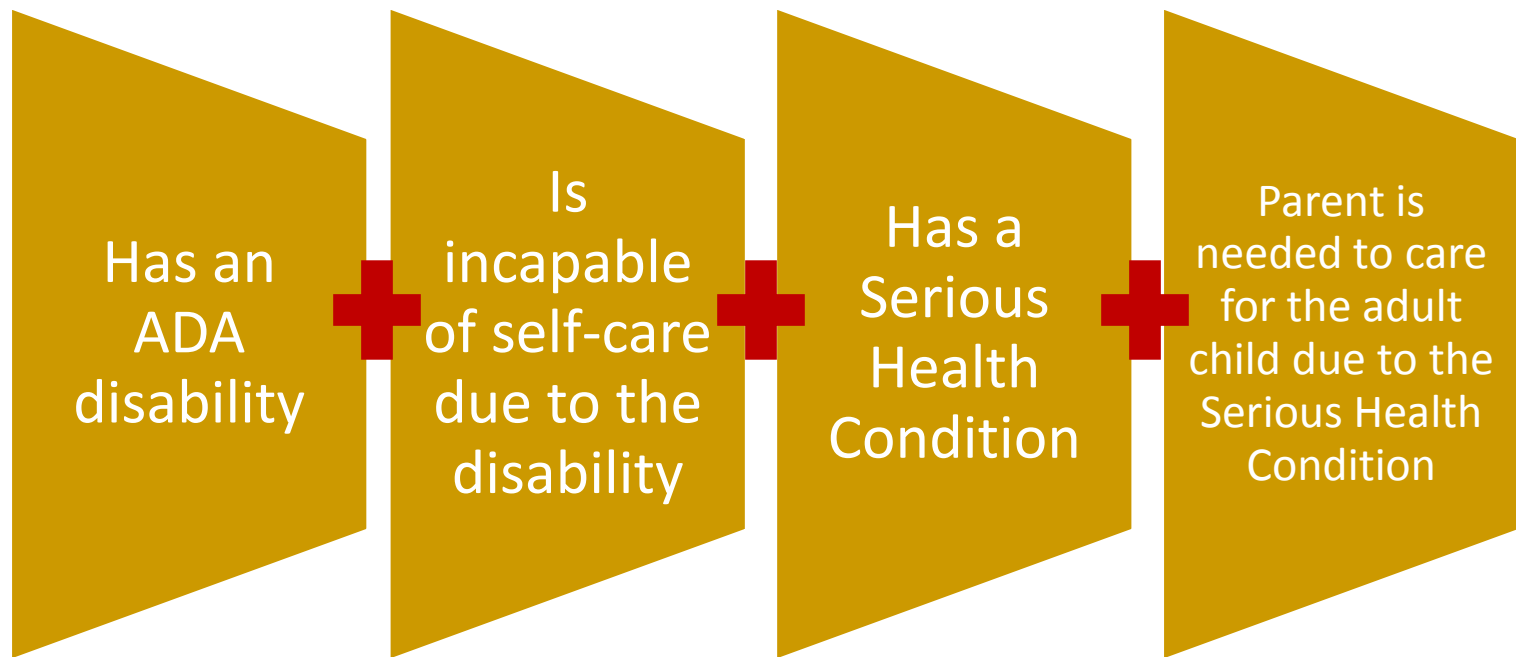
\*Has been employed in an agency under the executive authority of the Governor for at least twelve months (consecutive or non-consecutive) & worked at least 1250 hours in the twelve-month period immediately preceding the need for FML & not exhausted their allotment of FML in the applicable time period.



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# FML may be appropriate if the Certification documents the Adult Child meets ALL four of the following factors.



# “Has an ADA disability” means:



“A physical or mental impairment that substantially limits one or more major life activities.”

- **Physical Impairment**: Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
- **Mental Impairment**: Any mental or psychological disorder such as emotional or mental illness. Examples may include major depression, schizophrenia, and personality disorders.
- **Major Life activities**: include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working as well as major bodily functions, such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.



# Are all impairments a disability under the ADA?



Even if a condition is an impairment, it is not automatically a “disability.” To rise to the level of “disability,” an impairment must “substantially limit” one or more major life activities of the individual.

- **Substantially limit:** is an individualized assessment based on how the impairment impacts the individual in performing a major life activity as compared to most people in the general population.

**Note:** minor and transitory impairments such as a broken leg with no complications are not disabilities under the ADA and therefore, FML would not be available to the eligible employee of an adult child with such an impairment



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# “Is incapable of self-care due to the disability” means:

- Because of the disability, the person requires active assistance or supervision to provide daily self-care in three or more daily living activities or instrumental daily living activities.
  - Examples of such activities that may be affected by a disability include:
    - Grooming
    - Shopping
    - Paying Bills
    - Taking public transportation
    - Maintaining a residence
    - Eating
    - Cooking
    - Cleaning
    - Dressing



# “Has a Serious Health Condition” means:

- An illness, injury, impairment, or physical or mental condition that:
  - Requires inpatient care
  - Requires continuing treatment by a health care provider
  - Is a chronic condition





# “The parent is needed to care for the adult child due to the serious health condition” means:

- The adult child can not care for his or her own basic medical, hygienic, or nutritional needs, or safety, or is unable to transport himself or herself to the doctor.



# What if the Adult Child has a disability or a serious health condition, but not both?

The Family Medical Leave Act does not cover Adult Children unless they have both a disability and a serious health condition.



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# If FML is denied, what options are available to care for an Adult Child?

- You will be expected to report to work and all scheduled hours unless you have requested and received approval from your supervisor to:
  - Use available accrued leave (Sick, Personal, Vacation)
  - Adjust/flex your work schedule
- If leave is not available to you, then you must:
  - Schedule appointments/treatments outside of work hours
  - Make other arrangements for the care of your adult child while you are at work





# Have a Question?

Call the SPD FMLA Line

**317-234-7955**

or toll free

**1-855-SPD-INHR**  
**(1-855-773-4647)**



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