

III.

Current employees in
non-work status

1. Voluntary Medical Leaves of Absence

A typical scenario presented to the firm involves a current employee who is on non-work status due to a voluntary medical leave of absence. In this situation, the employee has usually taken a medical leave because of work-related injury, illness, or stress caused by workplace harassment. Often, the return to work is delayed because the employer refuses to eliminate the adverse working conditions which caused the original untenable work environment to exist, or the employee's physician requires certain restrictions upon return to work. Legal intervention at this point is often required to facilitate the return to productive employment. Many of these cases involve claims for Workers' Compensation. Under Michigan law, any worker who can establish that he or she is psychiatrically or physically disabled as a result of an objective workplace incident or event, can obtain a statutorily-defined wage loss benefit and payment of medical expenses relating to the compensable injury and pursue a discrimination case at the same time. In all dual-remedy cases, coordination between the attorney representing the employee in the Workers' Compensation matter and the discrimination/harassment claim is required.

We have developed strategies which enable our clients to successfully pursue both discrimination and Workers' Compensation claims and other types of disability benefits. We are capable of advising our clients if pursuing both remedies will be possible and, where dual remedies are not available, to assist the client in selecting the type of claim which makes the most sense. We work closely with expert attorneys who can represent our clients in pursuit of Workers' Compensation claims, long-term and short-term disability claims, Social Security disability claims and retirement benefits.

