



focus: family and medical leave

If a staffer is out sick for three days, you might have to provide FMLA notification

Remember: If one of your staffers is out of work for three consecutive days in order to get treatment for a medical condition, he or she might need to be OK'd for FMLA leave.

In that case, you should notify your HR manager about the absences so the process of obtaining approval for FMLA leave can begin.

The failure of managers to tell their HR departments about worker leave requests is one of the main reasons employers get slapped with interference and retaliation lawsuits based on the FMLA.

Here's the rub: The FMLA requires employers to provide workers with a notification of their FMLA rights and responsibilities within five

business days after a manager should know that a worker's time off might qualify for FMLA leave. If the notice isn't given, the employee can sue for interference.

Notice not required

But not every medical condition requires leave notification. For instance, FMLA notice isn't required if an employee is out of work for three days of pregnancy and prenatal care; for chronic impairments such as asthma, diabetes, or migraines; or for permanent or long-term ailments such as Alzheimer's disease or cancer.

However, other health conditions that require inpatient care or continuing

treatment and result in three consecutive days of incapacity are protected under the FMLA, and workers must be provided with a notification about their leave rights.

Also, keep in mind that you can't force a crew member to perform job-related assignments while he or she is on FMLA leave, whether the leave is continuous or intermittent.

However, if a staffer offers to work while on leave, you can allow the person to do so, as long as the employee is paid for the time.

Best bet: Don't let a crew member on leave work from home unless and until the HR department has approved the request.
