

FMLA CASE STUDY

Delaware Valley Employment Law Conference

Cami L. Davis

(412) 394-2357

cdavis@clarkhill.com

Kurt A. Miller

(412) 394-2363

kmiller@clarkhill.com

April 16, 2015

CLARK HILL

NOTICE ISSUES

CLARK HILL

ARIZONA | DELAWARE | ILLINOIS | MICHIGAN | NEW JERSEY | PENNSYLVANIA | WASHINGTON, DC | WEST VIRGINIA

COMPANY'S HANDBOOK POLICY

The Company's handbook states that full-time employees who have worked for the employer and who have accumulated 1,250 work hours in the previous 12 months are covered by FMLA. The employer does not have 50 employees within 75 miles of where the employee works.

Bob was an 18 year full-time employee of the Company. Beginning in 2010, he began to display a disrespectful attitude towards his long-time supervisor. In July, 2011, he was suspended for five days for failing to complete his last three assignments. He was told that this was a final warning. He was given 12 days to complete the assignments.

He timely completed all but one assignment. On the day before the last assignment was due, Bob was admitted to a hospital for a heart condition. His wife notified the Company of his illness. The HR director, Sue, sent Bob an FMLA Notice of Eligibility stating that he was eligible for FMLA leave. Sue, the HR director, failed to check the box that he was not eligible because the Company did not have 50 employees within 75 miles of his work place. Bob's supervisor wants to terminate Bob.

WHAT SHOULD THE COMPANY DO?

1. The company should not terminate Bob. Bob is eligible for FMLA.
2. The company should not terminate Bob. Bob is covered by FMLA because the handbook misrepresented the definition of “eligible employee” which Bob relied upon and Bob was discharged for not turning in the last assignment while he was on FMLA leave.
3. Terminate Bob. Bob was not eligible for FMLA because the company did not have 50 employees within 75 miles of Bob’s work site.
4. Terminate Bob because he failed to complete his last assignment.
5. Other options.

TAKEAWAYS

Ensure that employee is eligible for FMLA:

- The term “employee” means any individual employed by an employer.
- Has the employee been employed by the employer for at least 12 months.
- Has the employee been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.
- Is the employee employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

TAKEAWAYS

- Covered employers must post, in conspicuous places, a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division.
- If the company has any eligible employee, it must provide this general notice to each employee by including the notice in employee handbooks or other written guidance.
- Make an individual determination of whether the employee is eligible for FMLA leave.
- Make sure in the Notice of Leave eligibility that you mark the proper boxes.
- Employers should review their FMLA Policy to ensure that it accurately notifies employees of the Act's requirements.

EMPLOYEE'S REQUEST FOR UNFORESEEN LEAVE

In 2013, Dean, a plant maintenance worker and former local union president, took FMLA leave for triple-bypass surgery. Three times on January 14, 2015, Chuck, Dean's supervisor, ordered Dean to remove some personal effects that Dean had left in the human resources department. After the third time, Dean began to feel ill but did not tell Chuck. Dean went to First Aid where his blood pressure was a little high but within the normal range. He asked the nurse if he could go home but was told he would have to get permission from Chuck.

While returning to his department, Dean told his union steward that he was in pain and needed to go home to get his medication or see his doctor. Dean failed to describe the pain or identify the medicine. When Dean returned to his department, he told Chuck that he was in pain and needed to go home. Sue, the HR Director, heard the exchange and asked what was happening. Dean stated he had a "very bad head ache." Dean asked for permission to go home. Chuck and Sue told him to turn his plant badge into human resources, and then he could go home. Dean refused the order and walked out of the plant.

WHAT SHOULD SUE AND CHUCK DO?

1. Grant Dean FMLA leave because he gave the company enough information to determine that he might need FMLA leave.
2. Discharge Dean for insubordination.
3. Let Dean go home but discipline him for insubordination.
4. Tell Dean to return to work because he has not given adequate notice of the need for FMLA leave.
5. Other options.

FAILURE TO FOLLOW COMPANY POLICY

Bill, a nine year employee, works in the service department. He is a very good employee. He suffers from anxiety, depression, and gastroesophageal reflux disease. The company's attendance policy requires, "employees who are going to be absent or late for work must call the attendance hot line at least thirty (30) minutes prior to the start of his/her shift." It also states that "If the employee is absent from work for three consecutive working days without informing management, the employee is terminated."

Bob calls into the designated line on Friday and says he is taking the day off for personal reasons. He calls in to the line again on Monday and says he will not be in to work. He fails to call in or show up for work on Tuesday, Wednesday and Thursday.

Sue in HR writes a letter terminating Bill. Bill's supervisor does not want to discharge Bill because he is a very good employee.

WHAT SHOULD THE COMPANY DO?

1. The company should not discharge Bill because Bill's absence for 5 days puts the company on notice that Bill may qualify for FMLA leave.
2. The company should not discharge Bill because he gave the company sufficient notice of his need for FMLA law when he called in on Friday.
3. The company should not fire Bill because he is a very good employee.
4. The company can discharge Bill because he failed to follow the company policy on calling in every day.
5. Other options.

TAKEAWAYS

- For unforeseeable leave, an employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case.
- The employee must provide the employer notice within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.
- The employee may provide notice through a spokesperson (spouse, family member or friend).
- The notice to the employer must have sufficient information for an employer to determine whether FMLA may apply. Normally, “I feel sick” is not sufficient.
 - The first time an employee takes FMLA leave, the employee does not have to reference that the leave is for FMLA purposes.
 - To take subsequent leaves for a previously authorized FMLA leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

TAKEAWAYS

- When the need for FMLA leave is unforeseeable and an employee fails to give notice, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.
- If an employer does not waive the employee's obligations under its internal leave rules, the employer may take appropriate action under its internal rules and procedures for failure to follow its usual and customary notification rules, absent unusual circumstances, as long as the actions are taken in a manner that does not discriminate against employees taking FMLA leave, and the rules are not inconsistent with the regulations.
- When faced with vague or incomplete information, the employer should make direct inquiries of the employee to determine if the leave qualifies for FMLA.

ELIGIBILITY & RIGHTS NOTICE TO THE EMPLOYEE

In 2010, the company hired Lisa as a full-time instructor. On November 4, 2014, Lisa submitted a form requesting personal leave for the period from December 4 through December 31. James, her supervisor, suggested that she apply for short term disability leave. After Lisa submitted her paperwork, human resources determined that she was eligible for FMLA leave. When Sue, in human resources, met with Lisa, she had Lisa initial the box on the leave form stating that Lisa was taking FMLA leave. Sue also extended the leave to April 1, 2015, based upon Lisa's medical certification signed by her doctor. During her meeting with Lisa, Sue did not discuss Lisa's rights under FMLA. Sue did send a letter to Lisa, by regular mail and by e-mail, explaining Lisa's rights under the FMLA. Lisa denies that she received the letter.

On April 9, Lisa notified Sue that Lisa's doctor was releasing her to return to work without restrictions effective April 30, and provided a return-to-work certification from her doctor. Lisa's job was filled by a new employee when Lisa failed to return to work after the expiration of her FMLA leave on April 1. Lisa called James and Sue demanding her job back and claiming that she would have returned early from leave had she known a late return could cost her her job.

WHAT SHOULD SUE AND JAMES DO?

1. The Company gave Lisa all the FMLA leave to which she was entitled. Her termination should stand.
2. Even if the Company failed to properly notify Lisa of her right to 12 weeks of unpaid leave and the consequences of not timely returning from leave, she was not prejudiced by the Company's failure because she returned several weeks after the leave expired. Lisa has no cause of action. Her termination should stand.
3. The Company should discharge the replacement and hire Lisa back.
4. The Company should find Lisa another similar position or transfer the replacement to a similar job and give Lisa her job back.
5. Other options

FAILURE TO DESIGNATE LEAVE AS FMLA LEAVE

Dick, a mechanic, was a 30-year employee. In August 2014, he was discharged for keeping inaccurate records but was reinstated when he and his union agreed to a last chance agreement. One condition of the last chance agreement was that Dick needed to report to work everyday and on time. On December 6, 2014, Dick was in an automobile accident and was hospitalized. He informed the company that he would be out of work for at least two weeks because of his accident. The company did not notify Dick of his rights under the FMLA, including that he was entitled to 12 weeks of unpaid FMLA leave or that the company would count his leave towards his 12 weeks of FMLA entitlement.

On December 16, 2014, Dick was diagnosed with torn rotator cuffs and was told he would need immediate surgery. Dick sent a doctor's note to the company on December 17 informing it of the operation and telling it that he would be out of work until April. His supervisor told him to take whatever time he needed. In April, Dick's doctor provided a return to work certification without restrictions. Dick returned to work 92 days after his accident. The company wants to discharge him for violating the last chance agreement.

WHAT SHOULD THE COMPANY DO?

1. The company should discharge Dick because his leave exceeded the 12 weeks allowed by FMLA and therefore he violated the last chance agreement.
2. Do not discharge Dick if Dick can show that the company's failure to notify him of his rights under FMLA rendered him unable to exercise his FMLA rights in a meaningful way.
3. Do not discharge Dick because last chance agreements are unenforceable.
4. Other options.

TAKEAWAYS NOTICES

- When an employee requests FMLA leave, or when the employer acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employer must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances.
- The employer must determine and send a notice at the commencement of the first instance of leave for each FMLA-qualifying reason in an applicable 12 month period. All FMLA absences for the same qualifying reason are considered a single leave and the employer need not send a new notice.
- The eligibility notice must state whether the employee is eligible for FMLA leave as defined in 29 CFR § 825.110. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employer, the hours of service with the employer during the 12-month period, and whether the employee is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

TAKEAWAY NOTICES

- Notification of eligibility may be oral or in writing.
- Employers should use Form WH-381 (Notice of Eligibility and Rights and Responsibility) to notify employees.

LATE DESIGNATION OF LEAVE

Jim, who has been employed full time for five years, is a problem employee. He has attendance problems and is a poor performer. On December 31, 2014, he injures his back in an auto accident. On January 2, 2015, the first day of work after the accident, he calls into the company's attendance line and informs the company that he was hospitalized and needs surgery. On January 3, 2015 his wife provides the company with a doctor's note stating that he will be out of work until around March 30, 2015.

Sue fails to send a Designation of FMLA Leave Notice until January 30, 2015. The notice designates his leave from January 2, 2015 until March 30, 2015.

Jim fails to return on March 30, 2015.

WHAT SHOULD THE COMPANY DO?

1. The company can discharge Jim because he failed to return to work at the end of his 12 weeks of FMLA leave.
2. The company should ask Jim when he can return to work. If he can return to work by April 24 (12 weeks after the date of the designation notice), the company should let him return to work because the company was late in sending him the designation notice.
3. The company cannot discharge Jim since the company's designation notice was late.
4. The company should seek a certification of medical conditions and find out when his doctor thinks he can return.
5. Other options.

CERTIFICATION ISSUES

CLARK HILL

ARIZONA | DELAWARE | ILLINOIS | MICHIGAN | NEW JERSEY | PENNSYLVANIA | WASHINGTON, DC | WEST VIRGINIA

MEDICAL CERTIFICATION

Rob is a mechanic. He claims that he injured his back and cannot perform his job duties. He has missed several days of work and tells Sue that he will be out for four weeks. He has informed Sue that he needs some time off for treatment and recovery. Sue provides him with a Notice of Eligibility and a medical certification Form. She tells Rob that he has to return the certification within 15 days.

Rob returns the attached certification Form within the 15 days.

SHOULD SUE ACCEPT THE FORM

1. Yes, it is complete.
2. Yes, it is sufficient.
3. No, it is not complete.
4. No, it is not sufficient.

TAKEAWAYS

- Employers are entitled to have a medical certification that is complete and sufficient.
- A medical certification is incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed.
- A certification is considered insufficient if the employer receives a complete certification, but the information provided is vague, ambiguous, or non-responsive.
- Use Department of Labor Wage and Hour medical certification forms.

TAKEAWAYS

The contents of a medical certification must include:

- The name, address, telephone number, and fax number of the health care provider and type of medical practice/specialization.
- A statement or description of appropriate medical facts regarding the patient's health condition for which FMLA leave is requested.
- If the employee is the patient, information sufficient to establish that the employee cannot perform the essential functions of the employee's job, in addition to information concerning the nature of any other work restrictions, and the likely duration of such inability.
- If the patient is a covered family member with a serious health condition, information sufficient to establish that the family member is in need of care, as described, and an estimate of the frequency and duration of the leave required to care for the family member.

ROB REFUSES TO PROVIDE A COMPLETE CERTIFICATION

After reviewing Rob's certification, Sue informs Rob the certification is incomplete and tells him he has seven days to return a complete certification. Rob refuses to provide an updated certification. Sue again contacts Rob and gives him an additional seven days and asks if she can call his doctor. Rob contacts Sue and tells her he believes the original certification is complete and sufficient and that she is not permitted to contact his doctor. Rob has taken three weeks of leave. The company's no-fault attendance policy permits termination of an employee after three days of no show/no call.

WHAT SHOULD THE COMPANY DO REGARDING ROB?

1. His medical certification is not complete or sufficient and he has failed to provide a complete and sufficient certification within the additional seven days, the company should discharge him.
2. Accept the certification and give him FMLA leave because the certification substantially complies with the law's requirements.
3. Have Rob's supervisor call Rob's doctor and explain the information needed.
4. Have Sue call Rob's doctor to get clarification.
5. Other options.

TAKEAWAYS

- Request medical certifications when you provide the employee with the Notice of Eligibility and Rights & Responsibilities.
- The employer must give the employee 15 days to have the certification completed and returned.
- For a request for certification, ensure you inform the employee in writing of the consequences of failing to provide the medical certification. An employer may orally request subsequent certifications.
- The employer must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency.
- If the deficiencies specified by the employer are not cured in the resubmitted certification, the employer may deny the taking of FMLA leave.
- A certification that is not returned to the employer is not considered incomplete or insufficient, but constitutes a failure to provide certification

TAKEAWAYS

Needed:

- For intermittent leave, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the dates and duration of such treatments and any periods of recovery.
- If an employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity.
- If an employee requests leave on an intermittent or reduced schedule basis to care for a covered family member with a serious health condition, a statement that such leave is medically necessary to care for the family member, as described in § 825.124 and § 825.203(b), which can include assisting in the family member's recovery, and an estimate of the frequency and duration of the required leave.

EMPLOYER'S LATE REQUEST FOR CERTIFICATION

Debra has a history of mental and emotional problems that arose from an abusive relationship with her boyfriend. Debra applies for FMLA leave the day after she became a qualified employee under FMLA. She began her leave on October 20 and continued her leave until December 15, when she returned to part-time work. However, she did not seek medical help for her mental condition until November 10.

Initially, the company did not request a medical certification because the company believed that Debra might qualify for short-term disability, which would satisfy the company's policy that FMLA leave runs concurrently with the employee's short-term disability. The company informed her that if her short term disability was denied, she would have to provide a certification.

Debra's short-term disability was approved for the period from November 10 through December 14. However, the company denied her short-term disability for the period October 20 through November 9, and requested that she provide a medical certification to support FMLA leave for that period. Debra failed to provide a medical certification for that period. The company determined that Debra's absences from October 20 through November 9 were unexcused and wants to terminate Debra.

WHAT SHOULD THE COMPANY DO?

1. Let her return to work because the company failed to request the medical certification within five business days of Debra's request for leave.
2. Let her return to work because the company cannot demonstrate that its failure to request a timely medical certification was caused by fraud committed by Debra.
3. Do not allow her to return to work because the company had a reason to request the certification at a later date, given its policy that denial of short-term disability would trigger the requirement that the employee provide a medical certification.
4. Return her to work and discipline her for insubordination for failure to return the certification.
5. Other options.

EMPLOYER REQUEST RECERTIFICATION

Jane worked as a clerical employee for the company. In addition to its FMLA policy, the company's attendance policy permitted the discharge of an employee who had more than five days of unexcused absences in a rolling 12-month period.

In January, Jane requested intermittent leave for migraine headaches, claiming to need leave lasting three to four days, four times per month. The company requested medical certification. The certification stated that Jane would need leave for one episode per month, with each episode lasting three to four days. The company stated that the certification did not support her leave request. After several attempts to obtain a recertification that matched her request, Jane's doctor provided a recertification that stated that the doctor could not "give a clear frequency or duration [for her absences] at this time."

Following approval of her leave, Jane was absent for 28 straight days. The company requested that she recertify, but Jane failed to provide a recertification. Her supervisor wants to terminate her employment.

WHAT SHOULD THE COMPANY DO?

1. Return Jane to work because she provided the company with several recertifications and is entitled to intermittent leave.
2. Return Jane to work because the company violated the FMLA by requesting recertification more frequently than every 30 days.
3. Return Jane to work because the last recertification stated that the doctor was unable to predict the frequency or length of her migraine attacks so Jane could take leave whenever she needed it.
4. Discipline or terminate Jane because she failed to provide a recertification which matched the frequency of her leaves.

TAKEAWAYS

- An employer may request recertification no more often than every 30 days and only in connection with an absence by the employee.
- If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employer must wait until that minimum duration expires before requesting a recertification.
- An employer may request recertification in less than 30 days if:
 - The employee requests an extension of leave
 - Circumstances described by the previous certification have changed significantly.
 - The employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
- An employer should give the employee 15 days to provide the recertification.

TAKEAWAYS

- The employer may ask for the same information when obtaining recertification as the information permitted for the original certification.
- Any recertification requested by the employer shall be at the employee's expense unless the employer provides otherwise. No second or third opinion on recertification may be required.

INTERMITTENT LEAVE

CLARK HILL

ARIZONA | DELAWARE | ILLINOIS | MICHIGAN | NEW JERSEY | PENNSYLVANIA | WASHINGTON, DC | WEST VIRGINIA

CHRONIC BACK ISSUES

Tom was diagnosed with lumbar degenerative disease, a chronic back condition. The condition caused him extreme pain two to three days a month. He was given intermittent leave pursuant to the FMLA for use whenever his back pain flared up or when he had doctor's appointments for treatment of his condition.

Over several years, Tom took intermittent leave for his back condition. He often forecasted his need for FMLA leave, and his leave often occurred the day before or after weekends or vacations. Tom's manager becomes suspicious of his use of the leave. The company hired a private detective who filmed Tom on two Fridays when he was taking intermittent leave. The film showed Tom performing errands, lifting wood, bending, reaching and squatting. The company had an outside medical expert review the film. The expert opined that Tom was not suffering from back pain on the day in question. Sue interviews Tom. He views the video, but does not dispute its contents. He does offer several excuses including that his doctor "maybe" gave him a Cortisone shot earlier that day.

The company suspends Tom pending a decision on what action to take.

WHAT SHOULD THE COMPANY DO?

1. Send Tom for a recertification of his condition.
2. Counsel Tom but do not discipline him because he was entitled to intermittent leave.
3. Revoke Tom's intermittent leave.
4. Discharge Tom.
5. Other options.

TAKEAWAYS

- An employee may take FMLA leave intermittently or on a reduced leave schedule.
 - Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason.
 - A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.
- Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated covered reasons.
- Employees may take the leave in increments of an hour or more to several weeks.
- Employees may take intermittent or reduced schedule leave for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider.

TAKEAWAYS

- When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees.
- Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.
- If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.
- The employer may require the employee to transfer temporarily, during the period that the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.
- The alternative position must have equivalent pay and benefits.

RETURN TO WORK

The company hired Mary as a clerical employee. Mary spent 60% of her time typing. The company's FMLA policy requires employees returning from FMLA leave to supply a fitness-for-duty certification reflecting that the employee is able to return without restrictions. The employer's policy treats employees who fail to return to work on time as a voluntary quit. In early 2014, Mary took four weeks FMLA leave.

In August 2014, Mary injured her right hand. The injury required her to wear splint on her pinky and the two adjacent fingers. The company failed to give Mary a job description to provide to her doctor. Her doctor gave her a fitness-for-duty certification stating "No restrictions in splint." When Mary returned to work on August 16, she was unable to type at her normal speed. Sue informed her that she had to type at full speed or take FMLA leave. Mary left work and went to her doctor. After seeing her doctor, Mary took FMLA leave for an additional two months. While Mary was on leave, the company hired a temporary employee to perform her job. On September 28, Mary's FMLA leave entitlement ended. She contacted the company and said she would return on October 4.

Mary's supervisor wants to hire the temporary employee. Because Mary had prior discipline, she is not allowed to transfer to another position.

WHAT SHOULD THE COMPANY DO?

1. Allow Mary to return to work on October 4. On August 16, she attempted to return to work with a fitness-for-duty slip that contained “no restrictions” and the company had to let her return at that time.
2. Hire the temporary employee and place Mary in a similar position when she returns.
3. The company should discharge Mary because she was unable to return to work upon expiration of her FMLA leave on September 28.
4. The company should discharge Mary because she was unable to return to work without restrictions on September 28.
5. Other options.

TAKEAWAYS

- Employers may require a fitness-for-duty certification if the policy is uniformly applied to all similarly-situated employees.
- An employer may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave.
- The certification from the employee's health care provider must certify that the employee is able to resume work.
- An employer may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, an employer must provide the employee with a list of the essential functions of the employee's job no later than the time of the designation notice and must indicate in the designation notice that the certification must address the employee's ability to perform those essential functions.
- The employee bears the cost of the fitness-for-duty certification.

TAKEAWAYS

- An employer may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employer has failed to provide the notice of the need for a fitness-for-duty certification.
- If an employer provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave is no longer entitled to reinstatement under the FMLA.

TAKEAWAYS

- An employer may require an employee to comply with the employer's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- An employee also may be required by an employer's policy to contact a specific individual.
- Unusual circumstances would include situations such as when an employee is unable to comply with the employer's policy requiring that employees call a specific telephone number, because on the day the employee needs to provide notice of his or her need for FMLA leave there is no one to answer the call-in number and the voice mail box is full.
- Where an employee does not comply with the employer's usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA-protected leave may be delayed or denied.

THANK YOU



Cami L. Davis
(412) 394-2357
cdavis@clarkhill.com



Kurt A. Miller
(412) 394-2363
kmiller@clarkhill.com

Note: This document is not intended to give legal advice. It is comprised of general information. Employees facing specific issues should seek the assistance of an attorney.

CLARK HILL

ARIZONA | DELAWARE | ILLINOIS | MICHIGAN | NEW JERSEY | PENNSYLVANIA | WASHINGTON, DC | WEST VIRGINIA