



**FRANCZEK RADELET**  
*Attorneys and Counselors*

### Common Problems Under the New FMLA Rules

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Jeff Nowak  
jsn@franczek.com  
(312) 786-6164



Bill Pokorny  
wrp@franczek.com  
(312) 786-6141



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### Key Changes

- Revised Definitions
- Employee Notice
- Employer Notice
- Military Family Leave

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The Dog Ate My Phone

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Policy – Call 1 hour before shift  
Situation:

- Certification – intermittent migraines
- 1 hour tardy – did not call in
- Due to a “migraine again”
- Could not call – had to drop off daughter at school

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Half for Me, Half for You...

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- Back pain
- PT 2 times / week
- 1½ hours leave each Mon. & Wed.
- Payroll – 6 minute increments
- PTO policy – ½ day increments

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Make Yourself Useful

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- Injures hand on laundry duty
- Cannot perform regular job
- Requests leave due to pain
- Offered light-duty assignment
- Taxi!

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No Note, No Job

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- Point for each absence
  - Termination after 5 points
  - Excused, with doctor's note
  - Certified – intermittent leave
  - Uses leave – accumulates points
  - Ultimatum: no note, no job.
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Designation Delayed

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- Severe auto accident, head trauma
  - In and out of hospital
  - "Take as much time as you need - your job will be here ..."
  - 10 weeks later – still no Sally
  - Failed to designate
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Homecoming

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- Husband returning from tour in Afghanistan
  - 1 week for official discharge ceremony / reintegration programs
  - 4 weeks to "re-acquaint"
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When the Doctor Calls...

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- Employee father of 3, one on way
- Pregnant, depressed wife on bed rest
- Scenario 1: Time off for "foreseeable future" to provide emotional support
- Scenario 2: Time off to take care of kids

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More changes?

- Healthy Families Act: 7 days paid sick leave
- H.R. 1723: Paid FMLA leave benefits
- H.R.2132: FMLA leave to care for domestic partners, others
- H.R. 2161: Repeals employer-friendly provisions of new rules

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