

# Robbins Schwartz

Illinois Fire Service Administrative Professionals  
Fall 2018 Seminar

## FMLA and Employee Leave Issues

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# Today's Presentation

- » What will we cover today? **EMPLOYEE LEAVE ISSUES.**
  - › FMLA
  - › ADA and Reasonable Accommodations
  - › Workers' Compensation
  - › PEDA
  - › Military Leave
  
- » Feel free to ask questions or present scenarios at any time – you likely are not the only one in the room with that question or issue.

# IFSAP Seminar – Fall 2018

## Part 1: The Acts



# Purpose Behind the Leave Acts

- » The Family and Medical Leave Act of 1993?
  - › Federal law.
  - › Unpaid, job-protected leave for specified family and medical reasons.
- » The Americans with Disabilities Act?
  - › Federal law.
  - › Prohibits discrimination in employment based on disability.
  - › Requires employers to provide “reasonable accommodations.”
- » The Illinois Public Employee Disability Act?
  - › Provides duty disability benefits greater than pension and workers’ comp.
- » The Illinois Workers’ Compensation Act?
  - › System of benefits offered for employees who suffer work-related injuries or occupational diseases.

# Overview of the Acts

- » **Question:** Who is a Covered Employer?
- » **Answer:** You are! Public employers constitute “employers” for purposes of all four Acts (FMLA, ADA, PEDA, WCA).



# Overview of the Acts

- » **Question:** Who are the eligible employees?
  
- » **Answer:** It varies depending on the particular Act.
  - › FMLA – (1) employed at least 12 months, (2) worked at least 1250 hours in the 12 months preceding the leave; and (3) employed at a worksite where 50 or more employees are employed within 75 miles of the site.
  - › ADA – employees and job applicants; must meet the definition of a “qualified individual” with a disability.
  - › PEDA – any full-time law enforcement officer or firefighter employed by a public entity.
  - › WCA – injury or disability caused or arose out of and in the course of their employment; employees only, not independent contractors!

# Overview of the Acts

» **Question:** What conditions are covered by these protections?

» **Answer:** It varies depending on the particular Act.

› FMLA

- A “serious health condition” that renders the employee unable to perform the essential functions of his/her job, and must include a period of incapacity meeting certain requirements.
- Birth or placement of a child for adoption or foster care.
- Care of the employee’s family member with a serious health condition.

› ADA

- Individual must have a disability or have a history of a disability or be regarded as having a disability.
- **Note:** the individual must meet the ADA’s definition of “disability” – very broad.

# Overview of the Acts

» **Question:** What conditions are covered by these protections?

» **Answer:** It varies depending on the particular Act.

› PEDA

- Any injury suffered in the line of duty causing him/her unable to perform his/her duties.

› WCA

- Conditions which arose out of and in the course of the employment relationship.

# Overview of the Acts

» **Question:** How much leave are eligible employees entitled to?

» **Answer:** It varies depending on the particular Act.

› FMLA

- 12 weeks of unpaid leave – insurance benefits must be maintained.
- Employers may designate leave as counting towards the 12-week allotment and may request recertification of the qualification for leave, subject to certain conditions.

› ADA

- Unpaid leave may be considered a “reasonable accommodation.”
- Act does not require a specific minimum or maximum entitlement to leave. However, the ADA may often require more leave than provided for under the FMLA, unless it causes an undue hardship.
- **EMPLOYERS MUST ENGAGE IN THE INTERACTIVE PROCESS!**
- Leave for care of the employee, not others (unlike FMLA).

# Overview of the Acts

- » **Question:** How much leave are eligible employees entitled to?
  
- » **Answer:** It varies depending on the particular Act.
  - › PEDA
    - Employee to be paid on same basis prior to the injury during the time the employee cannot perform his/her duties, but not longer than one year in relation to the same injury.
  
  - › WCA
    - During a period of temporary total incapacity, employee not required to work and is entitled to 2/3 of the average weekly wage.

# Overview of the Acts

» **Question:** What are an employee's rights upon return to work?

» **Answer:** It varies depending on the particular Act.

› FMLA

- Reinstatement to the same or equivalent position.
- May not adversely consider FMLA leave when making various personnel decisions.

› ADA

- Entitled to position he/she held prior to the leave, assuming they are still qualified.
- If not able to perform the essential functions, employer may have a duty to transfer the employee into another position.



# Overview of the Acts

» **Question:** What are an employee's rights upon return to work?

» **Answer:** It varies depending on the particular Act.

› WCA

- No maintenance of job is required.
- Not typically entitled to the same position held prior to the injury.
- No retaliation for filing a claim.

› PEDA

- Act does not specify an employee's rights upon return.
- Safe to assume employee has right to return to previous position unless they are unable to do so.

# What About Military Leave?

## » Illinois Military Leave of Absence Act (5 ILCS 325)

- › Covers any full-time employees of a unit of local government who is a member of any reserve component of the U.S. Armed Forces or IL State Militia.
- › Employers shall grant leave for:
  - Basic training;
  - Special or advanced training;
  - Annual training;
  - Any other required training or duty.
- › During the leave, seniority and benefits shall continue to accrue.
  - For annual training, employee continues to receive regular compensation.
  - During other leaves, if the daily rate of compensation for the military activity is less than the regular compensation as an employee, the employee receives regular compensation minus the base pay for military activities.
- › Violations are considered a civil rights violation under the IL Human Rights Act.



# Overview of the Leave Acts

Any Questions on the  
Basic Requirements???



## PART 2:

# The ABCs of the FMLA

# FMLA In-Depth

- » What is a “Serious Health Condition”?
  - › Illness, injury, impairment, or physical or mental condition that involves:
    - Inpatient care in a hospital, hospice or residential medical care facility; or
    - Continuing treatment by a health care provider.
  
- » What does the FMLA mean by “inpatient care”?
  
- » What does the FMLA mean by “continuing treatment”?

# FMLA In-Depth

## » What about FMLA rules re: military leave?

- › Qualifying Exigency Leave – eligible employees may take up to 12 weeks of leave in a 12-month period for any “qualifying exigency” while the employee’s spouse, child, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.
- › Military Caregiver Leave – eligible employees may take up to 26 weeks of job-protected leave in a single 12-month period for a covered service-member and covered veterans with a serious illness or injury.
  - Serious injury or illness?

# Effective Use of the FMLA

- » Placing an Employee on FMLA Leave
  - › FMLA regulations require employees to designate leave as FMLA leave once the employer has acquired knowledge that the leave is being taken for a FMLA-qualifying reason.
  
- » Retroactive Designation
  - › Provide the general written designation notice to the employee, assuming the failure to timely designate does not cause harm or injury to the employee.
  
- » Running Accrued Paid Leave Concurrently w/ FMLA Leave
  - › Employer may require employee to substitute accrued paid leave for the unpaid FMLA term – must provide notice in the FMLA eligibility notice.

# Effective Use of the FMLA

## » Counting the 12 Weeks of Leave

- › If a holiday occurs during the week, it has no effect (note the exception).

## » Notice Requirements

- › Foreseeable leaves – Employees must provide at least 30 days notice prior to the leave beginning. Otherwise, as soon as practicable.
- › Employee shall provide at least verbal notice sufficient to make the employer aware that the employee needs FMLA leave, and the anticipated timing and duration of the leave.

# Effective Use of the FMLA

## » Medical Certifications

- › Employers may obtain a statement of medical facts regarding the medical condition.
- › Should request at the time of the request or within five business days after.
- › Employee must provide within 15 calendar days after the request.
- › Must be complete and sufficient.

## » Recertification

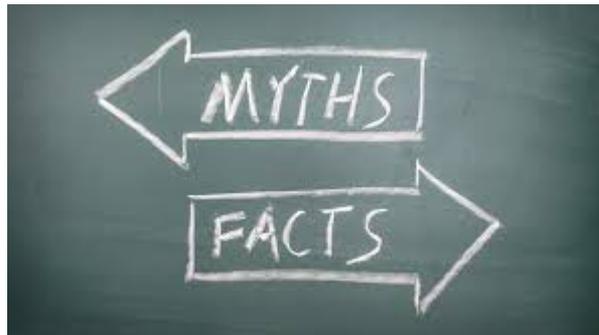
- › Employers may request recertification no more than every 30 days and only in connection w/ an absence by the employee. Note the exceptions.

## » Fitness for Duty Certifications

- › Employees returning may be required to present a certification that the employee is able to return to work pursuant to a uniformly-applied policy or practice applicable to all similarly-situated employees.
- › What if the employee cannot return?

## PART 3:

### Debunking the Myths of Employee Leaves



# Employee Leave Myths

- » **MYTH:** Employees are excused from work because they are out on workers' compensation leave.
- » **REALITY:** The IL WCA only provides compensation, not leave, to employees who suffer injury, disability, or death in the course of employment.
  - › The WCA's purpose is to solely provide compensation to workers if and when they cannot work.
  - › If an employee is released for light duty or work with restrictions, may still be entitled to leave under the FMLA or an accommodation under the ADA.
  - › If an employee exhausts FMLA while receiving benefits and is unable to return to work with or without a reasonable accommodation, employer may be able to terminate.
  - › Retaliation is prohibited by the Act.

# Employee Leave Myths

- » **MYTH:** The ADA obligates employers to provide indefinite leave.
  
- » **REALITY:** The ADA does not require an employer to accommodate a disability by providing an indefinite leave.
  - › Unpaid leave generally viewed as a reasonable accommodation – no entitlement to an indefinite leave.
  - › Leave not considered reasonable when the ability to return is not foreseeable.
  - › Continuous requests for leaves after expiration of prior leaves may constitute a request for indefinite leave.

# Employee Leave Myths

- » **MYTH:** An employee has no right to return to his/her same position following FMLA or ADA leave.
- » **REALITY:** Employees are entitled, under both Acts, to reinstatement to the same or equivalent position, with equivalent pay, benefits, and other employment terms, upon their return to work.
  - › If an employee is laid off during FMLA leave, the employer's responsibility to continue FMLA leave and restore the employee ceases at the time the employee is laid off, provided there are no continuing obligations under other statutes.
  - › Under the ADA, an employer cannot require an employee with a disability to return from ADA leave with no medical restrictions – may have a duty to transfer. However, an employer can transfer an employee to a position with lower pay and benefits if no equivalent position exists.

# Employee Leave Myths

- » **MYTH:** I only need to allow maternity leave if it is in the personnel manual.
- » **REALITY:** Eligible employees are entitled to parental leave under the FMLA and may receive additional protections under the ADA and Pregnancy Discrimination Act.
  - › Pregnant workers may have pregnancy-related impairments qualifying as disabilities under the ADA. Employers thus are required to provide reasonable accommodations for these disabilities, unless doing so would create an undue hardship.
  - › Be cognizant of the PDA's and IL Pregnancy Accommodation Act's protections and requirements.



# Employee Leave Myths

- » **MYTH:** Different types of leave must be run separately.
- » **REALITY:** Absent policies to the contrary, FMLA leave can, and should, be run concurrently with workers' compensation or paid time off.
  - › ADA leave may run concurrently with other forms of leave or benefits.
  - › An employer's policies will determine whether an employer can require available paid leave to run concurrently with unpaid FMLA leave.
  - › Without such a policy, an employee can decide whether to have their available paid leave run with the FMLA leave.

# Employee Leave Myths

- » **MYTH:** An employer cannot require an employee to designate leave as FMLA leave.
  
- » **REALITY:** FMLA requires employers to designate leave as FMLA leave if the employer has knowledge that the leave qualifies as FMLA leave.
  - › Employee does not get to choose.
  - › Once sufficient notice and information of an FMLA-qualifying leave is given, an employer must designate as FMLA leave.

# Employee Leave Myths

- » **MYTH:** FMLA leave does not apply because we did not designate it as FMLA leave in time.
  
- » **REALITY:** The FMLA allows employers to retroactively designate leave as FMLA leave.
  - › Employer must notify the employee whether leave is designated as FMLA leave within five (5) business days of learning the leave is being taken for a FMLA-qualifying reason.
  - › Retroactive designation is allowed if the employer notifies the employee of the designation. However, an employer may be liable if an employee can show they suffered harm or injury as a result of the failure to timely designate.

# Employee Leave Myths

- » **MYTH:** An employee who has exhausted all available paid and unpaid leave can keep missing work and have those absences excused if I just dock their pay.
- » **REALITY:** Absent a contrary policy or practice, an employee is not entitled to miss work after exhausting all available paid and unpaid leave.
  - › A “dock day” practice or policy not required by law.

# Employee Leave Myths

- » **MYTH:** I have to pay an employee for all accrued, unused personal and sick days upon their separation from employment.
- » **REALITY:** Employers do not have to provide employees with severance pay, holiday pay, or payment for accrued and unused sick or personal days.
  - › Exception: if otherwise provided for in policy, contract, agreement, or statute.
  - › IL Employee Sick Leave Act does not require payout of unused sick time.



# Employee Leave Myths

- » **MYTH:** Use it or lose it vacation policies are no longer lawful.
  
- » **REALITY:** Employers may have “use it or lose it” vacation policies as long as employees have (1) notice of such a policy; and (2) a reasonable time to use their vacation days.
  - › IWPCA: terminated employees must be paid for earned, but unused vacation days (subject to the exception noted above).
  - › Think about the IMRF implications.

# Employee Leave Myths

- » **MYTH:** State and federal law requires employers to provide employees with lunch and rest breaks.
  
- » **REALITY:** State law, in certain circumstances, requires one lunch break, which, under federal law, must be paid if it is under 20 minutes.
  - › IL One Day Rest in Seven Act requires 20-minute unpaid break to employees working a minimum of 7.5 hours per shift no later than 5 hours into the shift.
  - › No other rest periods required.
  - › Supplemented with the federal FLSA regulations – safest course of action is to pay employees for meal periods less than 30 minutes.

## PART 4:

### Recent FMLA and ADA Developments

# FMLA Updates

## » Valdivia v. Twp. High Sch. Dist. 214 (2017)

- › **Overview:** An employee's unusual or abnormal behavior may place an employer on notice that the employee may have a condition qualifying for FMLA leave, triggering the employer's obligation to notify the employee of his/her rights under the FMLA.
- › "Clear abnormalities in the employee's behavior may constitute constructive notice of a serious health condition."
- › **Takeaway:** If facing an employee demonstrating abnormal behavior, observable changes in their condition, or unusual conduct, consult legal counsel to review potential compliance obligations under both the FMLA and the ADA.

# FMLA Updates

## » Freelain v. Village of Oak Park (2017)

- › **Overview:** Granting an employee unpaid FMLA leave, but not paid leave, is not considered a “retaliatory adverse action” when the employer acts in accordance with its usual policies and procedures.
- › “Granting an employee’s FMLA rights to unpaid leave consistent with the statute’s explicit terms cannot constitute a retaliatory adverse action under the FMLA itself . . . at least without evidence that the employer deviated from its normal paid leave practices and targeted him for unpaid leave because he asserted his statutory rights.”
- › **Takeaway:** Unpaid FMLA leave permitted, but follow your usual practices and procedures, and treat all employees consistently to avoid retaliation claims.

# FMLA Updates

- » Sampra v. United States Dept. of Transportation (2018)
  - › **Overview:** Where the employer, at worst, acted negligently in not consulting the FMLA regulations, this was not enough to demonstrate a “willful” FMLA violation.
  - › “Willful” means where “the employer must have known that, or shown reckless disregard for whether, its conduct was prohibited by the statute.
  - › **Takeaway:** Employers need to be cognizant when evaluating an employee’s request for leave, as non- “willful” FMLA violations may still be filed within the two-year period.

# ADA Updates

- » Severson v. Heartland Woodcraft, Inc. (2017)
  - › **Overview:** The ADA is not a medical leave entitlement.
  - › “The ADA is an anti-discrimination statute, not a medical-leave entitlement.”
  - › **Takeaway:** Employee requests for medical leave or other accommodations should still be evaluated on a case-by-case basis. Employers should engage in the interactive process to determine whether the request is reasonable and/or to determine if an alternative accommodation is appropriate.

# ADA Updates

## » Echevarria v. AstraZeneca Pharm. LP (2017)

- › **Overview:** An employee's request for 12 months of leave in addition to the five months of short-term disability leave already taken may not be a reasonable request.
- › The “sheer length” of the extension request, when coupled with the leave already provided, “jumps off the page” as unreasonable.
- › **Takeaway:** A long or open-ended leave request may be unreasonable on its face, however, the ADA still requires that requests be evaluated individually.

# ADA Updates

- » Whitaker v. Wisconsin Dep't of Health Services (2017)
  - › **Overview:** Vague medical documentation regarding the need for continued leave may be insufficient to show the employee could perform their job duties with or without a reasonable accommodation.
  - › The court held that the documentation did not establish that had the employer given the employee additional unpaid leave, that she would have eventually been able to return to work on a regular basis.
  - › **Takeaways:**
    - Treat all requests for leave as a request for a reasonable accommodation (unless FMLA eligible).
    - Engage in the interactive process and seek clarification or any other necessary information.
    - Ask the health care provider to respond to questions designed to enable understanding of (1) the need for the leave; (2) the amount and type of leave required; and (3) whether accommodations other than leave may be effective.

# ADA Updates

## » Brown v. Milwaukee Bd. of Sch. Directors (2017)

- › **Overview:** Engaging in the interactive process may defeat a claim of ADA discrimination and retaliation.
- › The court held that employee did not provide sufficient information to assist the employer in accommodating the request for an accommodation.
- › **Takeaway:** Employers should consistently communicate its understanding of an employee's work restrictions through the ADA interactive process, which may continue even after an initial request for leave has been granted.

## PART 5:

### Leave Scenarios



# Scenario #1

Barb Lahey is the Business Manager at the Sunnyvale Fire Department. Last year, she sustained a serious and permanent back injury in a car accident traveling between two of the Village's locations. Barb requested and was granted workers' compensation benefits.

- › Is Barb eligible for FMLA leave?
- › If so, how should the Village proceed in processing her request?
- › Can the Village require Barb use her PTO while on FMLA leave?



# Scenario #1

At the end of Barb's FMLA leave, she was still unable to return to work. Barb submitted a request for an extra 2 weeks of leave so that she could complete her physical therapy sessions recommended by her doctor. Barb's request was accompanied by a doctor's note that stated after these additional two weeks, Barb would be able to return to work without restrictions.



- › Is the Village required to grant Barb's request for an extra 2 weeks of leave?
- › When Barb returns after her 14 weeks of leave, can the Village assign her to a Business Assistant position?

# Scenario #1

After the additional two weeks of leave, Barb submits yet another request for additional leave. Barb's request is accompanied by a note from her doctor stating that Barb is still experiencing pain, and is unable to return to work. Barb's doctor states that she will be re-examined in three months to determine whether she will be able to return to work.

**Doctors Appointment Note**

Doctors Name: \_\_\_\_\_

Patient Name: \_\_\_\_\_

You have Doctors Appointment on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Doctors Name: \_\_\_\_\_

Signature: \_\_\_\_\_

- › Is the Village required to grant Barb's second request for additional leave?
- › How should the Village respond to Barb's second request?

# Scenario #2

Richard Christy is a firefighter for the Bloomfield Township Fire Department. Richard was seriously injured when his ex-boyfriend, in a jealous rage, tried to run Richard over with their car. Bloomfield Township has a five-week paid personal leave policy for its firefighters and a Township policy providing for indefinite unpaid personal leave.

- › If Richard tells the Township that he needs to be off work as a result of his injuries for three months, what should the Township advise him about his rights to leave? What kind of leave is Richard entitled to? How much leave is he entitled to?
- › What kind of documentation of the need for leave can the Township insist that Richard provide?

# Scenario #2

After three months, Richard's body has recovered but, unfortunately, he is now abusing prescription pain killers and he wants to seek out-patient treatment for substance abuse. He tells the Township that now he wants his five weeks paid personal leave.

- › Is substance abuse considered a serious health condition for FMLA purposes?
- › Can Bloomfield Township tell Richard that his paid leave ran concurrently with his initial three months of leave?
- › Does your answer change if Richard has short-term disability insurance which provides him with benefits during the first three months off?

# Scenario #2

Eventually, Richard uses up his statutory leave and goes on indefinite unpaid personal leave pursuant to the Township's policy. After thirteen months, Richard has still not returned and the Township wants to terminate his employment.



- › Can the Township proceed to terminate Richard?

# Scenario #2

The Township now receives an anonymous call saying that Richard hurt himself in a single car drunk driving incident and that the story about being abused by his boyfriend is pure fiction.



- › What should the Township do with this information?
- › If the Township decides that its indefinite unpaid leave policy is too burdensome, can it eliminate the policy? What impact would that have on Richard?

# Scenario #3

Jim Alvon is a custodian for the Village. While cleaning floors one day, Jim is blinded in one eye when a bleach bottle explodes. Jim requires leave to recover from his injuries.



- › What kind of leave is Jim entitled to?
- › What are Jim's obligations to the Village with regard to or during his leave?
- › What if the Village was just about to terminate Jim's employment for poor performance, and, in fact, the very morning that Jim was injured, his supervisor, Hal, met with Human Resources to discuss the procedure for meeting with Jim and advising him that he was being discharged? Can the Village proceed with the termination even though Jim is off work on leave as a result of his accident? Why or why not?

# Scenario #3

The Village decides not to terminate Jim and he eventually returns to work. One day, several weeks after Jim's return to work, Jim's supervisor, Hal, visits the night shift where Jim works and finds Jim's partner working while Jim stands around. When questioned, Jim says he cannot do his job any more.

Hal asks Jim to bring in a doctor's note explaining his limitations, but Jim does not get around to it for several weeks. When he does, the doctor's note is vague and says only that Jim is unable to work "custodian jobs" and should "be careful around cleaning solvent." Hal sets up a meeting with the HR Manager for Hal and Jim to explore the job duties Jim can perform and what the Village can do to enable Jim to do his job. Jim cancels the first meeting. The meeting is rescheduled and Jim no shows.

# Scenario #3

Jim hasn't worked in a month now. Hal wants to replace Jim. The Village is worried, though, because it has learned that Jim has hired a lawyer to represent him in litigation against the Village.

- › What kind of leave is Jim on now?
- › Does your answer change if Jim still has two weeks of FMLA leave left?
- › Is the Village harassing Jim by setting up the meeting with him? After all, hadn't Jim already provided a doctor's note?

# Scenario #3

After not working for a full month, Jim shows up at work one day and says he is ready to return to his job.

- › How should the Village respond to Jim's appearance at work? What are the Village's options?

# Scenario #4

Adam Andrews is a secretary for the Rochester Hills Fire Department. Andrews was diagnosed with carpal tunnel syndrome, which he claims resulted from the typing he does in connection with his job. Andrews takes eight weeks off for carpal tunnel surgery and recuperation.

While Andrews is off on leave, the Department where Andrews works is badly damaged by fire. The Village lays off most of the office staff from the Department, although some staff are transferred to other buildings. Andrews is not one of those lucky staff members transferred.

Andrews now claims that he was discriminated against on the basis of his disability and retaliated against for having filed a workers' compensation claim. Furthermore, he says he was on FMLA leave at the time of his termination, so he is entitled to his position or an equivalent position now that he wants to return to work.

# Scenario #4

- › What kind of leave was Andrews on?
- › Does the fact that Andrews was on leave at the time of the layoff mean that he's terminated or violated any laws (FMLA, WCA, ADA)? Why or why not?
- › Is the fact that Andrews was not transferred to the Department of evidence, illegal conduct by the Village?

Suppose the Mayor learns that Andrews' supervisor, the Fire Chief, told Andrews before he went on leave not to file a workers' compensation claim because the Village does not like employees who do that and cannot afford it anyway.

- Does this mean that the Village must exempt Andrews from the layoff?

# Scenario #5

Jessica is a battalion chief at the Waterview Fire Department. This year, the Department is rolling out brand new procedures which Jessica has been intimately involved with planning.

Jessica has recently learned she's pregnant with her first child and unfortunately for her, this has been a very difficult pregnancy. During the second trimester, she began suffering from severe sciatica. She informed her supervisor, who was sympathetic to her situation, but has no idea what he can do for her. Jessica is hesitant to take any time off because of the priority placed on the new procedures, so she requests that she be given a standing desk.

- › Is the Department required to provide Jessica with a standing desk?

# Scenario #5

Jessica remains at work, however the standing desk does not alleviate her pain. Jessica is noticeably uncomfortable at work and, in an effort to help Jessica, her supervisor Andy calls Jessica into his office and tells her to take two weeks of leave to help get treatment for her sciatica. Jessica declines Andy's offer, but Andy insists and instructs Jessica not to show up to work the next day.

- › Did Andy act properly in that situation?
- › How could Andy have better handled that situation?



# Scenario #5

Jessica eventually does take FMLA leave the week before the birth of her child. While Jessica is gone, the Department hires Erin, a long time battalion chief to take over implementation of the plan. Erin does an absolutely incredible job of promoting and developing the new procedures. Andy is so impressed with Erin that he would like to keep her on as a battalion chief with the Department when Jessica returns. In order to make this work with the Department's budget it would require Jessica to take a 15% pay cut. Further, Jessica's job duties would be split evenly between her and Erin.

- › Can Jessica's available PTO run concurrently with her unpaid FMLA leave?
- › Can the Department require Jessica to take a pay cut and share duties upon her return?

# Scenario #5

While conducting an audit of its personnel records, the Department discovers it never designated Jessica's leave as FMLA leave.

- › Can the Department make that designation six months later?

Jessica resigns her employment and requests pay for her remaining unused vacation and sick leave days.

- › How should the Department respond?

# IFSAP Seminar – Fall 2018

## ANY FINAL QUESTIONS?



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