

When do minor ailments become eligible for FMLA?

Q. Are minor problems like urinary tract infections considered “serious health conditions” under the FMLA? Do we have to allow time off? — E.W., Florida

A. Such conditions may indeed be covered by the FMLA, depending on whether the condition requires a health care provider visit and continuing treatment (as would be the case with a trip to the doctor for urinalysis and a prescription) and it leaves the patient unable to perform the essential functions of her job for more than three days.

In many cases, incapacity won't last more than three days given the rapid action of antibiotic treatments. In such a case, the employee would not be eligible for FMLA leave unless he or she has a recurrence within 30 days. That could happen if the antibiotic fails and the infection comes back.

As you can see, the answer is not at all clear. Diagnosis alone won't answer the question. The best approach when in doubt is to ask employees to provide FMLA certifications from their health care providers.