

Multiple locations? Handle FMLA with care

Employers with 50 or more employees within 75 miles must provide FMLA leave. If they have multiple locations, they must often provide leave to some employees but not others.

If that's your situation, beware making blanket handbook statements about FMLA leave eligibility.

Recent case: Matthew worked for Shane Co. in Minnesota and twice took FMLA leave that the handbook said was available to employees. Then he asked for intermittent leave.

Shortly afterward, Matthew was fired and he sued, alleging interference with his FMLA rights.

Shane asked to have the case dismissed, arguing it only had 46 Minnesota employees, making Matthew ineligible for FMLA leave. The court agreed, noting that Matthew never argued that his earlier leave and the handbook created an expectation of leave. Because he missed that claim, he lost. (*Nordby v. Shane Company*, No. 11-3584, DC MN, 2013)