

# Remind bosses: Employees approved for intermittent FMLA leave are entitled to take it

It's no secret that managing intermittent FMLA leave can be a big hassle. Employees with chronic conditions may need time off, but can't always plan those absences in advance. And that may mean understaffed positions on short notice.

That's unfortunate, but it's something a good manager must work around—and something HR should monitor.

**Bottom line:** Make sure an employee who has been approved for intermittent FMLA leave receives the time off she needs.

**Recent case:** Michele worked in scheduling at Regions Hospital in St. Paul and was required to be present from 8 a.m. to 5 p.m. When she developed a rare disorder that made her susceptible to blood clots, she asked for intermittent FMLA leave in order to have blood drawn when she felt her condition worsen.

The hospital approved her request and Michele was permitted to come in as late as 9 a.m. when she needed lab work.

However, her supervisor soon began criticizing her punctuality and telling her that she needed to have the blood drawn outside work hours. She was written up for tardiness and criticized for missing work. Michele filed a complaint that she was being punished for needing intermittent leave.

When Michele lost her job following a restructuring, she sued, alleging retaliation and failure to accommodate.

The court said she had a case based on her supervisor's actions and the timing of the job restructuring soon after her internal complaint. (*Barnhart v. Regions Hospital*, No. 12-2089, DC MN, 2014)