

Warn supervisors against commenting on FMLA use

Having employees out on FMLA leave is a hassle. But even worse trouble is certain if bosses make a big deal out of routine FMLA leave requests.

Recent case: Cynthia worked as a registered nurse for a year without any problems. Then, when she became eligible for FMLA leave, she requested intermittent leave for documented medical issues involving allergies and breathing difficulties.

Every time she took FMLA leave, her supervisor made negative comments, even once rolling her eyes and decrying the low staffing levels she had to work with. Then that supervisor began criticizing Cynthia's work, eventually leading to Cynthia's termination.

Cynthia sued, alleging she was fired for taking FMLA leave and not for poor performance. The court concluded the timing alone was enough to justify a trial. (*Lundy v. Park Nicollet*, No. 12-2433, DC MN, 2014)