

These two video clips bring FMLA issues into focus

"HR is all about gray areas, and the FMLA keeps painting things gray like nothing else." - from *FMLA in the Trenches: Advanced Tips and Tactics for Administering Problematic Leaves of Absence*

You know Amanda down in Accounting? The one with the chronic back problem? Her doctor finally faxed in her FMLA certification. She's going to need physical therapy twice a week, and she can't work on any day when she suffers a spasm. The thing is, the doctor doesn't know when those will happen, or how many there will be, so he just wrote "unknown" in the blank and prescribed time off "until the episodes stop." That's it.

So ... now what? Is that even a real certification? No firm diagnosis, no dates? And what do you do about Chuck, the construction worker who missed a few paychecks during the eight weeks he had to take FMLA leave, so he's become overly anxious to come back, limping and in visible pain—but insisting he's fine because he can't afford not to fudge the truth?

In an August webinar, attorney Michelle Maslowski of Ogletree Deakins shone a spotlight on Family and Medical Leave Act edge cases that reveal what a puzzle this law can be ... and then provided answers.

Amanda's case shows the importance of getting a clear FMLA certification from a doctor.



Chuck's example brings up the issue of how to accommodate a returning employee when there may be more to his condition than he claims.

