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## COURT RULES SUPERVISOR CAN BE PERSONALLY LIABLE FOR VIOLATING FAMILY AND MEDICAL LEAVE ACT RULES

An Appeals Court in Pennsylvania has overruled a district court judgment that held a superior exercising disciplinary authority over an employee in violation of the Family and Medical Leave Act Rules can be held individually liable for such infringement. The ruling came in a case in which the plaintiff Debra Haybarger, a chronic patient of diabetes, heart and kidney disease, was fired from her position of an office manager in the probation department of Lawrence County due to alleged lack of leadership and other drawbacks. However, the records show that the supervisor of Debra Haybarger, one William Mancino, the director of the agency was irritated with her frequent leaves. Mancino started disciplinary procedure against Debra by first putting her for six months on probation in a post where she had worked for about 13 years. Mancino remarked in his notice that Haybarger's "conduct, work ethic, and behavior (were) non-conducive..." and that she showed a "lack of leadership," and "a lack of empathy to subordinate workers." Mancino recommended the termination of employment for Debra to superior authorities, and she was fired after her probationary period was over, completing the semblance of maintaining due process of law by the employer. After being fired, Haybarger filed a lawsuit to the district court under multiple grounds including whether her immediate superior Mancini, could be held personally responsible for violating FMLA rules. While the other issues were settled by mutual agreement between the parties, Debra refused to reconcile this particular issue and the district court ruled in her disfavor explaining that Mancini did not act as her "employer" and that the concerned provisions can be attracted only when an authority acts in the capacity of an employer. The appeals court held otherwise and ruled that Mancini fit the role of an employer and was not exempt from the provisions of the FMLA. The case now returns to the district court to find whether there was any violation of FMLA or not.

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