

FAKE FMLA REQUESTS CAN BE OVERCOME



Summary: FMLA requests can be tough when the employee does have health or personal problems, but when the requests for time off get fishy, don't be afraid to investigate.

Family and Medical Leave Act requests can be tricky. The Act allows eligible employees to take unpaid days off from work that are **protected from termination** to handle specified family and medical reasons. Their group health insurance coverage is to remain the same as if they hadn't taken any days off. This includes maternity leave, caring for loved one that is seriously ill, a health condition that prevents them from being able to perform their job, and more.

Generally, HR professionals and companies don't want to mess with anyone **claiming FMLA time-off**, but here is a case that may make you think twice about just letting some employees get away with abusing the system.

The FMLA was intended to help those employees that have serious family and health problems deal with them without sacrificing their jobs. Unfortunately there are always some that take advantage of this. Mingyi Rowe is one of those.

As a flight attendant for United Airlines, Rowe and her husband, who is also a flight attendant for United, are able to fly for free or at reduced costs. They live in Colorado but have family in Taiwan. Rowe also suffers from migraines, having taken FMLA leave on 78 different occasions between 2007 and 2011. United approved all those requests without issue.

In Rowe's case, there was too much evidence supporting her taking a family vacation rather than she got a sudden headache and was unable to report to work a couple days later. Rowe had already received vacation days for March 2-27 of 2011 for a trip to Taiwan. However, there was evidence that she had been looking on the company's internal computer for flights at the end of February.

Rowe claimed that they received a call from family that an uncle was close to death, so her and her husband left for Taiwan on February 24. Rowe was scheduled to work a three-day shift on February 27. She reported that she developed a migraine on the flight to Taiwan and called in sick February 27 under pre-approved FMLA leave. Supervisors questioned this absence, but she insisted that she had planned to return for the shift even though it would have required her to leave less than 12 hours after arriving in Taiwan. Rowe did not put herself on a standby list for return flights.

United fired Rowe for "falsely claiming illness as the reason for her absence from work." When she tried to sue United, a court sided with United. When it strongly appears that an employee, like Rowe, is using their illness as an excuse to avoid work other times, don't be afraid to call them out.

Source: <http://www.hrmorning.com/an-object-lesson-in-standing-up-to-fmla-intermittent-leave-abuse/>

Photo: 21cpw.com