



## Sick Relative and Sick Leave Benefits

News

9.28.15

Jeff Dretler was quoted on *Boston.com* on September 28, 2015. The article "Sick Relative and Sick Leave Benefits" examined whether or not it's legal for an employer to ask an employee to describe the nature of their illness when requesting sick time leave (whether paid or unpaid) from work.

Jeff Dretler explained "Under the new Massachusetts Earned Sick Time Law, effective July 1, 2015, most employees can use accrued sick time to care for an 'immediate family member' suffering from a 'medical condition that requires home care, professional medical diagnosis or care, or preventative medical care.' Under the law though, an immediate family member does not include a sibling which is why your employer needs more information about the familial relationship. Similarly, under the federal Family and Medical Leave Act (FMLA), which applies to employers with 50 or more employees, an employee seeking time off to care for a seriously ill family member (which like Massachusetts law does not include siblings) must describe the type of care which the employee plans to provide for the family member."

An employer may ask about the "nature of the illness" to better understand what benefits you may apply. Jeff further explained, "Relevant facts may include whether the patient is hospitalized, the type of care the patient will require, the expected duration of care, but need not necessarily include the diagnosis. In most circumstances, it will not be necessary for you to disclose to your employer the actual diagnosis of the person for whom you are caring (e.g., HIV). An employer who demands from the employee more information than is necessary, to determine the employee's right to the leave, could very well be in violation of state or federal laws, including those which protect employee privacy."

To read the full article, please visit [Boston.com](http://Boston.com).

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