

Managing Employment-Related Leaves of Absence

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David Lichtenberg's article "Managing Employment-Related Leaves of Absence" was featured in the Spring/Summer 2015. Vol 33 of *NYSBA Inside Corporate Counsel*.

Disability management in the workplace is a legal maze. Worse, it is a maze that has become more intricate and difficult to navigate in the recent past. Lawyers who practice employment law, whether they be in-house or outside counsel, have likely seen an uptick in this area. Indeed, a recent report issued by the Administrative Office of the U.S. courts notes that there were 1,108 lawsuits filed in 2014 under the Family and Medical Leave Act ("FMLA"), a federal leave statute, compared to 877 in 2013, and just 291 in 2012.

In the article, David discusses the importance of managing leaves properly. He states that managing leaves properly is like a muscle, in that the more it is exercised, the stronger it become. He advises that frontline managers be trained to recognize the warning signs that will trigger the leave management process. From there, employers should ensure that they have people who can analyze which laws apply, which paperwork needs to be sent out, and how to manage the process from beginning to end, in order to put the company in the best possible position to defend a claim of discrimination or retaliation if it comes to that point.

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