

Employment Law Corner

Monthly Report



FOLEY & FOLEY^{PC}
ATTORNEYS AT LAW

November 2024

November Updates

[Does SHRM Have HR Issues?](#)

[Lily Ledbetter: The Passing of An Unlikely Icon](#)

[Pregnancy Accommodation: EEOC Gets Serious](#)

Employment Law Corner:

Intermittent Leave – Fantasy vs Reality

Fantasy football has become a cultural phenomenon, with millions of fans managing their virtual teams and competing against friends, family, and colleagues. Some estimate that over 30 million Americans participate in fantasy football leagues. With this in mind, let's use managing an employee's intermittent (a/k/a reduced schedule) leave to mirror managing a fantasy football team if the employer fails to put the proper leave management practices in place.

Anyone who has managed a fantasy football team knows the frustration of unclear injury designations. They have experienced concerns around player availability. Each week the manager has to monitor the status of the injured players on their roster with limited information disseminated by the league, the teams and the players. For much of the week, managers are left hoping that their players will take the field on gameday only to find themselves scrambling at the last minute to fill slots on their team. This is perhaps the most frustrating part of fantasy football – the lack of knowledge and control.

Similar frustrations exist in the workplace when there is lack of information and uncertainty around a worker who has been placed on an intermittent leave of absence. If there is insufficient communication between the employee and the supervisor/human resources, and if the employer fails to control the intermittent leave, the team as a whole suffers. The good news is that unlike fantasy football, employers can do something about this situation.

Employers will find greater success if they implement the best practices below:

1. Ensure that your organization has a well-crafted policy for leave that speaks specifically to the rules around intermittent leave.
2. Have a form that is used exclusively for requesting intermittent leave and educate staff about the form.
3. Require medical certification of the leave and explain the consequences of not producing the required certification.
4. Where possible, schedule the intermittent leave.

5. Maintain open lines of communication with employees taking intermittent leave.
6. Establish and enforce notice and scheduling requirements for the employees.
7. Cross-train other team members to handle essential tasks.
8. Implement real-time tracking tools to monitor leave usage and manage workloads effectively.
9. While it's important to be supportive, it is equally important to keep an eye out for any potential misuse of leave. Recertify leaves that are not adhering to the agreed upon schedule.
10. Train your managers/HR staff to enforce and manage your policy for intermittent leave. Consistent application is important.

If you're an employer that does not wish to be scrambling like a quarterback behind a porous offensive line when faced with an intermittent leave of absence, then take control. **We can help.** We offer **leave of absence policies and handbooks** compliant with all applicable laws and we provide **training** for managers and HR staff that will ensure they know how to enforce your policy and manage these difficult leaves.

Who We Are:

- We represent employers exclusively from coast to coast in all facets of employment law and litigation. Our mission is solving problems and anticipating issues so you can concentrate on your business.
- We are constantly searching for the trends and upcoming issues in the law that will impact our clients. We want our clients to be informed and ready. Our familiarity with the workplace and our approach sets us apart from other law firms, making us well equipped to handle your unique needs.
- We are not like other firms: Anyone can tell you what the law states and its limits. That is easy. We find creative solutions within those restrictions that move your business forward. We seek to minimize your risk so you can get back to business. Learn how we can help your business: **Foley & Foley PC attorneys specialize in Employment and Labor Law in the Public and Private Sectors (foleylawpractice.com).**

Meet Timothy Kenneally

Attorney Tim Kenneally has practiced law with Foley & Foley PC since 2008 and has been a litigator his entire career. Attorney Kenneally's practice involves the representation of clients in matters involving employment and labor law, data security/personal information protection, insurance, contracts and litigation.

For more info, check out his bio [here!](#)



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