

When Employees Need Time Off

The Leave Situations New York Employers Still Get Wrong

Scott P. Horton
Horton Law PLLC

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Management Law

The Big 4 Leave Frameworks

1. FMLA
2. NY Paid Family Leave
3. ADA / NY Human Rights Law
4. Employer policies

Other Intervenorors

- Pregnancy accommodations
- Worker's Compensation
- Disability insurance
- Sick leave laws
- Discrimination laws

Five Problematic Leave Situations

1. “I’m not asking for FMLA.”
2. Intermittent Paid Family Leave
3. FMLA Exhausted – What Now?
4. “Out Indefinitely”
5. Attendance Policies and Medical Leave

“I’m not asking for FMLA. I just need a few weeks.”

1

Legal Issues

- Notice obligations
- Employer designation
- Certification and documentation

Practical Response

- Contact HR
- Provide notices
- Determine eligibility
- Request certification
- Designate leave

Quick Question

An employee asks to take bonding leave for a new child on 2 days per week for several months.

Can the employer require the employee to take the leave in one continuous block?

- A. Yes
- B. No
- C. It depends
- D. Not sure

The Part-Time PFL Request

2

Legal Issues

- Intermittent leave
- FMLA interaction
- Operational challenges

Practical Response

- Require sufficient documentation
- Apply full-day increments consistently
- Run FMLA simultaneously
- Ensure work gets done

**FMLA exhausted,
but employee
unable to work**

3

Legal Issues

- Reasonable accommodations
- Additional leave
- Undue hardship?

Practical Response

- Engage in interactive process
- Clarify medical information
- Evaluate ability to accommodate

**“Out Indefinitely”
Doctor Note**

4

Legal Issues

- Insufficient medical certification
- Interactive process
- Follow-up documentation

Practical Response

- Seek more information
- Consider alternative accommodations
- Document efforts, actions, and analysis

Attendance policy conflict

5

Legal Issues

- Interference
- Retaliation
- Accommodation

Practical Response

- Ensure proper attendance reporting channels
- Categorize absences properly
- Don't penalize protected leave

Top 5 Leave Management Mistakes

1. Waiting for employees to use legal terminology
2. Treating statutory leave exhaustion as the end of the analysis
3. Ignoring the interactive process
4. Relying on vague medical notes
5. Applying company policies too rigidly

Managing Leave Decisions

- Problematic leave issues are rarely about knowing the rules.
- They're about navigating the interaction *between* rules.

Questions?



scott@hortonpllc.com
(716) 508-7748