Leaves of Absence: Protecting Your Business While Supporting Employees



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When it comes to responding to employee leave of absence requests, it is not enough for a business to simply rely upon their own internal policies and procedures. In many situations those internal policies and procedures simply do not accurately reflect the businesses' actual obligations under the myriad of local, state and federal laws that grant employees the legal right to a leave of absence. Under some of these laws a business that has only a single employee could potentially be obligated to provide a leave of absence.

At the federal level, leave obligations may be imposed under Family and Medical Leave Act ("FMLA") and the Americans with Disabilities Act ("ADA"). In New Jersey, additional leave obligations may be imposed under the New Jersey Family Leave Act ("NJFLA") and the New Jersey Law Against Discrimination ("NJLAD"). Under these laws an employer's obligations may be triggered as soon as the employer has reason to believe a leave may be needed (i.e., even if no formal leave request has been made).

Employees should be thinking about the following:
1. What leave laws apply to a request for leave?
2. What reasons qualify an employee for leave?
3. What eligibility requirements apply?
4. What amount of leave must be provided?
5. What are the employer's notice and documentation obligations?

6. What other obligations are there beyond granting leave?
Each leave of absence is unique and fact sensitive and should be treated as such.
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