

HR Tip of the Month: Autism Awareness Month

March 2016

April is Autism awareness month – but what does that have to do with managing your workforce? If you are asking that question, it is time for a refresher on employees' intermittent leave rights under the Federal Family and Medical Leave Act ("FMLA") (and, for New Jersey employers, the New Jersey Family Leave Act ("FLA")). Under the FMLA, employees may take leave in separate blocks of time due to a single qualifying reason, and the leave may be taken in blocks as little as one hour of time. The basis for this leave may include the need to provide psychological comfort to a covered family member with a serious health condition. For example, if an employee's child suffers from autism, that employee may be eligible to take intermittent leave to care for his child with little or no advance notice.

Employers that do not understand their employees' rights in intermittent leave in these types of situations may unintentionally interfere with an employee's right to job protected intermittent leave. Proper training of the employees tasked with receiving employee leave requests or late call-ins, must be trained to identify when an employee's particular situation may justify designating intermittent leave under the FMLA. Failure to do so will very likely result in violation of the FMLA and cause an otherwise preventable claim.