



PAUL, PLEVIN,
SULLIVAN &
CONNAUGHTON LLP



U.S. SUPREME COURT RULES ON FMLA DISPUTE (March 26, 2002)

SUMMARY:

The United States Supreme Court recently ruled, in a 5-4 decision, that employees are not automatically entitled to additional leave time simply because the employer fails to notify them that their maternity or medical leave counts against their FMLA leave. Prior to this decision, the Secretary of Labor had mandated that if a company failed to tell an employee that his or her leave qualifies as FMLA leave, the company would be forced to provide additional FMLA leave.

DETAILS:

In *Ragsdale v. Wolverine World Wide, Inc.*, an employee (Ragsdale) requested and received 30 weeks of leave. When her leave expired, Ragsdale requested additional leave time. The company denied her request, citing its leave policy, and informed her that she could either return to work or be terminated. She chose the latter option.

Ragsdale claimed that she was entitled to an additional 12 weeks of leave under the FMLA because her employer never provided her with notification that her 30 week leave would count against her FMLA entitlement to 12 weeks. She cited a Department of Labor (DOL) regulation that supported her position. The company responded that her prior leave satisfied the requirements of the FMLA and all of her leave entitlement had been exhausted.

The Supreme Court held that the DOL's regulation is contrary to the FMLA and is beyond the DOL's authority. It reasoned that even if companies must give notice to employees about their leave, a categorical penalty for failing to do so goes against the intent of the FMLA. The Court noted that the FMLA is designed to ensure that employees receive a minimum of 12 weeks leave for certain events. As a result, an "across the board" penalty is improper because it is not connected to any prejudice the employee may have suffered from the employer's lapse.

The Court stated that it is most concerned about any restraint on an employee's rights under the FMLA. If the employee would not have done anything

differently, his or her FMLA rights were not restrained or interfered with and the employee is not entitled to an additional 12-weeks of leave. The court did not decide whether the DOL's notice and designation requirements are themselves valid or whether other means of enforcing them might be consistent with the statute.

WHAT THIS MEANS:

Ragsdale stops short of eliminating the notification requirement from the FMLA. Instead, it provides some relief for employers who have failed to properly notify their employees of the FMLA rights. When proper notification does not occur, employers now have some latitude in determining whether the leave taken should count against FMLA entitlement.

A company confronted with this issue should ask themselves the following questions:

1. Would the employee have made different choices had they known that the leave they were taking qualified under the FMLA? For instance, would they have decided to forgo the leave entirely or have taken only a small part?
2. Can the employee prove, as a threshold matter, that the company violated the employee's rights by interfering with, restraining, or denying his or her exercise of FMLA rights?

If an employer can safely answer no to both of these questions, than they have satisfied the Supreme Court's test in *Ragsdale*, and the employer would not be obligated to provide any additional leave under the FMLA.

This E-Update was authored by [Mike Sullivan](#). If you have any questions about this E-Update, please contact Mr. Sullivan or any PPS&C attorney.

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