

FMLA Just Turned 30. Is It Time for a New Model?, Corporate Compliance Insights, Angella Myers, Esq. extensively quoted, 2-15-2023

Article by Jennifer L. Gaskin, copy chief of Corporate Compliance Insights.

The Family and Medical Leave Act turned 30 years old this month, and while the law protects (some) workers' jobs, it also comes with a host of hoops to jump through, both for businesses and for workers. Compliance and legal experts weigh in on what works about FMLA — and what should change... (click [READ MORE](#) for full article)

*In addition to providing a competitive advantage for companies that can be more generous with their time-off packages is that the nature of the FMLA process opens an employer-employee dialogue, said **Angella Myers, co-chair of Kaufman Dolowich & Voluck's labor and employment group**.*

"The biggest strength, I think, for workers and employers is that it opens the discussion. When an employee knows they have to be out, that's where it's especially helpful," Myers said. "The easiest one is pregnancy or expectation of a child coming into the home. That's the easiest because you usually know that in advance. You have time to have the discussion about it and it just opens the door and lets the worker come in and express the time they'd want off, and so it's an interactive discussion, which is great. The employer has time to plan ahead to meet its needs, the employee has time to plan ahead to know what's expected."...

"We really are seeing people who want to get back to work, but their bodies aren't allowing them to do what they used to do. And there's a difference, too, between jobs that are sedentary and jobs that are very physical. To get back to those jobs is a challenge and we definitely are seeing people who had Covid and ... they're now negative if you test them. But they will tell you, and their bodies will tell you, that it's not the same as it was before."...

"You literally have to sit there and count up the hours sometimes. And sometimes people can't make the hours through no fault of their own. Like Covid; you were shut down for Covid. Nobody was working 1,250 hours at lots of places. I understand putting a time commitment in there. So an employee is with this employer for a certain amount of time. I get it, but I think the 1,250 hours and 12 months can be duplicative a lot of times. I mean, hopefully, if you work somewhere 12 months, you've worked 1,250 hours. So I think replacing that with something that's an easier metric that could be more across-the-board would be easier to apply." ...