

Habinsky in SHRM: Compliance Tips for Avoiding Common FMLA Violations, Errors

January 31, 2025 Jason Habinsky

PRACTICES Labor and Employment

Family and Medical Leave (FMLA) compliance can be difficult for even the best of employers. Haynes Boone Partner [Jason Habinsky](#) spoke with *Society for Human Resource Management (SHRM)* on the common violations employers make, sometimes unknowingly.

Read an excerpt below:

Sometimes, a manager fails to recognize that an employee's request for time off is a request for FMLA leave, said Jason Habinsky, an attorney with Haynes Boone in New York City.

"Other times, a frustrated manager could engage in discrimination or retaliation by rejecting an employee's request for time off or reacting negatively to a legitimate request for leave," he said. "To make matters worse, a manager can violate the FMLA by failing to respect an employee's leave of absence through work demands or constant communication with the absent employee."

It is also common for employers to make mistakes during the period following an FMLA leave, Habinsky added. "Critically, at the expiration of an FMLA leave, it may not be lawful to require an employee to return to work or to terminate an employee for failing to do so," he said. "Indeed, the employee may still qualify for an additional leave of absence of a specific duration under the Americans with Disabilities Act or the state or city equivalent laws."

[Read the full article here.](#)