

Court Finds that Employer Violated ERISA When Failing to Make Profit-Sharing Contribution for Employee on FMLA Leave

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The Federal District Court for the District of Columbia dismissed an employer's motion for summary judgment and found that the employer violated ERISA when it refused to make a year-end profit sharing contribution to an employee's account when she was on medical leave under the Family Medical Leave Act (FMLA). In *Dorsey v. Jacobson Holman PLLC*, the employee was suffering from carpal tunnel syndrome and took FMLA leave beginning on September 17, 2007. The profit-sharing plan required a participant to be employed by the employer on the last day of the year to receive a profit-sharing contribution. The court found that the employee was in fact employed on December 31, 2007 because she could not be terminated under FMLA during the 12-week period after September 17, 2007 (and 16-week period under the District of Columbia FMLA). Thus, because of her protected status under FMLA and because she met the other requirements under the plan, the employer should have made the contribution to her account. *Dorsey v. Jacobson Holman PLLC*, Civ. Act. No.09-1085 (RMC) (D.D.C. Dec. 21, 2010).