

Employee Permitted to Combine two Separate Health Issues into one “Serious Medical Condition” Under FMLA

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A federal district court in Minnesota has ruled that multiple medical conditions can be combined into a single “serious medical condition” for purposes of the FMLA as long as the two conditions are “temporarily linked” and affect “the same organ system.”

In the case, a telemarketing employee was incapacitated for four days due to bladder problems. Her doctors determined that the first two days of bladder problems were caused by her intestinal cystitis and that the second two days were caused by her genital herpes. The employee required a one-day leave of absence from work because of her bladder problems. She was terminated as a result. She subsequently sued the employer, claiming that it had interfered with her rights under the Family and Medical Leave Act (FMLA), which guarantees employees 12 weeks of unpaid leave every 12 months for their “serious health conditions” that involve a “period of incapacity of more than three consecutive, full calendar days.” The employer moved for summary judgment, arguing that the employee did not qualify for protection under the FMLA because she had not been incapacitated for more than three days due to any one “serious health condition.” Rather, the employer argued, the employee had actually been incapacitated for two days due to intestinal cystitis and two days due to genital herpes, and therefore, did not have a “serious health condition” under the FMLA.

The federal District Court of Minnesota disagreed with the employer, finding that the employee could combine her two medical conditions in order to create a single qualifying “serious medical condition” under the FMLA. Specifically, the court ruled based upon prior decisions by other courts that medical conditions can be considered jointly to constitute a single “serious medical condition” under the FMLA as long as the two conditions (a) are “temporarily linked” and (b) affect “the same organ system.” The court determined that both of those requirements were present in this case, and so ruled that the employee’s claim for interference with her FMLA rights could go forward.

This case is a reminder that employers should instruct managers and supervisors to consider FMLA protection even where there is not a single identifiable illness causing the employee’s absence. The key, as the court found in

this case, is that it is the individual — not the disease — that determines FMLA eligibility. Thus, where multiple medical conditions have a cumulative effect that causes an employee to leave work, a best practice is generally to treat that employee as protected by the FMLA.

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