When FMLA Is Exhausted

Under the Family and Medical Leave Act (FMLA), covered employees are entitled to 12 weeks of unpaid, job-protected leave for specified family and medical reasons. After FMLA is exhausted, or if the employee is not eligible for FMLA, you may face uncertainty about whether you must continue to offer leave or if you may terminate the employee.

There are several considerations you should make when FMLA is exhausted but an employee is not ready to return to work. You should consider if any of the following apply to the situation:

- Your own leave policies
- The Americans with Disabilities Act (ADA)
- The Pregnancy Discrimination Act (PDA)
- State leave and workers’ compensation laws

Especially if the employee condition is covered by the ADA or PDA, you should enter an interactive process with the employee to determine if reasonable, temporary accommodations can be made.

When FMLA leave is exhausted, don’t assume that you can automatically terminate the employee.

Performance Appraisals
Getting More out of Them

Performance reviews are a key tool for assessing where employees stand in regard to employer expectations, yet they can often be a rushed, unhelpful process that serves to alienate workers without providing any real insight to managers about employee performance.

With that in mind, here are some steps you can take to make the most of a rare opportunity to assess performance and foster positive change.

First, keep in mind that reviews may be a stressful time for employees, who are essentially being asked to highlight their value to the company. Note that there should be no big surprises during a review. If a manager is unhappy about an employee’s attitude or performance, the manager shouldn’t wait until review time to let the employee know.

Employees are far more likely to become defensive and disregard feedback if they are blindsided with criticism in areas they thought they were doing well in. Feedback, both negative and positive, needs to be provided in an ongoing process throughout the year.

It also may be helpful to avoid putting a specific grade next to performance, however convenient it might be for evaluating purposes. Just tell employees what is working and what isn’t.

A great way to keep the conversations productive and positive is by focusing on the future, asking what changes workers plan to make in the coming year or discussing opportunities for change or advancement.

Additionally, encourage employee feedback and two-way communication. Try to keep the amount of questions and statements given to employees equal. You can delay any discussion of salary or raises, saying that those will be determined at a later time. This will help employees be more open to discussing how things should work, now that they don’t see the evaluation in terms of dollars and cents.

Finally, be aware that reviews work better when they are cyclical instead of linear, meaning they should build on each other year after year, rather than just taking into account the past 12 months and nothing else. Problems that surfaced this year should certainly be discussed, but they should not overshadow previous years of model service. You will get a more accurate picture of an employee’s capability when his or her entire tenure is taken into account.

Encourage employee feedback and two-way communication.
Avoiding Allergies

Whether you are a diagnosed allergy sufferer or simply experience the occasional itchy eyes or sneeze, avoiding allergens and taking other preventive measures can help alleviate your symptoms!

Here are ways to reduce your exposure to allergens:

- Stay indoors on days when pollen counts are high.
- Keep your home clean and as dust-free as possible.
- Ask your allergist about the benefits of a home air cleaner.
- Put pillows and mattresses in allergen-proof encasements.
- Use a vacuum cleaner with double bags or allergen-trapping bags.
- If allergic to animals, try not to have dogs and cats in your home. Choose hardwood floors with scatter rugs rather than wall-to-wall carpeting.

DID YOU KNOW…

A rule change made effective March 27, 2015 under the Family and Medical Leave Act ensures that eligible workers in legal, same-sex marriages, regardless of where they live, will have the same rights as those in opposite-sex marriages to care for a spouse.

If interested in being a part of the HR Committee, contact us!

Deb Esche: desche@edec.org
Jennifer Koehler: Jennifer.koehler@k12.sd.us

WELL, WELL, WELL

Stopping Social Media Sabotage

Employees are brand ambassadors for your school. What they post about work on their social media accounts can impact you. However, it’s important to be mindful that employee participation in social media may be protected under Section 7 of the National Labor Relations Act, even for non-unionized employees. Here are some tactics employers may consider in order to deal with and help prevent social media issues caused by employees:

• Know the terms of use for the website. Familiarity with these contracts can get postings removed, especially if you can prove a violation has occurred.
• Know the Telecommunications Harassment Act. This law forces websites to take responsibility for the most egregious posted content.
• Have a written policy in place regarding social media usage during working hours or on office electronics. Additionally, employers should explain and enforce the consequences for violating the social media policy.
• Provide appropriate training. Some employees who post material that reflects poorly on your school may not have bad intentions, but they may be ignorant of what is appropriate. Train employees on school policy to provide clarity on this issue.