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## Question of the Week

October 10, 2024

### Question

An employee has requested a four-week medical leave to have major surgery. Do we have to hold his job for him?

### ANSWER

Your employee is likely eligible for one or more kinds of job-protected leave. For instance, he may be entitled to time off under the federal Family and Medical Leave Act, a similar state family and medical leave law, or both.

He may also be covered by a state *paid* family or medical leave program, which is functionally short-term disability insurance. These laws often come with job protection as well as compensation. State sick leave may also apply.

Even where none of the above laws come into play, the Americans with Disabilities Act (ADA) or a similar state law might apply. In that case, you'll need to engage in the interactive process with him to determine whether leave, and how much, is a reasonable accommodation you can offer.

Aside from the laws that might apply, you'll want to make sure you treat this employee in a way that is consistent with your past practices as well as any written policies.

*This Q&A does not constitute legal advice and does not address state or local law.*