

TIME OFF FOR THE INJURED EMPLOYEE

Q:

Our clerk fell and broke her hip. We want to be compassionate, and give her a few weeks' paid leave to recuperate, but can't do more than that, as we have a business to run. What should we do?

A:

Unfortunately, the law is a technical morass that doesn't necessarily consider compassion or business needs—it is not always enough to be nice, and the company is not excused from compliance even where providing time off creates difficulty for your business operations (unless your business is very small). If the injury occurred while working, you must provide a workers compensation claim form. If the injury was not work-related, and the employee is eligible for medical leave, you must provide up to twelve weeks unpaid medical leave, all at once or intermittently. Whether some or all of that leave is paid is a matter of company policy. If the injury causes a lasting impairment, you must discuss potential accommodation, including additional time off or delegating non-essential duties. This is affectionately known as the Bermuda Triangle of employment laws — workers compensation, FMLA/OFLA, and the ADA/state disability laws. You should have a formal process, outlined in your employee handbook, for taking time off and accommodating a disability.

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