



JULY PROMO

by BASIC

BASIC FMLA EASE

Managing your company's FMLA compliance is a risk that is not worth taking. Fines and penalties can have a devastating effect on your business. It is our job to keep your company compliant and avoid litigation.

SIGN UP FOR BASIC FMLA EASE THIS JULY*

- *FREE COBRA Administration for 12 months*
- *1/2 OFF all FMLA Ease set up fees*

Don't become yet another FMLA lawsuit headline!



For more information about any of our services or to speak with a sales consultant call 800.444.1922 x 3 or visit basiconline.com.

Additional Services:

- BASIC Payroll
- BASIC FSA
- BASIC COBRA
- BASIC HRA

*Valid for new clients only



Federal jury finds Saginaw hospital owes \$423,480 to former employee terminated in violation of Family and Medical Leave Act

[Cole Waterman | cwaterma@mlive.com](#) By [Cole Waterman | cwaterma@mlive.com](#)

[Follow on Twitter](#)

on June 11, 2013 at 8:45 AM, updated June 11, 2013 at 9:40 AM

BAY CITY, MI — A federal jury has ruled a Saginaw hospital owes a former employee more than \$423,000 for violating the Family and Medical Leave Act when it fired her.

The jury at the federal courthouse in Bay City on Friday, June 7, found St. Mary's Medical Center had violated FMLA in terminating Devra Byron's employment in May 2009. The jury ruled that St. Mary's owes Byron \$102,034 in damages to cover the time she's already lost, plus \$321,446 to be paid in varying five-figure amounts per year through 2025.

When damages are awarded in FMLA-related cases, a judge can double the total amount. Byron's attorney, Victor J. Mastromarco Jr., said he plans on requesting U.S. District Judge Thomas L. Ludington make such a ruling.

"It's something they could have nipped in the bud when we talked to them initially and asked them to put her back to work and provided them with all the paperwork she had filed," Mastromarco said. "They just wouldn't have anything to do with it. I really am at a loss to explain why St. Mary's does that kind of thing."

Court records indicate Byron worked as an EKG technician for the hospital for 15 years before being fired. Two days beforehand, Byron came down with pancreatitis, for which she sought treatment at St. Mary's emergency room. The condition caused her to miss a day of work.

The hospital claimed it dismissed Byron because she had accumulated more than nine absences, violating the agency's policies. Byron's attorneys countered that she had not missed that many days of work and at least one of those absences was covered by FMLA.

The federal act permits an employee to take up to 12 weeks of leave in a year for serious health conditions. St. Mary's alleged Byron wasn't qualified to be covered by the act, but records indicate she had applied for and been granted eligibility for the act in June 2008.

St. Mary's was represented by Saginaw attorney Robert A. Hahn.

Hospital representatives declined to say whether they plan to appeal the jury's findings.

"We respect the legal and judicial process and, as such, our practice is to not comment on litigation matters," said St. Mary's spokeswoman Nikole Montalbano.

© MLive.com. All rights reserved.

FMLA *by BASIC*

Top 10 Employer Violations

Top 10 Employer Violations: *Reported by the Department of Labor*

1. Failure to notify the employee of FMLA rights.
2. Failure to notify the employees that leave counted towards the employee's 12-week entitlement.
3. Counting FMLA leave against the company's absentee policy for disciplinary purposes.
4. Taking disciplinary action against employee for using FMLA.
5. Failure to grant leave to provide physical care or psychological comfort to a seriously ill parent or child.
6. Failure to reinstate employee to same or equivalent position, including same shift.
7. Terminating an employee during or at the conclusion of FMLA leave.
8. Failure to grant FMLA leave because of misunderstanding of what qualifies as a "serious health condition."
9. Failure to request a medical certification in writing and not giving the employee the "Rights and Responsibility Notice."
10. Failure to handle questions about the validity of a medical certification by guidelines set forth in the FMLA regulations.



- HR Benefits
- HR Management
- HR Services

BASIC FMLA Administration Options

BASIC FMLA Ease

- For employer groups ranging from 50 to 500 ee's with low FMLA occurrence.

BASIC FMLA Ease Plus

- Designed for employer groups with more than 250 ee's, having frequent FML occurrences of intermittent leave or a need for Integrated Voice Response (IVR).

BASIC Absence Management

- Intended for employer groups with the need to harness technology to track unscheduled absences for single or multiple locations.

At BASIC, we pride ourselves on our professionalism

But don't take our word for it, read what our customers have to say:

"I wanted to take this time to thank all of you for all your support, quick responses, professionalism and go out of your way attitudes to help. It is companies like BASIC that make the working world a better place and a lot less stressful for customers. Please accept my gratitude for all that you have done for Xpressbet and me."

– Xpressbet



For more information about any of our services or to speak with a sales consultant call 800.444.1922 x 3 or visit basiconline.com.

Additional Services:

- BASIC Payroll
- BASIC FSA
- BASIC COBRA
- BASIC HRA