

## **FMLA: No Duty To Extend Leave, Court Says.**

A nurse was entitled and was given twelve weeks of unpaid Family and Medical Leave Act (FMLA) leave for mental health treatment after she self-medicated on the job with Xanax and continued working her shift while under the influence.

The US District Court for the Northern District of Ohio ruled the hospital had no duty to extend her leave beyond twelve weeks, as employee assistance had determined she was still mentally unstable and not fit to return to work.

The court cautioned that any leave extensions that might be granted must be granted fairly and evenhandedly or the hospital can face charges of discrimination. **Kleinmark v. CHS-Lake Erie, 2008 WL 2740817 (N.D. Ohio, July 10, 2008).**