

## FMLA: Not Enough On-Site Employees.

An LPN worked for a large corporation which held the contract to provide on-site healthcare services at the local county jail.

The LPN was terminated for taking an extended medical leave. She sued for wrongful termination in violation of the US Family and Medical Leave Act (FMLA), claiming she had a vested right to take medical leave without suffering legal repercussions.

---

***The US Family and Medical Leave Act (FMLA) applies to employees of employers who have 50 or more employees.***

***Further, to be eligible for FMLA leave the employee must have been on the job for at least 12 months and have completed at least 1,250 hours of service during that 12-month period.***

***The employee must give the employer 3 days notice.***

UNITED STATES DISTRICT COURT  
OHIO

January 8, 2007

---

The US District Court for the Northern District of Ohio decided to focus first on whether the LPN was actually covered by the FMLA.

Among other things, to be bound by the FMLA the employer must have at least 50 employees on-site or working within a 75 mile radius of the location where the employee in question works.

The company had only 33 persons working at the jail and within the surrounding area. The FMLA simply did not apply and no other eligibility issues were relevant to the case. **La Monica v. NaphCare, Inc.**, 2007 WL 81851 (N.D. Ohio, January 8, 2007).