

## White and Williams' Defense Prevails for Employer Client Against ADA, FMLA and PHRA Claims

1.14.21

The Third Circuit Court of Appeals affirmed summary judgment in a case brought under the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA) and Pennsylvania Human Relations Act (PHRA). In the matter, the plaintiff's employment was terminated after she exceeded the number of unscheduled absences allowed by the employer's attendance policy. The employee argued that because she had been approved for FMLA leave per the employer's procedures, her absences were protected under the ADA and FMLA. The Third Circuit disagreed and found that while the employee had been approved for FMLA leave, she failed to comply with her employer's call-off attendance procedures. The Court ruled that in addition to seeking FMLA approved leave, the employee was required to follow the employer's absence-reporting procedures and there was no dispute that the employee failed to do so.

Nancy Conrad and George Morrison represented the employer in this case.