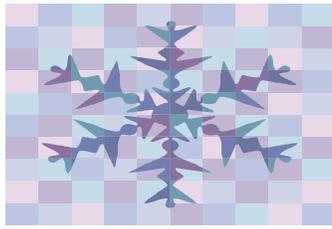


# Radford University

## SHRM Newsletter

### January 2008



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## Announcements:

- **We are no longer RU SHRM!** After a semester long process of “registering” our club at Radford (thanks to the hard work of Devin) we are now officially **SHRM RU!**
- **JOIN SHRM!** We need as many National SHRM members as possible, so go online and sign up today!! It’s \$35.00 to join. ([www.SHRM.org](http://www.SHRM.org))
- **Don’t forget to Pay Dues!** (you know who you are!) \$10.00 to Eric; Cash or Check made out to RU SHRM
- **T- Shirts!** Eric has made a design for the front of the shirt and is hoping to come up with a \*Top 10\* list for the back of the shirt. . .watch for an email from Eric with further info
- Next SHRM / I/O meeting will be Tuesday, Jan 29<sup>th</sup> @ 12:30 in Russell 301. The topic will be orals and 1<sup>st</sup> years are encouraged to attend.
- New River SHRM is looking to get student chapters more involved:
  - Thursday February 21<sup>st</sup> lunchtime meeting – hoping to get four 2<sup>nd</sup> year volunteers to attend (1<sup>st</sup> years have class)

# Upcoming Social

- **SHRM Bowling!!**
- **When:** Saturday, February 16th from 1:00-3:00 pm
- **Where:** On campus bowling alley in the Bonnie
- **Cost:** \$.75 per person to rent shoes
- Doors open at 12:30



1<sup>st</sup> Years at the I/O Christmas Party!

## Speakers & Tours:

- **Potential Speaker Topics:**
  - Benefits
  - Salary Negotiation
  - Using excel/technology
  - Road Warriors
- **Potential Tours:**
  - Volvo
  - Coal Mine
  - Elizabeth Arden



2<sup>nd</sup> Years at the I/O Christmas Party!  
(Notice anything funny here?)

# Legal Issues

## **3rd Circuit: Knowledge of Potential Need for Leave Is Sufficient To Invoke FMLA**

The 3rd U.S. Circuit Court of Appeals held that an employee does not need to give formal notice of his or her intention to take a leave of absence under the Family and Medical Leave Act (FMLA) to receive its protections, even if the employer's FMLA policy requires an employee to make a formal written request.

Air Brooke Limousine Inc., a company that provides limousine, van and charter bus services, hired James Sarnowski in 2001 as a service manager. Sarnowski received favorable job reviews and was awarded a salary increase after one year of service. Ten years earlier, Sarnowski was diagnosed with coronary artery disease and Wolff-Parkinson-White syndrome after suffering a heart attack in 1992. Persons afflicted with Wolff-Parkinson-White syndrome experience episodes of rapid heart rates due to an abnormal electrical communication in the heart. Due to his condition, Sarnowski underwent quintuple coronary artery bypass surgery in October 2002. As a result of the operation, Sarnowski spent one week in the hospital and approximately six weeks at home to recover. Soon after he returned to work, Sarnowski received a written warning for alleged poor job performance.

During the spring of 2003, Sarnowski began experiencing heart palpitations. A coronary angiogram taken on April 7, 2003, revealed that Sarnowski had four more blocked arteries. According to Sarnowski, he informed his immediate supervisor that he needed to wear a heart monitor for 30 days and that, depending on the results, he may need a second operation to repair the blocked arteries, requiring an additional six weeks of leave. Air Brooke then terminated Sarnowski on April 15, 2003, allegedly for poor performance.

Sarnowski filed suit against Air Brooke in federal district court, alleging violations of the FMLA. He asserted that Air Brooke interfered with his rights under the FMLA when it terminated him after learning that he may need to have heart surgery and take six weeks of leave for recovery. Air Brooke responded that it had no notice of Sarnowski's intent to exercise his FMLA rights. Specifically, Air Brooke's FMLA policy required employees to submit a formal written request for leave. Because Sarnowski never made such a request, Air Brooke argued it had no notice and therefore did not interfere with his FMLA rights.

The district court agreed with Air Brooke and held that because Sarnowski did not submit a formal written request as required by Air Brooke's FMLA policy, he did not properly exercise his right to FMLA leave. Therefore, according to the lower court, Air Brooke did not interfere with his rights when it terminated him. On appeal, the 3rd Circuit reversed the lower court's ruling. The court held that an employee need not make a formal request for leave to invoke the protections of

the FMLA. Rather, the court quoted from decisions of the 5th, 6th and 8th Circuits, which have found that an employee has provided sufficient notice to the employer of a need to take a leave of absence under the FMLA if “the information the employee conveyed to the employer was reasonably adequate to apprise the employer of the employee’s request to take leave for a serious health condition that rendered him unable to perform his job.”

[Sarnowski v. Air Brooke Limousine Inc.](#), 3rd Cir., No. 06-2144 (Dec. 12, 2007).

(Courtesy of the legal team . . . thanks Jason and Kristina)

# Stay Warm!

