



Treat your psoriasis or keep your job? You don't have to choose

So you have finally found a treatment that seems to be helping, maybe even clearing, your psoriasis. The only problem is that it involves driving 30 miles to the clinic, two times a week, during the middle of the day. This might be a small price to pay for relief of your psoriasis symptoms, but at what cost to your job? You might be tempted to forgo your treatment so as not to jeopardize your job. However, this sacrifice is not necessary because there are laws that entitle you to this time off to care for your psoriasis.

Family and Medical Leave Act

The first choice for someone needing time off from work to care for a medical condition is the Family and Medical Leave Act (FMLA). There are two different criteria that need to be met for an employee to be eligible for leave under the FMLA. First, a person must work for an employer who has 50 or more employees within a 75-mile radius of the employee's workplace. "In other words, if someone works in a large office that has more than 50 employees, that would count. Similarly, if someone works in a retail store that only has 20 employees in each store but has three stores in a 75-mile radius, that would count too," explains Dan Farrington, an attorney in Maryland who focuses his practice on employment law and who has psoriasis and psoriatic arthritis. "



Second, the person must have worked for the employer for 12 months (they do not have to be consecutive) and must have worked at least 1,250 hours over the last 12 months.

If these criteria are met, the employee is entitled to approximately 12 weeks of unpaid leave from work (either all at once or at different times) per year to care for a "serious medical condition," which includes chronic conditions that require periodic and continuing treatment, such as psoriasis and psoriatic arthritis. An employee is entitled to leave work to go to medical appointments, for example, to receive ultraviolet light treatment for psoriasis or physical therapy for psoriatic arthritis.

According to Farrington, there is no specific language to use when requesting this time off. He suggests going to your supervisor or human resources manager and simply saying that you have a medical condition and need to receive treatment for it. Then outline the timeframe and schedule of the treatment. "The obligation is on the employer to recognize an FMLA situation," Farrington says.

Large employers are likely to be familiar with the FMLA process and give you a Department of Labor form to take to your physician to sign. After your physician has verified that you do indeed have a legitimate medical condition that requires treatment, your employer should give you a letter confirming in writing that you have been approved to take this time off and it is designated toward your yearly 12 weeks of FMLA leave.

The above scenario is ideal. If, for some reason, this is not the response you get from your employer, Farrington suggests reminding your employer that you have a right to leave under the Family and Medical Leave Act. It probably would not be a deliberate attempt to deny your rights on the part of your employer. "Just as employees often don't realize they have these rights, your supervisor may not be aware of them either," he says.

Taking leave under the FMLA is not unusual. "Remember," Farrington says, "every time someone goes on maternity leave the employer should go through this process."

Be persistent but be realistic

If you encounter resistance, be firm and persistent and state again that you need time off to care for a medical condition. “It is illegal for an employer to interfere with an employee’s right to take FMLA leave or to retaliate against an employee for doing so,” Farrington says.

Farrington does advise being realistic in your expectations. You may not be able to get certain alternative treatments approved by a physician. For example, some physicians may not be willing to agree that you need to spend six weeks at the Dead Sea in Israel to treat your psoriasis. However, FMLA leave is used all the time for serious conditions, as well as for automobile accidents and maternity leave. “Even if you have to miss work for three months at a time, you are covered. You can be out as long as needed up to 12 weeks,” Farrington said.

Another important point to remember is that you cannot be required to take more time than you need. For example, if you need four hours during the day to receive PUVA treatment across town, your employer cannot require that you take the whole day off.

FMLA also covers time off to care for a family member who has a medical condition. “For example,” explains Farrington, “if your husband or wife is scheduled for surgery for their psoriatic arthritis, you can request time off under the FMLA to care for them.”

Work with your employer’s schedule

With some exceptions, it is necessary for an employee to let the employer know in advance that time off to care for a medical condition will be needed. When at all possible, work with your employer so as not to disrupt the workflow. “If one day of the week is always busy at work,

the employee should not schedule treatment on the day, if possible,” Farrington says.

Bottom line

Although this process can seem complicated and intimidating, these laws are in effect to protect people who have serious medical conditions. By far, the most important things to have on your side, in this and any legal situation, are documentation of your condition and a doctor’s diagnosis and support. As long as you have these two things and you know your rights, you should be able to exercise them through FMLA. “A person doesn’t have to choose between medical care and work anymore, and we need to get that word out,” Farrington says.

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More information

Farrington is happy to serve as a resource for people with psoriasis and psoriatic arthritis who are looking for more information about exercising their rights under the FMLA. He can be reached at the Farrington Law Firm by phone at 301.951.1538 or via e-mail at dfarrington@farringtonlaw.com. Other sources of information about this law include the Department of Labor (www.dol.gov/esa/) and the U.S. Equal Employment Opportunity Commission (www.eeoc.gov/docs/fmlaada.html). ♡

—Norah Barnard, Writer

This article is the first in a series covering insurance-related issues faced by people with psoriasis and psoriatic arthritis. Look for an article about the Americans With Disabilities Act in the July/August 2003 *Psoriasis Advance*. Anyone with comments or a personal story to share can contact Norah at 800.546.8376 or send e-mail to nbarnard@psoriasis.org.