



# Leave for Good: Debunking Mental Health Leaves of Absence

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# Today's Agenda

- **Growing challenges for your workforce**
- **Benefits of leave**
- **Role of managers and obstacles for engagement**
- **How to train your managers when you can't train your managers**



# Growing Challenges for Your Workforce

## Purpose of the actual law of the FMLA:

- Balance demands of workplace with needs of families
- Promote stability and economic security of families
- Promote national interest in preserving family integrity
- Entitle employees to take reasonable leave



# Mental Health Claims Still on the Rise

- **45%** increase in mental health claims
- **80%** rise in inpatient mental health service claims
- **300%** increase in mental health leave of absences
- Duration of continuous and intermittent FMLA leaves **increasing**



# Benefits of Leave

- Time to recover from illness
- Seek medical care
- Support loved ones during challenging times
- Paid leave helps reduce financial stress



# Benefits of a Positive Leave Experience



**Loyalty in Workplace**

**More Motivated to RTW**

**More Productive**

**Talent**



# The Key to Success

Deploying resources  
proactively and  
effectively

Training managers  
and people leaders





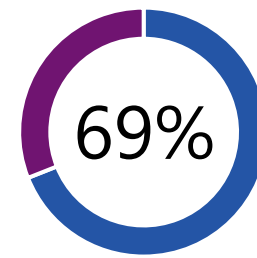
**Don't have time to train your managers?**

**Use Stephany and Matt's Speedy 20-minute Manager Training!**

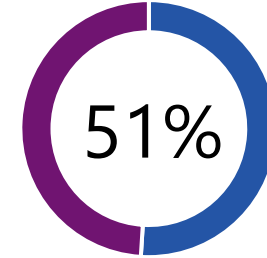
# Ready, set, go!

## 1 Be Aware

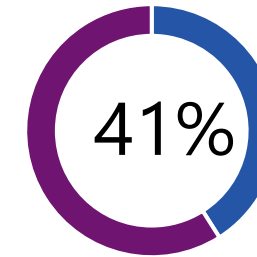
**Be aware** of your impact on employees' mental health



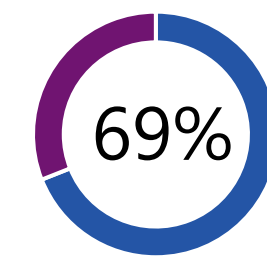
Managers



Doctors



Therapist



Spouse/Partner



# Be Aware (of what your employees are telling you)

Employee notice might not be straightforward. **If you're not sure, alert HR!**

## Unclear

*Employee notified employer of medical appointment + said "I am developing anxiety." + tearful interaction.*

*Way v. City of Missouri City et al. (5th Cir. 2025)*

*Employee didn't request time but said migraine + emergency room yesterday*

*Burton v. SRM Group, Inc. (N.D. Ga. Jan. 29, 2021)*

## Non-verbal/Constructive

*Incoherent thoughts, shaking, heading to hospital = notice.*

*Tatum v. 10 Roads Express, LLC, (N.D. Ill. 2023)*

*Employee with a mental illness may have difficulty effectively relaying medical information ... when the symptoms are flaring"*

*Walters v. Mayo Clinic Health Sys.-Eau Claire Hosp., Inc., (W.D. Wis. 2014).*

*Crying regularly and uncontrollably" at work may be notice of FMLA leave.*

*Valdivia v. Township High School Dist. 214 (7th Cir. 2019)*



# This can be emotional. Can't let it get the best of you.

**1** Be Aware

**2** Keep Emotions in Check



# Keep Emotions in Check

## Hermann v. Salt Lake City Corp., (10<sup>th</sup> Cir. 2021)

- Court clerk with PTSD asked not to work on DV court cases

## Schneider v. U.S. Postal Serv., (E.D. Wis. 2022)

- Postal Worker with depression (accommodated by Employer)
- “Avalanche of emails” derogatory in nature showed EE may have been discriminated against

## Bartman v. Wegmans Food Markets, Inc (D. Mass 2018)

- Employee requests FMLA claim for depression
- Employee told to “Suck it up!”

## EEOC v. Pivotal Home Solutions (2022)

- Employer asked staffing agency to replace employee after “nervous breakdown”
- \$175,000 settlement



# Have Empathy

**1** Be Aware

**2** Keep Emotions in Check

**3** Have an Empathetic Reaction



# Be Empathetic

- **Focus on facts and not judgments**
- **Validate emotions**
- **Offer support**

"No one understands me at all; it's like I am speaking a different language"

- **Empathy:** "That sounds frustrating"
- **Validation:** I can understand why you would feel this way when you don't feel understood or listened to.

"My baby is not sleeping and my toddler has been sick with the virus of the month, I feel like work is getting on top of me. I am exhausted"

- **Empathy:** "That sounds absolutely exhausting"
- **Validation:** "You are juggling so much right now, and it makes complete sense that you are running on empty. Is there anything, even something small, that I could take off your plate right now?"



# Stephany and Matt's Speedy 20-minute Manager Training!

- 1 Be Aware
- 2 Keep Emotions in Check
- 3 Have an Empathetic Reaction



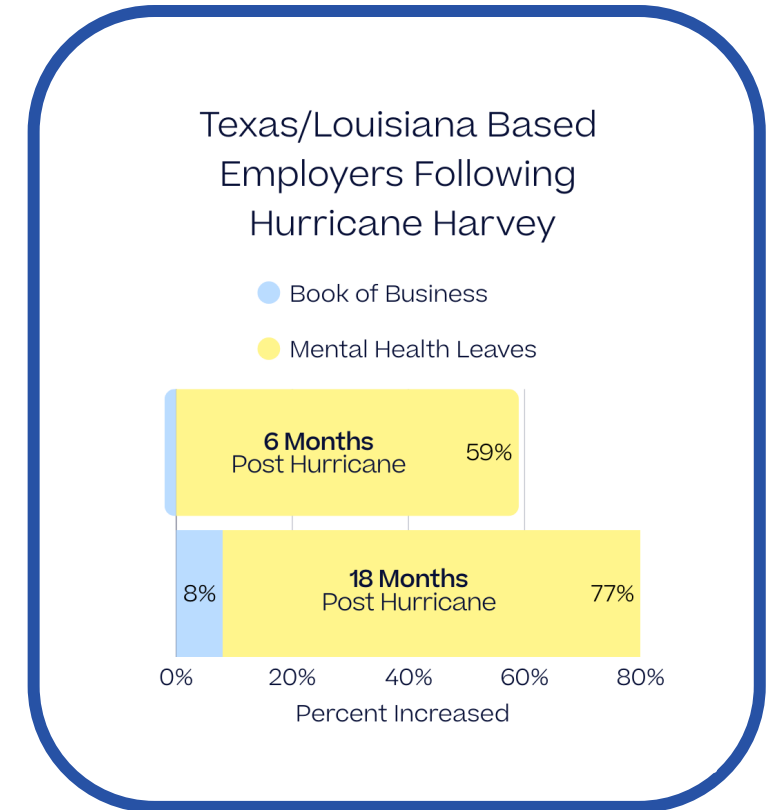
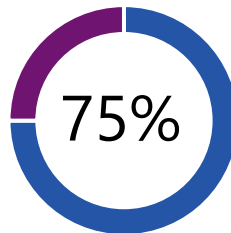


# What's next? How else can you help?

# Promote a Positive Culture

- **Inform employees of resources**
  - Understanding of where they are located
  - Don't get caught in the Gap!
  - Be proactive and be ready to deploy resources
- **Reduce the stigma**
  - Create a culture of psychological safety
  - Model behavior you want to see
  - Ask for help when you need it
  - Walk the talk

Employer acknowledge presence of mental health stigma



*Managers guide employees; HR owns the process*



# Be Flexible and Creative

Be active and creative in thinking about accommodation options!

Employers must:

1. **Fully and flexibly engage (meaningful dialogue)**
2. **Actively respond (tennis match analogy - always volley back)**

Employer should have rescheduled interactive process and communicated importance of discussion regarding the dialogue.

***Moore v. Walloon Lake Recovery Lodge, LLC, (W.D. Mich. 2023)***

Employer erred by not did not fully consider all 15 accommodation requests made by the employee.

***McNair v. District of Columbia, (D.C. 2014)***

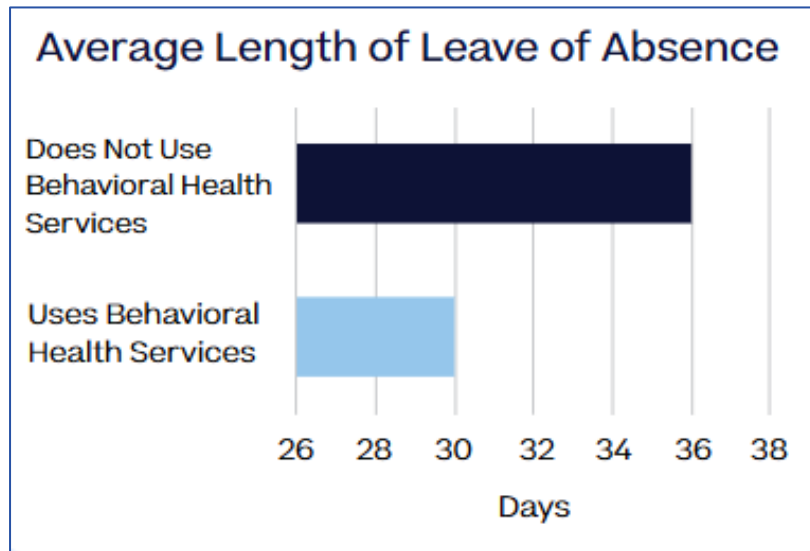
3. **Consider all alternatives. Partner with HR!**

*"It can't be said too many times: **The key to avoiding trouble under the [ADA] is to be constantly asking the question 'Can we get this employee back on the job with a reasonable accommodation?'** and certainly not to be asking only 'Has this employee been on leave long enough for us to get rid of him?'"*

John Hendrickson, former  
EEOC Regional Attorney for  
the Chicago District Office



# Support Employees → Reduce Absence



**Employees who leverage their available EAP benefits are back to work six days sooner than those who don't**

**42%**

**Increase in request for manager specific learning events**

**96%**

**Well-Being Coaching participants agreed skills learned improved quality of life**

**92%**

**Confidence in maintaining improvements**



# Questions?

