

# NEWS

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## David Gevertz Talks with American Bar Association About Email Notification Under FMLA

Emailing a request to an employee to recertify her health condition under the Family Medical Leave Act (FMLA) may now be insufficient to comply with the statute's notice requirements. In *Gardner v. Detroit Entertainment*, the U. S. District Court for the Eastern District of Michigan denied an employer's motion for summary judgment where the employee claimed that she did not recertify her health condition because she had not opened the employer's email requesting recertification. Observers say the decision indicates that actual notice may now be required to satisfy the FMLA's notice requirements.

In this American Bar Association article, David Gevertz, chair of the Employment Subcommittee of the ABA Section of Litigation's Civil Rights Litigation Committee, comments on the case.

The district court's reliance on actual notice may result in a "grave disservice" to employers "given email's prevalence and widespread acceptance in the business world," warns Mr. Gevertz.

[Read the Article](#)