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UA soon can start talking to Olson on his future

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Discussions on UA basketball coach **Lute Olson**'s return or retirement could begin as early as this weekend, said University of Arizona President Robert N. Shelton.

Shelton said stipulations of the Family Medical Leave Act, a 1993 federal law providing certain employees up to 12 work weeks of job-protected leave annually, restrict when UA can discuss with Olson the leave of absence he announced Nov. 4.

"This Friday, FML - his family medical leave - ends and our lawyers say then we can actually start talking to him about what he wants to do, what his plans are," Shelton said.

UA has been careful to follow the law, Shelton said, not inquiring about when or if Olson wants to return to coaching.

In statements released during his leave, Olson said he will return to coach.

"The Family Medical Leave Act was put into place for . . . (employees) so they knew they could have their job when they come back," Shelton said. "Lute has his job, right? But . . . we've been advised to not engage him in discussions until that period ends."

Barney Holtzman, an employment law lawyer with Fennemore Craig PC, said UA is being conservative.

"Nothing in the FMLA precludes an employer from talking to an employee about returning, but depending on circumstances of the leave, if you ask repeatedly it might appear you're asking them to force them not to return," Holtzman said.

To be eligible for the family act, an employee must have worked for an employer at least 12 months, worked at least 1,250 hours during the year before the leave and at a company with 50 or more employees, the U.S. Labor Department Web site says.

The act can be used when the employee is unable to work for serious health reasons or to care for newborn children, a newly placed adopted or foster child or an immediate family member with a serious health condition.

Leave under the act is normally unpaid, but employees may use accrued paid vacation or sick time to cover some or all of their leave, the policy says.

Shelton said Olson has been paid during his leave and has followed university policy requiring use of accrued vacation or sick leave for pay during the leave. He said Olson can continue paid leave after March 7 "if he takes sick leave and has a doctor's notice, or if he takes vacation." Olson's base salary is nearly \$738,000.

Shelton said Olson had not contacted him about issues regarding the leave and the president's instruction to athletic director Jim Livengood has been "just to follow the law."

"FLMA says you can't discuss the conditions of coming back to the job until that period has ended," he said.

Olson announced in a news release that he was taking an indefinite leave for "a personal matter that needs my undivided attention." He said it was not health related. On Dec. 6, Olson announced he would be out for the remainder of the season.

Olson did not return phone calls seeking comment.

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Caption: **Lute Olson** after Sunday's game

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