

Department of Labor Issues New FMLA Regulations

February 6, 2013, one day after the twentieth anniversary of the Family and Medical Leave Act (FMLA), the U.S. Department of Labor issued its [Final Rule](#) implementing the 2010 FMLA amendments. The final rule amends FMLA regulations regarding issues related to qualifying exigency and military caregiver leave and incorporates a special eligibility provision for airline flight crew employees. The new regulations, which take effect March 8, 2013, also clarify DOL's position concerning calculation of intermittent leave and remind employers of their obligation to comply with the confidentiality requirements of the Genetic Information Nondiscrimination Act of 2008 (GINA).

In addition to implementing the new regulations, the DOL made minor changes updating its forms and issued a new medical certification form specifically for military caregiver leave for veterans.

Overview

Since 1993, the FMLA has allowed eligible employees of covered employers to take unpaid, job-protected leave for up to 12 weeks per year to care for a new child, a sick relative or to recover from their own serious health condition. In 2008, the FMLA was amended to include two new categories of leave for military families – Qualifying Exigency Leave and Military Caregiver Leave. Qualifying Exigency Leave permits eligible employees to take up to 12 weeks of FMLA leave to handle exigencies related to a family member's active duty military service or call to active duty. Military Caregiver Leave extends from 12 to 26 weeks the amount of FMLA leave available to an eligible employee seeking time off to care for an ill or injured relative when the relative incurred their serious health condition in the line of active duty.

In 2010, the FMLA was again amended, expanding the military-related leave protections. The new regulations implement the 2010 statutory changes, increase and clarify the scope of Military Exigency Leave and extend Military Caregiver Leave.

Helpful Resources For Understanding The New FMLA Regulations

CLP has compiled a summary of the new FMLA Regulations which is available [here](#).

The DOL Wage and Hour Division has created a Side-by-Side Comparison of Current/Final Regulations which can be found on their [website](#).

Updated Posters and Forms are available on our [website](#) or through the [Wage and Hour Division](#).

As always, those having any questions concerning these regulations, or any other FMLA or general labor and employment law topic would feel free to contact your CLP attorney.