

Family Leave Rule Changes

The U.S. Department of Labor (DOL) published revised Family Medical Leave Act (FMLA) regulations, detailed in more than 750 pages, explaining how and when employees can take unpaid leave to care for a sick relative or themselves.

The new rules, which take effect on January 16, 2009 are a response to complaints by employers and employees alike.

Employers have long argued that workers are abusing FMLA, especially in the area of intermittent leave. Employees counter that they're unfairly being denied FMLA leave and are often retaliated against for taking it.

FMLA Changes Coming

Workers with chronic conditions are required to certify that they visit a doctor at least twice a year for that condition.

Workers are required to warn their bosses that they plan to miss work, "absent unusual circumstances." Direct supervisors of employees are not allowed to contact a healthcare provider for medical certification.

Employers are allowed to consider FMLA absences in determining bonuses and other incentive rewards, so long as this is done in a nondiscriminatory manner.

Military Family Leave Amendments

The new regulations offer some clarity on the Military Family Leave Amendments, which allow military families to use up to six months' leave when a service member gets hurt.

Under the new rules, aunts, uncles, grandparents and first cousins of military personnel will now be able to use unpaid leave.

The new rules also define the circumstances in which military families can take FMLA leave. They include; short notice deployment, military events, child care and school activities, counseling, financial and legal arrangements, rest and recuperation and post-deployment activities.

The DOL tried hard to respond to the frustrations employers were experiencing in managing FMLA leave. However, some experts feel that the new rules will cause a certain amount of confusion and doubts the new rules will help much.

What This Means For Counties

Counties may want to contact the CTSI Human Resources Representative to determine how these new regulations may effect them and their employees who take FMLA leave.

For more information, contact CTSI at 303-861-0507.