

## **Employee Service Talk**

### **Final Revisions to the Family and Medical Leave Act**

**On November 17, 2008, the U.S. Department of Labor (DOL) issued a final rule to update the Family and Medical Leave Act (FMLA) regulations. The final rule addresses several issues raised in court cases interpreting the FMLA, as well as defining how families with members in the military can use the new servicemember regulations. The rule marks the first significant overhaul of FMLA regulations and implementation since its enactment over 15 years ago.**

**Examples of these changes include:**

**Employer Notice Requirement. The final rule requires employers to notify employees of the amount of FMLA leave being charged and the employee's paid leave status.**

**Employee Notice – The new regulation requires employees to follow the employer's usual and customary call-in procedures for reporting an absence, with exception to unusual circumstances.**

**Employer Notice – The new regulation requires employers to notify employees if their certifications are incomplete or insufficient and give them the opportunity to remedy any deficiency.**

**Employee Notice – The new regulation requires employees who have pending or approved FMLA cases to specifically reference their FMLA condition at time of request for FMLA protected leave.**

**Health Care Providers – A Physician's Assistant is included in the list of Health Care Providers.**

**Qualifying Exigency Leave – A son or daughter is broadly defined and is not subject to the FMLA definition, limiting coverage when a child is 18 or older.**

**The DOL has prepared new, user-friendly forms for employees to document their need for FMLA protected leave.**

**The final rule is effective January 16, 2009.**