

## New Family and Medical Leave Regulations Impact Employers

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**March 2009**

Significant changes have recently been made to the regulations under the Federal Family and Medical Leave Act ("FMLA"). While many of the changes are employer-friendly, employers must, nevertheless, become familiar with the new regulations in order to avoid inadvertent violations that could expose them to liability under the FMLA.

Generally, the FMLA mandates that covered employers grant an eligible employee a period of unpaid leave to deal with certain types of family or medical events or issues. For example, employers must grant an eligible employee a period of leave when the employee is unable to work because of a serious health condition, for the birth and care of the newborn child, for placement with the employee of a son or daughter for adoption or foster care, or to care for an immediate family member with a serious health condition.

Among other things, the new regulations implement two new types of family leave entitlements: Military Caregiver Leave (to care for a covered service member with a serious illness or injury incurred in the line of duty) and Qualifying Exigency Leave (available for specified purposes to eligible employees whose spouse, son, daughter, or parent is a member of the National Guard or Reserves and has been called to active duty in certain circumstances). The regulations also modify the definition of what constitutes a "serious health condition" that would permit an employee to take leave either for his or her own condition or to care for a family member.

Importantly, the new regulations change employer notice requirements. Employers are now required to post new FMLA posters and must modify their employee handbooks to include mandatory language relating to the FMLA. Additionally, the new regulations set out a specific and detailed procedure for employers to follow when an employee requests leave.

**Recommendation:** Employers are required to comply with the new regulations immediately. Employers must bring their employee handbooks and FMLA policies up to date. Employers should also be aware of the details regarding the newly created military leave entitlements and of the new procedural requirements when employees request FMLA leave. Most of the new employer requirements are easy to implement but a failure to comply could be costly.

Published Articles (Cont.)

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