

ALERTS:

Clarification of Covered Relationships Under the Family and Medical Leave Act-

The Wage and Hour Division of the United States Department of Labor issued a “Fact Sheet” in July 2010 entitled: “FMLA leave for birth, bonding, or to care for a child with a serious health condition on the basis of an ‘in loco parentis’ relationship.” An employee who actually has day to-day responsibility for caring for a child or who financially supports the child can be eligible to take leave under the Family and Medical Leave Act based on the birth, adoption, or serious health condition of that child. The FMLA does not require consideration of other parental relationships of the child. The fact sheet states that employees who “co-parent a same-sex partner’s biological child” may take FMLA leave if all other eligibility requirements are met.

FTC Again Delays Enforcement of Red Flags Rule to January 1, 2011-

The Federal Trade Commission (FTC) again has delayed enforcement of the Red Flags Rule, this time through December 31, 2010. In Spring 2009, and in Spring 2010, we told you about the FTC’s Red Flags Rule that requires financial institutions and creditors to implement identity theft detection and prevention programs for credit accounts. The Rule, which was originally slated to go into effect on May 1, 2009, and then on June 1, 2010, is now not due to go into effect until January 1, 2011. The FTC’s web site (ftc.gov) provides helpful information about the requirements, including the impact of the Rule on businesses that extend credit to other businesses rather than consumers.

New EPA Guidance-

The U.S. Environmental Protection Agency has issued new guidance for the Emergency Planning and Community Right-to-Know Act (EPCRA) program. EPCRA is a federal law that requires companies that store threshold quantities of hazardous substances to file annual reports with federal, state, and local emergency response authorities. Failure to file complete or timely reports may trigger an inspection and compliance review. If deficiencies are noted, the EPA may seek penalties.

If you would like assistance in assuring best practices in any of these areas, please contact your attorney at Moss & Barnett.

