

Final FMLA Rule Requires Employers to Use New Forms and Poster

The Department of Labor (DOL) recently issued a final rule regarding family military leave under the federal Family and Medical Leave Act (FMLA). The key changes and employers' obligations under this new rule are explained in this article.

Qualifying Exigency Leave

The final rule adds a new type of qualifying exigency leave. Covered employees may now take leave to care for the parent of the service member, if that parent is incapable of self-care and the leave is necessitated by the service member's active duty. The rule also increased from five days to fifteen days the amount of leave an employee may take to spend time with a covered service member who is on "rest and recuperation" leave.

Military Caregiver Leave

The final rule provides that military caregiver leave is also available to employees to care for injured or ill veterans. In addition, the definition of "serious injury or illness" now includes injuries or illnesses that existed prior to the beginning of the service member's active duty and were aggravated by service in the line of duty while on active duty.

Covered Active Duty

The final rule requires that the service member's deployment be to a foreign country in order to satisfy the definition of "covered active duty."

Updated Poster and Forms

A covered employer must post the DOL's new FMLA poster in a conspicuous place at each of its worksites, even if all the employees at a particular worksite are ineligible for FMLA leave. If an employer has any FMLA-eligible employees, it must also include the FMLA notice (or duplicate its text) in its handbook (or other written guidance regarding leave and benefit rights), or give a copy of the notice to each new employee upon hire. In addition, employers must update their

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existing FMLA forms or use the DOL's new forms, which are available on the DOL's website. Finally, employers should revise their FMLA policies to incorporate these changes to FMLA.

Please contact your Reinhart attorney or any member of Reinhart's Labor and Employment group if you have any questions regarding your obligations under federal FMLA.

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