

Labor Department finalizes new Family Medical Leave Act ("FMLA") Regulations

On Thursday November 13, 2008, the Labor Department announced that revised regulations implementing the FMLA will be published in the Federal Register on Monday, November 17, 2008.

The revisions include regulations implementing the January 28, 2008, military leave amendments to the FMLA in which two new categories of leave were added. The first, leave during a family member's active military duty, permits up to 12 weeks of FMLA leave for an employee whose spouse, parent, or child has been called to active duty when they experience a "qualifying exigency." The second new category of leave allows up to 26 weeks of FMLA leave for an employee to care for a spouse, parent, child or next of kin who incurs a serious injury or illness while on active duty. The regulations will also incorporate changes to the existing FMLA regulations that the DOL proposed in the February 11, 2008 Federal Register, including changes to employer and employee requirements for notification and certification.

The new regulations will go into effect January 16, 2009. You can find the text of the new regulations here:

http://www.federalregister.gov/OFRUpload/OFRData/2008-26577_PI.pdf

If you have a question about the FMLA, or any other employment matter, please contact Erin Langenwalter at (505) 848-1855 or elangenwalter@modrall.com