

## Labor Department Clarifies Family and Medical Leave Rules

The Department of Labor (DOL) made several changes to regulations governing the Family Medical Leave Act (FMLA) which are intended to address gray areas in the law. The following are key items:

- Workers must now abide by an employer's call-in procedure for unscheduled leave, except for limited emergencies that would permit "after-the-fact" reporting. Workers previously had up to two days after the first absence to notify the employer.
- An employer (but not a direct supervisor) may contact a worker's health care provider with the worker's consent to verify the authenticity of a medical condition.
- A worker must see a doctor at least twice within 30 days of beginning leave, with the first visit occurring within the first seven days.
- 26 weeks of leave are permitted to care for family members injured in the military. Workers may take up to 12 weeks of leave if a family member is serving in the National Guard.

The FMLA's impact on the small-business community is limited since it only applies to companies with 50 or more workers. Covered employers must allow workers up to 12 weeks of unpaid time off and a guaranteed equivalent job upon return from a serious illness, to take care of a seriously ill child, spouse or parent or for the birth/adoption of a child.

Legislative changes to the FMLA, such as applying coverage to companies with as few as 25 workers and mandating paid sick leave.

Source: Department of Labor, April 2008

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