

## NEW FMLA REGULATIONS ISSUED BY DOL

The U.S. Department of Labor has issued the final regulations under the Family Medical Leave Act (“FMLA”) clarifying certain employer and employee leave rights under the law. The final regulations were published on November 17, 2008 and will take effect on January 16, 2009. Employers subject to the FMLA may be required to provide new forms and posters reflecting the latest changes.

Importantly, the final regulations address the recently enacted leave benefits for family members of both seriously injured and ill military service, National Guard, and Reserve members. In addition, the final regulations attempt to clarify issues related to the definition of “continuing treatment” of a serious health condition, certain notice requirements, and requirements for medical certification. A preliminary review of the final regulations suggests that employers may have more control over when employees can take FMLA leave. Compliance with these final regulations may require employers to modify their FMLA policies.

Richards, Layton & Finger is in the process of reviewing the final regulations in further detail and will provide more information regarding the changes in the near future.

If you have any questions related to these final regulations or any other FMLA compliance concerns, please contact a Richards, Layton & Finger attorney.

