



KD Alert: FMLA Amendments and Revised FMLA Poster Effective March 8, 2013

By Philip R. Voluck and Anna Darpino
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On February 6, 2013 the Department of Labor ("DOL") released a Final Rule through which it implemented recent amendments to the Family and Medical Leave Act ("FMLA"), as amended. The amendments, effective March 8, 2013, expand the benefits provided to military families and broaden the eligibility of flight crews under the FMLA, as summarized below.

Qualifying Exigency Leave: Benefits are expanded to include employees with a spouse, son, daughter or parent who is deployed to a foreign country through the regular Armed Forces. In addition, the amount of permissible leave is extended from 5 to 15 calendar days.

Military Caregiver Leave: Under the expansion, leave can now be taken to care for certain veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness. "Serious injury or illness" was expanded to include preexisting conditions aggravated in the line of duty that render the service member medically unfit. "Covered service members" now includes veterans who were members of the Armed Forces during the 5-year period preceding the date of the service member's medical treatment, recuperation or therapy.

Airline Crews: Airline flight crew members will be eligible for FMLA if, during the previous twelve-month period, the individual has worked or been paid for not less than 60 percent of the applicable monthly guarantee and has worked or been paid for not less than 504 hours (not including commute time, vacation, sick, or medical leave).

In conjunction with its Final Rule, the DOL also published a revised "Employee Rights and Responsibilities Under the Family and Medical Leave Act" poster. THE POSTER, A FREE VERSION OF WHICH CAN BE DOWNLOADED AT [HTTP://WWW.DOL.GOV/WHD/REGS/COMPLIANCE/POSTERS/FMLAEN.PDF](http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf), MUST BE DISPLAYED IN A CONSPICUOUS PLACE BY EMPLOYERS WITH FIFTY OR MORE EMPLOYEES BY MARCH 8th.

The DOL's Final Rule can be viewed in its entirety here:

<http://webapps.dol.gov/FederalRegister/HtmlDisplay.aspx?DocId=26631&Month=2&Year=2013>.