

## **Family and Medical Leave Act (FMLA) Expanded New Posting Notice Requirement**

On February 5, 2013, the U.S. Department of Labor marked the 20th anniversary of the signing of the Family and Medical Leave Act, by issuing a final rule implementing two important proposed expansions of FMLA protections and clarifying other aspect of the law.

The first expansion provides families of eligible veterans with the same job-protected FMLA leave currently available to families of military service members and it also enables more military families to take leave for activities that arise when a service member is deployed.

The second expansion modifies existing rules so that airline personnel and flight crews are better able to make use of the FMLA's protections. The latter amendment clarifies the application of the FMLA to airline personnel and flight crews who often did not meet FMLA eligibility criteria due to the unique way in which their hours are counted. The legislation authorized the department to tailor FMLA regulations that extend protections to these uniquely situated employees.

In addition, The Wage and Hour Division issued an Administrator Interpretation providing guidance on the definition of "son or daughter" under the Family and Medical Leave Act (FMLA) as it applies to an individual 18 years of age or older and incapable of self-care because of a mental or physical disability. The regulations do not explicitly address whether it is relevant if the disability occurs before or after the son or daughter turns 18 years old. It is the Administrator's interpretation that the age of the onset of the disability is irrelevant to the determination of whether an individual is considered a "son or daughter" under the FMLA. For more information, see:

[http://www.dol.gov/WHD/opinion/adminIntrprtn/FMLA/2013/FMLAAI2013\\_1.htm](http://www.dol.gov/WHD/opinion/adminIntrprtn/FMLA/2013/FMLAAI2013_1.htm)

Effective February 6, 2013, the U.S. Department of Labor has changed the content of the FMLA notice that must be posted in the workplace of covered employers. The notice addresses some technical changes in the law and regulations that will not impact most employers, but all covered employers must have the current notice posted. A copy of the notice is available at: <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf> This printed notice must be posted next to your current laminated Federal Law Poster as an update.

Sincerely,  
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