



3.10.2015 Federal Change Expanded FMLA Protection – The Department of Labor (DOL) expanded its definition of Spouse --By: Jacalyn Worman, McCloskey Partners, LLC, HR Consultant—

When can employers expect the change:

The new Department of Labor (DOL) guidance becomes effective March 27, 2015

ABOUT THE CHANGE

The DOL has issued a ruling that expands protections under the federal Family and Medical Leave Act (FMLA) for same-sex spouses.

The new definition of "spouse" will consider a "place of celebration" rule (where the marriage was entered into) instead of a "state of residence" rule for which the definition is currently based. Eligible employees, in legal same-sex marriages, will be able to take FMLA leave to care for their spouse or family member, regardless of where they live.

Also, both foreign and domestic legally entered same sex marriages and common law marriages will be included under the new DOL guidance.

HOW COMPANIES CAN PREPARE FOR THE UPCOMING CHANGE

The new guidance becomes effective March 27, 2015. Companies are urged to review and update their Benefit Summaries and Employee Handbooks to ensure compliance with these new rules.

WHATS NEXT

The DOL will be updating the required FMLA posting and sample notifications with the new guidelines. However, a release date has not been provided for the documentation. In the meantime, Employers can keep using current postings and forms until new forms / postings are released.

McCloskey Partners, LLC will continue to keep you abreast of changes as they are released by the DOL. We recommend that companies review their Benefit Policies, Family Medical Leave and Employee Handbook policies to ensure they are in compliance.