Changing Times/Evolving Policy: The Family Medical Leave Act

A recent claim against a Michigan company, settled in favor of the employee, shows the commitment the US Department of Labor (DOL) has to enforcing the Family Medical Leave Act (FMLA) [1]. And states with their own FMLA statutes are also willing to investigate non-compliance, as illustrated by the California lawsuit settled in 2010 with a company agreeing to pay more than $6 million to current and former employees [2].

The FMLA allows eligible employees unpaid, job-protected time off work for certain health problems and other personal circumstances "with continuation of group health insurance coverage…as if the employee had not taken leave" [3]. Iowa employers are subject to federal requirements for notifications, recordkeeping, and reporting (Iowa is not one of the states with its own FMLA law)[4].

A little history: The original Family and Medical Leave Act (FMLA) was passed in 1993, when changing demographics of the American workforce, such as maturing workers and more employed mothers of young children, raised the issue of federally mandated protection for workers who were balancing job and personal responsibilities [5].

In 2008, after an extensive review by the DOL, the law was amended for the first time, adding two types of coverage for employees whose family members were in military service. Employees are eligible for up to 12 weeks of leave when demands on their time result from a spouse, child, or parent being on or called to active duty. A second category of "military caregiver leave" allows up to 26 weeks of leave in a 12-month period for an employee to care for their military spouse, child, parent or next of kin who is seriously injured or ill [6].

Legislation in 2009 extended FMLA benefits to flight attendants, who in the past had failed to qualify because of the airline companies' unique way of calculating work hours. And the FMLA continues to evolve in our dynamic society, with extension of benefits to cover same-sex partners already (unsuccessfully) proposed in Congress [7]. In 2011 the DOL plans to study how employees are using the FMLA, which it last reported on in 2007 [8].

2 - Central Valley Business Times (Verizon settles California Lawsuit for $6 Million) - www.centralvalleybusinesstimes.com/templates/print.cfm?ID=16984
3 - US DOL (Family and Medical Leave Act) - www.dol.gov/whd/fmla