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New FMLA Poster and Employer Guide Released by the DOL

New tools have been provided by the Wage and Hour Division (WHD) of the Department of Labor (DOL) to assist employers with compliance efforts under the federal Family and Medical Leave Act (FMLA) of 1993. A revised FMLA [poster](#) and the [Employer's Guide to the Family and Medical Leave Act](#) were released late April 2016.

FMLA General Background

The FMLA generally provides job and health benefits protection up to a specified period of time to eligible employees who may need time off from work to care for themselves during a serious health condition or their eligible family members in certain situations. FMLA leave is usually unpaid and the law outlines the circumstances under which employees may take FMLA leave and the family members for whom FMLA leave may be taken. The FMLA applies to private-sector employers with 50 or more employees for each working day in 20 or more workweeks in the current or preceding calendar year. All public agencies and local educational institutions (including public school boards and public and private elementary and secondary schools) are also subject to the FMLA regardless of their count of employees. The WHD provides a FMLA [website](#) which outlines the general requirements of the law, provides fact sheets on various topics and links to the forms employers may use in FMLA administration. The site also links to a page for workers; a site where employees may find detailed information about their general rights and responsibilities under the law. Employers looking for more detailed information regarding the FMLA are encouraged to visit the WHD website.

April 2016 FMLA Poster

The new poster has been reformatted for an easier read but its contents are essentially unchanged from the previously published February 2013 poster. The poster summarizes the major provisions of the FMLA and informs employees of their rights under the Act and provides instructions on how to file a complaint. Employers subject to the FMLA are required to display the DOL created poster in a conspicuous place so the poster may be seen by employees and applicants. The poster must continuously remain on display and must be posted even if there are no FMLA eligible employees in a location. Employers may continue to use the older February 2013 version or may use the new April 2016 version going forward.

FMLA Employer Guide

The new employer guide is designed to provide essential information about the FMLA, including information about employers' obligations under the law and the options available to employers in administering leave under the FMLA. The seventy-six page document addresses numerous topics

including an employer's notice requirements, FMLA leave reasons, the process for certifying leaves and actions employers should consider during an employee's FMLA leave. Record-keeping requirements and interactions with other federal laws are also addressed in the Guide. While comprehensive, the Guide does not address all issues that may arise under the FMLA so employers may still need to consult with a qualified advisor, such as a labor and employment attorney on complex FMLA issues.

Conner Strong & Buckelew is not a qualified wage and labor advisor and does not assist with general FMLA policy design or administration. Clients should continue to consult with qualified wage and labor advisors, human resources professionals, or their counsel for instructional guidance on FMLA policy design and assistance with general and complicated FMLA administration issues.

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