

# the FORUM

NEWSWEEKLY

## BUSINESS

Tips to reduce identity theft chances

## POLITICS

Gov. Jindal's special session remarks

## OPINION

More to story than just party association

## A Taxing Task

Filing annual income tax daunting for some



# FMLA

>>> Labor department releases revisions



If you're an employer, human resources professional, manager or supervisor, you know how challenging it is to hire, train and keep good employees. Of course, not all employees are "good," and the difficult ones can be a drain on productivity and morale. Generational differences make your job even more complex and require you to identify new ways to accomplish the same objective. Is it a cruel joke you also have to comply with an expanding library of federal, state and local employment laws and face the potential of personal liability for a simple mistake?



Anderson

Fortunately, you have the ability to prevent most employment disputes and to quickly resolve them in a way that minimizes legal exposure for you and your company. Employment laws and their interpretation by the courts change constantly, so staying on top of legal developments is the first line of defense against employment disputes and liability. Finding a good resource is half the battle, which is why *The Forum* is offering this new column prepared by a Louisiana employment attorney who counsels and defends employers and management in a wide range of employment law matters. This month's column features recent and upcoming changes in the federal law that requires family and medical leave for certain employees.

must have worked at least 1,250 hours in the 12 months preceding the leave and must work at a location where at least 50 employees work within a 75-mile radius.

The FMLA requires a covered employer to provide leave to an eligible employee for the birth and care of a newborn; the placement of a child for adoption or foster care; the care of a spouse, child or parent with a serious health condition; or the employee's serious health condition if it makes the employee unable to perform his job. The FMLA requires the maintenance of certain health-care benefits during the leave and generally entitles the employee to job restoration upon return from leave. Unfortunately, a violation of the FMLA can subject both the company and certain individuals to liability, and a good faith mistake will only reduce, not eliminate, legal exposure.

The FMLA was enacted in 1993, and the U.S. Department of Labor (DOL) promulgated more than 50 pages of detailed regulations interpreting the law. A number of the regulations have generated confusion and litigation for employers, including the definition of a "serious health condition," intermittent leave rules and procedures for clarifying a health-care provider's medical certification. So, many employers and their attorneys have anxiously awaited revisions to the regulations. The proposed revisions and explanation are out, however, and at several hundred pages, they raise two immediate questions: (1) What are the changes? and (2) Are they an extreme makeover or just a cosmetic touchup?

It's not possible to cover all the proposed changes in this issue, but some of the highlights are:

- Reorganization to combine related regulations into discrete sections, including those relating to pregnancy, childbirth and child care, and eliminate redundancy;
- Exclusion of employment prior to a break in service of five years or more from the 12 months of employment required to be eligible for leave, subject to certain exceptions;

FMLA: continued on page 6

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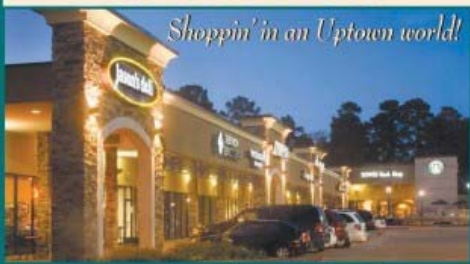
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