



**Independent Insurance Agents
& Brokers of America, Inc.**

FAMILY AND MEDICAL LEAVE ACT

**Prepared by
The Office of the General Counsel**

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This memorandum is not intended to provide specific advice about individual legal, business or other questions. It was prepared solely for use as a guide, and is not a recommendation that a particular course of action be followed. If specific legal or other expert advice is required or desired, the services of an appropriate, competent professional, such as an attorney, should be sought.

I. INTRODUCTION

This memorandum summarizes revisions implemented in early 2013 to the federal Family and Medical Leave Act of 1993 (“FMLA”) and their potential impact on independent insurance agencies and brokerages. This memorandum does not address all aspects of the FMLA, nor does it cover anything about any state laws and regulations in this area. Since state laws and regulations may provide employees with benefits greater than those provided by the FMLA alone, it is important that applicable state laws and regulations also be reviewed to ensure compliance with them.

II. FAMILY AND MEDICAL LEAVE ACT OVERVIEW

The FMLA is a federal law that requires private employers with 50 or more employees (for each working day during each of 20 or more calendar work weeks in the current or preceding calendar year), and all public agency employers (collectively “Covered Employers”), to provide extended unpaid leave to eligible employees for certain family and medical reasons. Employees eligible for FMLA leave are employees who have been employed for either: i) at least 12 months by the employer from which the leave is requested; or ii) at least 1,250 hours of service with the employer during the previous 12-month period, and work at a location where there are at least 50 employees working within a 75-mile area (collectively “Eligible Employees”).

III. EXPANSION OF THE FAMILY AND MEDICAL LEAVE ACT

Effective on March 8, 2013, a final rule written by the U.S. Department of Labor (“DOL”) Wage and Hour Division implemented amendments to the FMLA that:

- ▶ expanded leave provisions for military families;
- ▶ created an eligibility provision for airline flight crew employees; and
- ▶ required Covered Employers to display at the workplace the DOL’s updated Employee Rights and Responsibilities Under the Family and Medical Leave Act poster (WHD Publication 1420, Revised February 2013), which can be found at <http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

The expanded FMLA provisions allow an Eligible Employee who is a spouse, parent or child of a covered active duty member of the military to use FMLA leave for certain health care, family and financial reasons, as well as other reasons, such as attending certain military events.

Insurance agencies and brokerages that are Covered Employers must follow FMLA requirements, and also must follow all applicable state laws and regulations, with respect to leave for employees.

Additional information about the FMLA can be found at the DOL website at <http://www.dol.gov/whd/fmla> and <http://www.dol.gov/whd/fmla/fmlaAmended.htm>.
