



National Partnership for Women and Families
Meeting re FMLA December 5 2008

The National Partnership for Women and Families advocated for changes to the recent Family and Medical Leave Act (FMLA) regulations. They contended that the changes to the regulations would make it more difficult for workers to use FMLA leave and make it easier for employers to deny leave or force workers to use their leave unnecessarily. They want certain regulatory changes to be reversed immediately. They are

1. Under the new regulations certain workers using intermittent leave will be forced to use more FMLA leave than they need.
2. Under the new regulations employees will not be able to use paid vacation or personal time while on FMLA leave unless they meet their employers requirements regarding the use of paid leave.
3. The new regulations give employers the opportunity to use their own rules and judgment to disqualify employees from FMLA eligibility.
4. The new regulations allow employers to directly contact the employees or the employee's family member's health care provider to obtain clarification on matters in the medical certification.
5. The new regulations increase the number of times an employee can require medical recertification, allow an employer to require "fitness for duty" certification from those who use intermittent leave and place time requirements on when certain medical visits must occur in order to qualify a serious health condition.

The new rule also contains regulations that implement the 2008 expansion of FMLA for military families to care for wounded servicemen or to address qualifying exigencies arising out of deployment of a family member. For the most part the Partnership thinks that these regulations are well thought out and should remain intact.