

FMLA Rule Changes Possible After DOL Request for Information

As the United States workforce continues to adapt in the face of a public health crisis, FMLA rule changes may be on the way. The Department of Labor (DOL) recently published a Request for Information (RFI) from the public regarding the Family and Medical Leave Act (FMLA), seeking to gain insights on the FMLA's current effectiveness and practicality for employers and employees alike. With the DOL currently seeking comments from those affected by the FMLA, it's important to understand how this could impact you as an employer. Noncompliance and violations could result in financial penalties and astronomical litigation and judgment costs. Current FMLA regulations

offer eligible employees up to 12 weeks of unpaid leave each year. The intent is to allow eligible employees to take leave for qualified medical or family reasons without having to worry about losing their job. Employers already have trouble tracking and administering this FMLA leave in-house prior to additional rule changes. For example, the Massachusetts Supreme Court recently upheld a \$1.3 million award to an employee who was wrongly terminated after his employer misinterpreted his actions as FMLA violations. The decision ended up costing the employer exponentially more than if they had correctly assessed the situation.

While FMLA rule changes aren't right around the corner, the prospect of additional requirements for employers is daunting. However, employers who choose to work with BASIC for their FMLA Administration don't have to worry. We adapt our administration offerings to help employers when

changes in regulations occur, such as the emergency FMLA expansion provided by the Families First Coronavirus Response Act (FFCRA) earlier this year. We assist with leave tracking, mailing the applicable leave paperwork, processing claims, and mailing determination letters to employees. Leave activity specifically due to COVID-19 can be captured and tracked in real-time through our portal and on emailed reports. Our ability to adapt to changing regulations gives our clients total peace of mind when it comes to compliance.

