

PUBLICATION

"Plain English" FMLA Guide Book May Increase Claims

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On June 27, 2012, the Department of Labor (DOL) issued guidance intended to assist employers and employees in navigating the Family Medical Leave Act (FMLA). Entitled "The Employee's Guide to The Family and Medical Leave Act," the guide book reviews the various rights granted and responsibilities imposed by the FMLA. The guide book does not alter or amend any of the FMLA's regulations. Instead, it clarifies the DOL's interpretation of the FLMA in "plain English" for the benefit of employers and employees.

Notably, the 16-page guide includes a flow chart that readers can follow to determine if an employee is eligible for FMLA leave, as well as a description of the circumstances under which an employee can qualify for FMLA leave. It also provides information about the FMLA's more contentious issues, including sections on requesting FMLA leave, medical certifications and return to work requirements.

The DOL encourages qualified employees to bring a copy of the guide book to their medical providers to describe the medical certification process. Employers are encouraged to use the guide book to understand their workers' rights and how the FMLA can benefit their workplace. In fact, the manual also outlines how employees can file complaints with the DOL's Wage and Hour Division if they believe that their FMLA rights have been violated. The guide book is available on the DOL's [website](#). Currently, only an English version of the guidance is available, but a Spanish version is expected to be released in the near future, as will guidance concerning military FMLA leave.

We predict that covered employers will experience at least a modest increase in the number of FMLA requests they receive as a result of the manual's publication. For answers to your FMLA-related questions, or to discuss a particularly thorny leave situation, please contact any of our more than 70 Labor & Employment attorneys located in Birmingham, Alabama; Atlanta, Georgia; Baton Rouge, Mandeville and New Orleans, Louisiana; Jackson, Mississippi; Chattanooga, Johnson City, Knoxville, Memphis and Nashville, Tennessee; and Houston, Texas.