TO: Indiana Public Libraries

FROM: Indiana State Library

RE: **Family and Medical Leave Act (“FMLA”)**

DATE: March 1, 2013

**There are new FMLA provisions that take effect March 8, 2013.** Most of the new FMLA regulations that take effect in March are related to military service members, veterans, and their families. However, there were also some changes made to the provisions regarding minimum and varying increments of leave; recordkeeping responsibilities; and the provisions regarding physical impossibility. You can review the Department of Labor’s side by side comparison of the old and new rules at: <http://www.dol.gov/whd/fmla/2013rule/comparison.htm>.

**ALL employers are required to have the new FMLA poster posted by no later than March 8, 2013.** A sample of the new 2013 poster is provided on the back of this memo. The full size version of the poster may be printed from the following website: <http://www.dol.gov/whd/regs/compliance/posters/fmla.htm> . The poster summarizes the major parts of the Family and Medical Leave Act and explains how employees may file a complaint. The poster must be displayed in a conspicuous spot in all library branches and other library buildings, even if there are no employees who are eligible for FMLA leave.

**It is still true that in order for an employee to be eligible for FMLA leave, the employer must have 50 or more employees.** However, public libraries that have fewer than 50 employees are still required to post the FMLA poster. This is because public libraries are considered public agencies and all public agencies must post the FMLA poster regardless of the number of individuals employed.

To learn more about the employer requirements and the specific circumstances under which an employee may qualify for protected leave under the FMLA, please see the U.S. Department of Labor’s website at: <http://www.dol.gov/whd/fmla/>.

Additionally, the U.S. Department of Labor has an online e-advisor that will take you step by step through specific questions to assist you in evaluating whether or not a specific employee is eligible for leave. Go to: <http://www.dol.gov/elaws/fmla.htm>.

Specific questions regarding the FMLA can be directed to the U.S. Department of Labor Wage and Hour Division regional office at (317) 226-6801.

*Source: All information in this memo was obtained from the U.S. Department of Labor Wage and Hour Division website at:* [*http://www.dol.gov/whd/fmla/*](http://www.dol.gov/whd/fmla/)