



New FMLA Regulations and New FMLA Poster Requirement Take Effect March 8, 2013

By Lisa Amend of Taft Stettinius & Hollister LLP.

The Department of Labor ("DOL") has published final regulations clarifying several changes to the Family and Medical Leave Act ("FMLA"), which require a new FMLA poster to be posted, expand the law's military family leave provisions, and implement airline flight crew employee FMLA leave entitlements, among other provisions.

Some of the highlights of the final regulations include:

New FMLA Poster and Forms

All employers covered by the FMLA are required to display and keep on display a poster prepared by the DOL summarizing the major provisions of the FMLA. Beginning March 8, 2013, covered employers must begin using the new poster, which is available on the Department of Labor website. The optional use forms previously provided in the appendices to the regulations will no longer be available in the appendices. They will now be available on the Wage and Hour Divi-

sion website, as well as at local Wage and Hour District offices. This change will allow the DOL to update them more readily. The DOL also has provided fact sheets, a set of frequently asked questions, and additional guidance on these changes on its web page.

Qualifying Exigency Leave

The new regulations expand eligibility for qualifying exigency leave to family members of regular Armed Services members, not only members of the National Guard and Reserves, and also require that the service member be deployed to a foreign country in order for the qualifying exigency leave to apply. A new qualifying exigency leave category for parental care leave was also established. Eligible employees can take leave to care for a military member's parent who is incapable of self-care when the care is necessit

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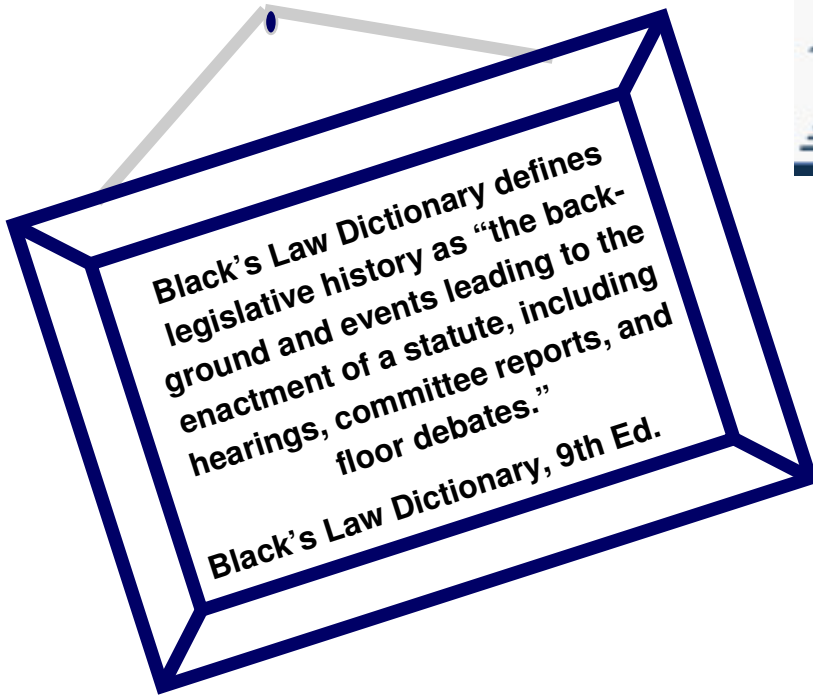
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CCH Intelliconnect Training

Tuesday, April 9
1-2pm

Law Library subscribers have access to CCH in the law library's computer lab. Join us for tips on navigating and searching. CCH contains handbooks, treatises, newsletters, and other information on topics such as:

- Banking and Securities Law
- Bankruptcy
- Employee Benefits
- Financial and Estate Planning
- Government Contracts
- Health Care compliance and Reimbursement
- Human Resources
- Intellectual Property
- Labor and Employment Law
- Pension
- Product Liability
- State and Federal Taxes

To register, call 513.946.5300 or email [reference @cms.hamilton-co.org](mailto:reference@cms.hamilton-co.org).

April 4 Library Board Meeting Time Changed to 2:00 p.m.

Please note that the Hamilton County Law Library Resources Board will meet on April 4, 2013 at 2:00 p.m., not at 1:00 p.m. as announced earlier. This is a regular quarterly meeting of the Law Library board and is open to the public. Minutes of past meetings are available at

<http://www.hamilton-co.org/cinlawlib/about/trustees.html>

Free CLE

Free to subscribers; \$50 for non-subscribers

To register, call 513.946.5300 or via email reference@cms.hamilton-co.org

Ohio Divorce CLE: Using Experts for Property Division and Spousal Support

Presenter: Craig Newburger

Thursday, May 9

Noon-1pm

Approved for 1.0 hour of general CLE for Ohio

Kentucky CLE credit is pending

Law Library Receives Grant for Technology

The statewide consortium of Ohio's county law library boards awarded the Hamilton County Law Library a grant of \$3,755.69 in March for the purchase of technologies for the Board Room and for development of online legal research guides. Programming offered in the Board Room will benefit from a ceiling-mounted projector, a bigger screen, and wall-mounted speakers. We expect to complete installation by summer. The equipment will be used for the Library's educational programming, including our own CLEs, Judicial College CLEs, the popular *You and the Legal System* series for the public, and court hearings, in addition to other training and events. The web-based research guides will enable us to provide to our patrons and the general public robust legal research information, including links to online information, tutorials, forms, and more. We will roll out new guides over the coming year.

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ated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility. The new regulations also increase the amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave from 5 to 15 days.

Military Caregiver Leave

The definition of a covered service member has been expanded to include covered veterans who are undergoing medical treatment, recuperation, or therapy due to a serious injury or illness, rather than just current service members. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to when the eligible employee takes FMLA leave to care for the covered veteran. However, the period between the enactment of the law giving rise to these regulations, which was October 28, 2009, and the effective date of the final rule, March 8, 2013, is excluded in determining the five-year period for covered veteran status. The definition of a serious injury or illness for a current service member has been expanded to include an injury or illness that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty on active duty in the armed forces. A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the service member in the line of duty on active duty in the armed forces and manifested itself before or after the service member became a

veteran, and which meets four other specific criteria set forth in the regulations.

Medical Certification

Under the final regulations, any healthcare provider authorized to complete a medical certification for other types of FMLA leave will now also be able to provide a medical certification for military caregiver leave. Previously, only healthcare providers with the Department of Defense, Department of Veterans Affairs, or with TRICARE were authorized to provide medical certification for covered service members.

FMLA Leave For Airline Flight Crew Employees

The new regulations provide special rules for airline flight crew employees, with respect to the hours of service requirements, calculation of leave, and recordkeeping requirements.

What Employers Should Do Now

Employers should take this opportunity to review their FMLA policies to ensure that the military exigency leave and military caregiver leave provisions are incorporated and accurately reflect the current state of the law. Employers covered by the FMLA should also post the new FMLA poster on or before March 8, 2013.

Please contact any member of Taft's Labor and Employment practice group for further assistance and any questions regarding the new final regulations.

<http://www.taftlaw.com/practices/44-labor-and-employment>

CCH Intelliconnect FMLA and Benefits Resources

Need more info on FMLA and other employee benefit issues? Check out these CCH titles available online at the Hamilton County Law Library.

Accommodating Disabilities Decisions Newsletters
 Benefits Law Journal
 Cobra Connections
 Cobra Handbook
 Disabilities Management Guide
 Disabilities Management Newsletter
 Employee Benefits Plan Review
 Employee Benefits Answer Book
 Employee Benefits Management Newsletter
 Employment Law Answer Book
 Employment Practices Guide Newsletters
 Flexible Benefits Answer Book
 Health Insurance Answer Book
 Health Savings Account Answer Book
 Mandated Benefits Compliance Guide
 Multistate Guide to Benefits Law
 Spencer's Benefits Reports
 State by State Guide to Human Resources Law

Law Library Site of CBA Memorial Reception

The Cincinnati Bar Association will hold its annual Memorial Service on April 4, 2013 at 12 noon in the courtroom of the Honorable Steven E. Martin, followed by a reception in the main reading room of the Hamilton County Law Library. The service honors members of the legal community who passed away in 2012. The CBA requested registration for the event by March 22.

National Center for State Courts Announces Comparative Data App

State Court Organization (SCO) presents detailed comparative data about how state trial and appellate courts are organized and administered in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam and Northern Mariana Islands. With topics ranging from the types of courts established in each state to specific aspects of law or procedure, State Court Organization is the source for authoritative answers to fundamental questions about the operations of each state's court system.

For the first time, the information compiled for SCO is available through a web-based, interactive application that allows users to customize the display of data so that it best answers their questions. Comparison is facilitated by the ability of users to sort and filter data to focus on specific issues of interest and characteristics of courts. This new, interactive approach to State Court Organization information facilitates the examination of differing state approaches to court administration and related procedures and rules.

Start finding the answers to your State Court Organization questions by clicking on the [Interactive Application](#).



Subscriber Benefits

All subscribers have access to the following valuable resources and services:

Circulation privileges to borrow from over 40,000 print volumes for up to 6 weeks at a time

Access to extensive electronic databases from the Law Library, including LexisNexis, Shepards', CCH Omnitax, CCH Human Resources Group, and CCH Business Group resources, Hein Online Law Journals and Federal Register, and over 70 Aspen / LOISLaw treatises in 16 substantive areas

Wireless network throughout the Law Library

Polycom videoconferencing

5 meeting rooms with speaker phones

Professional reference service by our law librarians, available via e-mail, telephone, and in person

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Inexpensive CLE seminars throughout the year, on legal research and substantive topics

In addition, solos and attorneys whose firm has a subscription have 24 hour remote access to Fastcase.com case law, Aspen/ LOISLaw treatises and CCH Newsletters

You and the Legal System: Same-Sex Marriage-Legal Issues

Attorney Scott Knox is our next speaker in the *You and the Legal System* series for the public. Mr. Knox will discuss same-sex marriage on Friday, April 19 at noon at the Law Library. The discussion will focus on:

- If someone gets married in another state, does it affect their rights in Ohio?
- Updates on the US Supreme Court case

The program is free to the public. To register, call 513.946.5300.

Please note that this is not a CLE event; it is intended for the general public. However, attorneys are welcome to attend and may want to pass along the program announcement to clients, staff and community organizations. If you would like more information, please contact Laura Dixon-Caldwell at 513.946.5302.

You and the Legal System is brought to you as a public service by the Hamilton County Law Library, in conjunction with the Cincinnati Bar Association's Lawyer Referral Service.

Save the date for the next event in the *You and the Legal System* series: Thomas Richards will discuss Foreclosure on May 17.



Family Law Resources

The Law Library offers a variety of print and online resources on Family Law. If you have questions about access to any of these resources, just call us at 531.946.5300.

Anderson's Ohio family law
KFO94 .A95

Child custody
KFO104.6 C48 2012

Child custody procedures in Ohio: form by form/Cathy R. Cook
KFO104.A75 C87 2010

Collaborative Law: achieving effective resolution in divorce without litigation/ Pauline H. Tesler
KF535 .T47 2008

Family law from A to Z/Stephen D. Behnke
KFO100.A75 A391 2011

Family law in a nutshell/Harry D. Krause, David D. Meyer
KF505.Z9 K7 2007

Introduction to domestic relations practice
KFO100 .I6 2011

Lesbian, gay bisexual and transgender family law/Courtney G. Joslin, Shannon P. Minter
KF505 .J678

Making it legal: a guide to same-sex marriage, domestic partnership, & civil union/
Frederick C. Hertz with Emily Duskow
KF539 .H475 2009

Ohio family law handbook
KFO94 .A96

Ohio Domestic Relations Practice Manual
KF94 .H681

Ohio Domestic Violence Law
KFO94 .Z9 A3

Sowald and Morganstern Domestic Relations Law/ Beatrice K. Sowald and Stanley Morganstern
KFO94 .S72

Qualified domestic relations order answer book/ Mark W. Dundee
KF532.7 M47 2011

What domestic relations court judges and magistrates want you to know
KF94 .D751 2011

Online Resources-Remote Access **Aspen/Loislaw Family Law Treatise Library**

Family Law Library
Drafting Prenuptial Agreements
Property Division in Divorce Proceedings:
A Fifty State Guide
Valuation Strategies in Divorce
Valuing Specific Assets in Divorce
Value of Pensions in Divorce
Child Support Guidelines: Interpretation & Application
Psychological Experts in Divorce Actions
American Journal of Family Law
Family Law Update

EBSCO

Building a Parenting Agreement That Works*
Divorce & Money
Divorce After 50*
Judge's Guide to Divorce
Nolo's Essential Guide to Divorce*
Legal Guide for Lesbian & Gay Couples*
Living Together*
Parent Savvy
Prenuptial Agreements

*Also available in hard copy in the library.

Upcoming Events:

April 9: CCH Intelliconnect Training

April 19: You and the Legal System: Gay, Lesbian and Transgender
Legal Issues

May 9: Ohio Divorce CLE: Using Experts for Property Division and Spousal Support



April 2013 Law Library Newsletter

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