

# Veritas<sup>TM</sup> Supplement

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## News Alert

The U.S. Department of Labor (DOL) has amended the definition of “spouse” under the Family and Medical Leave Act (FMLA) by extending FMLA protection to legally married employees with same-sex spouses, regardless of where they live. The DOL’s final rule will take effect on March 27, 2015.

In the DOL’s final rule, the definition of “spouse” includes marriages that are lawful in the state where they are performed (“place of celebration”). This expands FMLA protections to legally married same-sex couples regardless of where they live (it does not protect civil unions or domestic partnerships). Legally married couples may now take job-protected leave for the serious health conditions of a covered spouse, or in connection with the covered spouse’s military service. **Key Point:** The new definition of “spouse” depends on the law of the state in which the employee’s marriage was celebrated, not the law of the state in which the employee lives or works.

### Suggestions for Employers:

Review and amend your employee handbooks, practices and procedures, FMLA forms and notices (and training) as needed, to ensure that employees in same-sex marriages can take advantage of this change, free from the risk of retaliation. Also monitor same-sex partner developments in your state leave laws.



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