
THE GROUP BENEFIT NEWS BULLETIN

Update on US Labor Department's Definition of a Spouse as it pertains to FMLA

Same-Sex Couples Now Covered Under Family Medical Leave Act.

Yesterday, the U.S. Labor Department announced a change in the definition of a "spouse" under the Family Medical Leave Act in keeping with the ruling of the U.S. Supreme Court in the case of *United States v. Windsor*. The Supreme Court ruling determined that "marriage" and "spouse" are not to be limited to opposite-sex marriage, as was previously stated in the federal Defense of Marriage Act.

This ruling now determines that employees in legal, same-sex marriages will have the same rights under the Family Medical Leave Act as those that are in opposite-sex unions. If an employee in a legal same-sex marriage takes leave to care for his/her spouse, regardless of the state in which they live, he/she will still have federal job-protection under the Family and Medical Leave Act. Previously, the definition of "spouse" did not include a member of the same sex if the employee resided in a state in which same-sex marriage was not legal.

For additional information on the FMLA revisions visit <http://www.dol.gov/whd/fmla/spouse/>.

As always, TBPG will continue to monitor all updates and keep you informed of any pertinent information. If you have any questions, please contact your TBPG representative.

The Benefit Planning Group
Our Knowledge is the Difference
770-916-1717

As always, this material is intended for informational purposes only and is not to serve as instruction or legal counsel.