

Is Congress Poised to Expand the FMLA?

By: Beth Lincow

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As we noted in a previous [post](#) regarding the Family and Medical Leave Act, American families are changing. To address these changes, Assistant Senate Majority Leader Dick Durbin (D-IL) and Representative Carolyn Maloney (D-NY) have introduced the Family and Medical Leave Inclusion Act (S. 1283 and H.R. 2364).

The legislation would allow employees to take unpaid leave to care for a same-sex spouse or partner, parent-in-law, adult child, sibling, grandchild or grandparent.

In support of their bills, the lawmakers argue that a growing number of families cannot take advantage of the traditional benefits the FMLA provides. Under current law, employees are not permitted to take FMLA leave to care for a same-sex spouse or partner. The same restrictions apply to grandparents or adult children with serious health conditions.

“Regardless of the make-up of one’s family, all employees should be given the same rights to care for a sick loved one in a time of need,” Durbin said. “For 20 years, we have had a law that provides unpaid leave for families in crisis. As families change, so should the laws designed to help them.”

The Family Medical Leave Inclusion Act is co-sponsored by several Democratic senators and is supported by organizations including the National Association of Working Women, American Pediatrics Association, and Gay and Lesbian Advocates and Defenders (GLAD).

It is important to note that similar legislation has been introduced in several previous sessions and has not made it out of committee. It is unclear whether the bill will fare better this time around. Should the bill advance through the legislative process, we will of course provide additional updates.

About Beth Lincow Cole

The Law Office of Beth Lincow Cole is committed to helping employers comply with federal and state employment law and avoid potential business-wrecking lawsuits. If your company needs employee or management training or assistance in drafting, reviewing, or revising its EEOC/discrimination policies, contact employment law attorney Beth Lincow Cole.