

DOL's New Rule Requiring Employers to Allow FMLA Spousal Leave to Lawfully Married Same-Sex Spouses

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Jeff Weintraub's article "DOL's New Rule Requiring Employers to Allow FMLA Spousal Leave to Lawfully Married Same-Sex Spouses" was featured in *HR Professionals* magazine on April 6, 2015.

In February, the DOL published its final rule relating to what constitutes a "spouse" under the FMLA. You may recall from our last discussion on the subject that, after the Windsor Supreme Court decision requiring the feds to defer to the states' definitions of "spouse," a number of federal agencies began to hold forth with regard to benefits available as to same-sex partners.

In the article, Jeff discusses how the DOL converted FMLA leave benefits to the rule of celebration and provides Tennessee and Mississippi employers with advice on how to move forward.

Jeff advises employers to review their FMLA policy to make sure it does not conflict with the new DOL rule that requires employers to allow spousal FMLA leave for legally married same-sex couples. Some Mid-South employers may object to the new rule, but, if nothing else, the new rule brings a small measure of consistency to the web of new benefits rules applicable to employees in same-sex relationship.

To read the full article, please visit [*HR Professionals*](#).

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