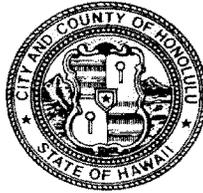


DEPARTMENT OF HUMAN RESOURCES  
**CITY AND COUNTY OF HONOLULU**

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March 11, 2013

TO: ALL DEPARTMENT AND AGENCY HEADS  
VIA: ADMINISTRATIVE/PERSONNEL OFFICERS  
FROM: *Carolee C. Kubo*  
CAROLEE C. KUBO, DIRECTOR DESIGNATE  
DEPARTMENT OF HUMAN RESOURCES  
SUBJECT: UPDATE FEDERAL FAMILY AND MEDICAL LEAVE (FMLA)

This is to inform you of several important updates to FMLA.

- I. Effective January 14, 2013, the U.S. Department of Labor (DOL) issued a letter with guidance providing clarification of qualifying events under FMLA which include care for a son or daughter with a serious health condition who is over 18 years of age and incapable of self-care because of a disability, regardless of when the disability commenced. For the specific requirements relevant to FMLA leave to care for an adult child, fact sheet, and FAQs, you may access the DOL website at:

[http://www.dol.gov/WHD/opinion/adminIntrprtn/FMLA/2013/FMLAAI2013\\_1.htm](http://www.dol.gov/WHD/opinion/adminIntrprtn/FMLA/2013/FMLAAI2013_1.htm)  
<http://www.dol.gov/whd/regs/compliance/whdfs28k.htm>  
<http://www.dol.gov/whd/fmla/AdultChildFAQs.htm>

- II. Effective March 8, 2013, there are revisions to the FMLA regulations to implement expanded military family leave provisions. Some of the revisions in the military caregiver leave provision include coverage of certain veterans and coverage of serious injuries or illnesses for both current service members and veterans. In the qualifying exigency leave provision, coverage is expanded to family members serving in the Regular Armed Forces, and the foreign country deployment requirement. For the specific revisions to the military family leave provisions, fact sheet, and FAQs, you may access the DOL website at:

<http://www.dol.gov/whd/fmla/2013rule/comparison.htm>  
<http://www.dol.gov/whd/fmla/2013rule/fs-military.htm>  
[http://www.dol.gov/whd/fmla/2013rule/militaryFR\\_FAQs.htm](http://www.dol.gov/whd/fmla/2013rule/militaryFR_FAQs.htm)

- III. Also effective on March 8, 2013, the FMLA Poster was updated.

Attached is a copy of an updated FMLA employment poster that all departments are required to post. The poster must be displayed at all locations in a conspicuous place where employees and applicants for employment can see it. For additional posters, you may make copies or access the DOL website at:

<http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

- IV. A number of FMLA forms have been updated and should be utilized, as applicable. You may access the forms in the following DOL websites at:

Certification of Health Care Provider for an Employee's Serious Health Condition (WH-380E)

<http://www.dol.gov/whd/forms/WH-380-E.pdf>

Certification of Health Care Provider for a Family Member's Serious Health Condition (WH-380F)

<http://www.dol.gov/whd/forms/WH-380-F.pdf>

Notice of Eligibility and Rights and Responsibilities (WH-381)

<http://www.dol.gov/whd/forms/WH-381.pdf>

Designation Notice to Employee of FMLA Leave (WH-382)

<http://www.dol.gov/whd/forms/WH-382.pdf>

Certification of Qualifying Exigency for Military Family Leave (WH-384)

<http://www.dol.gov/whd/forms/WH-384.pdf>

Certification for Serious Injury/Illness of Covered Servicemember Military Family Leave (WH-385)

<http://www.dol.gov/whd/forms/WH-385.pdf>

Certification for Serious Injury/Illness of Veteran for Military Family Leave (WH-385)

<http://www.dol.gov/whd/forms/wh385V.pdf>

- V. Finally, effective immediately, employees should be allowed to use accrued compensatory time off (CTO) to substitute for accrued paid leaves for FMLA purposes. In the past, employees were allowed to substitute only accrued paid leaves, such as vacation and/or sick leave (for an employee's serious health condition), for periods of FMLA leave. The FMLA law changed to allow Employers discretion in determining whether or not to allow employees to substitute accrued CTO for FMLA purposes. Therefore, employees are now being permitted to substitute accrued paid sick (for an employee's serious health condition), vacation and/or accrued CTO for FMLA purposes.

Should you have any questions about the application of FMLA, please call Fay Yamamoto, Labor Relations Specialist at 768-8551.