

FMLA Rights Extended to Same-Sex Couples

By Emily Tonkovich

The Department of Labor recently updated the definition of “spouse” under the Family Medical Leave Act (FMLA) to include same-sex spouses.

This will allow employees in legal same-sex marriages to take FMLA leave to care for a spouse with a serious health condition, regardless of whether the state they reside in recognizes same-sex marriage.

Prior to this change, the definition of “spouse” did not include a same-sex spouse if the employee lived in a state that did not recognize same-sex marriage.

What Does this Mean For Employers?

An employee may reside in a state that does not recognize same-sex marriage but have entered into a legal same-sex marriage in a state that does recognize it.

If the employee is otherwise eligible to take FMLA leave to care for his or her spouse, the employer should allow it, regardless of the fact that the employee resides in a state that does not recognize same-sex marriage.

For a map showing which states recognize same-sex marriage, click [here](#).

For more information about the Family Medical Leave Act, click [here](#).

Disclaimer: This article is for informational purposes only and is not intended to be legal advice. Please consult with an attorney for further guidance.