

## In The News

# Akerman Associate Ryan Krone Details New FMLA Proposal in *Employee Benefit Review*

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Under President Biden’s Family and Medical Leave Act (FMLA) proposals, which the president unveiled on April 28 as “The American Families Plan,” employers will be forced to pay their employees for as many as 12 weeks a year for a variety of health and family-related issues, Labor and Employment associate [Ryan Krone](#) wrote in an article for *Employee Benefit Plan Review*. According to the plan, employees may be able to take leave for:

- Bonding with a new child;
- Caring for a seriously ill loved one;
- Dealing with a loved one’s military deployment;
- Seeking safety from sexual assault, stalking, or domestic violence;
- Healing from serious illness;
- Or bereavement.

The program would provide workers up to \$4,000 a month, Krone writes, with a minimum of two-thirds of average weekly wages replaced, rising to 80 percent for the lowest wage workers. The Administration’s plan is to phase in the paid family and medical leave over a 10-year period, so, if passed, it will be fully in place by around 2031.

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Even under existing FMLA law, Krone warns, it is dangerously easy for employers to run afoul of federal rules. For example:

“When it is medically necessary, employees may take FMLA leave intermittently, meaning they can take leave in separate blocks of time for a single qualifying reason, or by reducing the employee’s usual weekly or daily work schedule. For example, an employee may need to take two hours off every other week for a regularly scheduled blood draw related to a chronic condition,” Krone writes.

“While it might be tempting to insist that an employee take continuous leave if the employee’s need for a reduced schedule or frequent absences creates challenges for the employer, in most cases that is not permissible,” he adds.

Employers concerned about adhering to either existing FMLA law or the proposed new rules should consult an attorney to make sure they remain in compliance.

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