

More Changes to FMLA

Last week, President Obama signed the 2010 National Defense Authorization Act, which expands the scope of qualified exigency leave and military caregiver leave under the Family and Medical Leave Act (FMLA). The changes are described below.

NOTE: If you are unfamiliar with qualified exigency leave or military caregiver leave, which was first added to the FMLA in 2008, let us know and we will send you our paper on those topics.

Qualified Exigency Leave – Previously, qualified exigency leave was available to employees who have family members in the National Guard and Reserves -- but *not* in the regular Armed Forces (e.g., Army, Navy, etc.). The recent amendment expands qualified exigency leave to encompass the regular Armed Forces as well as the National Guard and Reserves.

Military Caregiver Leave – Previously, military caregiver leave was available to care for a “serious injury or illness” of an active member of the Armed Forces (including National Guard or Reserves). The recent amendment expands military caregiver leave to encompass care for a “serious injury or illness” of a veteran provided the “serious injury or illness” occurred within five years of the date of treatment.

If you are covered by the FMLA, you should review and revise your FMLA policy so that it complies with these changes.

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