

## EMPLOYMENT ALERT

**October 29, 2009**

The defense appropriations bill for 2010 (formally, the Fiscal Year 2010 National Defense Authorization Act, or "H.R. 2647") amends the federal Family and Medical Leave Act of 1993 (FMLA). The amendments extend FMLA rights to certain active duty military personnel and veterans.

The amendments build on expansions of the FMLA passed by Congress in January 2008. A summary of the 2008 changes and the new changes follows:

Exigency leave – The 2008 FMLA amendments provided the family member (spouse, son, daughter, or parent) of a reservist 12 weeks of leave for urgent need related to the reservist's call to active service. These amendments provided exigency leave only to family members of National Guardsmen and Reservists.

- **H.R. 2647** expands the "exigency leave" benefits to include family members of active duty service members. Under current law, only family members of National Guard and Reservists are eligible for "exigency leave."

Caregiver leave – The 2008 FMLA amendments provided up to 26 weeks of unpaid leave to an employee to care for a family member (spouse, son, daughter, parent, or next of kin) who is injured while serving on active military duty.

- **H.R. 2647** expands the "caregiver leave" provision to include veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.

The new provisions took effect yesterday, when President Obama signed the legislation. Employers that are covered by the FMLA should consider amending their policies accordingly.

Please contact any of our labor and employment attorneys if you should have questions about the new FMLA amendments or would like assistance in reviewing your FMLA policies.

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