



Fox Rothschild LLP
ATTORNEYS AT LAW

NOVEMBER 2009

LABOR & EMPLOYMENT DEPARTMENT

ALERT

FAMILY AND MEDICAL LEAVE LAW EXPANDED FOR MILITARY FAMILIES

By Steven K. Ludwig

The federal Family and Medical Leave Act has been expanded once again.

The Fiscal Year 2010 National Defense Authorization Act signed into law by President Obama on Oct. 28, 2009, provides for additional exigency and caregiver leave provisions for military families. This legislation amends the Family and Medical Leave Act's provisions applicable to military families that were adopted in 2008. The changes took effect immediately.

The exigency leave benefit (of up to 12 weeks) now will include family members of active duty service members who are deployed to a foreign country. Formerly, this exigency leave was mandated only for family members of National Guard members and reservists.

The caregiver leave benefit (of up to 26 weeks) now includes leave to take care of a child, spouse, parent or next of kin who: (1) is a veteran; (2) is

undergoing medical treatment, recuperation or therapy for serious injury or illness; and (3) was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the five years preceding the date of treatment. The medical treatment must be related to a serious injury or illness incurred while in the line of duty on active duty in the Armed Forces or that existed before the beginning of military service and was aggravated by service in the line of duty while on active duty.

Prudent employers covered by the FMLA should amend the statutorily required policy statement, notice to employees and their individualized FMLA notices to include these amendments.

For more information, please contact Steven K. Ludwig at sludwig@foxrothschild.com or 215.299.2164 or any member of the Labor & Employment Department of Fox Rothschild LLP.



Fox Rothschild LLP
ATTORNEYS AT LAW

Attorney Advertisement

© 2009 Fox Rothschild LLP. All rights reserved. This publication is intended for general information purposes only. It does not constitute legal advice. The reader should consult with knowledgeable legal counsel to determine how applicable laws apply to specific facts and situations. This publication is based on the most current information at the time it was written. Since it is possible that the laws or other circumstances may have changed since publication, please call us to discuss any action you may be considering as a result of reading this publication.