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## Family and Medical Leave Act Further Helps Military Families

In late October, President Obama signed into law a bill that increases protections for families of military personnel who wish to take leave from work under the Family and Medical Leave Act of 1993 ("FMLA"). The new amendments expand on changes implemented less than a year ago requiring that certain employers provide unpaid leave for qualifying family members of military personnel:

- **Leave for an Exigency:** An employee may take leave because of a qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty. Such exigencies include the need to arrange for alternative childcare, to attend official military ceremonies, and to attend counseling. Prior to the new amendments, this kind of leave was available only to employees whose family members were in the Reserves or the National Guard. The new amendments have expanded the FMLA to include employees whose family members are in the regular Armed Forces. The amendments further specify that the military family member must be deployed or deploying to a foreign country for the employee to qualify for leave.
- **Leave for Serious Injury or Illness:** An employee may take leave to care for a servicemember with a serious injury or illness incurred by the servicemember in the line of duty while on active duty. Before the amendments, the ill or injured servicemember had to be a current member of the Armed Forces (including the National Guard and Reserves). The amendments have now expanded coverage to employees whose family member is a veteran, so long as the veteran was a member of the Armed Forces in the preceding five years. The definition of serious injury or illness was also expanded to include conditions that predate a servicemember's active duty and that were aggravated by active duty.

Employers should look out for a revised FMLA poster as well as regulations by the Secretary of Labor that further explain these amendments. In the meantime, they should change their policies and forms to reflect the changes and act in good faith in providing leave under these new circumstances.