

AMENDMENTS TO
FAMILY & MEDICAL LEAVE ACT
SIGNED JANUARY 28, 2008

On January 28, 2008, President Bush signed into law the first expansion of the Family & Medical Leave Act since its enactment in 1993. See H.R. 4986, the National Defense Authorization Act for FY 2008, Pub. L. 110-181 and particularly § 585. The new sections provide for:

(1) 12 weeks of leave for a spouse, son, daughter or parent of a soldier called to active duty or in receipt of notice of an impending call to active duty. Leave may be used for a “qualifying exigency” – as will be defined by the Secretary of the Department of Labor, and

(2) Up to 26 weeks of leave during a single 12 month period for a spouse, son, daughter or next of kin of a service member to care for the service member who suffered an illness or injury while on active duty that renders them unable to perform their service duties.

Combined leave under (1) & (2) may not exceed 26 weeks in a 12-month period.

There are nuances to eligibility and coverage that will be the subject of regulations which are to be issued by the Department of Labor. DOL has issued guidance stating that the caregiver provision of the law is effective immediately and the “qualifying exigency”/call to active duty provision will not be effective until regulations are issued defining “any qualifying exigency.” http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm.

For the text of the FMLA as amended see: <http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>.