

## **BREAKING: DOL Proposes New FMLA Rules Impacting Military Leave**

By [Daniel Schwartz](#) on January 30th, 2012

The Department of Labor today proposed new regulations of the FMLA that would explain further the military family leave provisions and incorporate some special provisions for airline flight crews.

The new proposed regulations are in response to the National Defense Authorization Act for Fiscal Year 2012 which amended the FMLA to extend the military caregiver leave entitlement to eligible family members of certain veterans and to extend the qualifying exigency leave entitlement to eligible family members of the Regular Armed Forces.

You can find the [DOL's Notice of Proposed Rulemaking here](#). You can download the [actual proposal \(213 pages\) here](#). The [DOL's Frequently Asked Questions \(FAQ\)](#) are available here.

What's changed? [According to the DOL](#), the major provisions include:

- the extension of military caregiver leave to eligible family members of covered veterans with a serious injury or illness;
- a flexible, three part definition for serious injury or illness of a veteran;
- the extension of military caregiver leave to cover serious injuries or illnesses that result from the aggravation during military service of a preexisting condition for both current servicemembers and veterans;
- the extension of qualifying exigency leave to eligible family members of members of the Regular Armed Forces;
- inclusion of a foreign deployment requirement for qualifying exigency leave for the deployment of all servicemembers (National Guard, Reserves, Regular Armed Forces);
- the addition of a special hours of service eligibility requirement for airline flight crew employees; and
- the addition of specific provisions for calculating the amount of FMLA leave used by airline flight crew employees.

Before employers get too wrapped up in this, understand that these are just proposed regulations. The DOL is soliciting comments and may make further changes before final release. Employers who have an interest in the subject can [submit their comments to the government's website here](#).

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