

### FMLA Amendments

On October 28, 2009, President Obama signed the FY 2010 National Defense Authorization Act. The Act contains several provisions amending the FMLA military family leave entitlements.

Eligible employees are now able to take military caregiver leave to care for certain veterans. Previously, military caregiver leave was only available to care for current members of the Armed Forces, Guard, or Reserves.

In addition, military caregiver leave has been expanded to cover aggravation of existing or preexisting injuries incurred in the line of duty while on active duty. Previously such "aggravation" leaves were excluded.

Qualifying exigency leave has also been expanded to cover members of the regular Armed Forces. The FMLA previously limited such leave to Reserve and National Guard members only.

It is not clear whether the Act is effective now, or whether its effective date will be delayed until after the Department of Labor issues implementing regulations. Therefore, it is possible the amendments are effective immediately, and employers should amend their FMLA policies accordingly.

For more information concerning the new FMLA changes please contact a member of our Labor and Employment law practice group at (419) 244-6788:

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THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.



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