

Labor & Employment Advisory

From the Buchanan Ingersoll & Rooney Labor and Employment Group

Buchanan Ingersoll & Rooney PC
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President Obama Expands the Military Leave Provisions of the FMLA

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On October 29, 2009, President Obama signed a Defense Department and Authorization Bill that expanded certain provisions of the FMLA. These changes are **in addition** to those that were made earlier this year when the FMLA was expanded to include leave relating to military service. The highlights of the most recent amendments are as follows:

- Military exigency leave has been expanded to include **active duty** service members who have been deployed to a foreign country. Previously, exigency leave was limited to reservists.
- Military caregiver leave has been expanded to include care for a service member who aggravates a prior injury or illness during the course of his military service. Previously, aggravation of an illness or injury was not covered by military caregiver leave.
- Military caregiver leave has been extended to include veterans who undergo medical treatment, recuperation or therapy for a qualifying injury or illness, as long as the service member was a member of the reserves or armed forces at any time during the five years before the veteran undergoes treatment. Previously, caregiver leave was not available to veterans. Note, however, that this provision will not be effective until the Secretary of Labor defines the term "qualifying injury or illness" for a veteran.

Employers should revise their FMLA policies to incorporate these changes. Additionally, employers should expect to see a new FMLA poster from the U.S. Department of Labor in the near future that will include these latest changes, and it will need to be posted in lieu of the current FMLA poster.

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