

November 2, 2009

### New Law Broadens Coverage of FMLA's Military Family Leave Provisions

On October 28, 2009, President Obama signed the Fiscal Year 2010 National Defense Authorization Act (H.R. 2647). The law, among other things, expands the Family and Medical Leave Act's (FMLA) military family leave provisions that were enacted last year.

The FMLA currently provides for Qualifying Exigency Leave, which allows eligible employees to take unpaid leave of up to 12 weeks for urgent needs in connection with a family member's call to active service in the National Guard or Reserves only. Under the newly signed law, effective immediately, family members of *active duty* service members deployed in a foreign country will also be eligible for Qualifying Exigency Leave.

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Additionally, the FMLA allows Military Caregiver Leave, which gives eligible employees up to 26 weeks of unpaid leave to care for a family member (spouse, son, daughter, parent, or next of kin) who is injured while serving on active military duty. Now, Military Caregiver Leave will also be available to care for a family member who is a veteran undergoing medical treatment, recuperation or therapy for serious injury or illness incurred during active duty and who was a member of the Armed Forces at any time during the five years preceding the date of treatment, recuperation or therapy.

Employers covered by the FMLA (50 or more employees) should immediately review and revise their family and medical leave policies and procedures to ensure compliance with these expanded military family leave provisions.

For over a decade, Miller Law Group has devoted its practice exclusively to representing business in all aspects of California employment law and related litigation. If you have questions about these new developments or your workplace obligations, please contact Michele Ballard Miller ([mbm@millerlawgroup.com](mailto:mbm@millerlawgroup.com)) or Carolyn Rashby ([cr@millerlawgroup.com](mailto:cr@millerlawgroup.com)), or call 415-464-4300.

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