

Important Update

Family & Medical Leave Act (FMLA)— Expanded Coverage for Military Families

What Is FMLA?

FMLA is a law guaranteeing unpaid, job-protected leave due to a serious illness of the employee or for individuals to care for ill or injured family members and loved ones, or to care for a new child, whether by birth, adoption, or through foster care. FMLA has been amended to expand definitions of need and individuals covered. Information about FMLA and associated state leaves and other online resources are available on Liberty Mutual Group Benefits' web site at: www.LibertyMutualGroup.com/FMLA.

What Is Expanded Coverage for the Military?

On October 28, 2009, President Barack Obama signed the National Defense Authorization Act (NDAA) for fiscal year 2010. Section 565 of the NDAA expands coverage for certain members of the military and their families and further defines language contained in the January 2009 FMLA Final Rule.

What Changed?

Qualifying Exigency Leave—refers to up to 12 weeks of leave needed by an eligible employee while a family member who is a “covered military member” is on active duty or during pre- or post-deployment for a broad array of reasons including child care, financial and legal counseling, military events, and rest and recuperation. The 2010 NDAA extends FMLA qualifying exigency leave coverage to eligible employees with family members on active duty throughout the armed forces. Under the original provisions of FMLA, this leave extended only to eligible employees of family members serving in the Reserves or National Guard.

Covered Servicemember Leave—now extends 26 weeks of leave for an eligible employee to care for veterans who are undergoing medical treatment, recuperation, or therapy for a serious illness or injury and who were members of the armed forces at any time during the five years preceding the date of treatment, recuperation, or therapy. Formerly, this job-protected leave was available only for the care of current servicemembers. The 2010 NDAA also adds inclusion for medical conditions that existed prior to military service if aggravated by service while on active duty.

What Does This Mean to Employers?

Because these amendments extend additional benefits to active members of the armed forces as well as veterans, within five years of separation, employers will need to update their existing policies and procedures. The FMLA regulations now require that employers include all of the information in the DOL's notice(s) in employee handbooks.

While this portion of the NDAA does not have an effective date, according to the staff of the Subcommittee on Military Personnel of the House Armed Services Committee, *the NDAA took effect on October 28, 2009, when President Obama signed the Act.*

For Further Information

Liberty Mutual Group Benefits has updated all forms and notices as appropriate to be in compliance with the requirements of the amended FMLA. If you have additional questions, please don't hesitate to contact your Liberty Mutual Group Benefits Account Representative.

