

## FMLA Expansion Bill Signed into Law

The Ohio Department of Administrative Services is reviewing the following and is researching areas where additional clarification and guidance is needed:

On Monday, January 28, 2008, the President signed into law the National Defense Authorization Act (HR 4986), which expands the FMLA to include employees caring for an injured service member, as well as family members who have a family member called to active duty. Under the new law, FMLA-eligible employees will now be entitled to the following:

### **1. Family Leave due to a call to Active Duty.**

Specifically, an employee may take 12 weeks of leave when the spouse, or a son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation and there is a “qualifying exigency” which is to be defined in the regulations by the Secretary of Labor.

### **2. Caregiver Leave for an Injured Servicemember.**

Allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of an ill or injured servicemember to take 26 weeks of leave to care for the ill or injured servicemember.

A copy of the amended language is available online at: <http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>  
<<http://www.dol.gov/esa/whd/fmla/fmlaAmended.htm>> .

Most of the provisions of the federal FMLA remain unchanged and will apply to these new types of FMLA leave, including employer coverage, employee eligibility requirements, health insurance continuation, and reinstatement rights. While the federal Department of Labor will need to issue regulations to fully implement this new law, they have indicated that the caregiver provision of the law became effective on January 28, 2008. The call to Active Duty provision will not become effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.” In the interim, the Department of Labor encourages employees to provide this type of leave to qualifying employees.