

LEGAL UPDATES

PUBLISHED: FEBRUARY 7, 2012

Service

Labor & Employment

Department of Labor Proposes More FMLA Leave for Military Families

The U.S. Department of Labor (DOL) issued a notice of proposed rulemaking on January 30, 2012, that would expand certain regulatory provisions of the Family and Medical Leave Act (FMLA) applicable to employees who have family members serving in the military. Additionally, the proposal contains special eligibility requirements for airline flight crews and revisions reorganizing the regulations to be consistent with the National Defense Authorization Act for Fiscal Year 2010.

Under existing law, employers must grant military caregivers up to 26 weeks of leave in a single 12-month period to care for family members returning from military service. The proposed rulemaking would extend the eligibility period for this leave to include five years after the service member leaves the military. It would also include conditions that arise after leaving the service.

The new regulation would also expand the amount of leave that could be taken by an employee to spend with a service member for rest and recuperation. Currently, employees may take only five days for such leave. The new rule would increase the amount of leave to 15 days. More information about the proposal is available on the DOL website.

Although the military caregiver provisions are the most substantive changes proposed by the rulemaking notice, DOL also invites comments on other regulations that it does not propose to change. The public may access the FMLA online and may provide comments to the DOL at www.regulations.gov or by fax or mail. After the proposed rule is published in the Federal Register and 60 days are allowed for comments, the DOL will consider all submitted comments and then issue final regulations. When the regulations are finalized, we will make available multiple avenues through which we will explain the changes and provide opportunities for you to ask questions.

What This Means to You

Since its enactment in 1993, the FMLA has provided employees with job-protected leave for certain family, medical and, more recently, military-related qualifying reasons. Properly administering FMLA leave entitlements has always required diligence. If the proposed rulemaking is enacted, it will significantly alter the landscape for employees with family members who serve in the military. We encourage you to carefully review the proposed regulations after they are published and provide comments on these proposals.

Contact Info

Should you have questions regarding the FMLA, please contact your Husch Blackwell attorney.

Husch Blackwell LLP regularly publishes updates on industry trends and new developments in the law for our clients and friends. Please contact us if you would like to receive updates and newsletters or request a printed copy.

Husch Blackwell encourages you to reprint this material. Please include the statement, "Reprinted with permission from Husch Blackwell LLP, copyright 2012, www.huschblackwell.com" at the end of any reprints. Please also email info@huschblackwell.com to tell us of your reprint.

This information is intended only to provide general information in summary form on legal and business topics of the day. The contents hereof do not constitute legal advice and should not be relied on as such. Specific legal advice should be sought in particular matters.