

## NEW FEDERAL FMLA LEGISLATION – BROAD EXPANSION OF FMLA RIGHTS

Since the FMLA (Family Medical Leave Act) was first enacted in 1993 there have been no “major” legislative expansions to this act. However, on January 16, 2008, the House of Representatives passed a revised defense authorization bill ([HR 4986 – Section 585](#)) which includes a provision to expand leave protections under the FMLA for family members of U.S. soldiers. This legislation had broad bipartisan support and passed the House overwhelmingly by a vote of 369-46.

Of great concern is that the provision does not include an effective date for these new FMLA provisions. Several attorneys say that employers should anticipate that the new leave provisions will take effect when President Bush signs H.R. 4986 into law.

This new FMLA expansion will require businesses to offer up to **26 weeks of unpaid leave** to employees who are providing care to U.S. soldiers wounded in the line of duty. It will also require employers to provide 12 weeks of FMLA leave to the immediate family members (spouses, children or parents) of military personnel and reservists who have a “qualifying exigency.”

While “qualifying exigency” is not precisely defined, examples could include overseas assignments, recalls to active duty and troop mobilizations, says attorney, Frank Alvarez a partner in the law firm of Jackson Lewis.

Officials with the U.S. Department of Labor have stated that they would issue new regulations for the FMLA expansion as soon as possible after it is signed into law, but until then employers and their attorneys will have to use their best judgment when complying with the law, according to Alvarez.

**Note:** Remember that California employers must also allow spouses of military personnel the right to ten days of unpaid leave when their spouse is on leave from being deployed during a military conflict.

We will keep you updated on these changes. If you have questions or concerns, feel free to give us a call.

By: Sharon K. Stull, J.D., SPHR-CA  
Poms & Associates Insurance Brokers, Inc.  
5700 Canoga Ave., Suite 400  
Woodland Hills, CA 91367  
800.578-8802  
[sstull@pomsassoc.com](mailto:ssstull@pomsassoc.com)  
[www.pomsassoc.com](http://www.pomsassoc.com)