

November 5, 2009

PRESIDENT OBAMA EXPANDS MILITARY LEAVE

On October 28, President Obama signed the National Defense Authorization Act of 2010 which expands the rights of individuals to take leave for purposes related to military service. These new provisions are effective immediately.

In 2008, the Family and Medical Leave Act (FMLA) was amended to add leave for qualifying exigencies associated with military service and for caregivers of service members. Specifically, the 2008 amendments allowed families of members of the National Guard and Reserve to take up to 12 weeks of leave for certain qualifying events, including short-notice deployment, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and any additional activities agreed to by the employer and employee. The law now adds active duty service members to those covered by the 2008 amendments concerning qualifying exigency leave. In addition, such leave now is available when the family member is called to any active duty in a foreign country. This is a change from the prior law which covered service "in support of a contingency operation."

The new law also expands military caregiver leave to family members of veterans for up to 5 years after he/she leaves active duty. The 2008 amendments had provided caregiver leave only to current service members. Now eligible employees who are family members of both current service members and veterans may take up to 26 weeks of leave in a single 12-month period to care for a service member who has a serious illness or injury incurred in the line of duty while on active duty. In addition, such caregiver leave has been expanded to cover aggravation of existing or pre-existing injuries incurred in the line of duty while on active duty.

EEOC MAKES NEW WORKPLACE POSTER AVAILABLE

The Equal Employment Opportunity Commission (EEOC) has revised its notice that employers are required to post at their workplaces. The new notice incorporates the requirements of the Genetic Information Nondiscrimination Act and the ADA Amendments Act. To comply, employers can obtain a copy of the supplement to the "EEO is the Law" poster from the EEOC's web site. This supplement can be posted next to the "EEO is the Law" poster already displayed. Employers also may download a new version of the "EEO is the Law" poster from the EEOC's website.

Please contact a McMahon Berger attorney with questions about these or any other issues.

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