

TO: Local Health Department Director
Local Health Department Personnel Staff

FROM: Ron Horseman
Human Resource Branch Manager
Local Health Personnel Branch

DATE: February 16, 2010

RE: FMLA Military provisions and NDAA for FY 2010 amendments

As you may recall, last year there were some significant changes provided by an amendment to the Family and Medical Leave Act (FMLA), mainly concerning provisions for military family leave. Recently, Local Health Personnel (LHP) was made aware of a new bill signed into law by President Obama in October 2009, which expands upon the military provisions already in place.

These changes are in addition to those that were made at the beginning of 2009, and are effective immediately. The highlights of the most recent amendments are as follows:

- “Exigency leave” (*def.* leave taken for any qualifying exigency arising out of the fact that a covered military member is on active duty or call to active duty status) had previously been limited to only include servicemembers of the National Guard or National Guard Reserves. The new requirement allows “exigency leave” to also include servicemembers of a regular component of the Armed Forces, during their deployment to a foreign country.
- Military caregiver leave has been expanded to include caring for veterans of the Armed Forces (including National Guard or Reserves) who are undergoing medical treatment, recuperation or therapy for a qualifying injury or illness.
 - In order to qualify for this, the serious injury or illness must have been incurred by the member in the line of duty while serving on active duty in the Armed Forces.
 - Additionally, the veteran must have been an active member of the Reserves or Armed Forces within the five (5) years preceding the date of the medical treatment.
- The term “serious injury or illness” has been expanded to allow for an injury or illness that existed before the beginning of the servicemember’s active duty and was aggravated by service in the line of duty on active duty.

U.S. Department of Labor FMLA forms are available at www.dol.gov/whd/fmla/index.htm.

As always, if you have any questions or need additional clarification on this, please feel free to contact the Local Health Personnel Branch.

Thank you!

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