



Winter 2008 Supplement

EMPLOYER BULLETIN:

***FAMILY MEDICAL LEAVE ACT AMENDED
TO BENEFIT MILITARY FAMILY MEMBERS***

On January 28, 2008, President Bush signed into law the National Defense Authorization Act which includes amendments to the Family Medical Leave Act (“FMLA”). The FMLA was recently amended to provide leave to employees who have family members in the military. Specifically, the two new categories are as follows:

- A. Injured Service Member Leave:** Employees who are the spouse, son, daughter, parent, or *next of kin* of a covered service member shall be entitled to a total of 26 weeks of leave during a 12 month period to care for the service member. The leave is only available during a single 12 month period. A “service member” is defined as a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. “Serious injury or illness” is defined as “an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.”
- B. Leave for Qualifying Exigency:** Employees with a spouse, parent, or child who is on active duty or has been called to active duty may take up to 12 weeks of FMLA leave when a “qualifying exigency” is experienced. The employer may require that a request for leave under this provision be supported by certification that the service member is on active duty or has been called to active duty. This provision is not effective until the Secretary of Labor issues final regulations defining a “qualifying exigency”.

These provisions are effective as of January 28, 2008. Employers are required to act in good faith in providing leave under the new law. Employers will need to update their FMLA postings to include these additional employee rights under the new FMLA.

ANY FURTHER QUESTIONS SHOULD BE DIRECTED TO HEATHER G. PTASZNIK AT (313) 259-8586 OR JOHN T. BELOW AT (313) 259-8597.

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