

Federal FMLA Amendments

The National Defense Authorization Act enlarges the coverage of the Family and Medical Leave Act (FMLA) to include certain family members of service personnel. FMLA applies to all employers with at least 50 employees who have been employed for at least 12-months and who worked at least 1,250 hours during the previous 12-month period. The unpaid leave may be taken by the eligible employee intermittently or on a reduced leave schedule.

The two new FMLA categories are: (1). Up to twelve weeks of unpaid leave during any 12-month period for the spouse, child or parent of a member of the Armed Forces, including the National Guard or Reserves, if the service member is on active duty “in support of a contingency operation” or has been notified of an impending call or order to active duty. (2). Up to 26 weeks of unpaid leave during a single 12-month period for the spouse, child, parent or next-of-kin to care for a service member who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a series injury or illness.

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