

POLICY GUIDE

Policy 4.20 Family and Medical Leave

The FMLA has been amended to give eligible employees two new leave rights related to military service. One provides a new qualifying reason for leave and the other extends the 12 week FMLA period to 26 weeks for qualifying events.

1- New Qualifying Reason for Leave:

Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that a spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to active duty.

2- New Leave Entitlement:

An eligible employee who is the spouse, son, daughter, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty, is entitled to up to 26 weeks of leave in a single, 12-month period to care for the service member.

NOTE: Congress and the President clearly intend to provide more assistance to our service members and their families. DOL has determined that the *new leave entitlement* (item 2 above) is effective January 28, 2008. Additionally, DOL is encouraging the provision of FMLA under the *new qualifying reason* (item 1 above) until such time that it can issue final regulations clarifying “any qualifying exigency.” Accordingly, agencies should make every effort to provide this type of leave to qualifying employees using available guidance.

Employees may use any or all of their available annual, compensatory, overtime, or family and personal leave when they exercise these new leave rights. They may also use up to 33% of their available sick leave hours.