



## CONGRESS CONSIDERS EXTENDING MILITARY LEAVE RIGHTS UNDER THE FMLA

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Joining the proposed amendments to the Family and Medical Leave Act currently before Congress is the "Supporting Military Families Act of 2009," S. 1543, H.R. 3403, which would extend military leave rights under the FMLA. Currently, the FMLA allows an employee who is the spouse, son, daughter, or parent of member of the National Guard or Reserves who is on active duty or call to active duty status in support of a "contingency operation" to take up to 12 weeks of FMLA leave to address resulting "qualifying exigencies." Further, the FMLA allows employees to take up to 26 workweeks of FMLA-protected leave in a single 12-month period to care for a "covered servicemember" who suffers an injury or illness while on active military duty.

The proposed legislation would:

- Extend "qualifying exigency" leave to employees with family members in the Regular Armed Forces, not just the National Guard and Reserves;
- Allow "qualifying exigency" leave for an employee's whose spouse, son, daughter, or parent is a member

of the military and deployed to any foreign country, regardless of whether the deployment is in support of a "contingency operation";

- Extend the provision allowing 26 weeks of leave to care for a "covered servicemember" to allow employees to take leave to care for a veteran within five years after the end of his or her military service, if he or she develops a service-related injury or illness that was incurred or aggravated while on active duty;
- Allow leave to care for a covered servicemember or veteran who aggravates a preexisting injury or illness while on active duty.

For more information on the proposed changes to the FMLA pending before Congress, please visit our FMLA Web page at [www.FMLAregs.com](http://www.FMLAregs.com).

For questions about the FMLA, please contact [Jeff Nowak](#), [Bill Pokorny](#), or any [Franczek Radelet attorney](#).