



FACT SHEET: PROPOSED CHANGES TO THE FAMILY AND MEDICAL LEAVE ACT MILITARY FAMILY LEAVE PROVISIONS

The Department of Labor is issuing a Notice of Proposed Rulemaking (FMLA Statutory Amendments NPRM) to implement and interpret new statutory amendments to the Family and Medical Leave Act (FMLA) concerning Military Family Leave. For the first time, the proposal expands the provisions for military caregiver leave to cover employees caring for certain veterans. The proposal also includes provisions regarding special military family leave entitlements for the family of Regular Armed Forces members being deployed to a foreign country.

Generally, the FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave (up to twelve weeks in a 12-month period) for specified family and medical reasons including the birth, adoption or placement of a child, care of a family member with a serious health condition, or the employee's own serious health condition. In 2008, the FMLA was amended to provide certain family members of servicemembers (National Guard, Reserves or Regular Armed Forces) with expanded FMLA leave time -- up to twenty-six workweeks in a 12-month period -- to care for a servicemember with a serious illness or injury incurred in the line of duty. The 2008 amendments also provided special military family leave entitlements that allowed eligible employees whose spouse, child, or parent was called up for active duty in the National Guard or Reserves to take leave for "qualifying exigencies" related to the call-up of their family member. The Department implemented and interpreted the 2008 amendments in an earlier set of regulations.

The Department's current FMLA Statutory Amendments NPRM expands the military family leave protections for family members of recent veterans and servicemembers. Highlights of the proposed regulatory provisions include:

- Expanding entitlement to the special twenty-six week military caregiver leave entitlement to cover employees caring for recent veterans with a serious injury or illness, including conditions that do not arise until after the veteran has left military service. Under the statutory amendments, employees may use FMLA leave to care for veterans who have been discharged within the previous five years who have a serious injury or illness incurred in the line of duty. The Department is proposing three alternative ways to meet the serious injury or illness requirement for veterans in order to facilitate coverage for caregivers. Previously FMLA leave for military caregiving was only available to employees caring for family members who were current servicemembers.
- Expanding the special twenty-six week military caregiver leave entitlement to include serious injuries or illnesses that result from the aggravation of a

preexisting condition in the line of duty for both active duty servicemembers and veterans.

- Expanding FMLA leave for exigencies due to the deployment of a family member to cover employees with family in the Regular Armed Forces. This will allow employees whose spouse, son, daughter, or parent is an active duty servicemember to take leave to deal with financial, legal, or child care issues related to their loved one's deployment, as well as to attend certain military events and to spend time with their family member during the servicemember's rest and recuperation leave. Previously FMLA leave to attend to deployment-related exigencies was only available to employees whose family members were called to active duty with the National Guard and Reserves.
- Implementing a new foreign deployment requirement for FMLA leave due to exigencies related to military deployments. Under the statutory amendment, servicemembers (National Guard, Reserves, and Regular Armed Forces) must be deployed with the Armed Forces to a foreign country in order for their family members to take FMLA leave for deployment-related activities.

The Department encourages interested parties to submit comments on this proposal. The full text of the FMLA Statutory Amendments NPRM, as well as information on the deadline for submitting comments and the procedures for submitting comments can be found at Wage and Hour Division's [Proposed Rule Website](#).

For additional information on the FMLA, including information on the military family leave entitlements, please visit www.dol.gov/whd/fmla.