

**NDAA (The National Defense Authorization Act for Fiscal Year 2010)
Expands Family Leave for Military Families**

Eligible employees (those who have worked for the employer for 12 months, and who have worked at least 1250 hours in the 12 months preceding the need for leave) are entitled to job-protected leave under the provisions of the Family and Medical Leave Act under the following conditions:

- A. Because of any **qualifying exigency** arising out of the fact that the employee's spouse, son, daughter, or parent is in **any branch of the Armed Services deployed to a foreign country**. Eligible employees are entitled to take up to 12 work weeks of FMLA leave in a 12 month period, including any family leave taken for a qualifying exigency.

Qualifying exigency includes:

- 1) Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
 - 2) Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
 - 3) Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
 - 4) Making or updating financial and legal arrangements to address a covered military member's absence;
 - 5) Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
 - 6) Taking up to five days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
 - 7) Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
 - 8) Any other event that the employee and employer agree is a qualifying exigency.
- B. To care for a **covered servicemember** with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember. Employees may take up to 26 weeks in a single 12 month period. Regular FMLA may not exceed 12 weeks. Combined military caregiver leave and FMLA leave may not exceed 26 weeks in any 12 month period.
- 1) **Covered service member** means a current 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; **or Veterans** who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who were a member of the Armed Forces (including National Guard and Reserves) during the five (5) year period preceding the date of the treatment, therapy, or recuperation.
 - 2) **Serious injury or illness** related to military caregiver leave includes any illness/injuries that existed before a service member's active duty but which were aggravated by service in the line of duty on active duty in the Armed Forces, and which qualify as a "serious injury or illness" that would normally be a qualifying reason for taking FMLA leave.