

February 2, 2012

MEMORANDUM #010-12HR

TO: Agency Administrators

FROM: Andy Snuggs, Senior Human Resources Coordinator

VIA: Rip Colvin, Executive Director

RE: Proposed Changes to Expand Coverage for Military FMLA

The U.S. Department of Labor (DOL) recently announced proposed changes to the military Family Medical and Leave Act (FMLA). The DOL issued a notice of proposed rulemaking that would expand family leave for those in the military.

The FMLA, signed into law in 1993, offers protection for employees taking leave for reasons related to family and medical. It allows such employees to remain covered under a group health plan during an absence from work. Twelve workweeks in a 12-month period are allotted for the birth of a newborn child, placement of an employee with a child for adoption or foster care, the care of the said child, care for an immediate family with a health condition, the employee's own care, and any exigency (urgent need) with relation to an active military family member. Twenty-six workweeks within 12 months are covered to allow an employee to care for a servicemember who's ailing or injured.

The proposed changes would permit an employee to take leave during or following an immediate family member's deployment for matters related to the person's service (e.g., military briefings, financial or legal arrangements). The 26-workweek option would be extended to care for family members who are veterans with an illness or injury that occurred in the line of duty, including conditions that arose after the veteran left the service. The amount of time to spend with a family member, while on rest or recuperation, would likewise be extended from five to 15 days. The FMLA coverage, which currently only covers the National Guard for qualification of exigency leave, would also extend to family members serving in the armed forces.

JAC will be monitoring this closely and will keep you apprised of any new developments.

If you have any questions please contact Andy Snuggs at SnuggsA@justiceadmin.org.

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