

THE MARKETS

DOW

130.43

Close:
12,876.31

S&P 500

15.30

Close:
1,403.58

NASDAQ

42.97

Close:
2,488.49

Market Movers

THE RECORD B-3

ASK A LAWYER

Family leave expanded for military kin

Q. Does the Family and Medical Leave Act (FMLA) apply to leaves of absence made necessary because of injuries to military members?

On Jan. 28, Congress passed the National Defense Authorization Act (NDAA), an amendment to the FMLA.

Pursuant to the NDAA, employers must provide up to 26 weeks of FMLA leave during a 12-month period for members of the Armed Forces, National Guard or Reserves.

Specifically, the NDAA provides that FMLA leave must be given to permit a "spouse, son, daughter, parent or next of kin" to care for a "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 a temporary disability retired list, for a serious injury or illness."

The NDAA also provides that an employee may take FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter or a parent of the employee is on active duty ... in the Armed Forces in support of a contingency operation."

As per its terms, this latter section of the NDAA will not become effective until the labor secretary issues final regulations defining any "qualifying exigency." The Department of Labor is preparing

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these regulations but encourages employers to provide this type of leave to qualifying employees.

Be aware that the FMLA applies only to those employers who have 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

Randi Kochman is a member of the employment law department of Cole, Schotz, Meisel, Forman & Leonard P.A., the largest law firm in Bergen County. She can be reached at rkochman@coleschotz.com, or 201-525-6309. This column is not intended to be legal advice, which can be given only after the attorney understands the facts of a particular matter and the goals of a client.

Do you have a business question for a lawyer? Send it to Business News@northjersey.com.