

January 29, 2008

New Federal Law Extending Federal Family Leave Rights To Employees With Family Member Called To Active Duty Or Caring For Family Member Injured On Active Duty Now Effective

New Requirements To Be Discussed In February 13, 2008 Briefing. Attend In Person or By Telephone!

As of yesterday, employers of 50 or more employees now have new responsibilities under the Family and Medical Leave Act of 1993 (FMLA) to grant FMLA leave to certain employees taking leave because a member is called up to active duty in the Armed Services or to care for such a family member that suffers an injury while on active duty in the Armed Services. Since portions of the law became effective when signed into law by President Bush yesterday, employers covered by the FMLA must act quickly to update their existing FMLA practices. You can learn more about these new requirements and other requirements that employers must meet when dealing with employees involved in the military and their families by participating in person or via telephone in a briefing on **“Update on Employment Rights Of Employees In The Military & Their Family”** to be conducted by Board Certified Labor & Employment Attorney Cynthia Marcotte Stamer on February 13, 2008 from 9:00 a.m. – 10:00 a.m. Central Time.

Section 585 of H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008 amends the FMLA to require that covered employers grant FMLA Leave to FMLA-covered employees under the following two additional circumstances, **the first of which took effect yesterday** when President Bush signed the law.

1. **Caregiver Leave for an Injured Service Member.** Covered employers must allow FMLA-covered employees who are the spouse, parent, child, or next of kin of a service member who incurred a serious injury or illness on active duty in the Armed Forces to take up to **26** weeks of leave to care for the injured service member in one a 12-month period in combination with regular FMLA leave; and
2. **Family Leave Due to a Call to Active Duty.** Covered employers generally must allow FMLA-covered employees who have a spouse, parent, or child who is on or has been called to (or notified of an impending call or order to) active duty in the Armed Forces to take up to 12 weeks of FMLA leave yearly when they experience an event that is a “qualifying exigency.”

The Caregiver Leave requirements of H.R. 4986 became immediately effectively yesterday, when signed into law. Because the Secretary of Labor must issue regulations defining the events that will be considered a “qualifying exigency” however, those requirements will not be effective until the Secretary of Labor issues final regulations defining “any qualifying exigency.” Accordingly, employers covered by the FMLA need to act immediately to update their FMLA policies and employee benefit plans, notices and other FMLA related documentation and practices to comply with the new Caregiver Leave mandates. When making these changes, employers should particularly take note that the Caregiver Leave period is 26 weeks, rather than the 12-month period applicable for other types of FMLA Leave. Care should be exercised to properly document and administer this extended period in leave policies and related benefit programs.

When updating existing FMLA leave policies, employers also should review other aspects of their existing FMLA and military leave practices for continued compliance and proper coordination. The amendments to the FMLA adding protections for employees with family members in the military included in H.R. 4986 are the latest in a series of changes in the federal rules impacting employer’s obligations to employees who are members of the Armed Services and family members of such individuals in recent years.

If you need assistance reviewing and updating your company’s employment practices or would like additional information about these or other employer family or military leave rules or other human resources or employee benefits matters, please contact Cynthia Marcotte Stamer via e-mail at cynthiastamer@solutionslawyer.net or via telephone at (972) 419-7188.

About Cynthia Marcotte Stamer

Board Certified In Labor and Employment Law by the Texas Board of Legal Specialization, attorney Cynthia Marcotte Stamer has more than 20 years experience helping employers and business leaders, health plan fiduciaries and administrators, insurers

and others design, implement, administer and defend health and other employee benefit and compensation, insurance and other human resources practices, policies and strategies. Ms. Stamer is recognized for her work helping clients design and administer legally compliant employee benefit and human resources programs, practices and products for employer, employee benefit, and insurance and financial services industry clients.

Recognized in the International Who's Who of Professionals and bearing the Martindale Hubble AV-Rating, Ms. Stamer is a highly regarded legal advisor and consultant, author and speaker, who regularly conducts management and other training on a wide range of employee benefit, human resources and internal controls, and other related risk management matters. Ms Stamer is the author of 100s of publications on a host of human resources and related issues. Her writings have appeared in a variety of other publications, including works published by the American Bar Association, Aspen Publishers, BNA, the American Health Lawyers Association, and Government Institutes, Inc. and others. For a listing of some of these publications, see cynthiastamer.com. Her insights on human resources risk management matters also have been quoted in The Wall Street Journal, various publications of The Bureau of National Affairs and Aspen Publishing, the Dallas Morning News, Spencer Publications, Health Leaders, Business Insurance, the Dallas and Houston Business Journals and a host of other publications. She also serves in leadership positions in numerous human resources, corporate compliance, and other professional and civic organizations including Chair of the American Bar Association (ABA) Health Law Section Managed Care & Insurance Interest Group, and Vice Chair of both the ABA Real Property, Probate & Trust Section Employee Benefits & Compensation Group and the ABA TIPS Worker's Compensation Committee, and a Continuing Education Liaison for the ABA Joint Committee on Employee Benefits and as a member of the IRS TEGE Council. For more details about Ms. Stamer's experience and other credentials, contact Ms. Stamer, information about workshops and other training, selected publications and other human resources related information, see CynthiaStamer.com or contact Ms. Stamer via telephone at 972.419.7188 or via e-mail at cstamer@solutionslawyer.net

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PROGRAM REGISTRATION FORM

UPDATE ON EMPLOYMENT RIGHTS OF EMPLOYEES IN THE MILITARY & THEIR FAMILY

February 13, 2008

10:00 a.m. – 11:00 a.m. Eastern - 9:00 a.m. – 10:00 a.m. Central - 7:00 a.m. – 8:00 a.m. Pacific

The briefing will be conducted live in the Dallas Offices of Glast, Phillips & Murray, P.C. with check in beginning at 8:30 a.m. Central Time and the briefing commencing promptly at 9:00 a.m. Parties unable to attend the live briefing can elect to participate via telephone. Program handouts will be distributed via e-

mail to participants. To register, please register via credit card via the internet at cynthiastamer.com or complete and return this program registration form with check or money order in the amount of \$50 no later than 3:00 p.m. Central Time on February 11, 2005. Make checks or money orders payable to: Glast, Phillips & Murray, P.C., 2200 One Galleria Tower, Suite 2200, 13355 Noel Road, L.B. 48, Dallas, Texas, 75240, Attention: Cynthia Marcotte Stamer. For additional information about this briefing, Lorena Ordonez-Valle via telephone at 972-419-8388 or via e-mail at lordonez@solutionslawyer.net

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OTHER INFORMATION

We hope that this information is useful to you. If you or someone else you know would like to receive future Alerts or other information about developments, publications or programs, please be sure that we have your current contact information – including your preferred e-mail. If you have questions or concerns about the matters discussed in this publication or other employee benefit, compensation or human resources matters, wish to obtain information about arranging for training or presentations by Ms. Stamer, wish to suggest a topic for a future program or publication, wish to receive future updates and information about upcoming programs, wish to access other publications and other helpful resources, or to additional information about Ms. Stamer and/or Glast, Phillips & Murray, P.C. please contact:

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