

DATE: March 31, 2008

PERSL 1406

TO: Human Resource Directors/Designees
Labor Relations Directors/Designees
Exclusive Representatives

FROM: Carolyn Trevis, Assistant State Negotiator
Labor Relations/Compensation Division



PHONE: (651) 259-3758

RE: Amendment to Statewide Policy on FMLA – AMENDS policy distributed on 5/06

Enclosed is an Amendment to the Statewide Policy on FMLA, distributed in May, 2006. Please distribute this amendment to your staff and to all of your employees in your agency. Please also refer to the DOER web page for a copy of this Amendment. This is an amendment only, and does not change any other part of the Statewide Policy on FMLA. The amendment applies to all state employees, regardless of collective bargaining agreement or plan.

If you have any questions, please contact your Labor Relations representative or me.

cc: DOER Labor Relations/Compensation Staff
DOER Employee Insurance Division Staff
Cindy Storelee, Workers' Compensation Division
SEMA4
Kristyn Anderson, Attorney General's Office
Laurie Hansen, DOER

AMENDMENT TO STATEWIDE POLICY ON FMLA

Purpose

To provide guidelines to state agencies and their employees on implementation of the recent amendments to the Family Medical Leave Act of 1993 (FMLA), under the National Defense Authorization Act, Public Law 110-181.

Policy

- A. New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of unpaid leave during the fiscal year for “any qualifying exigency” when the employee’s spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces (including the Reserves and National Guard) in support of a “contingency operation.” A “qualified exigency” has not yet been defined by the U.S. Department of Labor. However, examples will likely include settling legal matters, interviewing child care providers, handling financial matters, seeking assistance for care of elderly parents, and covering household duties that the service member had been handling.
- B. New Leave Entitlement:** An eligible employee who is the spouse, son, daughter, parent or next of kin of a service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. “Next of kin” means the nearest blood relative of the service member.

Additional information on the amendments, including a workplace poster, can be accessed at http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm