

LAW OFFICES

**ROLAND &  
SCHLEGEL**

A LIMITED LIABILITY COMPANY  
627 NORTH FOURTH STREET  
P.O. BOX 902  
READING, PA 19603-0902  
(610) 372-5588  
FAX (610) 372-5957  
firm@rolandschlegel.com  
www.rolandschlegel.com

OLEY OFFICE  
308 MAIN STREET  
OLEY, PA 19547  
(610) 987-3277

FLEETWOOD OFFICE  
12 WEST MAIN STREET  
FLEETWOOD, PA 19522  
(610)-944-6870

JOHN W. ROLAND  
EDWIN L. STOCK  
S. WHITNEY RAHMAN  
ROBERT R. KREITZ  
JOHN E. MUIR  
DEBORAH A. SOTTOSANTI  
DANTE C. CUTRONA  
GREGORY A. SHANTZ

OF COUNSEL TO THE FIRM  
DAVID H. ROLAND  
MARY M. BERTOLET  
JERRY R. RICHWINE

RAYMOND C. SCHLEGEL (2004)  
D. FREDERICK MUTH (2006)

**\*\*EMPLOYMENT LAW ALERT\*\***

By: S. Whitney Rahman

President Obama signed into law the National Defense Authorization Act for Fiscal Year 2010 (“the Act”) on October 28, 2009. The Act contains some amendments to the military leave provisions of the Family and Medical Leave Act (“FMLA”).

The FMLA initially was amended in 2008 to add new leave entitlements for the families of military personnel. Two types of leave were created: (1) leave necessitated due to exigencies arising out of the deployment of National Guard and Reservists in support of a contingency operation; and (2) up to 26 weeks of leave to care for a family member in the military who suffers a serious injury or illness.

The Act has made several changes to the entitlements, as set forth below.

1. Covered active duty no longer needs to be in support of a contingency action, but extends to any deployment to a foreign country under a call or order to active duty.
2. A covered service member for purposes of the 26 week allotment has been broadened to include not only current members of the Armed Forces who are undergoing medical treatment, recuperation or therapy, or outpatient services for a serious injury or illness, but also veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who were members of the Armed Forces (including the National Guard and Reserves) at any time during the five years preceding the date when the veteran undergoes the treatment, recuperation or therapy
3. Serious injury or illness has been extended to include the aggravation of a pre-existing injury or illness while on active duty on a deployment to a foreign country.

4. Serious injury or illness also includes any such illness or injury that manifests within five years of the time the individual left the Armed Forces.
5. Exigency leave now extends to all military personnel. Previously, it extended only to National Guard and Reservists and their families. Now, it extends as well to exigencies involving members of the regular Armed Forces.
6. The Act clarifies that FMLA exigency leave may be taken intermittently or on a reduced leave schedule.

What Does This Mean For You? If you are an employer covered by the FMLA, you will need to revise your policies to be in accordance with the new law, and make sure that all employees who handle FMLA requests know about the new changes and how to apply them. You also will need to replace current posters to the extent they contain information contrary to the new law. As of now, the Department of Labor has not issued new posters.