

## Memorandum

To: FRIENDS AND CLIENTS

From: BETH WEST, ESQ.  
EMPLOYMENT LAW GROUP

Date: APRIL 1, 2008

Re: NEW EMPLOYER OBLIGATIONS

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### Updating Employment Policies.

Enclosed is a Notice from the U.S. Department of Labor regarding the new Military Family Leave entitlement added to the Family Medical Leave Act (FMLA). For those employers covered by the FMLA, this new entitlement will require that FMLA policies in employee handbooks and policy manuals be updated to appropriately reflect the new law.

However, this is not the only new law that recently went into effect which requires employers to review and update their employee handbooks and policy manuals. A number of other laws, such as California's new Military Spouse Leave; changes in state minimum wage and minimum salary requirements for exempt employees; the upcoming restrictions on cell phone usage while driving; health insurance and mandatory sick leave requirements for employees in San Francisco; and compliance with certain statutory training requirements, also impact the employer's policy and handbook language.

We recommend that employers have their employee handbooks or policy manuals audited for compliance with employment laws no less than every two years. If you have not updated your employee handbook or policy manual to reflect the recent changes and updates in federal and state law, now is the time to do so. We would be happy to assist you in this audit and update. Please feel free to contact us if you are interested in these services.

Upcoming Seminars:

We also want to let you know that the following seminars are on the horizon and separate invitations will be mailed out shortly.

May 15, 2008:        *“Untangling the Complex Web of Leaves and Absences: FMLA/CFRA, PDL, ADA/FEHA, and Workers’ Compensation.”*

June 19, 2008:        *“Wage and Hour Laws: Understanding Some Important Intricacies Like: “Exempt” v. “Non-Exempt” Status; Proper Calculation of the “Regular Rate of Pay” and “Overtime Premiums;” and the True Meaning of “Hours Worked.”*

We hope you can join us.

# NOTICE

## Military Family Leave

*On January 28, President Bush signed into law the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181. Section 585(a) of the NDAA amended the FMLA to provide eligible employees working for covered employers two important new leave rights related to military service:*

- (1) New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any qualifying exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining “any qualifying exigency.” In the interim, employers are encouraged to provide this type of leave to qualifying employees.
  
- (2) New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember 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 servicemember. This provision became effective immediately upon enactment. This military caregiver leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Additional information on the amendments and a version of Title I of the FMLA with the new statutory language incorporated are available on the FMLA amendments Web site at [http://www.dol.gov/esa/whd/fmla/NDAA\\_fmla.htm](http://www.dol.gov/esa/whd/fmla/NDAA_fmla.htm).

