



Compliance Alert

February 4, 2008

Compliance Alert, provided by Group Benefit Services, gives you the most up to date information regarding industry news as well as legislation and regulatory activities affecting your health plan.

TOPIC: EXPANSION OF THE FAMILY AND MEDICAL LEAVE ACT

On January 28, 2008, President Bush signed an expansion into law revising the well known Act. There are now three additional pieces of the Act.

1. The new law will permit an eligible employee to take up to 12 weeks of FMLA leave of any “qualifying exigency” arising out of the fact that the spouse, or a son, daughter, or parent of an employee is on or has been called to active duty in the Armed Forces in support of a “contingency operation” (a war or similar combat operation). The term “qualifying exigency” has not yet been defined. The Department of Labor (DOL) is to publish an explanation in the near future.
2. An eligible employee who is the primary care giver of a service member with a “serious injury or illness” incurred in the line of active duty may now take up to 26 weeks of FMLA leave in a single 12-month leave year to care for the service member. A “serious illness or injury” is defined as an illness or injury incurred in the line of duty that may render the service member medically unfit to perform his or her military duties. “Serious illness or injury” is different from the original FMLA’s “serious health conditions”. The DOL is expected to provide further definition.
3. The law is creating a new category of employees entitled to FMLA leave to care for an injured service member. In addition to the spouse, son, daughter, or parent, the new FMLA now permits the “next of kin” to take FMLA for this specific purpose. “Next of kin” is defined as the nearest blood relative to the service member. The DOL is to provide more clarification on this as well.

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The new FMLA revised ACT is effective immediately and the DOL announced that it has begun drafting the new regulations to implement new provisions.

Because the revisions are effective immediately, summary plan descriptions will need to be amended. If GBS provides you with your SPD, you will be receiving an amendment over the next few months.

If you have any questions regarding this information, please contact your Group Benefit Services Account Manager at 1.800.638.6085.

This communication is not intended to be legal advice and should not be construed as legal advice. If you have any legal questions or concerns about your plan, GBS recommends seeking counsel from an ERISA attorney.

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