



DEPARTMENT OF PERSONNEL
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MEMO PERD #11/08
February 12, 2008

TO: Agency Personnel Liaisons

FROM: Todd Rich, Director
Department of Personnel

A handwritten signature in dark ink, appearing to read "T. Rich", is written over the printed name of the Director.

SUBJECT: CHANGES TO THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

On January 28, 2008, President Bush signed into law a bill that amends the Family and Medical Leave Act (FMLA). The changes brought about by this new law, with limited exception became effective upon its signing. The Department of Labor is expeditiously working on regulations to define how these new aspects of the FMLA will apply to employees needing leave under the new qualifying events and issued proposed regulations on February 11, 2008. The following is a brief summary of the changes that were made:

- **Leave because of a “Qualifying Exigency”** – (as will be defined in regulations issued by the Department of Labor) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. Individuals will be eligible for up to 12 weeks of leave in this circumstance.
- **Servicemember Family Leave** – An eligible employee who is the spouse, son, daughter, parent, or “next of kin” of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the injured or ill servicemember. This leave shall only be available during a single 12-month period.

While the Department of Labor has indicated that leave taken for a qualifying exigency is not effective until the regulations defining what qualifies are issued, they encourage employers to provide this type of leave to qualifying employees. It appears that the previously existing criteria used to qualify an employee for FMLA, as well as the benefits provided by FMLA remain the same. Once we receive the final regulations, we will update the necessary publications and forms and communicate them to all agencies.

In the meantime if you have an employee request leave under one of these events and you need some guidance on how to handle the leave, please feel free to contact Renee Travis in the Employee and Management Services Division for assistance. She can be reached at 775-684-0111 or rtravis@dop.nv.gov.

cc: Department Directors
Divisions Administrators
Agency Personnel Representatives