

PROPOSED AMENDMENT TO FMLA WOULD PERMIT LEAVE TO ATTEND SCHOOL FUNCTIONS, APPOINTMENTS, AND AFTER-SCHOOL ACTIVITIES

While not the first such bill to be introduced in recent years, the Family and Medical Leave Enhancement Act of 2009 (H.R. 824) was introduced earlier this month, and allow employees to take FMLA leave in order to participate in their children's school or community organization activities (parent/teacher conferences, sporting events, Boy Scouts, etc.), attend regular medical/dental appointments, or to visit an elderly family member in a nursing home. The most significant proposed change, however, would be to expand the FMLA to employers with 25 or more employees (within certain geographical restrictions), as opposed to the current threshold of 50. If passed, this bill would significantly increase the number of employers that would be covered by the FMLA.

The new categories of leave (*i.e.*, parental involvement or family wellness) proposed under this bill would allow an employee to take up to 4 hours of leave in any 30-day period, not to exceed 24 hours during any 12-month period. This is in addition to other types of leave allowed under the FMLA.

Again, similar bills have failed in recent years. However, given the post-election makeup of Congress, coupled with President Obama's stated commitment to workplace flexibility, the Family and Medical Leave Enhancement Act of 2009 may well gain more support than the proposals of years past.

Alex Walker works in Modrall Sperling's Albuquerque office, where a large portion of his practice is focused on counseling employers on various federal and state laws affecting their business, including Title VII, ADA, FMLA, ADEA, etc. He also routinely represents employers in litigation and in administrative proceedings before the EEOC and the New Mexico HRD. If you would like more information on the Family and Medical Leave Enhancement Act of 2009, or if you have other employment-related questions, please contact Alex at awalker@modrall.com.