

NEW EEO POSTER REQUIRED

The Equal Employment Opportunity Commission has revised its "Equal Employment Opportunity is the Law" poster to add information about the Genetic Information Nondiscrimination Act of 2008 ("GINA"), which became effective November 21, 2009. GINA prohibits discrimination based on genetic tests and genetic information. The revised poster can be found at <http://www1.eeoc.gov/employers/poster.cfm>.

Employers with 15 or more employees are required to post this poster to inform employees about federal employment discrimination law. Employers should also review and update as necessary their equal employment opportunity and non-discrimination policies to refer to genetic information.

EXPANSION OF FMLA MILITARY FAMILY LEAVE RIGHTS

Recent legislation signed by President Obama expanded the military exigency leave (leave to address issues that arise when a family member is called to active duty in the military) and military caregiver leave (leave to care for an ill or injured military family member) provisions of the Family and Medical Leave Act ("FMLA"). With respect to "exigency" leave, eligible family members (spouse, parent, or child) of those called to active duty or serving on active duty in the regular Armed Forces are now also eligible for up to 12 weeks of leave for "qualifying exigencies" related to such call to duty. Previously, such leave had only been available to family members of (i) those in the Reserves or National Guard called to active duty or (ii) certain retired members of the regular Armed Forces or Reserves called to active duty. Additionally, the leave is now available when the service member is deployed to a foreign country, rather than only when deployed in support of a contingency operation. "Qualifying exigencies" include: (1) addressing issues related to short-notice deployment, (2) attending military events and related activities, (3) addressing childcare and school matters, (4) making financial and legal arrangements, (5) obtaining counseling, (6) spending time with a military family member who is on short-term rest and recuperation leave while deployed, and (7) dealing with post-deployment situations.

Military "caregiver" leave, which provides up to 26 weeks of leave to eligible family members (spouse, parent, child, or closest next of kin) to care for an ill or injured member of the Armed Forces, National Guard or Reserves, has been clarified with respect to veterans. The new law provides that such leave is available for injuries or illness incurred or aggravated in the line of duty at any point during the five years preceding the date of medical treatment, recuperation or therapy for which leave is sought.

In light of these changes to the FMLA, employers should review and revise as necessary their FMLA policies.

The contents of this Alert are for informational purposes only, and do not constitute legal advice. If you have any questions about this Alert, please contact a member of the [Shulman Rogers Employment and Labor Law Group](#), or the Shulman Rogers attorney with whom you regularly work. If you no longer wish to receive these Employment Alerts, please reply with "REMOVE" in the subject line or click [HERE](#). Thank you.