



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

## Memorandum

TO: All State-Level Staff Personnel of the  
Unified Judicial System of Pennsylvania

FROM: AOPC Office of Human Resources

DATE: February 17, 2009

RE: Revised Family and Medical Leave Act (FMLA) Regulations

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The U.S. Department of Labor recently revised the Family Medical Leave Act (FMLA) regulations. The revisions are intended to clarify employees' and employers' rights and responsibilities under the FMLA. The revised regulations are comprehensive and contain many changes beyond those highlighted in this memo.

The revisions include two new leave entitlements – *Military Caregiver leave* and *Qualifying Exigency leave* - which are described below.

**Military Caregiver Leave.** An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is seriously injured or becomes seriously ill while serving in the military, may be entitled to use up to 26 weeks of FMLA leave in a single 12-month period to care for that service member.

**Qualifying Exigency.** An eligible employee may be entitled to use up to 12 weeks of FMLA leave during any 12-month period due to a qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the covered employee is on active duty or has been notified of an impending call or order to active duty status in support of a contingency operation. The new regulations define qualified exigencies to include circumstances such as leave to address issues related to short notice deployment; leave for military events, and related activities, such as family support and assistance programs and official events; leave to arrange for alternative childcare or to provide emergency childcare when the call to active duty necessitates a change in existing child care; leave to make or update financial arrangements; leave to attend counseling; leave to spend time with a covered military member who is on short-term temporary rest and recuperation leave during a period of deployment; and leave for post-deployment activities, such as an arrival ceremony.

The rights, requirements, and responsibilities of employees set forth in the Personnel Policies of the UJS (Section 5.19 – 5.23) will continue to apply. Subsequently, employees must observe FMLA criteria regarding eligibility, notice, medical certification, the substitution of paid leave, etc. in order to qualify for the leave.

Additional information regarding the FMLA is available at <https://aopccconnected.pacourts.us> .