

FMLA Leave Amendments on Hold

President Bush Vetoed Military Bill That Included Amendments on December 28

January 2, 2008

Miller Canfield reported previously that Congress passed legislation in mid-December to amend the Family and Medical Leave Act (FMLA) for the first time since its passage in 1993. The amendments had been included in the 1,400-page National Defense Authorization Act for Fiscal Year 2008.

On December 28, President Bush "pocket vetoed" that legislation, effectively putting any FMLA amendments on hold for the time being. A pocket veto occurs when the President fails to sign a piece of legislation passed by Congress within the 10 days required by the U.S. Constitution and Congress is not in session when the 10-day period expires.

The Society for Human Resource Management has reported that the President's veto was not due to objection to the FMLA amendments, but rather related to other military, political, and national defense issues addressed by the legislation.

Though it is anticipated that some type of FMLA leave expansion for military families will eventually be passed and signed in to law, employers presently do not need to change any FMLA practices or offer any additional forms of leave.

Congress and the Bush administration may take up the issue again when Congress reconvenes on January 15. Miller Canfield will continue to provide updates on this issue as necessary. If you have questions about these or any other employment issues or practices, please contact Miller Canfield's Labor and Employment Group; or Megan P. Norris at 313.496.7594.