

TEXAS YOUTH COMMISSION

ADMINISTRATIVE DIRECTIVE #3 FY10

TO: TYC Staff
FROM: Cheryl K. Townsend, Executive Director
SUBJECT: Family and Medical Leave – Military Family Leave
DATE: October 28, 2009

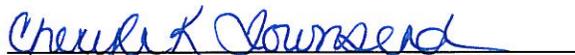
Effective October 28, 2009, the Family and Medical Leave Act (FMLA) provisions relating to qualifying exigency leave and military caregiver leave were amended by the Fiscal Year 2010 National Defense Authorization Act (H.R. 2647) signed into law by President Obama. Accordingly, the following changes in FMLA leave administration are effective immediately.

- **Qualifying Exigency Leave:** Qualifying exigency leave is no longer limited to the spouse, parent, or child of a service member of a **reserve** component of the Armed Forces on covered active duty. H.R. 2647 expands the exigency leave benefits to include the spouse, parent, or child of a service member of a **regular** component of the Armed Forces on covered active duty (duty during the deployment of the member with the Armed Forces to a foreign country).
- **Military Caregiver Leave:** Military caregiver leave is no longer limited to leave to care for a **current** member of the Armed Forces or a member who is on the temporary disability retired list. H.R. 2647 expands the caregiver leave provision to include leave to care for a **veteran** who:
 - is undergoing medical treatment, recuperation or therapy for a “serious injury or illness”; and
 - was a member of the Armed Forces (regular or reserve component) at any time during the period of five years preceding the date of treatment.

“Serious injury or illness” means a qualifying (as defined by the Secretary of Labor) injury or illness incurred while in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

To be eligible for the expanded FMLA leave benefits, an employee must meet the state service eligibility requirements and the certification requirements set forth in PRS.27.10.

This directive will remain in effect until corresponding changes are made to PRS.27.10.



Cheryl K. Townsend
Executive Director