



New benefits for armed service employees

The Postal Service recently notified the NALC of its intent to publish changes to provisions of the Family and Medical Leave Act possibly affecting the entitlement of certain family members of covered armed services personnel.

On October 28, 2009, President Barack Obama signed the FY 2010 National Defense Authorization Act (NDAA) (H.R. 2647) into law. The law contains provisions amending the Family and Medical Leave Act of 1993's (FMLA) military family leave entitlements. The Senate voted 68 to 29 to approve the act on October 22 and the House approved the act October 8 in a 281-146 vote.

During a bill signing ceremony in the White House Rose Garden, Obama said: "As commander-in-chief, I will always do whatever it takes to keep the American people safe, to defend this nation. And that's why this bill provides for the best military in the history of the world. It reaffirms our commitment to our brave men and women in uniform and our wounded warriors. It expands family leave rights for the family members of our troops and veterans."

Expanding on the FY 2008 NDAA (P.L. 110-181) and mirroring the provisions of the recently introduced Supporting Military Families Act of 2009 (S. 1543/H.R. 3403), the law extends the military caregiver leave provision to veterans. Currently, military caregiver leave is only available to care for current members of the Armed Forces, Guard or Reserves. Caregiver leave entitles eligible employees, who are the spouse, son, daughter, parent or next of kin of covered service members in the Armed Forces, including members of the National Guard or Reserves, 26 workweeks of leave during a 12-month period to care for that service member, who because of a serious injury or illness is undergoing medical treatment, recuperation or therapy, otherwise in outpatient status, or is otherwise on the temporary disability retired list.

If you have any additional questions concerning this new FMLA protection for family members of recuperat-

ing or active duty military personnel, contact your national business agent.

In a separate issue, the Postal Service has indicated that it will contact USPS employees who have been on active military reserve duty since March 14, 2009, concerning reservist differential pay. Payments will be provided to eligible federal civilian employees who are members of the Reserves or National Guard and who are called or ordered to active duty under a new law. For qualifying military duty, as early as March 14, 2009, and continuing, USPS must provide a differential payment equal to the amount by which an employee's projected civilian "basic pay" for a covered pay period exceeds the employee's actual military "pay and allowances" allocable to that pay period.

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The receipt of a reservist differential does not affect an employee's civilian pay and leave status. While absent from the civilian job, the employee is considered to be on leave without pay—unless the employee takes civilian paid leave or other paid time off. The employee may use paid time off (e.g., military leave, annual leave or other paid time off), as available to the employee, subject to the normal conditions governing use of the particular paid time off. A reservist may not receive the reservist differential for periods during which he or she uses paid time off, since the reservist is already receiving full civilian pay for such periods.

Please note that the Postal Service will not initiate any activities associated with the payment of the differential until the employee provides required documentation (qualifying orders and military leave and earning statements).

Questions concerning reservist differential payment should be directed to Human Resources Shared Services Center at 877-477-3273. 