

COBRA Subsidy May be Extended into 2010



The Extended COBRA Continuation Protection Act of 2009 (H.R. 3930) was recently introduced in the U.S. House of Representatives. The proposed bill would extend the original federal COBRA subsidy created by the ARRA, which President Obama signed into law in February.

As originally drafted, this subsidy is set to expire at the end of this year. The proposed bill will extend the subsidy as follows:

- The total allowable time an individual could receive the COBRA subsidy would be extended by 6 months (from 9 to 15 months).
- The subsidy would apply to individuals who are involuntarily terminated between January 1, 2010 and June 30, 2010.
- Eligibility for traditional COBRA coverage would extend for an additional 6 months (from 18 to 24 months) for individuals who were terminated at the beginning of the recession in 2008.
- Individuals who were enrolled in the original COBRA subsidy since February 2009 would be eligible to continue to receive it until at least May 2010.

The Department of Labor recently released unemployment statistics for October, finding that they were at an all-time high since 1983. The Democrats in the House have indicated they would consider an extension of the subsidy and it has been reported that that President Obama will consider extending the subsidy.

FMLA Leave for Military Families Extended

The FMLA definitions of service members for whom employees can take active duty leave and military caregiver leave have been redefined. President Obama signed into law the *National Defense Authorization Act for Fiscal Year 2010* (H.R. 2647) on October 28, 2009, which outlined the new definitions.



This law expands FMLA active duty leave to apply to family members of service members of the *regular Armed Forces* during deployment to a foreign country and service members of the *Armed Forces reserves* during deployment to a foreign country under a certain call or order to active duty. Active duty leave under the FMLA includes leave for short-notice deployment; military events and related activities; child care and school activities; and post-deployment activities.

The law also extends FMLA military caregiver leave provisions to family members of certain veterans, and allows for leave for pre-existing injuries or illnesses which have been aggravated by military service.

If you have not already updated your policies and procedures to include the new **Wisconsin leave for domestic partners**, now is the time to do so and to incorporate these changes as well. Please contact us if you desire assistance in making sure that your FMLA/WFMLA leave policies are in compliance, or if you have questions regarding the recent expansions to the FMLA/WFMLA.



Sick Leave for Flu Introduced in Senate

On November 10, 2009, Senator Chris Dodd introduced legislation which would require employers to provide 7 paid sick days each year for employees who have flu-like symptoms or whose children have these symptoms. The bill would also allow employees to take leave with pay to care for a child whose school or child care facility has been closed because of flu. The bill proposes a 2-year sunset provision.

The text of the legislation is not yet available from the Government Printing Office, so further details are not yet available. We will continue to keep you posted as this bill moves through the legislative process.

Leave for Volunteer Firefighters and Emergency Responders Introduced in Wisconsin Legislature

Current law requires an employer to grant leave to employees for certain purposes. Bills introduced in both the Assembly and the Senate (AB 464; SB 308) propose legislation which would require an employer to allow an employee who is a volunteer firefighter, EMT, first responder or ambulance driver for a volunteer fire department or public agency to be absent from work (or late) if the absence or lateness is caused by an emergency which occurs before the employee is required to report to work – provided that the employee does all of the following:

1. Within 30 days after becoming a member of a volunteer fire department or becoming affiliated with an ambulance service provider, provides the employer with a written statement signed by the chief notifying the employer of the employee's volunteer position.
2. Makes every effort to notify the employer when dispatched to an emergency that the employee may be late or absent from work due to the emergency.
3. Provides a written statement from the fire chief or the person in charge of the ambulance service to the employer certifying that the employee was late or absent due because he or she responded to an emergency.

The proposed legislation also prohibits an employer from discharging, discriminating or otherwise interfering with an employee's right to respond to an emergency. Claims of discrimination will be investigated by the Wisconsin Department of Workforce Development Equal Rights Division, and the procedures/remedies outlined in the Wisconsin Fair Employment Act (WFEA) will apply.

We will continue to keep you posted of further developments with this bill.

***The Schroeder Group, S.C., Attorneys at Law
is pleased to announce...***

the addition of three new employees:

Attorney Steve Glaser

Steve joins the firm with over 15 years of experience in assisting businesses solve their legal problems and providing practical and efficient business solutions.

Steve can be reached at (262) 754-1320 or srg@tsqlaw.com.

Legal Assistant Jennifer Miller

Jennifer is a seasoned legal assistant with over 20 years of experience in the legal industry in various areas of law including litigation, personal injury, medical malpractice, labor and employment, and corporate law.

Jennifer can be reached at (262) 754-1327 or jm@tsqlaw.com.

Attorney Dino Antonopoulos

Dino brings to The Schroeder Group experience in commercial and civil litigation, corporate and business law, employment and real estate matters.

Dino can be reached at (262) 754-1330 or da@tsqlaw.com.

*This edition of the **Employment Law Newsletter** has been authored by Attorney Sally Piefer. We welcome any questions regarding the topics covered or on any employment-related issue. Sally can be reached by telephone at (262) 754-1325, or by e-mail at sap@tsqlaw.com.*

The Schroeder Group, S.C., Attorneys at Law provides comprehensive services covering all aspects of employment, employee benefits and labor relations law to closely-held businesses and companies. Through aggressive representation and sound advice, we help our clients achieve their business objectives. We are regularly in direct and ongoing communication with labor relations, human resources and employee benefits managers, as well as business owners and senior executives, and are also sensitive to their business, cost management and relationship needs. Our priority is counseling and problem avoidance.

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