



July 21, 1994

FMLA-39

Dear *Name*\*,

This is in response to your inquiry regarding the effective date of the Family and Medical Leave Act of 1993 (FMLA). In designating the effective date, which is generally August 5, 1993 for all employees not subject to the terms of a collective bargaining agreement (CBA), Congress expressly delayed the effective date for employers who had a CBA in effect on August 5, 1993.

The effective date of the FMLA for CBAs subject to the Railway Labor Act is the first date after August 5, 1993 that the contract is reopened for negotiations, or February 5, 1994, whichever occurs first. The fact that the CBA is opened for negotiations, and negotiations for implementation of FMLA is not included, is immaterial; FMLA becomes effective for the employees covered by the CBA on the date negotiations are reopened. Congress delayed the effective date of the FMLA to give employers and union representatives an opportunity to negotiate the implementation of the statute. There is no requirement that such negotiation take place.

Hopefully this has been responsive to your inquiry. If we may be of further assistance please let us know.

Sincerely,

J. Dean Speer  
Director, Division of Policy and Analysis

cc: FMLA Coordinator

*\* Note: The actual name(s) was removed to preserve privacy in accordance with 5 U.S.C. 552 (b)(7).*