

Advocacy Recommends that DOL Perform Further Review and Reform of the Family and Medical Leave Rules Focusing on Small Business Impacts

On April 7, 2008, the Office of Advocacy (Advocacy) filed a comment letter with the Department of Labor (DOL) in response to the *Notice of Proposed Rulemaking on the Family and Medical Leave Act of 1993* (FMLA). A complete copy of Advocacy's letter to DOL may be accessed at <http://www.sba.gov/advo/laws/comments/>.

- Under the FMLA, a business with 50 or more employees is required to provide up to 12 weeks of unpaid job-protective leave for eligible employees if they need time off for the birth or adoption of a child, for a personal or a family member's serious health condition.
- In February 2008, DOL released a proposed rule with revisions to the regulations implementing the Family and Medical Leave Act of 1993. This rule responded to the more than 15,000 comment letters that DOL received in response to a December 2006 Request for Information (RFI).
- At Advocacy's roundtable on this proposed rule, small business representatives expressed support for some of the helpful revisions to the FMLA in this rule. However, these small entities were concerned that DOL did not reform two provisions that are particularly burdensome for employers—the definition of a “serious health condition” and the “intermittent leave” provisions.
- Advocacy recommends that DOL reform the definition of a “serious health condition” and the “intermittent leave” provisions to minimize the costs of this rulemaking on small entities. Advocacy also recommends that DOL perform a review of this rule specifically focused on small business impacts, pursuant to Section 610 of the Regulatory Flexibility Act.

For more information, visit Advocacy's Web page at <http://www.sba.gov/advo>, or contact Assistant Chief Counsel Janis Reyes by email at Janis.Reyes@sba.gov or by phone at 202-205-6533.