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## **National Coalition to Protect Family Leave Urges Senators to Support Modifications to Strengthen Historic Act**

*Says Recent DOL Action Will Improve Good Law,  
But More Work Needs to Be Done*

**WASHINGTON** – Key aspects of the Family and Medical Leave Act need to be modified and strengthened, the National Coalition to Protect Family Leave said today in anticipation of a hearing by the U.S. Senate Subcommittee on Children and Families commemorating the 15<sup>th</sup> anniversary of the act.

“Over the past 15 years, the FMLA has helped millions of American workers better balance the demands of job and family,” said Lisa Horn of the National Coalition to Protect Family Leave. “However, the FMLA’s confusing and vague regulations have made the act difficult for employees to understand and for employers to administer.”

Hearing witnesses including Katheryn Elliott, an HR professional who works at Central Michigan University, pointed to the potential for misuse of existing FMLA provisions, particularly with unscheduled, intermittent leave, the single fastest growing portion of FMLA leave. Ms. Elliott, a single mother, has used family and medical leave after the births of her own children and to care for both a son with a serious eye condition and her sick mother.

In a recent review of FMLA regulations, the Labor Department documented an explosion in sporadic, unscheduled leave. In fact, nearly 25 percent of all employees who took FMLA leave took at least some of it intermittently, the Labor Department said. In many instances, this unscheduled leave represented an inappropriate use of the medical leave provisions allowed under the law.

“The inappropriate use of intermittent leave unfairly burdens both employers and employees forced to cover the unpredictable absences of their co-workers,” said Horn. “In fact, the widespread use of sporadic leave with little or no notification is clearly undermining the many positive aspects of the Family and Medical Leave Act.”

“Congress wisely foresaw the need for occasional intermittent leave when it passed the FMLA,” said Horn. “However, the FMLA was never intended to turn full-time jobs into part-time jobs or allow employees to take sporadic leave without any notification.”

Earlier this week, the Department of Labor issued a set of proposed modifications to the Family and Medical Leave Act. The coalition believes these modifications will improve communication between workers and employers and will help to secure the FMLA's benefits for employees while making the FMLA easier for employers to implement.

The Labor Department's action came after reviewing more than 15,000 comments on the FMLA from employees and employers across the country, as well as numerous regulatory actions and congressional hearings. In New York, NY, for example, a 911 call center reported "an enormous amount of short notice overtime" was required to handle unscheduled absences. Emergency managers expressed concern that the misuse of intermittent leave could have safety consequences with many "overtired people making critical life and death decisions."

Even if the Labor Department's proposed regulatory changes are adopted, all the protections currently offered by FMLA will remain in place – including time off for the birth or adoption of a child, to care for a seriously ill family member or to seek treatment for a serious health condition.

The coalition called the proposed rule changes "a good first step," and believes the modifications present fair and reasonable expectations and guidelines for both employees and employers to follow. At the same time, the coalition expressed disappointment that the regulations did not go further to address the definition of what constitutes a "serious health condition" that qualifies for FMLA leave. The coalition also called for modifications in the medical certification provisions that essentially permit an employee to "self-certify" leave.

"Congress intended medical leave under the FMLA to be taken for serious health conditions," said Horn. "But because of the vague regulatory language currently in use, some are using the medical leave provisions of FMLA not to seek treatment for chronic conditions, but to excuse chronic absences from the workplace."

The coalition pledged to work with lawmakers and regulators to tackle these important challenges and to ensure that FMLA protections remain available for all American workers for decades to come.

*The National Coalition to Protect Family Leave is a broad-based, non-partisan group of organizations, companies and associations dedicated to protecting the integrity of the Family and Medical Leave Act.*

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