

**SUMMARY OF CONGRESSIONAL HEARINGS
DOCUMENTING CURRENT PROBLEMS WITH U.S. DEPARTMENT OF LABOR'S
FMLA INTERPRETATIONS**

DATE	SUBCOMMITTEE/ COMMITTEE	TYPE OF ACTION	TOPIC
May 9, 1996	Senate Subcommittee on Children and Families, Committee on Labor and Human Resources	Senate Hearing Report No. 104-503	“Oversight of the Family and Medical Leave Act”
June 10, 1997	House Subcommittee on Oversight and Investigations Hearing	House Hearing Report No. 105-44	“Hearing on the Family and Medical Leave Act [FMLA] of 1993”
July 14, 1999	Subcommittee on Children and Families, Committee on Health, Education, Labor, and Pensions	Senate Hearing Report No. 106-156	“Oversight Hearing on the FMLA. The Family and Medical Leave Act: Present Impact and Possible Next Steps”
March 9, 2000	House Subcommittee on Human Resources, Committee on Ways and Means Hearing	House Hearing Report No. 106-114	“FMLA and Unemployment Compensation”
February 15, 2000	Subcommittee on National Economic Growth Natural Resources and Regulatory Affairs	House Hearing Report No. 106-171*	“Is the Department of Labor Regulating the Public Through the Backdoor?”
April 11, 2002	Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs	Report Pending	“Paperwork Inflation – The Growing Burden on America”
February 25, 2003	House Committee on Small Business, Subcommittee on Regulatory Reform and Oversight	Roundtable Discussion on Regulatory Issues	Testimony Presented by Deanna Gelak, FMLA Corrections Coalition and Testimony also presented by Deron Zeppelin of SHRM.

*The Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs issued a report on Non-Binding Legal Effect of Agency Documents as a result of the Subcommittee’s 1999-2000 investigation, which amplified the revelations in the subcommittee’s earlier hearing with respect the FMLA:

“The hearing, including testimony by Ms. Dugan, examined one aspect of DOL's Family and Medical Leave Act [FMLA] guidance. The hearing revealed that DOL issued a nonregulatory but policysetting guidance opinion letter which redefined a `serious health condition' under the 1993 FMLA. DOL's 1995 opinion letter said that minor illnesses, such as the common cold, were not a serious health condition. However, in December 1996, DOL retracted its previous definition and stated that the common cold, the flu, ear-aches, upset stomachs, et cetera, all are covered by the FMLA if an employee is incapacitated more than 3 consecutive days and receives continuing treatment from a health care provider. Ms. Dugan's testimony explained that the consequences of this nonregulatory and costly redefinition reverberated throughout the employer world and actually created a problem for needy people.” **House Report No. 106-109, “Non-binding Legal Effect of Agency Guidance Documents”, October 26, 2000, p. 7.**

