



**2024 COMPLIANCE
DMEC CONFERENCE**
DALLAS, TX | MARCH 25-28, 2024

Sixty Minutes: DOL Headlines

Helen M. Applewhaite
March 27, 2024

Poll: All about you!

- Please respond to a few fun questions.





Today's Headlines from the Department of Labor

- DOL works to ensure safe jobs, essential protections, and fair workplaces
- WHD uses data-driven strategies to focus our efforts in compliance assistance and enforcement
- Strategic partnerships help us to understand trends and barriers in leave usage and other workplace protections

Stop the Presses: Barriers to taking leave when needed

Worker lacked awareness
of FMLA rights - 18%

Discrimination concerns -
35%

Inability to afford unpaid
leave - 66%





Feature Stories: Wage and Hour Division

- Enforcement by the numbers
- Reaching people where they are
- Promoting PUMP at work
- New Releases
- Common missteps and best practices



Hot Off the Presses: FMLA Enforcement Data

- WHD found FMLA violations in more than 2,000 cases over the past five years.
- FMLA violations found included denial of leave, termination, discrimination, and failure to reinstate.

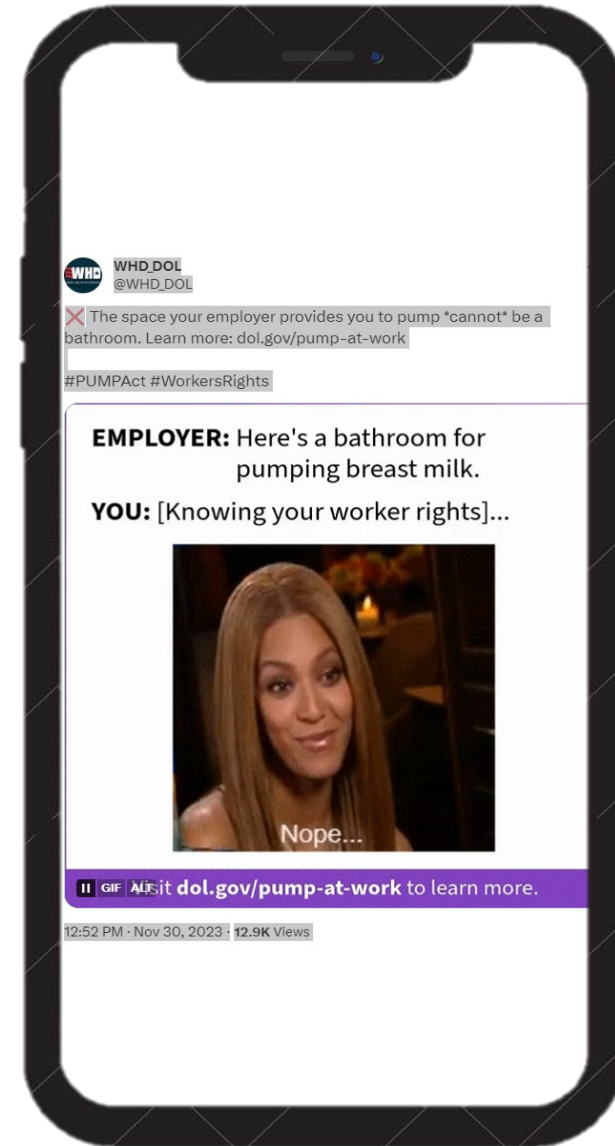
\$6.3 million +

- Over \$6.3 million was restored to workers during this period.
- Over 2,600 workers directly impacted.



Beyond the printed page: Outreach

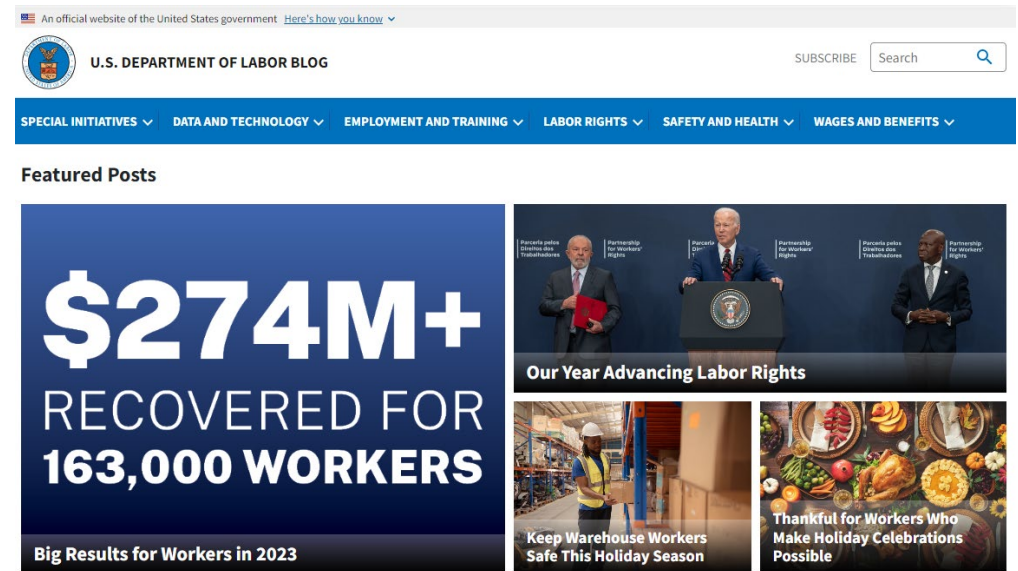
- Reaching workers in the digital age





Beyond the printed page: Shared stories

- Spreading the word and affecting compliance





Reaching workers where they are

- [How to talk to your employer](#)
- [Family Caregiver Information](#)
- [Maternal Health](#)
- [Mental Health](#)
- [Individuals Impacted by Cancer](#)
- [Help for Health Care Providers](#)

Maternal Health in Focus

- Collaborative Webinar series with Women's Bureau and EEOC
- Innovative approach to stakeholder groups
 - Manufacturing and Warehousing Industry
 - Black Mothers at Work
 - Doulas and Midwives



FLSA Protections to PUMP at Work


- New Powerpoint Presentation (March 2023)
- Industry-focused webinars and FAQs
 - Agriculture
 - Retail and Restaurant
 - Care Industry
 - Transportation
 - Education
- National Day of Action August 1, 2023




Are you covered under the PUMP Act?

Thanks to the PUMP Act, more workers have the right to break time and private space to pump breast milk during the workday.

Find out now:
Scan the QR code to learn more.



dol.gov/pump-at-work
1-866-487-9243



Wage and Hour Division
U.S. Department of Labor

WH-0000



Agency Collaboration

- [Memorandum of Understanding with the EEOC](#)
- Ongoing collaboration
- More to come



Breaking: New and Updated Fact sheets

- Entire Fact Sheet Series Update
- New – Rules for Schools
- More examples
- Using plain language
- Added – QR codes



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

Fact Sheet #28B: Using FMLA Leave When You are in the Role of a Parent to a Child

April 2023

The Family and Medical Leave Act (FMLA) provides job-protected leave from work for certain family and medical reasons.

This fact sheet explains when a worker may use FMLA leave for bonding with a new child, or for the care of a child with a serious health condition, when the worker *is in the role of a parent* to the child.

ABOUT THE FMLA

The FMLA provides eligible employees of covered employers with job-protected leave for qualifying family and medical reasons and requires continuation of their group health benefits under the same conditions as if they had not taken leave. FMLA leave may be unpaid or used at the same time as employer-provided paid leave. Employees must be restored to the same or a virtually identical position when they return to work after FMLA leave.

Eligible employees: Employees are eligible if they:

- Work for a covered employer for at least 12 months,
- Have at least 1,250 hours of service with the employer during the 12 months before their FMLA leave starts, and
- Work at a location where the employer has at least 50 employees within 75 miles.

Covered employers: Covered employers under the FMLA include:

- Private-sector employers who employ 50 or more employees in 20 or more workweeks in either the current calendar year or previous calendar year,
- Public agencies, including Federal, State, and local government employers, regardless of the number of employees, and
- Local educational agencies, including public school boards, public elementary and secondary schools, and private elementary and secondary schools, regardless of the number of employees.

The FMLA protects leave for:

- The birth of a child or placement of a child with the employee for adoption or foster care,
- The care for a child, spouse, or parent who has a serious health condition,
- A serious health condition that makes the employee unable to work, and
- Reasons related to a family member's service in the military, including:
 - Qualifying exigency leave – leave for certain reasons related to a family member's foreign deployment, and
 - Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness.

For more information about the FMLA generally, see [Fact Sheet #28](#).





Special Editions

- FMLA and FLSA posters were renewed in May 2023.
- QR codes are available to scan for more information.
- New PUMP Frequently Asked Questions
- More Translations available



New Releases: Opinion Letter 2023-2-A

- Whether Holidays Count Against an Employee's FMLA Leave Entitlement and Determination of the Amount of Leave Taken
- When an employee is taking less than a full workweek of FMLA leave, a holiday that falls during that workweek is not counted as FMLA leave (unless the employee was scheduled to work).

Related News: 2023 Guidance

- Opinion Letter 2023-1-A: Whether an eligible employee with a serious health condition that requires a reduced leave schedule may use FMLA leave to limit their workday indefinitely

News Bulletins

- Field Assistance Bulletin 2023-1: Telework under the FLSA and FMLA
- Field Assistance Bulletin 2023-2: Enforcement of Protections for Employees to Pump Breast Milk at Work
 - Break time requirements
 - FLSA principles for compensation
 - Functional space requirements
 - Retaliation

Do's and Don'ts: Common Missteps

- Not having a plan in place or an adequate policy
- Mistakenly thinking the law does not apply to your business
- Denying the leave or Not allowing enough time for a pump break
- Holding the leave or break time against the employee



Do's and Don'ts: Best Practices

- Explore your current set up – have a plan/review your policy
- Bookmark the WHD PUMP and FMLA websites
- Educate front line managers
- Communicate with employees
- Know the requirements of the laws that apply to you
 - State and local laws
 - PWFA and other EEOC-enforced laws
- Contact your local WHD office for questions on FMLA/PUMP – 1-866-4-USWAGE (1-866-487-9243)

Resources

- [FMLA Main Page – www.dol.gov/fmla](http://www.dol.gov/fmla)
- [FMLA Forms](#)
- [FMLA Compliance Assistance Toolkit](#)
- [FLSA Compliance Assistance Toolkit](#)
- [The Employer's Guide to the Family and Medical Leave Act](#)
- [PUMP at Work](#)
- [EEOC: What You Should Know About the Pregnant Workers Fairness Act](#)



2024 COMPLIANCE
DMEC CONFERENCE
DALLAS, TX MARCH 25-28, 2024



Questions?

