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## FMLA Compliance Under Scrutiny as Part of New DOL Initiative

In its recent [announcement](#) of a warehouse and logistics worker initiative, the Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) stated the action would include a focus on federal Family and Medical Leave Act (FMLA) compliance.

### The Initiative

The announcement said the division would use all of its tools to ensure employers comply with federal labor laws, specifically mentioning “vigorous enforcement,” along with education and outreach, as a planned means to increase compliance and reduce industry violations. In fiscal year 2021, the WHD collected \$230 million in wages owed to 190,000 workers, according to the DOL.

In addition to FMLA compliance, the [initiative](#) will target:

- Wage payment
- Workplace harassment and retaliation
- Misclassification of employees as independent contractors.

The division said the “enormous strain” on the warehouse and logistics industries had prompted it to take heightened action to protect the rights of warehouse workers, delivery drivers and truck drivers, among others. The division also explained “these essential workers ensure medical supplies, construction materials, food and clothing, and many other necessities of daily life arrive where they are needed.”

### Family and Medical Leave Act

The FMLA requires covered employers to provide eligible employees with unpaid, job-protected leave for family and medical reasons. Employers must have at least 50 employees for the law to apply. Employee eligibility requirements include having worked for the covered employer for at least 12 months and at least 1,250 hours during the 12 months before the leave.

### Next Steps for Employers

Employers can expect vigorous enforcement of the FMLA and other federal labor laws as part of the new initiative. Common violations include worker misclassification, unpaid overtime, tip theft, insufficient break periods and failure to provide protected leave. Employers should review their FMLA and labor policies to ensure full compliance with the law.

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