

Timetable:

Action	Date	FR Cite
NPRM	01/00/2010	

Regulatory Flexibility Analysis**Required:** Organizations**Government Levels Affected:** No**Federalism:** No**Agency Contact:** Andrew R. Davis

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Department of Labor (DOL)**Employment Standards Administration (ESA)****RIN:** 1215-AB76 [View Related Documents](#)**Title:** The Family and Medical Leave Act of 1993, as Amended**Abstract:** The Department of Labor continues to review the implementation of the new military family leave amendments to the Family and Medical Leave Act included in the National Defense Authorization Act for FY 2008, and other revisions of the current regulations implemented in January 2009.**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 29 CFR 825 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 2654**Legal Deadline:** None**Regulatory Plan:**

Statement of Need: The FMLA requires covered employers to grant eligible employees up to 12 workweeks of unpaid, job-protected leave a year for specified family and medical reasons, and to maintain group health benefits during the leave as if the employees continued to work instead of taking leave. When an eligible employee returns from FMLA leave, the employer must restore the employee to the same or an equivalent job with equivalent pay, benefits, and other conditions of employment. FMLA makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA. In addition, section 585(a) of the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA effective January 28, 2008, to permit an eligible employee who is the "spouse, son, daughter, parent, or next of kin of a covered servicemember" to take up to a total of 26 workweeks of leave during a single 12-month period to care for the covered servicemember, defined as "a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." The NDAA amendment to FMLA also permits an eligible employee to take up to 12 workweeks of FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." Regulations implementing these amendments were published November 17, 2008, and took effect January 16, 2009 (73 FR 67934). The Department is reviewing the implementation of these new military family leave amendments and other revisions of the current regulations.

Legal Basis: These regulations are authorized by section 404 of the Family and Medical Leave Act, 29 U.S.C. 2654.**Alternatives:** After completing a review of the implementation of the new military family leave amendments and other revisions of the regulations implemented in January 2009, regulatory alternatives will be developed for notice-and-comment rulemaking.**Costs and Benefits:** Preliminary estimates of the anticipated costs and benefits of this initiative will be determined once

regulatory alternatives are developed.

Risks: This rulemaking action does not directly affect risks to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State; Tribal

Federalism: Undetermined

Energy Affected: No

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Department of Labor (DOL)

Employment Standards Administration (ESA)

RIN: 1215-AB78

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Title: Records To Be Kept by Employers Under the Fair Labor Standards Act

Abstract: The Department of Labor proposes to update the recordkeeping regulations under the Fair Labor Standards Act in order to enhance the transparency and disclosure to workers of how their pay is computed, and to modernize other recordkeeping requirements for employees under "telework" and "flexiplace" arrangements.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 516 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 211(c)

Legal Deadline: None

Regulatory Plan:

Statement of Need: The recordkeeping regulation issued under the Fair Labor Standards Act (FLSA), 29 CFR part 516, specifies the scope and manner of records covered employers must keep that demonstrate compliance with minimum wage, overtime, and child labor requirements under the FLSA, or the records to be kept that confirm particular exemptions from some of the Act's requirements may apply. This proposal intends to update the recordkeeping requirements to foster more openness and transparency in demonstrating employers' compliance with applicable requirements to their workers, to better ensure compliance by regulated entities and to assist in enforcement. In addition, the proposal intends to modernize the requirements, consistent with the increasing emphasis on flexi-place and telecommuting, to allow for automated or electronic recordkeeping systems instead of the mandatory manual preparation of "homeworker" handbooks currently required for all work that an employee may perform in the home.

Legal Basis: These regulations are authorized by section 11 of the Fair Labor Standards Act, 29 U.S.C. 211.

Alternatives: Alternatives will be developed in considering proposed revisions to the current recordkeeping requirements. The public will be invited to provide comments on the proposed revisions and possible alternatives.

Costs and Benefits: Preliminary estimates of anticipated costs and benefits of this regulatory initiative have not been determined at this time and will be determined at a later date as appropriate.

Risks: This action does not affect public health, safety, or the environment.

Timetable:

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