

LEGAL UPDATE

FMLA Compliance Under Scrutiny as Part of New DOL Initiative

In its [announcement](#) this month of a warehouse and logistics worker initiative, the Wage and Hour Division 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 planned means to increase compliance and reduce industry violations.

In addition to FMLA compliance, the initiative will target wage payment, workplace harassment and retaliation, and 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 FMLA

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

In light of the DOL’s plan for stepped-up enforcement, employers should review their FMLA policies to ensure full compliance with the law.

Highlights

- The DOL’s Wage and Hour Division has announced a warehouse and logistics worker initiative.
- The initiative will target FMLA compliance, along with wage payment, harassment and retaliation, and worker misclassification.
- The division plans vigorous enforcement to meet the goals of the initiative.

Employers can expect vigorous enforcement of the FMLA and other federal labor laws as part of the new initiative.

Provided to you by **Kinloch Consulting Group, Inc.** February 28, 2022

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. © 2022 Zywave, Inc. All rights reserved.

Kinloch
CONSULTING GROUP
An Optisure Risk Partner