April 12, 2005

Elaine L. Chao, Secretary  
U.S. Department of Labor  
200 Constitution Avenue NW  
Washington, DC 20210

Dear Secretary Chao,

We are writing on behalf of millions of American families who have benefited from the Family and Medical Leave Act (FMLA) and the millions more who will benefit in the years to come. We urge you not to make any regulatory changes that would undercut the critical protections it provides to working women and men and their families.

More than 50 million Americans have taken job-protected leave to bond with a new baby, care for a seriously ill family member, or recuperate from their own serious illness since the enactment of the FMLA just twelve years ago. As a result, fewer people have had to choose between a job and family when medical crises strike or babies are born.

We are very concerned that, despite the law’s great success, important provisions of the FMLA are threatened. Opponents of the FMLA are calling for changes to the law that would rollback many of the protections that it provides to America’s workers by changing the definition of a serious health condition and restricting the use of intermittent leave.

One suggestion is to change the definition of a serious health condition to deny job protected, unpaid leave to workers unless their condition, or the condition of the person they are caring for, lasts ten or more days. Current regulations define a serious health condition, in part, as a condition that requires more than three consecutive days of treatment and recovery.

Altering the definition will leave out numerous serious conditions. For example, an employee with acute appendicitis may not be covered. This employee, with medical treatment, can be back at work in less than 10 days. Untreated, acute appendicitis is life threatening. Of the 50 million Americans who have taken job-protected leave under the FMLA, half have taken leave for serious illness, whether their own or a family member’s, for 10 days or less. We are concerned that altering the definition of a serious health condition will remove much needed job protection for millions of Americans when they need it most.

FMLA opponents are also pushing for changes that could force employees to take leave for no less than a half-day at a time. This change would force many employees to take unnecessary leave without pay. Employees who require frequent, short treatments, such as radiation
treatment for cancer or pre-natal visits, will be forced to exhaust their FMLA leave sooner than necessary, leaving them without adequate job-protection for medically necessary treatments and recovery time they require. The current law aims to minimize employers' administrative burdens by offering leave in the smallest units that employers already use to track employee leave while ensuring that workers are not absent from work any longer than necessary.

Research shows that the FMLA has been beneficial to business. United States Department of Labor employer surveys, released in 2000, found that 9 in 10 covered employers report that the FMLA has a positive or neutral effect on productivity and growth. Another nationally representative employer survey found that 3 in 4 private-sector employers say the FMLA’s benefits outweigh or offset its costs. The Department of Labor survey also found that, for the vast majority of employers, intermittent leave has no impact on productivity (81%) or profitability (94%).

As a nation, we can do a better job of helping our nation’s families be responsible employees and parents. Working Americans need the Department of Labor and Congress to provide more solutions as they struggle to balance work and family. We hope that we can work with you to develop programs that help meet the needs of our nation’s families and ensure the security of the Family and Medical Leave Act. Thank you.

Sincerely,

National Partnership for Women & Families
9to5 Colorado
9to5, National Association of Working Women
9to5 Poverty Network Initiative – Wisconsin
AARP
ACORN
ADA-OHIO (The Americans with Disabilities Act)
AFL-CIO
Aging Resources of Central Iowa
All Families Deserve a Chance (AFDC) Coalition - Colorado
Alpha-1 Association
Alpha-1 Foundation
American Association of People with Disabilities (AAPD)
American Association of University Women (AAUW)
American Association on Mental Retardation
American Autoimmune Related Diseases Association
American Civil Liberties Union (ACLU)
American Civil Liberties Union Women's Rights Project
American Federation of Government Employees (AFGE)
American Federation of State, County, and Municpial Employees (AFSCME)
American Federation of Teachers (AFT)
American Society on Aging (ASA)
Asian Law Caucus, CA
Association for Women in Science (AWIS-WVU), West Virginia University Student Chapter
Association of Flight Attendants - CWA
Association of University Centers on Disabilities (AUCD)
Atlanta/North Georgia Labor Council, GA
Atlanta 9to5, GA
Atlanta Women's Foundation, GA
Bay Area & Western Paralyzed Veterans of America
Black Women's Health Imperative
Business and Professional Women (BPW), USA
California Commission on the Status of Women
California Labor Federation, AFL-CIO
California Nurses Association (CNA)
Cambridge Commission for Persons with Disabilities, MA
Cambridge Commission on the Status of Women, MA
Candlelighters Childhood Cancer Foundation
Candlelighters Childhood Cancer Foundation of the Inland Empire, Inc., CA
Candlelighters of Southwest Florida
Center for Community Change (CCC)
Center for Independent Living of Jasper, Alabama
Center for Law and Social Policy (CLASP)
Center for Women and Work, Rutgers University, NJ
Center on Women and Public Policy, Humphrey Institute of Public Affairs, University of Minnesota
Cerebral Palsy of Colorado
Chester County Commission for Women, PA
Child Care Law Center
Children's Advocacy Institute, Center for Public Interest Law
Children's Alliance of New Hampshire
City of Boston Women's Commission, MA
City of Fairfax Commission for Women, VA
Coalition on Human Needs
Colorado AFL-CIO
Colorado Center on Law and Policy
Colorado Fiscal Policy Institute
Colorado Progressive Coalition
Colorado Women's Agenda
Communications Workers of America (CWA)
Communications Workers of America (CWA), Local 1034, NJ
Cook County Department of Human Rights, Ethics and Women's Issues, IL
Cumberland County Commission for Women, PA
Communications Workers of America (CWA), Local 3204, GA
Dads and Daughters
DC Employment Justice Center
Delaware Commission for Women
Denver Area Labor Federation, CO
Early Childhood Policy Research
Epilepsy Foundation
Equal Rights Advocates (ERA), CA
Equality State Policy Center, WY
Faith Voices for the Common Good, CA
Families USA
Families of Spinal Muscular Atrophy (SMA)
Family Caregiver Alliance (FCA)/National Center on Caregiving
Family Caregiver Coalition of New England
Family Voices New Jersey
Gateway/Midwest Paralyzed Veterans of America
Georgia AFL-CIO
Greater Boston Legal Services, MA
Great Plains Chapter Paralyzed Veterans of America
Illinois Maternal and Child Health Coalition
International Association of Machinists Aerospace Workers (IAMAW)
International Federation of Professional and Technical Engineers (IFPTE)
International Union of Bricklayers and Allied Craftworkers
Iowa Commission on the Status of Women
Iowa Annual Conference of The United Methodist Church
Labor Project for Working Families, CA
Leadership Conference on Civil Rights (LCCR)
Legal Aid Society-Employment Law Center (LAS-ELC), CA
Legal Momentum
LIUNA (Laborers’ International Union of North America)
LIUNA Women’s Caucus
Lutheran Office of Governmental Ministry in New Jersey
Maine Civil Liberties Union
Maine Women's Lobby
Massachusetts AFL-CIO
Massachusetts Paid Leave Coalition
Paralyzed Veterans of America, Michigan Chapter
MOTHERS (Mothers Ought To Have Equal Rights)
Montgomery County Commission for Women, MD
Ms. Foundation for Women
NARAL Pro-Choice America
NARAL Pro-Choice Arizona
NARAL Pro-Choice Colorado
NARAL Pro-Choice Massachusetts
NARAL Pro-Choice New Hampshire
NARAL Pro-Choice New York
NARAL Pro-Choice North Carolina
NARAL Pro-Choice Ohio
NARAL Pro-Choice South Dakota
NARAL Pro-Choice Wisconsin
National Association for the Education of Young Children (NAEYC)
National Association of Commissions for Women (NACW)
National Association of Social Workers (NASW)
National Association of Social Workers (NASW), Colorado Chapter
National Association of Social Workers (NASW), Iowa Chapter
National Association of Social Workers (NASW), Metro Chapter
National Association of Social Workers (NASW), Oregon Chapter
National Coalition for Cancer Survivorship
National Council of Churches (NCCCU)
National Council of Jewish Women (NCJW)
National Council of La Raza (NCLR)
National Council of Women's Organizations (NCWO)
National Council on Independent Living
National Education Association (NEA)
National Employment Law Project (NELP)
National Employment Lawyers Association (NELA)
National Family Caregivers Association (NFCA)
National Mental Health Association
National Multiple Sclerosis Society
National Organization for Women (NOW)
California National Organization for Women (NOW)
Connecticut National Organization for Women (NOW)
National Psoriasis Foundation
National Respite Coalition
National Women's Health Network
National Women's Law Center (NWLC)
NETWORK:  A National Catholic Social Justice Lobby
New Hampshire AFL-CIO
New Hampshire Commission on the Status of Women
New Jersey Citizen Action
New Jersey Time To Care Coalition
New Mexico Association of Community Action Agencies
New Mexico Commission on the Status of Women
New Mexico Conference of Churches
New Mexico Voices for Children
North Carolina Justice & Community Development Center
Paralyzed Veterans of America, North Central Chapter, SD
Older Women's League (OWL)
Padres Unidos – Colorado
PA Family Economic Self-Sufficiency Project, PathWaysPA
Paper, Allied-Industrial, Chemical and Energy Workers International Union (PACE)
Paralyzed Veterans of America
Parent to Parent of Colorado
Parents’ Action for Children
ParentsWork, IL
Pax Christi
Pennsylvania Council of the Blind (PCB)
Philadelphia Citizens for Children and Youth, PA
Planned Parenthood Federation of America (PPFA)
Program on WorkLife Law, American University Washington College of Law, DC
PROJECT! OUTREACH: Early Breast Care, Education, Screening & Education, Inc.
Project WISE, CO
Protestants for the Common Good
Public Justice Center, MD
RESULTS
Seattle Women's Commission, WA
Service Employees International Union (SEIU)
South Dakota Coalition of Citizens with Disabilities
South Plains Post Polio Support Network, TX
Statewide California Coalition for Battered Women
Statewide Parent Advocacy Network (SPAN), NJ
Take Back Your Time Day
Take Care Net
The Arc of the United States
UAW Massachusetts CAP Counsel
United American Nurses
Unitarian Universalist Association of Congregations
United Auto Workers (UAW)
United Cerebral Palsy
United Electrical, Radio and Machine Workers of America (UE)
United Food and Commercial Workers (UFCW), Women's Network
United Steelworkers of America (USWA)
USAAction
Utility Workers Union of America
Vaughan Chapter Paralyzed Veterans of America, IL
Veteran Feminists of America
Virginia Interfaith Center for Public Policy
Voices for Children of Greater Cleveland, OH
Voices for America's Children
Wider Opportunities for Women (WOW)
Wisconsin Council on Children and Families
Wisconsin Paralyzed Veterans of America
Women Employed, IL
Women's Employment Rights Clinic, Golden Gate University School of Law, CA
Women's Law Center of Maryland
Women's Law Project, PA
Women's Lobby of Colorado
Women's Policy Group, GA
Women's Way, PA
Women Work! The National Network for Women's Employment
Women Vote PA
YWCA Greater Portland, ME
YWCA USA