



May 20, 2004

Lorraine Hunt  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
NEOB  
Room 10202  
725 17<sup>th</sup> Street, NW  
Washington, DC 20503

RE: 2004 Draft Report to Congress on the Cost and Benefits of Federal Regulations

Dear Lorraine Hunt:

In response to your request for input on your draft regulatory accounting report (69 *Federal Register* 7987), the Society for Human Resource Management (the "Society" or "SHRM") would like to again nominate the Department of Labor's Family and Medical Leave Act (FMLA) of 1993 regulations and interpretations for revision.

SHRM is the world's largest association devoted to human resource management. Representing more than 185,000 individual members, the Society's mission is to serve the needs of human resource ("HR") professionals by providing the most essential and comprehensive set of resources available. As an influential voice, the SHRM's mission is also to advance the human resource profession to ensure that HR is recognized as an essential partner in developing and executing organizational strategy. Founded in 1948, SHRM currently has more than 500 affiliated chapters within the United States and members in more than 120 countries. Visit SHRM Online at [www.shrm.org](http://www.shrm.org).

Approximately 18 percent of SHRM members work for employers in the manufacturing sector. The issues raised in the Society's previous submission (e.g. the interpretation of what constitutes a serious health condition combined with the administration of intermittent leave), are particularly relevant to the manufacturing sector since an increase in unscheduled and unplanned absences have been especially disruptive to small and mid-sized manufacturers.

We congratulate Department of Labor (DOL) for rescinding the previous Administration's Birth and Adoption Unemployment Compensation (Baby UI) regulation<sup>1</sup> as recommended by SHRM. However, the FMLA cost and implementation issues detailed in our 2002 comments<sup>2</sup> remain and have actually become increasingly

<sup>1</sup> June 13, 2000 *Federal Register*, Volume 65, Number 114 [Page 37209-37227].

<sup>2</sup> Society for Human Resource Management Comments Submitted in Response to the Office of Management and Budget's 2002 Draft Report

complex. SHRM strongly urges OMB to move forward to designate reform of the Department of Labor's FMLA implementing regulations and associated non-regulatory guidance documents as a high priority, and to take any other action that would help to immediately restore the Act's medical leave provisions (and associated recordkeeping and intermittent leave tracking issues) to the original intent of the law.

Since our original submission, the SHRM® 2003 FMLA Survey has revealed that half (50 percent) of human resource professionals indicated that they have had to grant FMLA requests they did not believe were legitimate because of the Labor Department's medical leave interpretations. Additionally, More than one-third (34 percent) of human resource professionals were aware of employee complaints in the past 12 months due to coworker's questionable use of FMLA.

We reaffirm our request that the Administration move quickly to make the FMLA a model of effectiveness, rather than a model of complexity.

If SHRM can be of further assistance, please contact me at (703) 535-6027.

Sincerely,



Michael P. Aitken  
Director, Governmental Affairs