

Dear Congressman/Congresswoman _____,

I am a member of the Transportation Workers Union and I write to you regarding an issue that not only affects my 140,000 TWU brothers and sisters, but the welfare and health of all union and non-union members alike. This issue involves Title 29 of the Code of Federal Regulations regarding the Family and Medical Leave Act (FMLA) and Workers Compensation running concurrently.

CFR Title 29 Sec. 825.702 reads, "An employee may be on a Workers' Compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The Workers' Compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employer)."

The wording "designation by employer" allows an employer to utilize an employee's FMLA and Workers Compensation *at the same time*. Workers Compensation laws are designed to protect an employee who was hurt while on the job. FMLA laws are designed for qualifying issues unrelated to one's job. The wording of the CFR allows for the unnecessary use and abuse of FMLA laws by employers, severely limiting their employees' Family Medical Leave later in the year.

For example: An employee is hurt on the job, and unable to work for 9 weeks; the employer then utilizes both programs concurrently, using up FMLA entitlements even though the employee is already covered by Workers Compensation laws. Because FMLA leave is limited to 12 weeks, the injured employee now only has 3 weeks of FMLA leave for the remainder of the year. Employers regularly use FMLA leave in this manner as standard procedure. *This undermines the very reason the law was created.*

FMLA provides the employee options such as leave or light duty while they tend to qualifying needs unrelated to their job (for example, disabled veterans requiring therapy, people with disabilities or medical issues, spouses of deployed, parents of hospitalized children, workers with terminally ill parents, etc.). FMLA is unpaid, but the employee may use their earned vacation/sick time. FMLA does not apply to businesses with fewer than 50 employees, so amending the CFR would not be a burden on small businesses.

A change in the wording of CFR Title 29 Sec 825.702 law to read "**The Workers' Compensation absence and FMLA leave may run concurrently (subject to notification and designation by the employee)**" would give workers the right to choose whether to run these two separate work entitlements concurrently. Please help to stop employers robbing employees of their FMLA entitlement.

I respectfully ask that you evaluate this law and the legislation to amend it. Help give back the job protection and options needed for our employees to stay a productive part of America's workforce. Please contact me with any questions or response that you may have regarding this issue and steps you are willing to take. Thank you for all you do for Americans and veterans alike.

Sincerely,

Print Name
Transport Workers Union
Address
Phone