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Employee Turnover and Retentions

Workplace Flexibility 2010, Georgetown University Law Center

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EMPLOYEE TURNOVER AND RETENTION

DOL Topic: L¹

THIS MEMORANDUM PROVIDES A SUMMARY OF QUESTIONS ASKED IN THE DOL REQUEST FOR INFORMATION (“RFI”) ABOUT EMPLOYEE TURNOVER AND RETENTION AND COMMENTS SUBMITTED IN RESPONSE TO THE RFI.²

The DOL requested information about the impact of the FMLA on employee morale and retention. Neither the statute nor regulations directly address these issues.

ISSUE: FMLA Impact on Employee Morale and Retention

- **The RFI asked: What impact does the FMLA have on employee morale, productivity, turnover, and retention?** The DOL requested comments about the FMLA’s impact on employee morale, productivity, retention, turnover and related costs.

EMPLOYER-SIDE COMMENTS

A large number of employer comments mention this issue, usually discussing it in conjunction with one of the other topics. For example, some comments discuss the impact on morale depending on the type of leave used or notice given.³ The bullets below encapsulate comments from employers and employer organizations.

- Most comments from employers address the perceived negative consequences of FMLA abuse on employee morale, retention, and productivity. Specifically, some employers note that the misuse of intermittent leave has undermined collegiality. Others mention the resentment amongst co-workers forced to cover the shifts of

¹ This topic is discussed in the Family and Medical Leave Act Regulations: A Report on the Department of Labor’s Request For Information, 72 Fed. Reg. 35550 (June 28, 2007), *available at* <http://www.dol.gov/esa/whd/FMLA2007FederalRegisterNotice/07-3102.pdf>, primarily in Chapters I, IV and XI.

² The comments reviewed herein are from employers, employer organizations, employees, employee organizations, health care providers, and health care provider organizations. They reflect all comments posted on regulations.gov or available via a Google search as of May 8, 2007. More detailed descriptions of these comments are found in the “Digest of Comments Submitted in Response to the Department of Labor’s Request for Information on the Family and Medical Leave Act,” *available at* <http://www.law.georgetown.edu/workplaceflexibility2010/law/fmla.cfm>.

³ See *also* Topics F and J.

EMPLOYER-SIDE COMMENTS

employees on leave, which, according to some of the comments, exists even when that leave is understood to be for an FMLA-qualifying purpose.

- Employers report that they want more tools to address FMLA abuse, and that addressing abuse would improve morale and retention.
- Despite reports from some employers that employees resent covering shifts due to their coworkers' FMLA absences, other employers report that legitimate FMLA use increases employee morale, and that employees willingly cover shifts and contribute extra hours when their coworkers are on FMLA leave.

EMPLOYEE-SIDE COMMENTS

Most substantive employee-side comments are from organizations. The bullets below encapsulate the employee-side comments.

- The National Partnership for Women and Families notes that the 2000 Westat survey supports the proposition that the FMLA promotes workforce continuity and stability.
- Some individual employees report that the FMLA increases retention and decreases turnover by providing employees with the flexibility they need to balance work/life demands. Others include personal accounts of their own increased loyalty to their employers after taking FMLA leave.