

Public Comments to:

Department of Labor
Employment Standards Administration
Wage and Hour Division
29 CFR Part 825
RIN 1215-AB35
www.regulations.gov
The Family and Medical Leave Act of 1993

WakeUpWalMart.com, America's campaign to change Wal-Mart, and our more than 415,000 members across the country, encourage the Department of Labor to act swiftly to put in place regulations to ensure that military families have access to expanded FMLA leave as Congress intended.

Our organization is regularly in contact with Wal-Mart workers who have to fight the retail giant in order to be granted leave to illness, childcare emergencies, and increasingly, military leave or deployment of family members. Two of their stories are below.

Olga Sanchez, of Big Spring, Texas, is a 52-year-old mother of five. Until February 12, 2008, she had worked at Wal-Mart store #513 for 24 years.

In January, Olga learned that her youngest son, Mark, would be deployed to Iraq on March 15th. Even though she had accrued three weeks of vacation, her request to take one week to travel to her son's deployment was denied, because it was too close to inventory time. The reason she requested six days off was that she hoped to take a bus from Big Spring, to Savannah, Georgia, where her son would ship out from.

In February, her son called to say that his deployment had been pushed up to February 29th, just two weeks shy of his 21st birthday. Again, Olga requested six days off to travel to Georgia to see her son off. She felt this was critical because she "didn't know when [she'd] be able to see him again."

Again, her manager denied her request, saying that when Olga took the job as department manager, her commitment became to Wal-Mart. At this point, Olga informed her manager that her commitment was to her family, gave two weeks notice, and clocked out.

After 24 years as a dedicated employee, Olga has no interest in going back to work at Wal-Mart because she said "it's very hard to work in a place" that shows its workers so little respect.

Previously, under different management, Olga was able to take unpaid leave to see her husband, a member of the National Guard, when he was deployed in January 2004. Now,

there is a chance that her 53-year-old husband will be called on to do another tour this summer.

She is afraid to start looking for a new job, for fear that she will have the same problem this summer if her husband is deployed.

Olga is not alone in those fears. Susan Lyons prepares party trays at a Sam's Club in Flagstaff, AZ. In September, she learned that her 37-year-old daughter would be on leave from Iraq in December. Her request to take two days of paid vacation was denied because of the holiday shopping season. Susan made arrangements for other associates to cover her shifts, if necessary. Again, the request was denied. When she expressed her disappointment, her manager told her that if her daughter's deployment upset her so much, then her daughter "should not have joined the military."

Susan persisted in requesting the necessary time off, writing letters to Wal-Mart's human resources department, her members of Congress, and CEO Lee Scott. She received written discipline during this period arising from her desperate push for time off. She was ultimately granted one of the two days that she needed, but believing that her family was the priority, she took both days anyway, without approval.

Under the amended Family Medical Leave Act, Olga should feel more comfortable to find a new job, without the worry that she will again be forced to choose between her family and her job. Susan would not be forced to fight with management for weeks, and suffer the indignity of discipline, simply for wanting to spend time with her daughter, who is risking her life overseas. It is critical that the Department of Labor to act quickly to put in place regulations to ensure that military families have access to expanded FMLA leave as Congress intended.

Sincerely,

Meghan Scott
WakeUpWalMart.com