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U.S. Department of Labor Opinion Letter Program

Earlier this month, the U.S. Department of Labor (DOL) announced the launch of its opinion letter program. The purpose of this program has been to centralize access to opinion letters and other guidance that spans the five key enforcement agencies under the DOL. The agencies are as follows: Wage and Hour Division (WHD), Occupational Safety and Health Administration (OSHA), Employee Benefits Security Administration (EBSA), Veterans' Employment and Training Service (VETS), and Mine Safety and Health Administration (MHSa).

The program is part of an effort to "empower the public with the information they need to understand and comply with the laws the department enforces." Opinion letters explain how laws apply to specific factual circumstances presented by individuals or organizations.

The department's opinion letters [landing page](#) allows users to explore existing guidance from the WHD using features such as a search function to locate current and past opinion letters, a clear process for requesting guidance, etc. Topics previously addressed in opinion letters include:

- [Application of FLSA exemption criteria in a specific fact scenario](#),
- [Reduced-schedule FMLA leave](#),
- [Calculating FMLA leave during the week of a holiday](#), and
- [Compensability of travel time on telework days](#).

Employers considering requesting guidance through the opinion letter program should consult agency counsel to discuss and draft the request and to explain the potential legal and practical implications of an advisory opinion.

If you have questions about the information in this advisory, please contact a member of the HRA Policy team or send an email to hrapolicy@doas.ga.gov.

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