Labor Law and the Family
A Guide to Resources in the Law Library

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See Also:
Connecticut Department of Labor — Laws and Legislation
http://www.ctdol.state.ct.us/wgwkstnd/laws-reg/legislation.htm

Connecticut Department of Labor — Paid Sick Leave to Employees
http://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm

Connecticut Department of Labor — Employment of Minors
http://www.ctdol.state.ct.us/wgwkstnd/employminors.htm

Connecticut Law about Family Medical Leave

Connecticut Law about Labor Law

Connecticut Law about Rights of Minors
http://www.jud.ct.gov/lawlib/law/minors.htm

Connecticut Law about Wrongful Discharge from Employment
http://jud.ct.gov/lawlib/Law/discharge.htm

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Section 1: Employment of Minors

A Guide to Resources in the Law Library

SCOPE:
Bibliographic resources concerning issues involving child labor in Connecticut

SEE ALSO:
§ 2. Rights of parents to the wages and services of their children

CURRENCY:
- 2015 Edition

STATUTES:
  Chapter 168. School attendance and employment of children
  § 10-194. Penalty.
  § 10-195. Evidence of Age.
  § 10-197. Penalty for employment of minor child under fourteen.

Chapter 319. Department of Children and Families
  § 17a-8. Custody of children and youths committed to commissioner as delinquent. Term, escape, violation of parole, return to custody. Vocational parole.

Chapter 422. Department of Agriculture
  § 22-16. Employer of more than fifteen affected. Employment of member of immediate family.

Chapter 545. Liquor Control Act
Part VII. Prohibited acts, penalties, and procedures
  § 30-81. Unsuitable persons prohibited from having financial interest in permit business. Employment of minors restricted.
  § 30-90a. Employment of minors. Permits held by, and financial interests of, persons over eighteen on July 1, 1982, not affected.

Chapter 557. Employment regulations
Part I. Hours of labor
  § 31-12. Hours of labor of minor, elderly and handicapped persons in manufacturing or mechanical establishments.
  § 31-13. Hours of labor of minors, elderly and handicapped persons in mercantile establishments.
  § 31-16. Night work in messenger service.
§ 31-18. Hours of labor of minors, elderly and handicapped persons in certain other establishments.
§ 31-25. Operation of elevators by minors.

Chapter 558. Wages
Part I. Minimum wages
§ 31-58a. Minimum wage for minors in government or agricultural employment.

  Title 29 Labor
  §§ 201-262. Fair Labor Standards Act
  § 203(l). “Oppressive child labor” defined.
  § 211. Collection of data.
    (a) Investigation and inspection
  § 212. Child labor provisions.

  Title 31 Labor
  § 31-23-1. Employment of minors (rev. 3-99).

  Title 29 Labor
  Part 570. Child labor regulations, orders and statements of interpretation.
  Subpart B—Certificates of age.
  Subpart C—Employment of minors between 14 and 16 years of age (Child Labor Reg. 3).
  Subpart E—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
  Part 575. Waiver of child labor provisions for agricultural employment of 10 and 11 year old minors in hand harvesting of short season crops.

FORMS:

  Chapter 144. Infants.
  § 144.12. Parent's consent to employment of minor and
  relinquishment of right to earnings.

  Chapter 191. Parent & Child
  § 191:52. Consent to employment of minor
  § 191:53. Consent to employment of minor—Provision—
  release of claims for damages.
  § 191:54. Guaranty by parents—Performance of minor's
  obligations under employment contract.
  § 191:56. Notice to employer of minor—Parent's claim
  of wages due minor.
  § 191:57. Notice to employer of minor—Parents’
  relinquishment of right to wages due minor.
  § 191:58. Parents’ assignment of right to minor's wages
  to guardian of estate.
  § 191:59. Parent's agreement to relinquish control of
  minor child and right to child's earnings.

CASES:

- *Saccente v. LaFlamme*, Superior Court, Judicial District of
  Tolland at Rockville, No. CV01-00756730 (Jul. 11, 2003) (35
  Conn. L. Rptr 174) (2002 WL 31687214). “Similarly, in
  *Blancato v. Feldspar Corporation*, 203 Conn. 34, 522 A.2d
  1235 (1987), cited by the plaintiff the court allowed a minor
  to avoid an employment contract but only where he had
  been illegally employed in violation of the child labor laws.”

- *Blancato v. Feldspar Corporation*, 203 Conn. 34, 40, 522
  A.2d 1235 (1987). “We agree with the view set forth by the
  Supreme Court of Alaska in *Whitney-Fidalgo Seafoods, Inc.
  v. Beukers*, 554 P.2d 250, 253 (Alaska 1976), that '[t]he
  child labor laws ... are premised in part on the notion that a
  child is not competent to assess the risks of personal injury
  and exploitation attendant in the performance of hazardous
  activities. Where one party to an agreement possesses a
  legal disability of this type, we will not permit the other, who
  occupies a superior bargaining position, to raise the
  agreement as a shield against the child's common law suit.'"

- *Goodnow v. Bates*, Superior Court, Judicial District of
  Danbury, No. 295634 (May 8, 1992). “The clear impact of
  Blancato is that the plaintiff has an election of remedies,
  either to affirm the illegal employment contract and accept
  workers' compensation benefits, or to reject it and bring a
  common law tort action ... This is a clear situation of
  election of remedies and ratification of the illegal
  employment contract.”

WEST KEY
NUMBERS:

- Infant #1491-#1494. Child Labor
DIGESTS:
- U.S. Supreme Court Digest L.Ed 2d: Labor §3. Labor law generally—women and children.

INDICES:
- ALR: Child labor

ENCYCLOPEDIAS:
  - § 50. As to inexperienced or minor employees.
  - § 62. Minors employed in violation of statutory prohibition or regulation.
  - § 64. —Right or cause of action.
  - § 65. —Defenses.
  - § 54. Generally.
  - § 55. Sports or entertainment services.
  - § 56. Employment of others by infant.

PAMPHLETS:
  http://www.ctdol.state.ct.us/wgwkstnd/minors/wgchklst.htm
  http://www.ctdol.state.ct.us/wgwkstnd/minors/wgwrkpap.htm
- Prohibited occupations and places of employment for all minors under the age of 18 years, Connecticut Department of Labor, Wage & Workplace Standards Division.
  http://www.ctdol.state.ct.us/wgwkstnd/minors/wg18yrs.htm
- Prohibited places of employment for 14 & 15 Year-olds, Connecticut Department of Labor, Wage & Workplace Standards Division.
  http://www.ctdol.state.ct.us/wgwkstnd/minors/wg14no.htm
- Permitted occupations for 14 & 15 Year-olds, Connecticut
• Time & Hour Restrictions for 16 & 17 Year-old Minors (by industry), Connecticut Department of Labor, Wage & Workplace Standards Division.
  http://www.ctdol.state.ct.us/wgwkstnd/minors/wgtime.htm

  Chapter 1. Hiring
  §1-8. Hiring of minors—Child Labor
  (a). Coverage
  (b). Permissible employment
  (c). Hours
  (d). Employment forms
  (e). Penalties

  Chapter 2. Wage and hour provisions by Shawn P. Coyne
  Part V. Child Labor Laws, pp. 108-114
  A. Introduction, p. 108
  B. Prohibited occupations, pp. 108-111
  C. Prohibited activities, p. 111
  D. Restrictions on hours of work, pp. 111-114
  E. Exemption from child labor laws, p. 114
  F. Proof of age, p. 114
  G. Violations, p. 114

  § 5:10. Child labor laws
  1. Federal law
  2. Connecticut law

  Chapter 19. Child labor laws
  § 19:1. Origins of child labor laws
  § 19:2. Federal child labor laws—Historical perspective and purpose
  § 19:3. Ages of employment under federal child labor laws—Generally
  § 19:4. —Certificates of age
  § 19:5. —Federal exemptions to age limits
  § 19:6. —Federal age limits relating to hazardous employment
  § 19:7. Federal laws—Employment of children under special certificates in jobs paying less than the minimum wage
§ 19:8. —Hours of employment
§ 19:9. —Penalties and remedies
§ 19:10. State child labor laws—Historical perspective
§ 19:11. State laws—Minimum age provisions
§ 19:12. —Maximum hours provisions
§ 19:13. —Hazardous employment restrictions
§ 19:14. Defenses and arguments made by violators
§ 19:15. Child labor law reforms and job opportunities

LAW REVIEWS:


Section 2: Rights of Parents to the Wages and Services of Their Children

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to parents’ rights to the services and wages of their minor children including voluntary relinquishment or assignment.

FORMS:

- **9B Am. Jur. Legal Forms 2d (2012).**
  Chapter 144. Infants.
  § 144.12. Parent’s consent to employment of minor and relinquishment of right to earnings

- **13C Am. Jur. Legal Forms 2d (2013).**
  § 191:55. Consent to employment of minor
  § 191:56. Consent to employment of minor—Provision—release of claims for damages
  § 191:57. Guaranty by parents—Performance of minor’s obligations under employment contract
  § 191:59. Notice to employer of minor—Parent’s claim of wages due minor
  § 191:60. Notice to employer of minor—Parents’ relinquishment of right to wages due minor
  § 191:61. Parents’ assignment of right to minor’s wages to guardian of estate
  § 191:62. Parent’s agreement to relinquish control of minor child and right to child’s wages

CASES:

- **Broker v. Kolynos Co., 14 Conn. Supp. 331, 333-334 (1946).** "The test of the measure of dependency, as well as that of the fact of dependency, upon a minor child by a parent is not the net financial benefit to him or her arrived at by deducting from the earnings turned over the cost of maintaining him and furnishing him with reasonable amounts of spending money, but the average weekly sum from or constituting his earnings actually paid over to the parent by the child."

- **Draus v. International Silver Co., 105 Conn. 415, 419-420, 135 A. 437 (1926).** "The obligations of a minor to his parents are obedience and subjection, and his earnings, if any; while those of the parents are protection, education and support. This was true at common law, so far as the father was concerned, and these obligations are strictly reciprocal."

- **McDonald v. Great Atlantic & Pacific Tea Co., 95 Conn. 160, 166, 111 A. 65 (1920).** "The father is entitled to the earnings of his minor son so long as the son continues as a member of his family and so long as the father fulfils the parental obligation toward his son."

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.
Kenure v. Brainerd & Armstrong Co., 88 Conn. 265, 267, 91 A. 185 (1914). "It is true, as claimed by the defendant, that the plaintiff's time and services during her minority belonged to her father, unless she had been emancipated by him. But the father, by emancipating her, could permit her to appropriate her time and services to herself, or might waive his right to payment for such services or to damages for being deprived of them by the defendant's negligence. It does not appear that he had in fact emancipated her prior to her injuries complained of. But he brings this action as next friend of the plaintiff. Among the damages sought to be recovered are loss of earning capacity and inability to work for a year following her injury, and moneys expended in being cured. The right to recover for these, the plaintiff being a minor, was in the father and not in her. Unless she had been emancipated he was liable for the expenses of her cure, and was entitled to the damages if her injuries incapacitated her for work and lessened her earning capacity."

WEST KEY NUMBERS:
- Parent & Child #285.
  Services and earnings of child.
    #311. In general
    #312. Notice or demand to child's employer
    #313. Voluntary relinquishment or assignment of right
    #314. Termination, loss or forfeiture of right
    #315. Contracts for service
    #316. Actions for services or wages of child

DIGESTS:
  § 5. Services and earnings of child

ENCYCLOPEDIAS:
  III. Parental rights and duties in general
  C. Services and earnings of child
     § 39. Generally
  IV. Services and earnings of child (§§ 262-269)
  A. In general
     § 262. Rights of parents in general
     § 263. Specific rights of mother and father
     § 264. Relinquishment of parents' rights
     § 265. Termination, loss, or forfeiture of parents' right
     § 266. Right of child to compensation for services to parent
  B. Action for services
     § 267. Generally
     § 268. Evidence
     § 269. Trial; Amount of recovery

- Annotation, What Voluntary Acts Of Child, Other Than

SCOPE: Bibliographic references related to Connecticut employers’ policies on family leave including Connecticut’s and federal Family and Medical Leave Acts.

DEFINITION:

• Brief Overview: "Because we previously have not addressed the state and federal leave laws in detail, we begin with a brief overview of their history and framework. The Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. (FMLA), is a federal statute that was enacted in response to ‘serious problems with the discretionary nature of family leave. . . .’ Nevada Dept. of Human Resources v. Hibbs, 538 U.S. 721, 732, 123 S.Ct. 1972, 155 L.Ed.2d 953 (2003). Specifically, Congress was concerned that, ‘when the authority to grant leave and to arrange the length of that leave rests with individual supervisors, it leaves employees open to [discretionary and possibly unequal treatment].’ (Internal quotation marks omitted.) Id. Accordingly, to avoid forcing employees to choose between their family responsibilities and job security, and to help employees ‘balance the demands of the workplace with the needs of families,’ FMLA entitles eligible employees to a certain amount of unpaid leave to attend to family responsibilities. 29 U.S.C. § 2601 (b) (1). Cendant Corp. v. Commissioner of Labor, 276 Conn. 16, 22-23, 883 A.2d 789 (2005).

• "To varying degrees, each of these statutes regulates workplace conduct. Specifically, the Connecticut Family and Medical Leave Law allows employees up to sixteen weeks of unpaid leave for the birth of a child and proscribes retaliation for requesting leave. See General Statutes §§ 31-51nn through 31-51pp. The Federal Family and Medical Leave Act of 1993, which is intended ‘to balance the demands of the workplace with the needs of families,’ provides for similar benefits. See 29 U.S.C. § 2601 (b)(1). Section 46a-60 (a)(7) provides a wide range of protections for pregnant women who wish to continue working during pregnancy and maintain their jobs and benefits thereafter. That statute prohibits an employer from terminating a woman’s employment ‘because of her pregnancy’ or from refusing to grant a ‘reasonable leave of absence for disability resulting from her pregnancy. . . .’ General Statutes § 46a-60 (a)(7). Finally, § 17a-101a establishes an important public policy to ‘protect children whose health and welfare may be adversely affected through injury and neglect,’ and sets forth the child abuse reporting and investigation obligations of certain health care professionals. None of these statutes requires that an employer Accommodate

- **Eligible employee:** “means an employee who has been employed (A) for at least twelve months by the employer with respect to whom leave is requested; and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the leave . . . .” Conn. Gen. Stat. § 31-51kk(1) (2015).

- **Employer:** “means a person engaged in any activity, enterprise or business who employs seventy-five or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer, but shall not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school. The number of employees of an employer shall be determined on October first annually . . . .” Conn. Gen. Stat. § 31-51kk(4) (2015).

- **Son or daughter:** “means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability . . . .” Conn. Gen. Stat. § 31-51kk(11) (2015).

- **Spouse:** “means a husband or wife, as the case may be.” Conn. Gen. Stats. § 31-51kk(12) (2015).

**STATUTES:**
You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Chapter 557. Employment Regulation
- § 31-51kk. Family and medical leave: Definitions
- § 31-51kl. Family and medical leave: Length of leave; eligibility; intermittent or reduced leave schedules; substitution of accrued paid leave; notice to employer.
- § 31-51mm. Family and medical leave: Certification.
- § 31-51oo. Family and medical leave: Confidentiality of medical records and documents.
- § 31-51pp. Family and medical leave: Prohibited acts, complaints, rights and remedies.
- § 31-51qq. Family and medical leave: Regulations.
- § 31-51ss. Leave from employment for victims of family violence. Action for damages and reinstatement.
You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website.

**PUBLIC ACTS:**
- 2004 Conn. Acts 257 § 50 (technical amendments)
- 2010 Conn. Acts 88
- 2010 Conn. Acts 144

**LEGISLATIVE:**
  “You asked if an employer can make an employee’s time out on workers’ compensation count as family and medical leave.”
  "which states mandate paid leave under family and medical leave acts (FMLAs) . . . . how FMLA leave works in Connecticut, and how many people have used it here."
  “what arguments could be made for and against a proposal to expand the state’s Family and Medical Leave (FML) law to include employers with 25 or more employees.”

**COURT CASES:**
- Cendant Corp. v. Commissioner of Labor, No. CV 03-0520241S (Conn. Super. Ct., New Britain at New Britain, Mar. 9, 2004), 2004 WL 574880. “The commissioner recognized that ‘[c]ourts construing the FMLA have noted that an employee may bring two types of claims under the FMLA . . . . First, an employee can bring a claim that her employer refused to provide her with an FMLA benefit to which she was entitled, such as reinstatement to her former position or an equivalent position upon her return from FMLA leave. The employee can also bring a claim that her employer discriminated against her because she took FMLA leave under the FMLA’s anti-discrimination provision.’ (Final Decision, Record at 78, pp. 22-23.)”
- *Daley v. Aetna Life & Casualty Co.*, 249 Conn. 766, 804, 734 A.2d 112 (1999). “We recognize the important public policy embodied in the express provisions of the Connecticut Family and Medical Leave Law, the federal Family and Medical Leave Act of 1993, and §§ 46a-60 (a)(7) and 17a-101 (a), and underscore every employer’s duty to comply with those provisions. None of these
statutes, however, expressly obligates an employer to accommodate an employee's work-at-home requests, or to refrain from taking adverse action against an employee who persists in her efforts to secure such an arrangement. In declining to recognize an important public policy to that effect, we are mindful that we should not ignore the statement of public policy that is represented by a relevant statute . . . . Nor should we impute a statement of public policy beyond that which is represented. To do so would subject the employer who maintains compliance with express statutory obligations to unwarranted litigation for failure to comply with a heretofore unrecognized public policy mandate. See Antinerella v. Rioux, 229 Conn. [479] 492, [642 A.2d 699 (1994)] (absent clear breach of public policy, '[t]he employer must be allowed to make personnel decisions without fear of incurring civil liability'). Accordingly, we affirm the judgment in favor of the defendants on the claim of wrongful discharge."

**ENCyclopediaDias:**


**TEXTS & TREATISES:**

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  Chapter 13. Family and medical leave.
  
  § 13-2. Federal Family and Medical Leave Act of 1993
  
  § 13-3. The FMLA Regulations
  
  § 13-4. Reasons an Employee Can Take FMLA Leave

  
  Chapter 6. Leave of absence/time off.
  
  § 6:1. Connecticut FMLA

  
  Chapter 8. Miscellaneous labor and employment statutes.

  II. Family leave provisions, p. 256

  A. Overview of the federal Family and Medical Leave Act of 1993, pp. 257-264

  B. Enforcement of the Federal FMLA, p. 264

  C. Miscellaneous provisions of the Federal FMLA, p. 267

  D. Interaction of the Federal FMLA with the Connecticut FMLA, p. 267

**LAW REVIEWS:**


Table 1: Emergency Phone Calls to Family Member at Work

| CONN. GEN. STATS. § 31-51jj (2015) |
| Notice to employees of incoming emergency telephone calls |

(a) For purposes of this section:

(1) "Emergency" means a situation in which a member of the employee's family or a person designated by the employee in accordance with section 1-56r has died, has experienced a serious physical injury or is ill and in need of medical attention; and

(2) "Member of the employee's family" means a mother, father, husband, wife, son, daughter, sister or brother of the employee.

(b) An employer shall notify an employee of an incoming emergency telephone call for the employee if the caller states that the emergency involves a member of the employee's family or a person designated by the employee in accordance with section 1-56r. It shall not be a violation of this section if the employer proves, by a preponderance of the evidence, that he or she made reasonable efforts to notify the employee of the emergency telephone.

(c) The failure of an employer to comply with any provision of this section shall be an infraction.

(P.A. 93-347; P.A. 02-105 § 10.)

History: P.A. 02-105 amended Subsec. (a)(1) to redefine "emergency" and amended Subsec. (b) to require employer to notify employee of incoming emergency call from a person designated by the employee in accordance with Sec. 1-56r.

See also:


Designation of person for decision-making and certain rights and obligations

(a) Any person eighteen years of age or older may execute a document that designates another person eighteen years of age or older to make certain decisions on behalf of the maker of such document and have certain rights and obligations with respect to the maker of such document under section 1-1k, subsection (b) of section 14-16, subsection (b) of section 17a-543, subsection (a) of section 19a-289, section 19a-550, subsection (a) of section 19a-571, section 19a-580, subsection (b) of section 19a-578, section 31-51jj, section 54-85d, section 54-91c, section 54-126a or chapter 968.

(b) Such document shall be signed, dated and acknowledged by the maker before a notary public or other person authorized to take acknowledgments, and be witnessed by at least two persons. Such document may be revoked at any time by the maker, or by a person in the maker's presence and at the maker's direction, burning, canceling, tearing or obliterating such document or by the execution of a
subsequent document by the maker in accordance with subsection (a) of this section.

(c) Any person who is presented with a document executed in accordance with this section shall honor and give effect to such document for the purposes therein indicated.

(P.A. 02-105, S. 3; P.A. 03-278, S. 3; P.A. 10-123, S. 25.)

History: P.A. 03-278 made a technical change in Subsec. (a), effective July 9, 2003; P.A. 10-123 amended Subsec. (a) by replacing reference to Sec. 19a-279c(a) with reference to Sec. 19a-289h(a).

You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

Table 2: Legislative History in the Courts - CT Family & Medical Leave Act

| Cendant Corp. v. Commissioner of Labor, 276 Conn. 16, 23, 883 A.2d 789 (2005) | "The Connecticut leave statute is our state analogue to FMLA. Although this state originally had passed family leave legislation prior to the passage of FMLA, the legislature made a concerted effort to harmonize the state and federal leave provisions following the passage of FMLA in 1993. 39 H.R. Proc., Pt. 11, 1996 Sess., p. 3752. The legislature's initiative is reflected in an explicit statutory directive in the leave statute that ensures that its provisions will be interpreted to be consistent with FMLA. General Statutes § 31-51qq directs the commissioner to adopt regulations implementing the leave statute, and, in doing so, "[to] make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal [FMLA] and the regulations promulgated pursuant to said act." The statute's legislative history underscores the importance of harmonizing the state and federal leave provisions. During floor debate in the House of Representatives on the underlying bill, Representative Michael Lawlor noted that the bill would "merge the standards of both the federal and state family leave laws so as to reduce confusion to employers and employees in Connecticut who are affected by either of these two laws." (Emphasis added.) 39 H.R. Proc., Pt. 11, 1996 Sess., pp. 3752-53. Accordingly, FMLA jurisprudence guides our interpretation of the provisions of the leave statute. |

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.