

BENEFITS BUZZ

DOL Updates Employee Benefit Plan Enforcement Projects for 2026



The U.S. Department of Labor (DOL) has [announced](#) updates to its national enforcement projects for fiscal year 2026. According to the DOL, these projects highlight areas in which the agency will prioritize enforcement efforts to enhance overall employee benefit plan compliance, address abusive practices, and strengthen protections for plan participants and beneficiaries.

Under the updated initiatives, DOL investigators will prioritize cases related to:

- **Cybersecurity**—This project addresses the growing risks cyberattacks pose to employee benefit plans and participants.
- **Mental health and substance use disorder (MH/SUD) benefits**—The DOL will target violations by plans and service providers that block participants and beneficiaries from accessing promised MH/SUD benefits.
- **Surprise billing**—This project reviews compliance with the No Surprises Act (NSA), ensuring plans follow the prudent layperson standard for emergency services, apply in-network cost-sharing to NSA-protected services and provide required notices and disclosures.
- **Protecting benefit distributions**—This initiative aims to ensure that participants receive retirement benefits owed to them when plan sponsors fail to act, struggle financially or abandon their plans.
- **Retirement asset management**—This project focuses on protecting retirement income by ensuring fiduciaries prudently select and monitor plan investments.
- **Criminal abuse of contributory benefit plans**—This initiative centers on protecting workers who contribute to employer-sponsored retirement and health benefit plans from criminal abuse.

DOL Issues Opinion Letters on Using FMLA Leave

The DOL recently released two opinion letters regarding employee leave under the federal Family and Medical Leave Act (FMLA).

The [first opinion letter](#) addresses the use of FMLA leave when an employer is closed for part of a week. Under the DOL's interpretation, leave during the closure is counted against the employee's FMLA leave if:

- The employee took the entire week as FMLA leave.
- The employee was scheduled and expected to work during that period and used FMLA leave for that time.

The letter responded to a school employer's question of how to count FMLA leave used during weather-related school closures.

The [second opinion letter](#) addresses travel time to medical appointments during FMLA leave for a serious health condition. According to the DOL, travel time to and from medical appointments for an employee's or their family member's serious health condition is covered by the FMLA. The opinion letter states that medical certifications in support of leave due to a serious health condition do not have to include information about travel time. The letter also contains examples of travel time that would and would not qualify for FMLA leave.

DOL opinion letters do not have the force of regulations, laws or court rulings and apply only to the specific situation submitted. However, the letters are useful to employers as an indication of the DOL's interpretation of the laws and regulations it enforces.

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