



DOL ISSUES NEW MODEL FMLA FORMS

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DOL Issues New Model FMLA Forms

The U.S. Department of Labor (DOL) recently issued updated model Family and Medical Leave Act (FMLA) forms and notices, as the prior forms expired in February 2015. Under the Paperwork Reduction Act of 1995, the DOL is required to submit FMLA forms every three years to the Office of Management and Budget (OMB) for review.

Revised forms are available on the DOL website
<http://www.dol.gov/whd/fmla/2013rule/militaryForms.htm> as follows:

- WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition.
- WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition.
- WH-381 Notice of Eligibility and Rights & Responsibilities.
- WH-382 Designation Notice.
- WH-384 Certification of Qualifying Exigency For Military Family Leave.
- WH-385 Certification for Serious Injury or Illness of Current Servicemember — for Military Family Leave.
- WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave.

The Certification of Health Care Provider forms now include specific reference to the Genetic Information Nondiscrimination Act (GINA), which prohibits employers from requesting or requiring disclosure of genetic data of an employee or family member of an employee, except under certain circumstances. The Model Certification of Health Care Provider (WH-380-E) now instructs health care providers not to provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b).

There are no changes to the Notice of Eligibility and Rights and Responsibilities form or the Designation Notice.

The new forms expire May 31, 2018.