

A yellow right-angled triangle pointing downwards and to the right.

BLOGS

They're here! The US DOL Has Issued Updated FMLA Forms

The US Department of Labor has finally issued new versions of its sample Family and Medical Leave Act (FMLA) notice, provider certification, and military certification forms. The old DOL forms expired some time ago, leaving employers to wonder when they would receive the DOLs new blessed versions of the forms. Well, they are finally here!

Employers are not required to use the DOLs new sample FMLA forms, but using them can give employers the peace of mind that they are asking for information they are allowed to obtain without over-reaching, and that they are providing all the FMLA information that employees are supposed to receive. With the DOLs increased on-site audits of FMLA compliance expected to continue, that is peace of mind worth having.

There are no major changes to the new FMLA forms as compared to the old ones, but there is new disclaimer language making clear that the employer is not requesting information protected by the Genetic Information Non-discrimination Act. The DOL is a bit late to the party on this one, as including such disclaimers has been recommended practice for several years.

The new forms will remain effective until May of 2018. For those employers wanting to update their form database, links to the new DOL forms are provided below. They're also accessible from the DOLs Wage and Hour Division web page.

WH-380-E [Certification of Health Care Provider for Employees Serious Health Condition](#) (PDF)

WH-380-F [Certification of Health Care Provider for Family Members Serious Health Condition](#) (PDF)

WH-381 [Notice of Eligibility and Rights & Responsibilities](#) (PDF)

WH-382 [Designation Notice](#) (PDF)

WH-384 [Certification of Qualifying Exigency For Military Family Leave](#) (PDF)

WH-385 [Certification for Serious Injury or Illness of Covered Service member — for Military Family Leave](#) (PDF)

WH-385-V [Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#) (PDF)