

EXPIRED FMLA FORMS NOW UPDATED

Take a look at the FMLA forms you are now using and glance at the top right corner where you will see an OMB Control Number. Just below that number, what does the expiration date say? A safe bet is that the form you are using has expired! But, all is not lost as the U. S. Department of Labor ("DOL") has been extending the expiration date month by month since early this year. Now, finally, the forms suggested by the DOL will bear an expiration date of May 31, 2018 and human resource professionals won't have to keep checking expiration dates at least for three more years.

Besides the new expiration date, the forms did add language regarding genetic information in order to comply with GINA. That language, which is not as broad as the **safe harbor** language that employers are encouraged to use in other requests for medical information, is as follows:

"Do not 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)."

All of the current FMLA forms can be accessed at the DOL website, and here are links to each one.

- [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-380-F \(1\) 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 Covered Servicemember -- for Military Family Leave](#)
- [WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#)

BOTTOM LINE FOR EMPLOYERS

While the law does not require employers to use the suggested FMLA forms, many employers do. It makes good sense to assure that the forms being used aren't expired. Check the expiration dates and begin using the current forms. It will avoid problems later on if questions are asked.

If you have any questions, please contact Steve Lyman at slyman@hallrender.com or your regular attorney.