

## HR Weekly Podcast

06-10-2015

Today is June 10, 2015, and welcome to the HR Weekly Podcast from the State Human Resources Division. This week's topic concerns new Family Medical Leave Act, or FMLA, forms that have recently been released by the United States Department of Labor, or DOL.

For the first time since 2012, the DOL has issued new FMLA forms. As a result of the Paperwork Reduction Act of 1995, the DOL is required to submit its FMLA forms every three years to the federal Office of Management and Budget, or OMB, for approval. OMB approved the DOL's FMLA forms in early 2012 for the maximum period of three years. On February 28, 2015, the DOL's recommended FMLA forms expired. Subsequently, the OMB extended the FMLA forms expiration date.

The DOL recently posted new model FMLA notices and medical certification forms that will expire May 31, 2018. In addition to the new expiration date, the only other notable change to the forms is a reference to the Genetic Information Nondiscrimination Act, or GINA. GINA obligates employers to comply with confidentiality requirements regarding information about an individual's genetic tests and the genetic tests of the employee's family members, as well as information used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future, such as cancer. In the instructions to the health care provider on the certification for an employee's serious health condition included in the new FMLA forms, the DOL has added the following simple instruction: "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)." The DOL added similar language to the other medical certification forms as well.

Employers should check their FMLA notices and certification forms to ensure that they are using these updated forms. All of the forms and other FMLA information can be found at [www.dol.gov](http://www.dol.gov) . Thank you.