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Client Alert Applies To: Large Group

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DOL Releases New FMLA Forms

The U.S. Department of Labor (DOL) recently issued new FMLA model forms that can be used with traditional FMLA leave. These new forms do not apply to leave under the Families First Coronavirus Response Act (FFCRA).

The revisions were intended to make the forms easier to understand. The new forms limit the amount of information required and reduce guess work in completing the forms by providing examples and explanations. The new forms can be found here:

<https://www.dol.gov/agencies/whd/fmla/forms>.

Highlights of the new forms include:

- The Notice of Eligibility more clearly outlines employee rights and responsibilities, requires (where applicable) specific identification of the family member requiring care and provides a less confusing explanation of how accrued paid leave runs concurrently with FMLA.
- The Designation Notice states that employers are obligated to designate FMLA when leave is covered and outlines the steps an employee must take to cure an incomplete or insufficient certification.
- The Medical Certification form clarifies that certification is not required for leave to bond with a newly born or newly adopted child, and where a serious health condition is the impetus for leave, requires less specific medical information than the old forms.

Use of the new forms is not required; the DOL has indicated that the old model forms remain acceptable. However, employers are well advised to pick one version for use on a consistent basis.

Along with the new notice and forms, the DOL also published a "Request for Information" asking employers and employees to provide feedback on potential changes to the FMLA regulations. Those comments are due to the DOL by September 16, 2020.

Please visit www.moreton.com/news-events/ for more information and to view other client alerts. This Client Alert was written by Carolyn Cox, Moreton & Company's in-house corporate counsel who provides our clients with compliance services. For additional questions, please contact Carolyn at 801-715-7110 or ccox@moreton.com.

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