

Legal Alert

Updated FMLA Forms Issued by the DOL

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This week, the U.S. Department of Labor (DOL) issued its new Family and Medical Leave Act (FMLA) forms, updating the previous forms which had expired on February 28, 2015. The new FMLA forms can be found on the DOL's [website](#).

In addition to extending the expiration date to May 31, 2018, the new forms contain the Genetic Information Nondiscrimination Act (GINA) disclosure language that directs medical providers not to provide information about genetic tests, genetic services or the manifestation of disease or disorder in an employee's family members.

Specifically, in the instructions to the healthcare provider on the certification form for an employee's serious health condition (Form WH-380-E), the DOL added the following statement: "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)."

Similar GINA language is also in the other medical certification forms issued by the DOL. See, e.g., Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave (Form WH-385-V).

The attorneys at Snell & Wilmer continue to monitor updates from the DOL.

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