



COMPLIANCE BULLETIN

HIGHLIGHTS

- The DOL's model FMLA forms expired earlier this year, on May 31, 2018.
- The DOL repeatedly extended the forms' expiration date while the updated forms were being approved.
- The DOL recently released updated model FMLA forms, with an expiration date in 2021.

IMPORTANT DATE

August 31, 2021

The DOL's updated model FMLA forms have an expiration date of Aug. 31, 2021.

DOL Updates Model FMLA Forms

OVERVIEW

The Department of Labor (DOL) recently released **updated model forms** to help employers administer employee leaves under the Family and Medical Leave Act (FMLA). The DOL's model FMLA forms contain an expiration date in the upper right corner. The expiration date relates to a regulatory approval process; it does not relate to the forms' actual content. Every three years, the DOL must submit its model FMLA forms to the federal Office of Management and Budget (OMB) for approval for continued use.

The DOL's model FMLA forms expired earlier this year, on May 31, 2018. The DOL extended the forms' expiration date on a month-to-month basis while it waited for the OMB approval's to release updated forms. After receiving the OMB's approval, the DOL released the updated model forms, which contain a **new expiration date—Aug. 31, 2021.**

ACTION STEPS

Employers that use the model FMLA forms should start using the DOL's updated models as soon as possible. Although no substantive changes were made to the updated FMLA forms, they contain a new expiration date. The updated model FMLA forms are available on the DOL's FMLA [webpage](#).

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Model FMLA Forms

The FMLA gives an eligible employee the right to take unpaid, job-protected leave in certain situations, including the birth, adoption or foster care placement of a child, his or her own or a family member's serious health condition, and a family member's military service.

To administer FMLA leaves, employers must provide certain notices to employees, such as a notice designating whether a requested leave will qualify as FMLA leave. Employers may also require that employees provide certifications to substantiate their eligibility for certain types of FMLA leave.

The DOL has provided **model notices and certifications** to help employers administer FMLA leaves. The DOL's model FMLA forms are optional; employers may decide to customize the DOL's model forms or create their own FMLA forms. The model FMLA forms are available on the DOL's FMLA [webpage](#).

Employers that use the model FMLA forms should start using the DOL's updated model forms as soon as possible.

The DOL's model FMLA forms include:

- A notice of FMLA eligibility and rights and responsibilities ([Form WH-381](#));
- An FMLA designation notice ([Form WH-382](#));
- A health care provider's certification form for an employee's serious health condition ([WH-380-E](#));
- A health care provider's certification form for a family member's serious health condition ([WH-380-F](#));
- A certification of qualifying exigency for military family leave ([WH-384](#));
- A certification for serious injury or illness of a covered service member ([WH-385](#)); and
- A certification for serious injury or illness of a veteran for military caregiver leave ([WH-385-V](#)).

Updated Model Forms Released

The DOL recently released new model FMLA forms that have an expiration date of Aug. 31, 2021. This expiration date is not associated with the FMLA's requirements or the content of the model forms. Rather, it is associated with a regulatory approval process that requires the DOL to submit its model FMLA forms to the OMB for approval for continued use every three years.

The prior model FMLA forms had an expiration date of May 31, 2018, in the upper right corner. In April 2018, the DOL requested that the OMB reauthorize the model FMLA forms for another three-year period, until 2021, without proposing any substantive changes to the forms. The DOL released its updated model FMLA forms after the OMB approved this request.