



e-Alert – Updated Model FMLA Forms Now Available

Background

Federal law requires the US Department of Labor (DOL) to submit Family and Medical Leave Act (FMLA) forms to the Office of Management and Budget (OMB) every three years for approval, and the OMB approves them for three-year periods. The previous forms expired on May 31, 2018, and since then the DOL had renewed the expired forms monthly pending OMB approval of the new forms. The DOL has finally issued updated FMLA notices and certification forms.

Employer next steps

On September 4, 2018, the DOL's Wage and Hour Division released the long-awaited new Family Medical Leave Act notices and certification forms. The new forms are now available for download. The updated model forms appear to be the same as the current forms, except they now have an August 31, 2021 expiration date in the upper right corner. You can access the new forms here:

- [Certification of Health Care Provider for Employee's Serious Health Condition](#) (Form WH-380-E).
- [Certification of Health Care Provider for Family Member's Serious Health Condition](#) (Form WH-380-F).
- [Notice of Eligibility and Rights & Responsibilities](#) (Form WH-381).
- [Designation Notice](#) (Form WH-382).
- [Certification of Qualifying Exigency for Military Family Leave](#) (Form WH-384).
- [Certification for Serious Injury or Illness of Current Servicemember—for Military Family Leave](#) (Form WH-385).
- [Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](#) (Form WH-385-V).

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