

U.S. Department of Labor Proposes Revisions to Model FMLA Forms

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The U.S. Department of Labor Wage and Hour Division is proposing revisions to its model notice of rights, certification, and designation forms under the federal Family and Medical Leave Act (FMLA). Employers may, but are not required to, utilize the model forms to satisfy their notice requirements under the law and to obtain necessary information to determine whether a proposed leave qualifies for FMLA protection. [Comments are being accepted](#) on the proposed changes through October 4, 2019.

The stated purpose for the changes is to “increase compliance with the FMLA, improve customer service, and reduce the burden on the public by making the forms easier to understand and use.” While the proposed changes do not alter the substance of leave benefits and protections available to covered employees under the FMLA, they do represent the first attempt by the Department of Labor in several years to streamline the oftentimes burdensome notice and certification processes under the law.

In addition to general layout and formatting modifications, other proposed changes to the model forms include:

- adding additional information on the substitution of paid leave and concurrent leave usage on the Notice of Eligibility and Rights & Responsibilities;
- reducing the number of questions on the certification forms requiring written responses, and replacing them with statements that can be verified by checking a box;
- reorganizing the layout of medical certification forms to more efficiently determine whether a condition qualifies as a serious health condition; and
- clarifying the circumstances in which follow up information may be obtained from healthcare providers.

Versions of each form with the proposed revisions can be found on the [Department of Labor’s website](#).

Comments may be submitted by the October 4, 2019 deadline by email to WHDPRAComments@dol.gov. The Department of Labor states that it is particularly seeking comments that “enhance the quality, utility, and clarity of the information to be collected” and “minimize the burden of the collection of information on those who are to respond.”

We will continue to report on further developments.

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