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U.S. DOL Releases New FMLA Forms, Seeks Public Input

Human Resources & Employment

The U.S. Department of Labor (DOL) has released revised optional forms for employees to use when applying for leave under the federal Family and Medical Leave Act (FMLA) and for employers to use when coordinating leave under the FMLA.

The DOL designed the new forms, available on [its website](#), to make the process of seeking leave simpler and easier to understand for employers, leave administrators, healthcare providers and employees. Updates to the forms include fewer questions that require written responses, replaced by questions that can be answered by checking response boxes, and the availability of electronic signatures to minimize contact. Importantly, the new forms **do not** alter substantive benefits available under the FMLA.

Additionally, the DOL announced it has published a [Request for Information](#) seeking input from the public regarding the regulations implementing the FMLA. The DOL intends to use the Request for Information to gain insight from businesses, employers and employees regarding challenges and best practices in the use and administration of FMLA leave. To remain current with workplace changes, the regulations, last updated in 2015, aim to ensure employers are aware of their responsibilities under the FMLA and ensure employees are aware of their rights and their own responsibilities under the FMLA.

While the public is encouraged to submit comments on any area concerning the administration of the FMLA, the DOL highlighted specific (but not exhaustive) areas about which it wants input:

- the application of the definition of a “serious health condition”;
- the use of intermittent leave, particularly when such leave is unforeseeable;
- employee requests for leave, including whether employees convey sufficient information to put an employer on notice of a FMLA-qualifying leave;
- employer determination of whether a certification establishes that the employee or employee’s immediate family member has a serious health condition under the FMLA and the amount of leave needed; and
- any input on the seven opinion letters the DOL has issued on FMLA-related topics since 2018.

The DOL is accepting public comments through Sept. 15, 2020, which may be submitted electronically [here](#). All comments submitted will become a matter of public record and will be posted without change.