

# Veritas<sup>TM</sup> Supplement

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## News Alert

### DOL ISSUES NEW FMLA FORMS

Time for a change. The DOL recently issued new FMLA forms that will not expire until May 31, 2018. This means you must use them now.

Interestingly, the only change, other than the expiration date, is the brief reference to the Genetic Information Nondiscrimination Act (GINA), see Forms WH-380E, 380F, 385 and 385V medical certification forms.

As noted in the GINA regulations, if an employer provides a safe harbor notice with the request for medical certification, any receipt of genetic information in response to the request will be considered inadvertent, and will not violate GINA.

In the new FMLA forms, the instructions to the healthcare provider (Section II on the forms) states:

*Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(e) or the manifestation of disease or disorder in the employee's family members, 29 § 1635.3(b)*



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If you have not already done so, get rid of those old forms and start using the new forms, which can be found at:

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

Reference source: *HR Hero*®, Human Resources News, DRI Today, June 2, 2015

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