



## **FMLA forms: caution do not to ask unnecessary or illegal questions**

More than 40,000 hospital workers at Mercy Health System and affiliated locations around the nation are no longer required to have their health care providers answer certain questions before requesting leave for their own serious health conditions or to care for a family member.

The resolution comes after an investigation at the Mercy Hospital Fort Smith facility conducted by the U.S. Department of Labor's Wage and Hour Division found violations of the [Family and Medical Leave Act](#) in the process the organization had for employees requesting leave. The FMLA requires that employees provide enough information so their employer knows that their need for leave is due to an FMLA-qualifying condition before responding to a leave request. However, Mercy required that their employees' medical certifications for leave include answers to intrusive and personal questions, well beyond the scope of what is allowed by law. For example, the forms provided by the hospital requested health information outside the scope of the illness related to the leave request and the name of the medication prescribed. The requirement to provide more information than is legally necessary or required can prevent workers who need and are qualified for FMLA leave from requesting such leave.

Counties can avoid this issue by using the Department of Labor forms available at [www.DOL.gov](http://www.DOL.gov) and in the CORSA HR Toolkit to obtain medical information for employees requesting Family Medical Leave.