

NEW & REVISED FMLA FORMS ISSUED

In follow-up to the issuance of the final Family Medical Leave Act (FMLA) regulations, the Department of Labor (DOL) issued new and revised forms that will be effective on or after January 16, 2009. Links to the forms are below.

- Revised FMLA Poster <http://www.dol.gov/esa/whd/fmla/finalrule/FMLAPoster.pdf>
- WH-380-E – Certification of Health Care Provider for the Employee’s Serious Health Condition <http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>
- WH-380-F - Certification of Health Care Provider for Family Member’s Serious Health Condition <http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>
- WH-381 Notice of Eligibility and Rights & Responsibilities <http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>
- WH-382 Designation Notice <http://www.dol.gov/esa/whd/forms/WH-382.pdf>
- WH-384 Certification of Qualifying Exigency for Military Family Leave <http://www.dol.gov/esa/whd/forms/WH-384.pdf>
- WH-385 Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave <http://www.dol.gov/esa/whd/forms/WH-385.pdf>

Also, the DOL issued two new fact sheets discussing both non-military and military FMLA leave entitlements:

- Fact Sheet #28 (Non-Military FMLA) <http://www.dol.gov/esa/whd/regs/compliance/whdfs28.pdf>
- Fact Sheet #28A (Military FMLA) <http://www.dol.gov/esa/whd/regs/compliance/whdfs28a.pdf>

Finally, the DOL provides two sets of “Frequently Asked Questions” dealing separately with the non-military and military leave requirements under the final regulations:

- Non-Military FAQs <http://www.dol.gov/esa/whd/fmla/finalrule/NonMilitaryFAQs.pdf>
- Military FAQs <http://www.dol.gov/esa/whd/fmla/finalrule/MilitaryFAQs.pdf>

Employer Action Item: Employers will need review and revise current FMLA forms to ensure compliance with the new FMLA requirements by January 16, 2009

For additional information on the new FMLA requirements, see the DOL Web site at <http://www.dol.gov/esa/whd/fmla/finalrule.htm>. Also, an earlier Technical Bulletin provides a general overview of the new FMLA requirements, including military leave provisions. The bulletin is available at:

<http://www.kpcom.com/newsletters/documents/FMLA%20Final%20Regulations%20-%20Technical%20Bulletin%20-%20Dec%205%202008.pdf>

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