

## FMLA FORMS HAVE BEEN REVISED - ARE YOURS UP TO DATE?

As we reported in our February 12, 2013 HR Insights blog positing [New FMLA Regs and New FMLA Poster - March 8, 2013](#), the new FMLA regulations made several changes to the provisions dealing with military servicemembers and their families. Besides requiring a new FMLA poster that addresses these changes, the U.S. Department of Labor Wage-Hour Division has now updated its FMLA forms in order to comply with the new regulations.

### REVISED FMLA FORMS

The new FMLA forms don't make any significant changes. Indeed, the new regulations address rarely used but still important provisions dealing with leave applicable to military servicemembers and their family members. However, changes to the Notice of Eligibility and Rights and Responsibilities Form (WH-381) were made and that form is to be used in all FMLA situations, whether or not a military service member is involved. Most employers who are covered by the FMLA (50 or more employees) are using the forms suggested by the Wage-Hour Division, although employers are free to develop their own forms if they wish. Regardless, given the fact that the previous forms have now been revised, covered employers should review all of their FMLA forms to make sure they are up to date - especially the Notice of Eligibility form that is used in almost every case.

### REVISED FORMS AND NEW FMLA POSTER AVAILABLE

The forms can be found on the U. S. Department of Labor website or can be accessed by clicking on the links below:

- Notice of Eligibility and Rights and Responsibilities ([WH-381](#))
- Designation Notice ([WH-382](#))
- Certification of Health Care Provider for Employee's Serious Health Condition ([WH-380-E](#))
- Certification of Health Care Provider for Family Member's Serious Health Condition ([WH-380-F](#))
- Certification of Qualifying Exigency for Military Family Leave ([WH-384](#))
- Certification for Serious Injury or Illness of a Current Servicemember for Military Family Leave ([WH-385](#))
- Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave ([wh385V](#))

And...don't forget to post the new [fmlaen \(1\)](#) by March 8, 2013. If you have any questions, please contact Steve Lyman at [slyman@hallrender.com](mailto:slyman@hallrender.com) or your regular Hall Render attorney.