

Optional Forms for Revised FMLA Regulations Now Available

The Department of Labor (DOL) recently issued final revisions to the regulations implementing the Family and Medical Leave Act of 1993 (FMLA) that will become effective on January 16, 2008. [See [our client alert from last week for a full description](#).] In connection with these revisions, the DOL has provided a series of optional forms to assist employers in administering FMLA leave under the new rules.

There are now two separate forms employers can use for medical certifications of a serious health condition; one form is for documentation of an employee's own serious health condition, while the other addresses the serious health condition of an employee's family member. [See [forms marked "Appendix B"](#).]

The DOL has also provided an updated sample notice that may be used to satisfy an employer's obligation to provide employees, either in an employee handbook or upon hiring, with a notice explaining their FMLA rights. [See [notice marked "Appendix C"](#).]

The DOL has revised the form that employers can use to provide employees with a proper "Notice of Eligibility and Rights & Responsibilities" regarding their eligibility for FMLA. Similarly, a new form has been provided for use in giving employees a sufficient "Designation Notice" informing them that their request for leave has (or has not) been designated as FMLA leave. [See [forms marked "Appendix D" and "Appendix E" respectively](#).]

Finally, the DOL has created forms for use in requesting certifications related to the new forms of military-related FMLA leave. "[Appendix G](#)" provides a form that allows employers to request documentation of a "qualifying exigency," which will entitle an employee to up to 12 weeks of leave related to a family member's call to active military duty. "[Appendix H](#)" is a form for use in certifying the serious injury or illness of a covered member of the armed forces, which will entitle an employee to up to 26 weeks of leave to care for the servicemember.

We note that the use of these forms is optional. If you would like to discuss these forms, or if you would like assistance in creating or revising your own forms to address employer-specific needs or policies, please contact any member of the Ropes & Gray [Labor and Employment Department](#).

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