

FMLA/WFMLA Forms – Order of Use
Reflects the U.S. Dept. of Labor’s Final Rule as Amended in 2008

The following is a brief summary of the forms that are to be used when an employee makes a request for family or medical leave or the employer determines that an absence qualifies as FMLA/WFMLA leave. The employee’s notice to the employer of an absence under FMLA/WFMLA must meet the same guidelines as for any other leave. More complete details are available in the UWSA memo “[FMLA Regulations Effective January 16, 2009](#)”.

When a Leave Request is Not Related to Military Leave:

1. The employee completes and submits the [Employee Request for Family and/or Medical Leave](#), form UWS 80.
2. Within 5 business days of receipt of the *Employee Request*, form UWS 80, you must provide the employee with the [Notice of Eligibility and Rights & Responsibilities](#), form UWS 81. This notice advises the employee whether or not he/she has met the work requirements for FMLA or WFMLA eligibility. This is not an approval of the request of leave.
3. Also provide the employee with the *Certification by a Health Care Provider for Family or Medical Leave*, if such leave is requested. For example, a certification may not be needed in the case of a child birth as it would be apparent that the employee had been pregnant. Regardless, similar situations must be treated in a consistent manner.
 - a. If the request is for the employee’s serious medical condition, provide form [UWS 82](#).
 - b. If the request is for family member’s serious medical condition, provide form [UWS 83](#).
 - c. The employee must return the form within 15 calendar days unless you allow a longer time due to the circumstances.
 - d. Medical Recertification of an on-going condition may be requested no more than every 30 days but only in conjunction with an FMLA absence. If the original medical certification indicates that the minimum duration of the condition is more than 30 days, the employer must wait until the minimum duration expires before requesting recertification. For all FMLA leaves, medical recertification may be requested every 6 months for an ongoing medical condition.
4. Within 5 business days of receipt of the *Certification*, provide the employee with the completed [Designation Notice](#), UWS 86, which will advise the employee whether the family or medical leave request is approved, if more information is required or if the request has been denied.

Retain an FMLA/WFMLA forms in secure location for at least three years.

See following page for information about family or medical leave requests that are related to military leave.

When a Leave Request is Related to Military Leave:

1. The employee completes and submits the [Employee Request for Family and/or Medical Leave](#), form UWS 80.
2. Within 5 business days of receipt of the *Employee Request*, form UWS 80, you must provide the employee with the [Notice of Eligibility and Rights & Responsibilities](#), form UWS 81. This notice advises the employee whether or not he/she has met the work requirements for FMLA or WFMLA eligibility. This is not an approval of the request of leave.
3. If the employee is requesting leave due to a qualifying exigency, also provide the employee with the [Certification of Qualifying Exigency for Military Family Leave](#), form UWS 84. This form includes a section to be completed by the health care provider. The employee must return the form within 15 calendar days unless you allow a longer time due to the circumstances.
4. If the employee is requesting leave to care for a covered servicemember's serious illness or injury, also provide the employee with the [Certification for Serious Injury or Illness of Covered Servicemember for Military Leave](#), form UWS 85. This form includes a section to be completed by the health care provider. The employee must return the form within 15 calendar days unless you allow a longer time due to the circumstances.
5. Within 5 business days of receipt of the *Certification*, provide the employee with the completed [Designation Notice](#), form UWS 86, which will advise the employee whether the family or medical leave request is approved, if more information is required or if the request has been denied.

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Some Advice...

- First question to ask: How much leave does the employee want?
- Consider the requirements of one law at a time. Start with WFMLA since it usually easier to meet the eligibility requirement. If the FMLA request is for leave taken under the military provisions, go directly to the federal eligibility requirements.
- Remember that if both laws apply, the employee receives the more generous provisions available.
- To avoid confusion, consider intermittent leave requests one day at a time.
- Don't jump ahead to "what-if's".