

# Benefits Buzz

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*Key Issues Facing Business Owners*

## DID YOU KNOW?

The USCIS announced on February 2<sup>nd</sup> that it has delayed until April 3, 2009, the implementation of the new I-9 form.

## New FMLA Notice Requirements

The new FMLA regulations became effective on January 16<sup>th</sup>. All of the new model notice forms are available on your client portal. The following are the model forms:

1. **General Notice** (Form WH-1420) – You must post this conspicuously. It combines the previous FMLA poster and policy requirements. If you have an employee handbook, your FMLA policy should be consistent with and incorporate this form.

2a. **Eligibility Notice** (Part A of Form WH-381) – Informs an employee whether he or she is eligible for FMLA leave and should be provided to an employee within

five business days after the employee's first request for leave.

2b. **Rights and Responsibilities Notice** (Part B of Form WH-381) – This form informs an employee of his or her rights and responsibilities regarding FMLA leave. An employer provides this form to an employee each time it also gives an Eligibility Notice to that employee.

3. **Designation Notice** (Form WH-382) – Use this form to advise an employee whether a request for FMLA has been granted. It should be provided within five business days after the employer determines whether the leave qualifies.

## New I-9 Form Now Required

Beginning April 3, 2009, all employers are required to use the new I-9 form to verify employment eligibility. The new form contains three important changes:

- 1) All documents that are presented for verification must be current.
- 2) Eliminates expired employment authorization documents (Forms I-688, I-688A, and I-688B) from List A.
- 3) Adds two documents to List A: a Temporary I-551 printed notation on a machine-readable immigrant visa; and a passport from the Federated States of Micronesia and the Republic of the Marshall Islands with a valid Form I-94 or I-94A.

To avoid monetary penalties, employers should only accept unexpired documents that are listed on the new Form I-9. If re-verification is required, employers should only accept documents listed on the new I-9.