

**From:** [Jessica Bakr](#)  
**To:** [WHDPRAComments](#)  
**Subject:** Control Number 1235-0003  
**Date:** Monday, September 16, 2019 5:49:06 PM  
**Attachments:** [image003.png](#)

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Hello -

I had a comment on the proposed new FMLA forms. In the notice of eligibility, under section I, could a Not Eligible reason be added "you have exhausted your leave entitlement of FMLA." I know this is in the designation notice but why? An employee has to have FMLA leave entitlement to be eligible for FMLA as well as the other requirements so why cannot that be placed on the Notice of Eligibility as opposed to the designation notice form?

#### SECTION I – NOTICE OF ELIGIBILITY

This Notice is to inform you that you:

- ☐ Are **eligible** for FMLA leave. (See Section II below for information on Rights and Responsibilities.)
- ☐ Are **not eligible** for FMLA leave because (only one reason need be checked, although you may not be eligible for other reasons):
- ☐ You have not met the FMLA's 12-month length of service requirement.  
As of the first date of requested leave, you will have worked approximately: \_\_\_\_\_ months towards this requirement.
  - ☐ You have not met the FMLA's 1,250 hours of service requirement.  
As of the first date of requested leave, you will have worked approximately: \_\_\_\_\_ hours of service towards this requirement.
  - ☐ You are an airline flight crew employee and you have not met the special hours of service eligibility requirements for airline flight crew employees as of the first date of requested leave (*i.e.*, worked or been paid for at least 60% of your applicable monthly guarantee, and worked or been paid for at least 504 hours.)
  - ☐ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, please do not hesitate to contact: \_\_\_\_\_ at \_\_\_\_\_

(Contact information)

**We have reviewed information related to your need for leave under the FMLA along with any supporting documentation provided and decided: (Select as appropriate)**

- ☐ Your FMLA leave request is **Approved**. All leave taken for this reason will be designated as FMLA leave.  
*See Section III below for information.*
- ☐ Your FMLA Leave request is **Not Approved**: (Select as appropriate)
- ☐ The FMLA does not apply to your leave request.
  - ☐ As of the date the leave is to start, you do not have any FMLA leave available to use.
  - ☐ Other \_\_\_\_\_
- ☐ **Additional information** is needed to determine if your leave request qualifies as FMLA leave. *See Section II below for specific information needed.*

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Sincerely,

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