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[HOME](#)

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[CONTACT](#)

January 2009

Employment Law Alert

In This Issue

[AZ Minimum Wage Notice Revised](#)

[Revised Version of New FMLA Notice and Forms Published](#)

[Updated Form I-9](#)

Quick Links

[About Us](#)
[Related Topics](#)



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ABOUT OUR FIRM

The Phoenix Law Group of Feldman Brown Wala Hall and Agena, PLC focuses on the needs of business and health care clients both locally and nationally. Our firm was founded by seasoned business and health care attorneys who previously worked at large firms and Fortune 100 corporations.

Arizona Minimum Wage Increased

Effective January 1, 2009, Arizona's minimum wage has been increased to \$7.25 per hour. In light of this change, Arizona recently updated its minimum wage poster to reflect the new Arizona minimum wage for 2009. Businesses are required to display the new minimum wage poster, which can be downloaded at: http://www.ica.state.az.us/docs/posters/minimumWageAct_English.pdf.

Employers Must Post Revised Version of New FMLA Notice

The revised Family and Medical Leave Act (FMLA) poster, reflecting the recently published final rule, is now available for downloading at <http://www.dol.gov/esa/whd/fmla/finalrule/FMLAPoster.pdf>. Every employer covered by the FMLA is required to replace their existing poster with this new one. The notice must be posted in a conspicuous place.

The Department of Labor also has provided optional forms for use by employers and employees during the FMLA process. Specifically, the Department has:

- revised its Certification of Health Care Provider form (WH-380), and divided it into two separate forms for an Employee's Serious Health Condition (WH-380E) and a Family Member's Serious Health Condition (WH-380F);
- revised its Notice of Eligibility and Rights and Responsibilities form (WH-381); and
- added new forms for Designation Notice to Employee of FMLA Leave (WH-382), Certification of Qualifying Exigency for Military Family Leave (WH-384), and Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave (WH-385).

The poster and forms become effective on January 16, 2009. Additional compliance assistance materials are also available at: www.dol.gov/esa/whd/fmla/finalrule.htm.

Employers Must Use Updated Form I-9

Beginning February 2, 2009, all employers (regardless of size) must begin using the new Employment Eligibility Verification form (Form I-9) for all new hires and to reverify any employee with expiring employment authorization. The main difference in the new form is that all documents presented during the verification process must be unexpired. The new form will be posted on the U.S. Citizenship and Immigration Service's

Our lawyers recognize that in today's fast-paced world, clients require accessibility, responsiveness, and sophisticated legal work at reasonable rates. As a small firm, we offer competitive fees based on the skill of our lawyers, not the expenses of administration.

website on February 2nd.

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The information contained in this alert is intended for informational purposes only so that readers may learn more about recent developments in the law. These materials do not constitute, and should not be considered, legal advice. You are urged to consult with an attorney on your own specific legal matters and to receive advice about your specific situation.

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