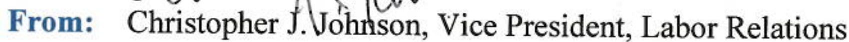
Memorandum

New York City Transit

Date: April 4, 2013

To: All Department Heads



From: Christopher J. Johnson, Vice President, Labor Relations

Re: **FAMILY AND MEDICAL LEAVE ACT IMPLEMENTATION GUIDELINES**

This memorandum is intended to update the current New York City Transit Authority guidelines implementing the Family Medical Leave Act of 1993, ("FMLA") issued in 1994 and establish guidelines implementing FMLA as amended by § 585 National Defense Authorization Act of January 28, 2008 and § 565 National Defense Authorization Act of October 28, 2009 and regulations issued by the United States Department of Labor. Accordingly, there are two new FMLA entitlements: military caregiver leave and qualifying exigency leave.

Questions related to the implementation of these guidelines should be directed to Denise Washington, Director, Absentee Control Programs.

GENERAL PROVISIONS

The federal Family and Medical Leave Act of 1993 entitles eligible employees up to 12 weeks of leave in a rolling 12-month period for the birth or placement (adoption) of a son or daughter and/or the serious health condition of the employee or employee's covered family members. An eligible employee is one who has worked for the MTA New York City Transit Authority, Manhattan and Bronx Surface Transit Operating Authority and Staten Island Rapid Transit Operating Authority[1] ("Authority") for a total of at least 12 months and must have actually worked 1250 hours in the year preceding the start of the leave. The 12 months need not be consecutive. Each department must designate a FMLA Coordinator. As allowed by law and Authority policy it has been determined that the 12 month period during which the 12 week FMLA usage will be measured will be a rolling 12 month period measured backward from the date an employee uses any FMLA leave. Paid leave will be substituted for unpaid FMLA leave to the extent allowed by law and applicable collective bargaining

[1] SIRTOA is a separate employer. Time worked while employed by TA or MABSTOA does not count towards the 12 months and 1250 hours FMLA eligibility for SIRTOA. Similarly, time worked while employed by SIRTOA does not count towards the 12 months 1250 hours FMLA eligibility for TA or MABSTOA.

agreements. The FMLA Coordinator in consultation with the Business Service Center ("BSC") is responsible for monitoring and tracking FMLA usage.

In 2008, the FMLA was amended to establish two additional FMLA entitlements, the military caregiver leave and qualifying exigency leave, which are described in detail below. Under these new provisions, an employee may take 12 weeks of leave for the qualifying exigency leave and a maximum 26 weeks of leave during a single 12 month period to care for a covered service member with an illness or injury incurred while on active duty. Where different service members are covered or the leave is requested for different injuries, more than one 12 month period may be allowed, except no more than 26 work weeks of leave may be taken under the act in a single 12 month period.

FMLA is not intended to be an addition to existing leave policies or contractual benefits where such policy provides equal or greater rights than provided pursuant to FMLA. Existing leave policies remain in effect and employees using FMLA leave are required to follow the Authority's policies and contractual procedures. Paid leave and FMLA will run concurrently until the employee exhausts all applicable paid leave balances. The remainder of the FMLA leave is without pay. While on FMLA leave, employees are required to follow the terms and conditions of relevant collective bargaining agreements and the Authority's time and leave policies.[2] Where an employee would normally be required to work overtime, but cannot work due to a FMLA-qualifying condition, the employee may be charged FMLA leave for the hours not worked.

It is unlawful for an employer to interfere with, restrain, or deny employees the ability to exercise any right provided by FMLA. It is also unlawful for an employer to discharge or discriminate against any individual for exercising rights under FMLA.

I. FMLA (non-military)

A. Eligible Employees

An eligible employee is entitled to a total of 12 weeks (60 work days) of leave in a rolling 12-month period.

An eligible employee may take leave upon:

- Pregnancy, (under the conditions set forth below) birth of a son or daughter to the employee, to care for such child;
- placement of a child with the employee for adoption or foster care, to care for such child;
- care for the employee's spouse, son or daughter, or parent with a serious health condition;
- employee's own serious health condition

[2] Where an employee is absent pursuant to a previously-approved intermittent FMLA application, and has thus submitted medical documentation, the employee cannot be disciplined for failure to submit medical certification.

"**Son or daughter**" is defined as a biological, adopted or foster child of the employee; a legal ward or stepchild of the employee; or a child for whom the employee stands *in loco parentis*. A child must either be under the age of 18 or incapable of self-care due to a mental or physical disability. "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

"**Spouse**" is defined as husband or wife, as defined or recognized under state law for purposes of marriage in the state where the employee resides, including common law marriage in states where it is recognized.[3]

"**Parent**" is defined as the biological, adoptive, step, or foster father or mother, or any other individual who stood *in loco parentis* to the employee when the employee was a son or daughter as defined in paragraph (c) of this section. This term does not include parents "in law."

"In Loco Parentis" includes people with day-to-day responsibilities to care for and financially support a child. No specific biological or legal relationship is required to qualify as "*in loco parentis*." An employee "who will share equally in the raising of a child" is entitled to leave for the child's birth based on *"in loco parentis"* status. The regulations do not require an employee who intends to assume the responsibilities of a parent to establish that he/she provides both day-to-day care and financial support to be found to stand *in loco parentis* to a child.

B. Serious Health Condition

1. An illness, injury, impairment, or physical or mental condition that involves: (1) any period of incapacity or inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity, and any subsequent treatment related to such inpatient care; or (2) continuing treatment by a healthcare provider.

2. Health care providers include doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, optometrists, chiropractors if they are providing treatment consisting of manual manipulation of the spine to correct a subluxation demonstrated by an x-ray; nurse practitioners, nurse-midwives, and clinical social workers authorized to practice in the state; and Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts; or any other health care provider determined by the U.S. Department of Labor to be capable of providing health care services. Voluntary or cosmetic treatments which are not medically necessary are not serious health conditions unless inpatient hospital care is required.

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[3] For the purpose of these guidelines, "spouse" shall include the same-sex spouse of an employee where the employee and same-sex spouse reside in a state which recognizes same-sex marriage by statute (for example, New York, Connecticut, and Massachusetts).

3. A serious health condition, which involves continuing treatment by a health care provider, includes one or more of the following:

a. A period of incapacity which prevents the employee from performing his/her job for more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times by a health care provider within 30 days from the start of the period of incapacity. The first visit must occur within the first seven days; or

b. A period of incapacity of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider; or

c. Any period of incapacity due to pregnancy or for prenatal care; or

d. Any period of incapacity due to a chronic serious health condition, which requires periodic visits for treatment, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.); or

e. A period of incapacity, which is long term or a permanent incapacity due to a condition for which treatment may not be effective (e.g., Alzheimer's disease, stroke, etc.). Active treatment by a health care provider may not be necessary but continuing supervision by a health care provider is required; or

f. Any period of absence to receive multiple treatments (including any period of recovery resulting from treatment) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for restorative surgery after an injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical treatment, such as cancer (chemotherapy, radiation, etc.), kidney disease (dialysis), etc.

C. Categories of FMLA Leave

1. Pregnancy, Child Birth, Adoption and Child Care Leave

FMLA leave may be used during pregnancy or after the birth or placement of a healthy son or daughter through adoption or foster care. Both the mother and the father are entitled to FMLA leave for the birth or placement of their son or daughter. The parent may take leave on an intermittent, continuous, or reduced leave schedule; however, FMLA leave taken for this reason must be completed within 12 months after the birth or placement of their son or daughter. FMLA leave may include time to travel to complete the adoption. A mother can use 12 weeks of FMLA leave for the birth of a son or daughter and for her own serious health condition immediately after the birth of the child. If a husband and wife both work for the Authority they are limited to a combined 12 weeks of FMLA for the birth or placement of a healthy son or daughter. The Authority must consent to FMLA leave taken on an intermittent or reduced leave schedule to care for a healthy newborn or adopted son or daughter.

An employee can use FMLA leave for prenatal care and incapacity related to pregnancy. A husband can use FMLA leave to care for his pregnant spouse who is incapacitated due to pregnancy, or if needed to care for her during prenatal care. If a husband and wife both work for the Authority they are limited to a combined 12 weeks of FMLA for the birth or placement of a healthy son or daughter.

The FMLA Coordinator shall approve the FMLA for leaves related to pregnancy, child birth, adoption, and care of child.

Documentation: An employee will be required to present documentation to support a request for FMLA leave to care for a newborn child or a child who has been adopted or received into foster care. The application for FMLA leave with appropriate documentation shall be submitted to the FMLA Coordinator. If the leave is for birth of a child, a birth certificate will be required; if the leave is for adoption or foster care placement, proof of adoption or foster care placement, such as court papers or other official records, will be required. The FMLA Coordinator will request documentation at the time the employee requests leave, or in the case of unforeseen leave, soon after the leave commences. Documentation must be provided within 15 calendar days from the request, where practicable.

Medical certification to prove pregnancy should be submitted to OHS. OHS will verify the pregnancy and notify the FMLA Coordinator.

2. Spouse, Son or Daughter or Parent with Serious Health Condition

An employee taking FMLA leave to care for a covered relative's serious health condition may take leave continuously or an intermittent or reduced leave schedule in cases of medical necessity. Certification from a health care provider is required for all FMLA leave used to care for a covered family member's serious health condition (see form HR-BEN-70 FMLA Certification of Health Care Provider Family Member's Serious Health Condition). Where the leave is used intermittently or on a reduced leave schedule the certification from a health care provider must also state the medical necessity for leave However, the employee must attempt to schedule leave so as not to disrupt the Authority's operations. If an employee is transferred to an alternative position such transfer shall require compliance with any applicable collective bargaining agreement, federal law (such as the Americans with Disabilities Act), and State law.

Documentation: An employee requesting FMLA leave to care for a son or daughter, spouse, or parent must provide documentation to prove the relevant relationship. The documentation may include birth certificate, adoption papers, marriage license, court papers documenting foster care, or guardianship. Additionally, an employee applying for FMLA for a serious health condition for a covered person will be required to submit a medical certification (discussed in Section 3E Intermittent Leave or Reduced Schedule below).

3. Employee's Serious Health Condition

An employee may take FMLA leave for his or her own serious health condition. An employee utilizing FMLA for self is required to follow the terms set forth above in paragraph

C2. An employee applying for FMLA for his or her own serious health condition will be required to submit a medical certification (discussed in Section 3E Intermittent Leave or Reduced Schedule).

D. Amount of Leave

An eligible employee is entitled to a total of 12 weeks (60 work days) of leave in a 12-month period. The base work day is eight (8) hours for operating employees, and seven hours for non-operating career and salary employees, unless stated otherwise in the employee's applicable collective bargaining agreement. The 12-month period in which the 12 weeks of leave entitlement occurs is a "rolling" 12-month period measured backward from the date any FMLA leave is to be used. Under this method of leave calculation, each time an employee takes FMLA the leave entitlement would be the balance of the 12 weeks which had not been used during the immediately preceding 12 months.

E. Intermittent Leave or Reduced Schedule

Eligible employees may take FMLA leave on an intermittent or reduced schedule basis when medically necessary because of the employee's own serious health condition or to care for a seriously ill family member or the serious injury or illness of a covered servicemember. (*See* §825.202) Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with employer's approval. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations.

If an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for a serious health condition, the Authority may require the employee to transfer temporarily to an available alternative position for which
the employee is qualified and which has equivalent pay and benefits, and better accommodates the Authority's operational needs and the employee's need for FMLA usage.

When an employee takes FMLA leave on an intermittent or reduced leave schedule the Authority will account for the leave using increments no greater than the shortest period of time the Authority use to account for other leave provided that is not greater than an hour. The Authority will not require an employee to take more leave than necessary to address the circumstances that precipitated the need for the leave. An eligible employee is entitled to take up to 12 workweeks of leave or 26 workweeks in the case of military caregiver leave, and the total number of hours contained in those workweeks is necessarily dependent on the specific hours the employee would have worked but for the use of the leave. The employee's actual workweek is the basis of leave entitlement. The Authority will only count the amount of leave actually taken, and will reflect the employee's total normal scheduled hours. If an employee's schedule varies from week to week to such an extend the Authority is unable to determine with any certainty the number of hours the employee would otherwise work, but for taking FMLA leave, the Authority will calculate the employee's workweek based on the weekly average number of hours the employee was scheduled to work in the 12 months prior

to the beginning of the leave period, including any hours the employee took any other type of leave such as vacation AVA and sick leave.

F. Medical Certification

1. An employee requesting FMLA leave for either his or her own serious health condition or the serious health condition of a covered family member is required to submit medical certification completed by the health care provider. (See attached form HR-BEN-069 FMLA) If FMLA leave is for a child over the age of 18, the medical certification must include a statement certifying the child is incapable of self-care due to a mental or physical disability, in that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living". The employee has fifteen (15) calendar days to submit the medical certification to OHS. The fifteen days will commence (1) after giving notice of need for leave (2) from the date the Authority designates leave as FMLA, or (3) upon request of the Authority. The Medical Certification shall be completed in its entirety and must provide:

a. The name, address, telephone number and fax number of the health care provider with information about the medical specialty/type of practice, and the date.

b. The approximate date the serious health condition began and the probable duration.

c. A medical description of the patient's health condition for which leave is requested, which may include the diagnosis, treatment, and medications.

d. If the employee is requesting leave for self, the health care provider should include information establishing why the employee cannot perform the essential functions of the job, and other job restrictions.

e. If the employee is requesting the leave for a covered family member, the health care provider should provide information sufficient to establish that the family member is in need of care, and an estimation of the duration and frequency of the leave needed.

f. If an employee is requesting leave on an intermittent or reduced work schedule for a planned medical treatment for self or a covered family member, the information submitted should establish the medical necessity for the intermittent or reduced schedule and provide a schedule for the treatments.

g. If an employee requests intermittent or reduced work schedule for self or covered family member for a serious health condition which may result in unforeseeable episodes, the medical information submitted should establish medical necessity, an estimate of the frequency of the episodes, and the duration of the episodes of incapacity. If the treatment is for a covered family member, the certification should also contain a statement that the employee is needed to care for the covered family member.

The Authority cannot request additional information from a health care provider if the employee submits a complete and sufficient medical certification. The Authority may, however, contact the health care provider for clarification or authentication of the medical certification. The Authority designates OHS, or the Director of Labor Cost Control (or designee) to contact the health care provider in such instances as may be deemed appropriate. The employee's direct supervisor is prohibited from contacting the health care provider.

The employee must submit a medical certification each year if the serious health condition extends beyond the FMLA leave year. The new medical certification is subject to the provisions above, including clarification, and authentication.

The medical certification must be complete and sufficient to support the employee's FMLA request. The certification is incomplete if one or more applicable entry has not been completed. The certification is also insufficient if the information provided is vague, ambiguous or non-responsive.

The Authority will notify the employee in writing if the medical certification is deemed incomplete or insufficient. The employee has 30 calendar days to cure the deficiency. If the deficiency is not cured, the Authority will deny the FMLA leave.

2. Second and Third opinion

a. If the Authority has reason to doubt the validity of the medical certification, the Authority may require the employee to obtain a second opinion at the Authority's expense. The Authority may designate the health care provider to furnish the second opinion as long as the designated health care provider is not an employee of the Authority, or a regular contracted health care provider. The employee is provisionally entitled to the benefits of FMLA while the determination on the second opinion is pending. If the second certification does not support the employee's FMLA claim, the employee will be covered under the Authority's applicable leave policy. The employee may request a third opinion.

b. If the opinions of the employee's health care provider and second opinion differ, the Authority may require the employee to obtain a medical certification from a third health care provider approved by the Authority and the employee. The employee and the Authority must act in good faith in selecting a third health care provider. The expense of the third certification will be borne by the Authority. The employee and Authority are bound by the third opinion.

c. The Authority must provide the employee with a copy of the second and third (if applicable) medical opinion within five business days, absent extenuating circumstances.

3. Re-Certification

a. OHS may request recertification no more than every 30 days, and only in connection with an absence by the employee, unless paragraph (b) or (c) apply:

b. If the medical certification indicates the minimum duration of the period of incapacity is more than 30 days, the Authority must then wait until the minimum time period of incapacitation expires before requesting a recertification. For example, if the medical certification states the employee will be unable to work either continuously or intermittently for 50 days, the Authority must wait 50 days before requesting recertification. In all cases the Authority may request recertification of a medical condition every six months in connection with an absence by the employee.

c. The Authority may request a recertification in less than 30 days if:

1. The employee requests an extension of the leave.
2. Circumstances have changed significantly based on either the duration or frequency of the leave. For example, an employee's medical certification indicates that the employee suffers from migraine headaches and would need to take FMLA leave one or two days, but the employee's absence lasted four days. The increase in the duration of the leave is a significant change in circumstances allowing the Authority to request a recertification.
3. The Authority has information that casts doubt on the employee's stated reason for the leave, such as if an employee's pattern of unscheduled FMLA leave is taken in conjunction with Friday/Monday or regular days off ("RDO").

d. The employee must provide the requested recertification to OHS within 15 calendar days. A second or third opinion cannot be required on a recertification.

II. FMLA –MILITARY FAMILY LEAVE

A. Military Caregiver Leave

An eligible employee may take up to 26 weeks of military caregiver leave in a single 12 month period to care for a servicemember with a serious injury or illness. A covered servicemember is: (1) a current member of the Armed Forces[4], who is undergoing medical treatment, recuperation or therapy, in outpatient status or on the temporary disability retired list; or (2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. Covered veteran means an individual who was a member of the Armed Forces and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. An eligible employee must commence leave to care for a covered veteran within five years of the veteran's active duty service

[4] Armed Forces includes the National Guard and Reserves.

"Serious illness or injury": (1) In the case of a current member of the Armed Forces, a serious illness or injury means an injury or illness that was incurred by the covered servicemember in the line of duty on active duty or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces as determined by the Department of Defense ("DOD"). The servicemember must be undergoing treatment, therapy or recuperating for an injury or illness that renders the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating. (2) In the case of a covered veteran, a serious illness or injury means an injury or illness incurred by the member while on active duty in the Armed Forces (or an injury or illness which existed before the member's active duty status which was aggravated in the line of duty in the Armed services) and manifested itself before or after the member became a veteran and is (a) a continuation of a serious illness or injury incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank or rating ; or (b) a physical or mental condition for which the veteran received Veteran's Affairs Service-Related Disability Rating ("VASRD") of 50 percent or greater and the rating is based in whole or in part on the condition precipitating on the need for the caregiver leave; or (c) physical or mental condition of the covered veteran which impairs the covered veteran from securing a substantially gainful employment or occupation because of disability or disabilities related to military service or would do so absent treatment; or (d) a physical or psychological injury which the covered veteran is enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

1. Eligible Employee

An employee is eligible for FMLA military caregiver leave if the employee meets the eligibility requirements for FMLA leave (see General Provisions set forth above) and is the spouse, parent, son, daughter, or next of kin of a covered servicemember. The regulations define next of kin of a covered servicemember as the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter in the following priority: blood relatives who have been granted legal custody, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the servicemember has specifically designated in writing another blood relative for purposes of military caregiver leave under the FMLA. Son or daughter of a covered servicemember means a biological, adopted or foster child, stepchild, legal ward or a child whom the employee stood *in loco parentis* (see definition Section IA) and who is of any age. Parent of a covered servicemember means biological, adoptive, step or foster father or mother, or any other individual who stood *in loco parentis* to the covered service member. Parent, here, does not include "in law".

2. Amount of Leave Granted

An eligible employee is entitled to 26 weeks of leave in a single 12-month period per covered service member per injury. During the designated 12-month period, an employee is limited to a combined total of 26 weeks for FMLA leave for any qualifying reason and military caregiver leave. An employee continues to be limited to 12 weeks of FMLA leave per calendar year for reasons other than to care for a covered service member. A husband and wife employed by the Authority are limited to a combined 26 week military caregiver leave in a single 12-month period per service member per injury. Additional periods of up to 26

weeks of leave may be taken in subsequent 12-month periods to care for a different service member or to care for the same service member who has a subsequent serious illness or injury. The 12-month period must be measured from the first date the employee takes a qualifying military caregiver leave. If an employee does not use the entire 26 weeks during a single 12 month period for military caregiver leave the, employee cannot carryover the unused weeks of military caregiver leave to another 12 month period. Military caregiver leave may be taken on a continuous block of time or on an intermittent or reduced schedule basis, as required. Leave that qualifies as both military caregiver leave and leave to care for a family member with a serious health condition should be designated as military caregiver leave.

3. Certification

a. The U.S. Department of Labor has developed form HR-BEN-072, (see attached), Certification of Serious Injury or Illness of Covered Service Member. [825.310(d)]

Any one of the following health care providers may complete this certification: [825.310(a) (1)-(5)]

1. A United States Department of Defense health care provider
2. A United States Department of Veterans Affairs (VA) health care provider
3. A DOD TRICARE network authorized private health care provider or
4. A DOD non-network TRICARE authorized private health care provider. Satisfactory medical documentation also includes "invitational Travel Orders" ("ITOs") or "Invitational Travel Authorizations" ("ITAs") issued to any family member to join an injured or ill service member at his or her bedside.
5. Any health care provider as defined in Section I.B.2 of these Guidelines [§825.125].

b. The Authority may request the authorized health care provider to complete HR-BEN-072 to provide the following information: [825.310(b) (2)-(7)]

1. A statement indicating whether the illness or injury of the covered service member incurred while in the line of duty on active duty, or, if not, whether the covered servicemember's injury or illness existed before the beginning of the servicemember's active duty and was aggravated by service in the line of active duty.
2. The approximate date of injury or illness, and probable duration.
3. A description of the medical facts about the covered service member sufficient to support the need for the leave, if the service member is fit for duty, and if the servicemember is receiving treatment, recuperating, or therapy. A current member of the Armed Forces must include

information on whether the injury or illness rendered the servicemember medically unfit to perform the duties of the servicemember's office, grade, rank or rating.

4. A statement regarding the servicemember's need for care on a continuous or intermittent basis planned medical treatment schedule if applicable, or an estimation of frequency for episodic flare-ups.

5. If the servicemember is a veteran, whether the veteran is receiving treatment, recuperating, or therapy for an injury or illness that is a continuation of an injury or illness incurred or aggravated when the covered veteran was a member of the Armed Forces; whether the veteran is receiving treatment recuperating, or therapy for an injury or illness that is physical or mental condition for which the covered veteran has received VARD. The Authority will ask the employee to provide the name and address of the covered servicemember, the relationship to the employee, and a statement indicating the specific military branch of the servicemember. Other information to be included is whether the servicemember is being treated at a military facility or as an outpatient and if the servicemember is on the temporary disability list, whether the servicemember is a veteran and the date of separation from the military, and that the separation is other than dishonorable The employee may provide the veteran's Certificate of Release or Discharge from Active Duty issued by the U.S. Department of Defense. The Authority will require the employee to provide a description of the care to be provided to the service member and estimate the leave needed to provide the care. [825.310(c) (1)-(6)]

c. The Authority may seek authentication and clarification of the medical certification for a covered service member, but a second or third opinion is prohibited. The Authority may also seek authentication and clarification of the documentation indicating the servicemenber's enrollment in the Department of Veteran's Affairs Program of Comprehensive Assistance for Family Caregivers under § 825.307. The regulations also prohibit recertification when the leave is to care for a covered service member. [825.310(f)(1)]

d. The Authority must accept Invitational Travel Orders (ITOs) or Invitational Travel Authorizations (ITAs) issued to any family member to join an ill or injury service member at his or her bedside, as sufficient certification for the time period specified in the order. [825.310(e)] An eligible employee who uses the ITO or ITA to support the leave request may not be required to provide any additional or separate certification.

B. Qualifying Exigency Leave

1. Eligible Employee

An eligible employee may take FMLA leave for a qualifying exigency if the employee meets the criteria for FMLA leave and has a covered family member (spouse, son,

daughter or parent) who is a member of the Reserve components of the Armed Forces, or regular armed forces that is called to covered active duty. Covered active duty or call to covered active duty is defined as a call or order to active duty during deployment to a foreign country as a member of the Regular armed Forces, or as a member of the Reserve components a Federal call or order to active duty during deployment to a foreign country in support of a contingency operation pursuant to Section 688 of Title 10 of the Unites States Code.

2. Qualifying Event

Qualifying exigency leave may be taken to incorporate reference to covered active duty as follows:

a. For "short-notice deployment" where a military member is notified of an impending call or order to covered active duty seven or fewer days from the date of deployment, in which case an eligible employee may take qualifying exigency leave for a period of seven days beginning on the date when the military member is notified of the impending deployment; [825.126(b)(1)]

b. To attend official ceremonies, events or programs sponsored by the military that are related to covered active duty or call to covered active duty of a military member, or in advance of or during deployment to attend similarly related family support or assistance programs or informational briefings sponsored or promoted by the military, military service organizations, or the Red Cross; [825.126(b)(2)]

c. For certain childcare and school activities necessitated by covered active duty or the call to covered active duty status of a military member, including to arrange for alternative childcare, provide childcare on an urgent, emergency (but not routine, regular or everyday) basis, enroll or transfer a child in a new school or day care facility, or attend meetings with school or day care staff due to circumstances arising from the deployment of the military member; [825.126(b)(3)]

d. To make or update financial or legal arrangements to address a military member's absence while on covered active duty, and act as the military member's representative with respect to issues involving military service benefits; [825.126(a)(4)]

e. To attend counseling provided by someone other than a health care provider due to covered active duty or call to covered active duty status of a military member; [825.126(a)(5)]

f. To spend time with a military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, limited to 15 calendar days for each instance of rest and recuperation beginning the date the military member commences each instance of Rest and Recuperation leave.; [825.126(b)(6)] The Authority may require the employee to submit as proof of need of the exigency leave for Rest and Recuperation leave a copy of the military member's Rest and Recuperation leave orders or other documentation issue by the military setting forth the dates of the military member's leave.

g. To attend certain post-deployment activities, such as arrival ceremonies and reintegration briefings, and to address issues arising from the death of a military member while on covered active duty status; [825.126(b)(7)]

h. To care for or arrange for the care of a parent of a military member who is incapable of self-care and must be the military member's biological, adoptive, step, foster father or mother or any other individual who stood in *loco parentis* to the military member when the member was under the age of 18 years of age. A parent who is incapable of self-care requires active supervision to provide daily self-care in three or more activities of daily living. [825.126(b)(8)] Note: The parent here is not the parent of the eligible employee, but the parent of the covered family member with whom the eligible employee has the requisite relationship.

i. For additional activities arising out of a military member's covered active duty or call to covered active duty status where the employer and employee agree that such leave qualifies as an exigency and agree to both the timing and duration of the leave. [825.126(b)(9)]

3. Certification

a. **Active Duty Orders**: The first time an employee requests qualifying exigency leave under a specific set of orders, the Authority may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status. [825.309(a)]

b. **Required information** (HR-BEN-071 must be completed, see attached form): (1) A signed statement from the employee specifying the facts regarding the qualifying exigency for the FMLA leave, and any documentation; (2) The approximate date the qualifying exigency started or will begin; (3) If the employee requests leave on a reduced or intermittent basis, an estimate of the frequency and duration of the qualifying exigency; (4) If the qualifying exigency involves meeting with a third party, Form HR-BEN-071 requires that the employee provide contact information for that third party and an explanation of the nature of the meeting. The Authority may contact the third party only to verify the appointment schedule and the nature of the meeting. However, the Authority cannot request additional information. [825.309(b) (1)-(5)]

The Authority may also contact an appropriate unit of the DOD to verify that a military member is on covered active duty or has been called to covered active duty status, but no additional information can be requested. [825.309(d)]

4. Amount of Leave to be Granted

Eligible employees are entitled to up to 12 weeks of FMLA qualifying exigency leave per rolling 12-month year. Employees cannot exceed a combined total of 12 weeks of FMLA leave per calendar year for all qualifying reasons combined, excluding military caregiver leave. Leave is available for a continuous period of time or on an intermittent or reduced schedule basis as necessary.

III. Notice Requirements

A. Employee Notice

1. An employee must give the Authority at least 30 calendar days advance notice either verbally or upon written submission of the Request and Notification form before the leave begins when the need for FMLA leave is foreseeable, or as soon as possible when seeking to use FMLA leave for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or a covered family member, or planned medical treatment for a serious injury or illness of a covered service member. Where the leave is unforeseen, the employee must give notice to use FMLA leave as soon as practicable based on the circumstances of the specific case. The Authority may ask the employee for an explanation as to why 30 days notice was not given. If the employee does not give 30 days notice, the Authority can delay the start of the FMLA leave. If leave is to be delayed or denied by the Authority because of the employee's failure to comply with the 30-day requirement, it must be clear that the employee had notice of this requirement. It is therefore imperative that the notice entitled "Your Rights under the Family and Medical Leave Act of 1993" be posted conspicuously at the worksite. [825.302(a)]

2. If the FMLA leave is not foreseeable, represented employees seeking FMLA leave must comply with the notice ("call-out procedures") set forth in applicable collective bargaining agreements. If the FMLA leave is not foreseeable, non-represented and managerial employees seeking FMLA leave must comply with the Authority's time and leave policies. [825.303(a)]

3. An employee must provide notice of the need for FMLA leave for a qualifying event as soon as practicable. When the need for the leave is not foreseeable, the employee must comply with the normal "call-out" procedures as previously stated in paragraph numbered 2.

B. Employer Notice

1. General notice. Every employer covered by the FMLA is required to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the FMLA provisions and provide information concerning the procedures for filing complaints of violations of the FMLA with the Wage and Hour Division of the US Department of Labor. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. The notice and the text must be large enough to be read easily and contain fully legible text. Electronic posting is sufficient to meet this posting requirement as long as it otherwise meets the requirements of this section.

2. Notification of Eligibility. The FMLA Coordinator will provide the employee with a Notice of Eligibility and Rights and Responsibilities when the employee either requests FMLA leave, or the Authority becomes aware that the employee's leave may be for an FMLA qualifying reason. If the employee's leave is for an FMLA qualifying reason, the FMLA Coordinator must notify the employee of eligibility within five business days, absent

extenuating circumstances. The FMLA Coordinator must determine the employee's eligibility for the leave at the beginning of the leave. The FMLA Coordinator must notify the employee, and state at least one reason, if the employee is not eligible for the leave. [5]

3. Rights and Responsibility Notice. [825.300(c)] The FMLA Coordinator must provide a written notice detailing the specific expectations and obligations of the employee, and an explanation of any consequences of a failure to meet these obligations. (See footnote 2 above) The notice should include:

a. A statement indicating that leave may be designated and counted against an employee's FMLA entitlement, if the leave is FMLA qualifying. [825.300(c)(1)(i)]

b. Requirements for the employee to submit appropriate documentation i.e. birth certification or court documents for birth, adoption or foster care; medical certification for employee, family or covered service member's serious health condition or serious injury or illness. [825.300(c)(1)(ii)]

c. The Authority's requirements that paid leave and FMLA leave run concurrently and that employees are still required to follow the Authority's policies regarding leave usage. The Authority will also notify the employee of the amount of leave time counted against the employee's FMLA leave entitlement. [825.300(c)(1)(iii)]

d. A statement notifying the employee that if the employee does not comply with the Authority's paid leave policies, the employee will be denied pay, but still receive FMLA leave, if qualified. [825.300(c)(1)(iii)]

e. The Authority will make the employee's payment to the health benefit plan while employee is out on unpaid FMLA. The employee will be required to reimburse the Authority for any such payments through deductions from the employee's wages upon the employee's return to work from FMLA leave.

IV. FMLA Procedure

Each Department head will designate an individual(s) to serve as FMLA Coordinator(s). Department employees shall contact their respective FMLA Coordinator if there are any questions regarding FMLA.

A. Requests for FMLA

1. Designation

When an employee requests leave for an FMLA qualifying purpose, but does not request to use FMLA leave, the Authority is, nevertheless, entitled to designate such leave as FMLA leave. The department will contact the FMLA Coordinator for either an FMLA

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[5] *From July 2, 2012 through June 30, 2013*, the FMLA Coordinator will indicate to the BSC whether the employee is eligible for the leave; thereafter, the BSC will determine the employee's eligibility.

qualifying reason or sick leave use of a minimum 30 work days. The FMLA Coordinator will review the request and obtain additional information, if necessary, to determine if the leave is for an FMLA qualifying event. If the FMLA Coordinator cannot determine if the leave request is for an FMLA qualifying reason, the Coordinator may consult with OHS or the Director of Labor Cost Control, Labor Relations to assist in making the determination. Such designation may be made before or after the leave commences, but should be made within five business days, absent extenuating circumstances, of the Authority acquiring knowledge that the leave is for an FMLA qualifying purpose. If the Authority learns, subsequent to the commencement of leave, that the leave or some portion thereof, is or was for an FMLA qualifying purpose, the Authority may designate such leave as FMLA leave retroactively to, and/or prospectively from, the FMLA qualifying event. If the leave is for the employee's own use, failure by the Authority to designate the leave as FMLA, as described above, does not, absent a showing of harm or prejudice to the employee, preclude its being considered as the use of FMLA leave. The FMLA Coordinator will notify the employee of the designated FMLA leave.

The Authority may designate leave as FMLA leave after the employee returns to work, if the Authority was not aware of the reason for the leave prior to such time or the Authority preliminarily designated leave as FMLA leave while awaiting medical certification. In the former instance, the Authority must endeavor to designate the leave as FMLA leave within five business days of the employee's return to work, with appropriate notice to the employee. In the latter case, the preliminary designation of FMLA leave becomes final upon receipt of medical certification confirming the leave was for an FMLA qualifying purpose. If the employee requests leave to be counted as FMLA leave after returning to work, the employee must notify the Authority of the FMLA qualifying purpose of the leave within two business days of returning to work. If the Authority's initial notice to the employee designating FMLA leave was oral, the agency must confirm the designation in writing, in any format, no later than the following payday or, if there is less than one week between the oral notice and the next payday, written notice must be no later than the subsequent payday.

2. Application

An employee requesting leave for an FMLA qualifying purpose should complete the attached "Family and Medical Leave Act Application Form," (HR-BEN-028). An application and certification form may be downloaded from TENS or obtained from the FMLA Coordinator. The FMLA Coordinator will provide a copy of the FMLA Regulations Poster (HR-BEN-054) entitled "Employee Rights and Responsibilities Under the Family Medical Leave Act" immediately to the employee. The employee must, in turn, submit the completed form as soon as practicable; the Request to the FMLA Coordinator and the medical certification to OHS. . The employee's supervisor must sign the request form acknowledging receipt prior to submitting the form to the FMLA Coordinator. The FMLA Coordinator will review all documents for completeness and forward the application to the BSC Document Management Center (DMC). The BSC will open an FMLA case and mail the Notice of Eligibility and Rights and Responsibilities (attachment 1) to the employee. Please note that the Authority may not deny or delay the leave because the employee has not submitted written notice as long as the employee has provided timely oral notice of the need to take leave for an FMLA qualifying reason. Upon final determination by OHS, the BSC

will process and mail the Designation Letter (attachment 2) to the employee within 5 working days of receipt, notifying the employee of his/her application status.

An employee requesting FMLA leave for birth or placement of a child, or exigency leave shall submit an application with necessary certification to the FMLA Coordinator. If the request for FMLA is for the employee's pregnancy or a serious health condition of either the employee or the employee's covered family or service member, the FMLA Request form is submitted to the FMLA Coordinator with the medical certification forwarded to OHS.

The FMLA module in the Employee Information System shall be used to record, track and monitor FMLA applications and usage.

The Medical Director or designee will review the application and the Medical Certification to determine medical sufficiency in accordance with the FMLA. OHS will notify the FMLA Coordinator of the determination as soon as practicable. The FMLA Coordinator shall be responsible for coordinating communication with the employee, tracking FMLA usage patterns, and ensuring that data is entered in the appropriate timekeeping system. OHS will review all medical documents submitted related to FMLA usage, including sick leave applications submitted to the Authority in conjunction with a FMLA related absence, notify the FMLA Coordinator of the outcome of its review, and will retain all FMLA medical documentation. Any document submitted and proven to be fraudulent will result in the denial of the application, and disciplinary charges may be brought against the employee.

B. Restoration

1. Medical Fitness

If an employee has been absent due to his/her serious health condition, a certification from the employee's health care provider that the employee is able to resume work must be presented as required. In addition, where necessary, the employee may be required to undergo an ability to perform evaluation by OHS, in accordance with applicable sick leave policy based upon the employee's classification, past practices, and collective bargaining agreements. The Authority may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA. The certification may be required to address the employee's ability to perform the essential job functions of the employee's job, as may be requested by the Authority, with a statement of the employee's essential job functions, provided with the designation notice.

The Authority may require an employee to furnish a fitness-for-duty certificate up to once every 30 days for employees in safety sensitive titles who have used leave during that period. The Authority must advise the employee in advance of the employee taking leave that a certification of fitness will be required. The employee will submit the fitness of duty certification (a completed doctor's certification on the B form may be sufficient) to OHS.

2. Placement

An employee who returns from FMLA leave must be restored to his or her previous position or to an equivalent position. An equivalent position is a position in the same title which has the same pay, benefits, and working conditions (including the same worksite or a geographically proximate worksite). A geographically proximate worksite is one that does not involve a significant increase in commuting distance or time. If the employee is denied restoration or other benefits, the agency must be able to show that the employee would not have continued to be employed or received the benefits if the employee had been continuously employed during the leave period.

FMLA leave is not considered a break in service for the purpose of maintaining current pay and benefits. However, the time spent on unpaid leave is not counted as service in determining benefits, such as leave accruals, seniority, and pension.

If an employee is unable to return to work at the expiration of FMLA leave and the employee's allocated 12 week FMLA leave time has been exhausted, the employee must apply for the appropriate leave through the employee's department by utilizing current leave policies and practices which are in effect. The granting of such leave is at the discretion of the department subject to collective bargaining agreements.

C. Benefits

The Authority will continue the employee's health benefits during the period the employee is on FMLA leave on the same terms as if the employee had continued to work. The Authority will make the employee's contribution for health benefits while the employee is on unpaid FMLA leave. The Authority will deduct any such payments from the employee's wages upon the employee's return to work from FMLA leave. The deductions will occur over the same length of time as the leave. An employee on unpaid FMLA leave does not accrue vacation or sick time.

The Authority will recover its share of health plan premiums for the period of time the employee was on unpaid leave if the employee does not return to work after the FMLA leave has expired, unless there is a continuation or onset of a serious health condition or another circumstance occurs which is beyond the employee's control.

An employee's eligibility for qualified benefits (i.e. pension, 401(k)) while on unpaid FMLA will be governed by the terms of the benefit plan. The employee on unpaid FMLA leave is responsible for maintaining payments for life insurance, disability insurance, or other benefits the employee typically pays.

V. Paid Leave

A. An employee using FMLA for his/her own serious health condition must use all paid sick leave or other leave taken under a temporary disability plan, if applicable. A mother taking FMLA for the birth of her child must use paid sick leave during periods of her incapacitation before and after the birth of the child. If an employee exhausts his/her sick leave balances, he/she may elect to use accrued vacation, personal, AVA and compensatory leave time

before seeking additional sick in accordance with the relevant collective bargaining agreements, and the Authority's time and leave policies for managerial and non-represented employees.

Workers compensation leave for a qualifying serious health condition may be counted against the employee's FMLA entitlement.

B. An employee taking FMLA leave to care for a spouse, child or parent with a serious health condition, or to care for a newborn or child placed with the employee through adoption or foster care, or care for a covered service member, or for a qualifying exigency, must use all accrued vacation, personal, and AVA time in accordance with relevant collective bargaining agreements and the Authority's time and leave policies for managerial and non-represented employees. Managers taking FMLA to care for a covered relative may use sick leave. Leave used shall be counted against the FMLA entitlement. Compensatory time balances must also be used and counted against the FMLA entitlement.

After all leave balances have been exhausted, any leave granted for either the employee's own serious health condition or other FMLA qualifying reasons, will be counted as unpaid FMLA entitlement.

C. The FMLA regulations provide that "when the need for [FMLA] leave is not foreseeable, an employee must comply with the employer's usual and customary notice and procedural requirements for requesting leave." Consequently, while on FMLA leave (whether paid or unpaid), an employee is still required to follow all notice and procedural requirements for requesting leave in the Authority's time and leave rules, and appropriate collective bargaining agreements, including the submission of a sick leave application to OHS or the employee's FMLA Coordinator.[6] Additionally, in order to verify that the FMLA leave is being requested for an FMLA-qualifying event, the sick leave application must identify the nature of the disability (i.e. symptoms or condition). A sick leave application merely stating "FMLA" shall be deemed insufficient. If an employee either fails to submit a sick leave application or submits an application the Authority deems insufficient to provide notice that the absence was for an FMLA qualifying event, the FMLA request may be denied or delayed until proper documentation is submitted.

In addition to complying with all rules regarding notice and procedural requirements for calling out sick, in order for an employee to be given paid sick leave while on FMLA leave, the employee must also comply with applicable Authority and/or Department rules regarding the submission of a medical certification or documentation. The failure to submit such certification or documentation, where required by Authority and/or Department rules, may result in the leave being counted as unpaid FMLA leave.

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[6]Employees failing to comply with the notice and procedural requirements for requesting leave may be subject to discipline for violating the Authority's sick leave rules. However, where an employee is absent pursuant to a previously approved intermittent FMLA application, and has thus submitted medical documentation supporting the use of such additional FMLA leave, the employee cannot be disciplined for failure to submit a medical certification.

VI. Record Keeping

The Authority shall maintain all records as required by the United States Department of Labor pursuant to law and regulations. FMLA Coordinators will be responsible for monitoring and tracking FMLA usage. The FMLA Coordinators shall be required to submit a monthly report tracking FMLA usage of employees to the Director of Labor Cost Control. FMLA Coordinators shall report any suspicion of FMLA abuse or fraud to the Director of Labor Cost Control. The Director of Labor Cost Control shall be responsible for investigating FMLA abuse and fraud, and bringing disciplinary charges against an employee for fraudulent use or abuse of FMLA.

EMPLOYEE RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement
FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:
- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements
Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections
During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements
Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave
An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave
Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities
Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities
Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers
FMLA makes it unlawful for any employer to:
- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement
An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division
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