EMPLOYEE'S FAMILY MEMBER



Employee's FMLA Employee Guidelines

Employee's FMLA Rights and Responsibility

Departmental - FMLA Supplemental Information Form

Employee Completes and submits to FMLA Unit

➤ If FMLA is needed within less 30 days employee must submit proof of need

HR BEN 028 – FMLA Application

Employee Completes and submits to FMLA Unit

- Agency ID is the same as Pass Number
- Reg Work Sched: List Days & Time or Tour (PM, AM, Midnight)
- Request Dates: 30 days from the date application is signed, if FMLA is needed sooner, consult with FMLA Leave Representative

HR Ben 070 – Medical Certification

Write Pass Number on top of first page

Employee completes Section I
FMLA Unit Completes Section II
Employee's Physician completes Section III



MTA New York City Transit Authority Operations Support - Employee Availability - SUBWAYS Family Medical Leave (FMLA) - Employee GuidelinesFAMILY MEMBER

FMLA eligibility is based on the following criteria:

- > One full year & minimum of 1250 actual work hours preceding actual request date
- Additionally, if it is a renewal application, you must have available FMLA days

FMLA Leave Time is entitlement as follows:

- > FMLA Leave can be requested as Intermitted or Continuous
- > FMLA Leave provides up to 60 Work Days or 12 Weeks Continuously in a rolling year
- > FMLA Military Leave (Health) provides up to 26 Weeks in a single 12 month period
- > FMLA Qualifying Military Exigency provides up to 12 weeks.

After Submitting an FMLA Request Application:

- 1. You will receive a letter from the MTA Business Service Center (BSC) concerning your eligibility status (either you are eligible or you are not eligible).
- 2. You will receive an "Approval" or Disapproval letter from the BSC after your Medical Certification is reviewed by the Medical Department (OHS).
- 3. You may begin your FMLA leave on the date you specified on your application if you have received an Approval letter. If you have not received an approval letter and your requested date to begin is approaching within 5 days call (718) 694-3070 to inquire.

Call Out Procedures - Always make Two (2) Calls to ensure FMLA absence

- Call your crew reporting center (OSAC or CREW office), Time Desk or Office
 Manager/Supervisor
 - >You must state you are calling out FMLA
 - For Family Member state mother, father, spouse, daughter, son
 - For Yourself must state symptom or body part (aka headache or head)

Call the FMLA Desk (718) 694-3070

- State your Name, Pass #, Title, RDOs
- State the complete date you are taking FMLA (Month, day and year)
- >State whom the FMLA is for (child, spouse, parent, yourself)
- >State which type of leave you are requesting (AVA, VAC Days, PLD, OTO)

Leave Usage

FMLA For Family Member

- > You must use any leave balance other than sick (except managers)
- ➤ Your request must be in writing (for absences 5 days or more), print your name, pass # and sign then faxed request the same day to (718) 694-5363.
- ➤ You must state the days of the request and what type of leave you want to apply, for example: Monday, March 11, 2013 Apply one (1) AVA
- ➤ When you have requested to break up a week's vacation, you must state the vacation week #.

Employee's Responsibility for Family Member

- For all requests exceeding 5 days, inclusive of "out of state or country request," employees must submit a "Request for Leave other than Sick form"
- Copies of Plane tickets, Passport/VISA
- For emergency leaves (less than 30 days), a letter from family members physician stating where the family member is hospitalized (with date or entry) or Care Facility (date of entry) or a viable substitute proving emergency (consult with FMLA Coordinator).
- You <u>may be required</u> to submit proof upon your return (please consult with FMLA Coordinator)

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, 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 whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status 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 service-member during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*, or (2) a veteran who 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, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".

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 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

*Special hours of service eligibility requirements apply to airline flight crew employees.

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; and
- 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. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.





WHD Publication 1420 Revised February 2013



MTA New York City Transit Authority Operations Support - Employee Availability - SUBWAYS Family Medical Leave (FMLA) - Employee GuidelinesFAMILY MEMBER

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- > Additionally, if it is a renewal application, you must have available FMLA days

FMLA Leave Time is entitlement as follows:

- > FMLA Leave can be requested as Intermitted or Continuous
- > FMLA Leave provides up to 60 Work Days or 12 Weeks Continuously in a rolling year
- FMLA Military Leave (Health) provides up to 26 Weeks in a single 12 month period
- FMLA Qualifying Military Exigency provides up to 12 weeks.

After Submitting an FMLA Request Application:

- 1. You will receive a letter from the MTA Business Service Center (BSC) concerning your eligibility status (either you are eligible or you are not eligible).
- 2. You will receive an "Approval" or Disapproval letter from the BSC after your Medical Certification is reviewed by the Medical Department (OHS).
- 3. You may begin your FMLA leave on the date you specified on your application if you have received an Approval letter. If you have not received an approval letter and your requested date to begin is approaching within 5 days call (718) 694-3070 to inquire.

Call Out Procedures - Always make Two (2) Calls to ensure FMLA absence

Call your crew reporting center (OSAC or CREW office), Time Desk or Office

Manager/Supervisor

>You must state you are calling out FMLA

- For Family Member state mother, father, spouse, daughter, son
- For Yourself must state symptom or body part (aka headache or head)

Call the FMLA Desk (718) 694-3070

- ➤ State your Name, Pass #, Title, RDOs
- State the complete date you are taking FMLA (Month, day and year)
- >State whom the FMLA is for (child, spouse, parent, yourself)
- >State which type of leave you are requesting (AVA, VAC Days, PLD, OTO)

Leave Usage

FMLA For Family Member

- >You must use any leave balance other than sick (except managers)
- ➤ Your request must be in writing (for absences 5 days or more), print your name, pass # and sign then faxed request the same day to (718) 694-5363.
- ➤ You must state the days of the request and what type of leave you want to apply, for example: Monday, March 11, 2013 Apply one (1) AVA
- ➤ When you have requested to break up a week's vacation, you must state the vacation week #.

Employee's Responsibility for Family Member

- For all requests exceeding 5 days, inclusive of "out of state or country request," employees must submit a "Request for Leave other than Sick form"
- Copies of Plane tickets, Passport/VISA
- For emergency leaves (less than 30 days), a letter from family members physician stating where the family member is hospitalized (with date or entry) or Care Facility (date of entry) or a viable substitute proving emergency (consult with FMLA Coordinator).
- You <u>may be required</u> to submit proof upon your return (please consult with FMLA Coordinator)



Department of Subways/Division of Operations Support

Employee Availability FMLA Supplemental Information

CONTACT INFORMATION:

130 Livingston Street, 6th Floor (718) 694-3070 (FMLA Desk) (718) 694-5363 (Fax) (646) 252-6505 (E-fax)

SubwaysFMLA@nyct.com (Email)

EMPLOYEE INFORMA	NTION						
Today's Date:	Last Na	Last Name:			First:		
Pass No.	BSC ID	BSC ID:			Hire Date/Year:		
Is this your first FMLA A	pplication?	YES 🗆	NO 🗆	If no, year of las	t application?		
Do you need FMLA in les days?	s than 30	YES []	NO 🗆	If yes, reason &	If yes, reason & date: (example: Surgery, Hospitalizati		
JOB INFORMATION	- 12						
Title:			Depart	ment:		RC #:	
Work Hours/Days:		Wo	rk Locat	ion:		RDO:	
Timekeepers Name (ONI Employees):	LY for Administ	trative		nager's/Supervisor n <mark>inistrative Emplo</mark> y		for MOW, DCE &	
DOCUMENTATION RE	QUIRED FOR	LEAVE - I	THIS S	SECTION FOR	RFAMILY	MEMBER ONLY	
If the reason for FM not limited to marriage licer orders, or as deemed appro	nse, court docum	ner than ents for adop	yourse otion, fost	elf , you must prov er care, guardianship	ide proof of re s, birth certifica	lationship; this may include but tes, affidavit, military: active duty	
Care for Spouse 🗀 Car	re for Child 🗌	Care for I	Parent 🗌	Military 🗌 Bi	rth of Child 🗌	Foster Care or Adoption [
Family Member Name:	Family Member Name: Child over 18 YES NO						
Family Member's Residence – City, State, County and/or Country:							
If you are traveling out on please indicate dates, please indicate dates, pleased documents:			Only	v FMLA Liaison not	e type of trave	el document accepted:	
Proof of Relationship Do	cument submit	tted: (ONLY	FMLA R	epresentative to w	rite in this Se	ction)	
EMERGENCY CONTAC	r°	1					
Name:			×		Relationshi	p:	
Primary Phone:	:1		C	ell Phone:			
DISCLAIMER AND SIG	NATURE					4.17 1. 10	
I certify that my answers are true and complete to the best of my knowledge. I understand that false or misleading information in my application may result in the denial of FMLA. I further understand that processing of my application cannot occur if required proof of relationship documents is not submitted with my FMLA application, unless otherwise waived for 3-5 days, due to emergency status. If waiver is granted and proof is not submitted, I understand that my FMLA may be denied and time allowed may be revoked.							
Signature:					Date	9:	
FMLA REPRESENTATIV	VE RECEIPT O	F APPLIC	ATION 8	MOCUMENTATI	ON		
Print Name:		Signa	ature			Date	

Family and Medical Leave Act Application Form

HR-BFN-028



Section 1 - Information and Instructions

The purpose of this form is to request a leave of absence under the Family and Medical Leave Act ("FMLA").

Please mail or fax a signed copy of the completed form to your Agency Human Resources Department or FMLA Coordinator 30 days prior to the start of your leave or as soon as possible. (MTAHQ and BSC Employees must forward completed forms to the BSC at fax#: 212-852-8700 or bscservice@mtabsc.org)

If your request for FMLA is for your own or a family member with a serious health condition, a medical certification is required. Therefore, please visit the BSC Portal (www.mtabsc.info) to download the applicable FMLA application and medical certification listed below:

- a) HR-BEN-069 FMLA Certification of Health Care Provider Employee's Serious Health Condition
- b) HR-BEN-070 FMLA Certification of Health Care Provider Family Serious Health Conditions
- c) HR-BEN-071 FMLA Certification of Qualifying Exigency for Military Family Leave
- d) HR-BEN-072 FMLA Certification for Serious Injury or Illness of Covered Service Member

Eligible employees requesting a leave under the FMLA may request a copy of the applicable policy, and the application and Certification of Healthcare Provider form from their manager or the MTA Business Service Center by calling 646-376-0123. The policies and forms can be downloaded from the BSC Portal (www.mtabsc.info). An employee must request FMLA leave 30 days prior to the start of the leave, unless such notice is not practicable, in which case, the employee must provide notice as soon as possible.

The FMLA provides eligible employees with up to 12 weeks of unpaid leave for the following reasons: (1) incapacity due to pregnancy, prenatal medical care or childbirth; (2) to care for a child after birth, or placement for adoption or foster care; (3) to care for a spouse, child, or parent who has a serious health condition; (4) for the employee's own serious health condition that makes them unable to perform their job; and (5) to address certain qualifying exigencies if a spouse, child or parent is on active duty or called to active duty in a foreign country. The FMLA also provides up to 26 weeks of leave to care for a covered service member who has a serious illness or injury under certain circumstances.

If you have any questions about FMLA leave, please contact the MTA Business Service Center at (646) 376-0123 or bscservice@mtabsc.org.

Section 2 -	Employee Ir	nformation						
Print Name						BSC ID		
	Last		First		M.I. Suffix	Agency ID		
Agency/De	BSC	□ В&Т	□ сс □ но		Police	Department		
pt (check	□ cip			D MTA D	NYCT	Job Title		
one)	SIR	LIRR	□ MNR	☐ MTA Bus	☐ MaBSTOA	Reg Work Sched		
Street Addres	SS 1							
City State Zip Code								
Phone (H)			Phone (W)			Email		
Section 3 -	Section 3 – Reason For Leave							
Please Check	only one:							
My own serio	My own serious health condition renders me unable to perform the functions of my position.							
The birth of a child, or to care for a child within 12 months of date of birth.								
The placement with me of a child for adoption or foster care, or to care for a child								
To care for m	To care for my spouse, child, or parent with a serious health condition. (Child's DOB:).							
Qualified exigency leave for my _ spouse, _ child, or _ parent on active duty or called to active duty in a foreign county _								
To care for m	To care for my \square spouse, \square child, \square parent, or \square next of kin who is a covered service member with a serious injury or illness \square							

Family and Medical Leave Act Application Form





Section 4 – Request for Leave		
Leave beginning on and leav	e ending on	
Total number of work days or total n	umber of work weeks	
Section 5 – Type of Leave Requested		
a) State the type of leave you are requesting:	termittent Reduced Schedule	☐ Continuous
(Intermittent Leave is separate blocks of time due to a s your usual number of working hours per workweek or ho	ingle qualifying reason. A reduced schedule leav urs per work day, and a continuous leave is take	ve is a leave schedule that reduces
b) If Intermittent, or reduced schedule leave, state the s		,
Section 6 - Authorization		
I do hereby certify that to the best of my knowledge the	above information is true and correct.	
I understand that fraudulently requesting, obtaining and/ from employment.	or misusing this leave will be cause for disciplina	ary action, up to and including dismissal
Employee Signature		
		Date
Supervisor's Signature		
		Date
		12
9		
	×	
For Agency Human Resources Use Only (check		
Meets Eligibility Requirements:	☐ Does Not Meet Eligibility Require	ments:
Print Name	Signature	Date



HR-BEN-070

Section I - Instructions for the Employee

NOTE: Remember to complete and submit an HR-BEN-028: Family and Medical Leave Act Application Form to your Agency HR or FMLA Coordinator.

Please complete Section I before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

If you have any questions, please contact MTA Business Service Center (BSC) at 646-376-0123 or bscservice@mtabsc.org.

Section II -	Employe	e Informatio	n)									
Print Name	Last		First			М	Su	ffix BSC I		D:			
Employer	BSC	□ В&Т	□ cc	□на		Police		MaB	STOA	Departm	ent:		
(check one)	SIR	LIRR	MNR	□мта	Bus	Bus NYCTA				Job Title:			
Street Addres	s									Regular	Work S	chedule	
City									State	•		Zip Code	
Phone (H)			Phone	(VV)					Email				
Name of Fam	ily Member	for whom you	will provide	care:		ationship of fan on or daughter,	•		•	u: 🔲 Pa	arent	Spouse Child	
Describe the	Describe the care you will provide to your family member and estimate leave needed to provide care:												
Employee Sig	Employee Signature Date												
Section III – For Completion by the HEALTH CARE PROVIDER													
The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Page 3 provides space for additional information, should you need it. Please be sure to sign the form on page 3.													
Provider's Name: License number: State:													
Type of Practice/ Medical Specialty:													
Provider's Ad	dress												
City:							State: Zip Code:			Zip Code:			
Telephone:							Fa	ax:				•	



HR-BEN-070

PART A: ME	EDICAL FACTS	
1. Approxima	nate date condition commenced:	
Probable	duration of condition:	
Was the p	patient admitted for an overnight stay in a hos _Yes If so, dates of admission:	spital, hospice, or residential medical care facility?
Date(s) yo	ou treated the patient for condition:	
Was medi	dication, other than over-the-counter medicati	on, prescribed?NoYes
Will the pa	patient need to have treatment visits at least to	vice per year due to the condition?NoYes
	patient referred to other health care provider()? NoYes If so, state the nature of	s) for evaluation or treatment (e.g., physical such treatments and expected duration of treatment:
2. Is the med	edical condition pregnancy?NoYes If	so, expected delivery date:
medical fa		the condition for which the patient needs care (such y regimen of continuing treatment such as the use of
need for care	MOUNT OF CARE NEEDED: When answer	ing these questions, keep in mind that your patient le assistance with basic medical, hygienic, nutritiona al or psychological care:
	eatient be incapacitated for a single continuou ?NoYes	s period of time, including any time for treatment and
Estimate t	the beginning and ending dates for the period	d of incapacity:
During this	is time, will the patient need care? No	_ Yes
Explain the	ne care needed by the patient and why such o	are is medically necessary:
-		
-		-
-		



HR-BEN-070

5.	Will the patient require follow-up treatments, including any time for recovery?Notestimate treatment schedule, if any, including the dates of any scheduled appointment required for each appointment, including any recovery period:	
	Explain the care needed by the patient, and why such care is medically necessary:	
6.	Will the patient require care on an intermittent or reduced schedule basis, includingNoYes	any time for recovery?
	Estimate the hours the patient needs care on an intermittent basis, if any:	
	hour(s) per day; days per week from through	1
	Explain the care needed by the patient, and why such care is medically necessary:	
7.	Will the condition cause episodic flare-ups periodically preventing the patient from p daily activities?NoYes Based upon the patient's medical history and your knowledge of the medical conditi	
	frequency of flare-ups and the duration of related incapacity that the patient may ha months (e.g., 1 episode every 3 months lasting 1-2 days):	
	Frequency: times per week(s) month(s)	
	Duration: hours or day(s) per episode	
	Does the patient need care during these flare-ups? No Yes	
	Explain the care needed by the patient, and why such care is medically necessary:	
	ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADD	ITIONAL ANSWER.
S	ection IV – Signature of Health Care Provider	
10	do hereby certify that to the best of my knowledge the above information is true and correct.	
s	ignature	Date



HR-BEN-070

C4: -	 Agency	A 4

This Certification form must be sent to your specific Agency representative. Below is a list of all of the Agency contacts. Please check the appropriate box next to your own Agency's contact.

Please select only one box next to the appropriate Agency.	Agency Name, Address, and Contact Information
	MTA & MTA Capital Construction MTA Medical Department Occupational Health Services 420 Lexington Avenue, Suite 2201 New York, NY 10017 Attn: Nurse Manager
	LIRR Human Resources Department 93-02 Sutphin Boulevard Jamaica, NY 11435
	Metro-North Railroad FMLA Administrator Human Resources 347 Madison Avenue, 4 th Floor New York, NY 10017
	Staten Island Railroad (SIR) Human Resources Department 60 Bay Street Staten Island, NY 10301
	NYCT / MaBSTOA / MTA BUS Occupational Health Services 180 Livingston Street Brooklyn, NY 11201