

EMPLOYEE'S BIRTH OF CHILD



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.
- If the leave is for Married Father, submit Marriage Certificate, Letter from Physician and then Birth Certificate within 30 days.
- If the leave is for Unmarried Father, must submit a copy of the Proof of Paternity from the Hospital.
- 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.

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

Departmental – Medical Proof of Pregnancy

- Employee can submit original letter (on physician's letterhead) from expectant mother's physician stating expected date of delivery.
- HR Ben 069 – 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 Guidelines- FAMILY 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 Intermittent 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 less), 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 may be required 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 servicemember 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.



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 | Wage and Hour Division



WHD Publication 1420 • Revised February 2013



New York City Transit

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@nycct.com (Email)

EMPLOYEE INFORMATION			
Today's Date:	Last Name:	First:	
Pass No.	BSC ID:	Hire Date/Year:	
Is this your first FMLA Application?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If no, year of last application?
Do you need FMLA in less than 30 days?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	If yes, reason & date: (example: Surgery, Hospitalization, etc.)

JOB INFORMATION			
Title:	Department:	RC #:	
Work Hours/Days:	Work Location:	RDO:	
Timekeepers Name (ONLY for MOW, DCE & Administrative Employees):	Manager's/Supervisors Name (ONLY for MOW, DCE & Administrative Employees):		

DOCUMENTATION REQUIRED FOR LEAVE – THIS SECTION FOR FAMILY MEMBER ONLY	
If the reason for FMLA is for other than yourself , you must provide proof of relationship; this may include but not limited to marriage license, court documents for adoption, foster care, guardianships, birth certificates, affidavit, military: active duty orders, or as deemed appropriate.	
Care for Spouse <input type="checkbox"/> Care for Child <input type="checkbox"/> Care for Parent <input type="checkbox"/> Military <input type="checkbox"/> Birth of Child <input type="checkbox"/> Foster Care or Adoption <input type="checkbox"/>	
Family Member Name:	Child over 18 YES <input type="checkbox"/> NO <input type="checkbox"/>
Family Member's Residence – City, State, County and/or Country:	
If you are traveling out of State or the Country, please indicate dates, place and provide copy of travel documents:	<i>Only FMLA Liaison note type of travel document accepted:</i>
Proof of Relationship Document submitted: (ONLY FMLA Representative to write in this Section)	

EMERGENCY CONTACT	
Name:	Relationship:
Primary Phone:	Cell Phone:

DISCLAIMER AND SIGNATURE	
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:

FMLA REPRESENTATIVE RECEIPT OF APPLICATION & DOCUMENTATION		
Print Name: _____	Signature _____	Date _____

Family and Medical Leave Act Application Form



HR-BEN-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 Information

Print Name	Last					First		M.I.	Suffix	BSC ID	
	Agency ID										
Agency/Dept (check one)	<input type="checkbox"/> BSC	<input type="checkbox"/> B&T	<input type="checkbox"/> CC	<input type="checkbox"/> HQ	<input type="checkbox"/> Police		Department				
	<input type="checkbox"/> SIR	<input type="checkbox"/> LIRR	<input type="checkbox"/> MNR	<input type="checkbox"/> MTA Bus		<input type="checkbox"/> NYCT		Job Title			
						<input type="checkbox"/> MaBSTOA		Reg Work Sched			
Street Address											
City							State		Zip Code		
Phone (H)				Phone (W)				Email			


Section 3 - Reason For Leave

Please Check only one:

My own serious health condition renders me unable to perform the functions of my position.	<input type="checkbox"/>
The birth of a child, or to care for a child within 12 months of date of birth.	<input type="checkbox"/>
The placement with me of a child for adoption or foster care, or to care for a child	<input type="checkbox"/>
To care for my <input type="checkbox"/> spouse, <input type="checkbox"/> child, or <input type="checkbox"/> parent with a serious health condition. (Child's DOB: _____).	<input type="checkbox"/>
Qualified exigency leave for my <input type="checkbox"/> spouse, <input type="checkbox"/> child, or <input type="checkbox"/> parent on active duty or called to active duty in a foreign county	<input type="checkbox"/>
To care for my <input type="checkbox"/> spouse, <input type="checkbox"/> child, <input type="checkbox"/> parent, or <input type="checkbox"/> next of kin who is a covered service member with a serious injury or illness	<input type="checkbox"/>

POST ON ALL BULLETIN BOARDS
NEW YORK CITY TRANSIT
DEPARTMENT OF SUBWAYS
OFFICE OF SENIOR VICE PRESIDENT

DATE: July 18, 2014
TO: All Subways Employees
FROM: Sally Librera, Vice President & Chief Officer, Operations Support
SUBJECT: SUBWAYS BULLETIN 14-23
TWU LOCAL 100 MATERNITY/PATERNITY LEAVE BENEFIT



Effective May 21, 2014, employees who are members of TWU, Local 100 are entitled to a two-week paid Maternity/Paternity Leave benefit subject to the following guidelines:

- Maternity/Paternity leave benefit is only effective for births or adoptions that occur on or after May 21, 2014.
- Maternity/Paternity leave is effective upon the birth or adoption of a child.
- Employees are entitled to two (2) weeks fully paid Maternity/Paternity Leave.
- Maternity/Paternity leave will be paid at run pay.
- Maternity/Paternity leave is treated as a 10-day continuous paid absence immediately following the birth or adoption of a child.
- Both parents, if they are TWU Local 100 members, are entitled to this leave.
- Employees are required to give proper notice, in person or by telephone, to their respective crew reporting center, assignment, control, car and time desk of their intention to be absent from work due to Maternity/Paternity Leave.

Employees are required to complete the attached *Application of Leave* form and submit with appropriate documentation to:

Email:	<u>SubwaysFMLA@nyct.com</u>
Phone:	(718) 694-3070
Fax:	(718) 694-5363
E-fax:	(646) 252-6505
Inter-office/USPS Mail	Subways FMLA Unit, 130 Livingston Street, 6th Floor Brooklyn, NY 11201

The *Application of Leave* form must be submitted no later than three (3) days after the absence start date. Initial documentation (i.e. discharge papers/letter from hospital) must be submitted immediately with the form. Final documentation (i.e., Birth Certificate) must be submitted no later than thirty (30) working days after the employee returns from Maternity/Paternity leave.

Attachment

cc:	J. Leader	J. Gaul	C. Johnson
	J. Bromfield	W. Habersham	J. Samuelsen (TWU)
	M. Brown	Office of the VP & Chief Officer, SIR	
	J. Gaito	R. Bergen	

REQUEST FOR LEAVE OF ABSENCE WITH OR WITHOUT PAY (OTHER THAN SICK LEAVE)

Department SUBWAYS Division _____ Date 20 _____

_____, hereby request a leave of absence
Print or Type Name – First MI Last

From duty with/without pay in accordance with established procedures (TA Rule no. 170) TWU Local 100 5/21/14 MOU Sec 4-H
(Check or Insert Proper Rule No.)

From _____ to _____, inclusive, being
10 Days @ Run Pay hours. Reporting point _____ Days off _____

Run or trick No. _____ Scheduled hours of work _____ A.M. P.M. _____ A.M. P.M.

Reason for absence TWU Maternity/Paternity Leave

Employee Signature _____

Title (Print or Type) _____ Pass or Payroll No. _____ Rate of Pay _____

Supervisor Signature _____ Pass Number _____

Do not write in this space

Original Date of Appointment with NYCTA, MaBSTOA or Predecessor _____

	Absence with Pay During Preceding 12 Months		Absence With Pay During Preceding 12 Months	
	Days	Hours	Days	Hours
Vacation _____			Absence Without Leave _____	
Holiday Allowance _____			Personal Business _____	
Injury On Duty _____			Illness _____	
Sick Leave _____				
Other Causes _____				
Total _____			Total _____	

Payroll No. _____

Remarks _____

Recommendation: For _____ Days _____ Hours _____

Signatures (As per procedure in effect)	Title	_____ 20
_____	_____	_____ 20
_____	_____	_____ 20
_____	_____	_____ 20
_____	_____	_____ 20

Leave of Absence Approved Disapproved

Please submit the following initial documentation with this request as applicable:

- Spouse: Marriage Certificate and Discharge Papers or Letter from Physician
- Single: Copy of Proof of Paternity document or Hospital Discharge Papers (name of father must be on document)
- Mothers: Hospital Discharge documents or document from Midwife or Letter on Physician's Letterhead

FINAL PROOF - A Copy of the newborn's BIRTH CERTIFICATE within 30 Days of Employee's Return to Work

Submit Request and Documentation to

FMLA Unit, 130 Livingston Street, 6th Floor, Brooklyn, NY 11201
Email: SubwaysFMLA@nyct.com