

FMLA

Family & Medical Leave Act



Do I still have to provide doctor's lines if I'm covered by FMLA?

You still have to comply with the TA's sick leave policy. If you would have to provide doctor's lines if you didn't have FMLA coverage, you still have to with FMLA.

Can I be put on the Sick Leave Control List if I have FMLA?

The surest way to stay off the Sick Leave Control List is to get doctor's lines when you book sick. If you are put on the list because of absences that were covered by FMLA, contact your union rep.

Can I be put in the 30% sick leave use category?

The TA may put you in the 30% and you should comply with the rules for being in the 30% category. However, if most of the absences that put you in the 30% are covered by FMLA, contact your union rep.

What's the point of FMLA coverage again?

The law recognizes that workers need to take care of themselves and family members and should not be disciplined for doing so. With FMLA certification the TA cannot discipline you for time used that was covered by FMLA. For example, if you take extensive leave using FMLA you cannot be disciplined for chronic absenteeism.

What if I'm denied FMLA because I didn't have enough hours worked the year before I apply?

Apply again when you think you've got enough hours. Keep applying, there is no limit on how often you can apply.

Once FMLA is approved, how long is the approval for?

One year for intermittent leave needed for a chronic condition. The lengths of leaves for non-chronic conditions are decided on a case-by-case basis.

Can the TA put me on FMLA without me applying for it?

Yes, once you've been out sick or on comp for more than 30 days, the TA may put you on FMLA to burn up your 60 day allotment. (They must notify you when they do this).

Any advice for a father who wants to take time for a newborn?

You have the right to FMLA when you have a newborn. You cannot use your sick time, but you may use vacation time, AVAs, OTOs before taking unpaid time. You need to know that you cannot break up the time (can't use time intermittently) for a newborn. You can, however, file for FMLA for the child's mother as well as the child if they have a serious health condition.

What about adoptions?

You are entitled to use FMLA when adopting a child. But, as with a newborn, you cannot use the time intermittently. However, should either the newborn or the adopted child have a serious health condition you can file and get FMLA for intermittent leave.

Can I combine the 60 days I have for my parent with the 60 days I have for my child?

No. The maximum time you can use (combining all uses) for own condition, to care for a family member, or to welcome a new member to the family is 60 days in a rolling 12 months.

Transport Workers Union Local 100



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Important Stuff to Know

▶ FMLA is a federal Law passed in 1993 that requires employers to grant employees up to 60 days of leave from your job per year.

You qualify if . . .

- ▶ you have worked for Transit for at least 12 months and,
- ▶ you have worked for 1250 hours in the 12 months before the start of your FMLA leave

And you need to . . .

- ▶ Be treated for, or recover from, a serious health condition that makes you unable to perform your job – (medical leave)
- ▶ Care for a child, spouse or parent suffering from a serious health condition (family-care leave)
- ▶ Care for or bond with a new born child, a newly adopted son or daughter, or a newly placed foster child (new-child leave)

Or, you need to:

- ▶ Meet an urgent non-medical need brought on by a family member serving in the military or being notified of impending call to duty
- ▶ Take up to 26 weeks of leave to care for a family member who suffers an injury or illness while serving in the military

A chronic condition is a medical condition which continues over a long period, requires treatment by a health care provider at least two times per year and may cause short periods of incapacity from time to time instead of one long period. Some examples are: heel spurs, back pain, migraines, asthma, allergies, HIV, chemotherapy, sinusitis.

The **TA MUST KEEP FMLA RECORDS CONFIDENTIAL**. Only the designated coordinator and OHS have access.

