

**Frequently Asked Questions
Family and Medical Leave (FMLA)**

1. What is the eligibility criteria for FMLA to care for myself or a family member?

To be eligible, you must have worked for H+H for at least 12 months before the date your leave is to begin and you must have worked at least 1250 hours.

2. Under the Family and Medical Leave Act, do the 12 months of service with the employer have to be continuous or consecutive?

No. The 12 months do not have to be continuous or consecutive; all time worked for the employer is counted.

3. How long can I be off for FMLA to care for myself or a family member?

- a. Under the FMLA eligible employees are entitled to up to 12 workweeks in a 12-month period of unpaid job protected leave for the qualifying reasons mentioned above.
- b. The FMLA also entitles eligible employees to take up to 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness.

4. Which family members can I take off to care for?

You can take off to care for a parent, spouse or domestic partner, or a child under the age of 18 years of age. If you are applying to use FMLA to care for a service member or for exigent circumstances different family members apply. See that section for details.

5. Why can't I use FMLA to care for my grandmother? She is like a mother to me?

Under certain conditions, your grandmother may qualify as the person who raised you. Speak with your Leave Administrator about this.

6. What are the qualifying reasons for which I can use FMLA?

An eligible employee may take leave under the FMLA for the following reasons:

1. Upon the birth of a child and in order to care for such child;
2. For the care of a newly adopted child or newly placed foster child;
3. In order to care for a spouse, child under age 18, child age 18 or older but incapable of self-care because of a physical or mental disability, or parent of the employee, if such spouse, child, or parent has a serious health condition;
4. When the employee has a serious health condition that makes the employee unable to perform the functions of the employee's job;
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty

(or has been notified of an impending call or order to covered active duty status); and

6. To care for a spouse, son, daughter, parent, or next of kin who is a “covered servicemember,” while the covered servicemember is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list.

7. How do I get paid while I am out on FMLA?

Generally FMLA leave is unpaid, however, consistent with the FMLA, the System requires employees who are out on approved FMLA due to the employee’s own serious health condition to use, exhaust, and count concurrently with the FMLA leave the accrued paid leave balances.

If the purpose of the FMLA leave is to give birth and for recovery thereafter, the employee may use concurrently with FMLA leave up to six (6) weeks of sick leave for a natural child birth and eight (8) weeks of sick leave for a Caesarian childbirth. If the employee wishes to remain out of work after giving birth for the remaining weeks of FMLA (up to a total of 12 weeks) for bonding, such time is considered to be for care of the child and the employee’s sick leave accruals cannot be used, unless the employee is recovering from a serious health condition other than the incapacity of childbirth. Medical certification is required for such serious health condition.

If the leave is to care for a sick family member, the employee must use concurrently with FMLA leave up to three (3) work days of accrued sick leave first and then leave balances other than sick.

If the FMLA is for any other qualifying purpose, the employee must exhaust all annual and non-FLSA compensatory leave balances and such time is counted towards the FMLA entitlement.

8. What about my health insurance? Will it continue?

An employee on FMLA is entitled to have health benefits maintained while on authorized leave under the same conditions as if the employee has continued to work instead of taking a leave.

If the employee was paying all or part of the premium payments prior to leave, the employee continues to pay their contribution during the leave period while in pay status through payroll deductions.

If the employee is not in pay status because all applicable sick, annual, compensatory, and other relevant accrued paid time has been exhausted, the employee will be provided with Special Leave Of Absence Coverage (SLOAC) effective the day after all paid leave is exhausted.

SLOAC covers the following benefits:

- Basic Life Insurance and Accidental Death & Dismemberment Insurance (member only)
- Superimposed Major Medical Plan
- Dental; and
- Vision Care

SLOAC covers the above benefits for Group 11 employees for up to a maximum of sixteen (16) weeks depending upon your pay cycle in a 12-month period, which similar to FMLA is also a rolling period measured backward from the date any coverage is continued under SLOAC.

9. If I take FMLA is my job at risk?

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA period.

An employee who returns from FMLA is entitled to be restored to the same position the employee held when the leave began, or to an equivalent position with equivalent pay and working conditions, including the same worksite or a geographically proximate worksite. A geographically proximate worksite is one which does not involve a significant increase in commuting distance or time.

10. What is Intermittent FMLA?

FMLA may be continuous, intermittent or on a reduced schedule basis when medically necessary due to the serious health condition of a covered family member or the employee.

If the employee needs leave for planned medical treatment, the employee must make reasonable effort to schedule the treatment so as not to disrupt the Department's operations.

Reduced schedule leave may be taken in no less than 15 minute increments.

11. How does FMLA work for childbirth?

Generally, employees are entitled to bond with their newborn child from the date of birth through 12 months after the date of the child's birth, though the FMLA job-protected leave remains 12 weeks.

Spouses and domestic partners who are eligible for FMLA and who both work for the System are limited to a combined total of 12 weeks of FMLA leave for the birth, adoption or foster care placement of a child or to care for a parent. For example, if one spouse takes 6 weeks, the other spouse may take the remaining 6 weeks for a total of 12 FMLA weeks of leave in a 12-month period.

Each spouse, however, is entitled to use the remaining 6 weeks for their own serious health condition or that of a qualifying family member or for any other FMLA qualifying reason.

The expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child.

A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated or if needed to care for her during her prenatal care, or if needed to care for her following the birth of a child if she has a serious health condition.

12. How do I request FMLA?

When an employee foresees the need for a leave of absence covered by this policy, the employee must request a leave by submitting the appropriate form(s) to HRSSLeaveAdministration@nychhc.org 30 days before the requested leave is to commence. If the employee provides less than 30 days' notice of time off, the employee will be required to explain why it was not practicable for the employee to provide 30 days' notice.

If the employee knows of the need for time off in advance but cannot provide 30 days' notice, the employee must notify the HRSS Leave Administrator of time off as soon as practicable under the circumstances. In most cases, this will mean the same day the employee learns of the need for time off, or the next business day. Such notice allows the department time to adjust to the employee's leave for purposes of scheduling and other operational concerns.

Generally, HRSS Leaves Administration will not approve leaves retroactively.

13. Where do I get Forms for FMLA?

Forms for requesting FMLA can be found on the Employee Resources Center site.

14. Which forms do I need?

You will need a Medical Certification form for your serious health condition or the serious health condition of a family member. On the Employee Resource Center website, the forms are labeled based upon the type of leave you wish to take.

15. Will I accrue annual and sick leave while I am on FMLA?

You will accrue sick and annual paid leave while out on an approved leave of absence as long as you are being paid. Once your pay stops, your accruals stop. If you do accrue time out on an approved LOA, you cannot use that accrued time until you return from the leave.

16. May I take FMLA leave for visits to a physical therapist, if my doctor prescribes the therapy?

Yes. The Family and Medical Leave Act permits you to take FMLA leave to receive "continuing treatment by a health care provider," which can include recurring absences for therapy treatments such as those ordered by a doctor for physical therapy after a hospital stay or for treatment of severe arthritis.