



Initiating Federal Family and Medical Leave Act and State Leave

Associate Guide





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Overview

The Family and Medical Leave Act allows eligible employees to balance their work and family life by taking unpaid, job-protected leave for certain specified reasons. Several states have additional family and/or medical leave benefits that may be used in combination with or in addition to federal FMLA leave.

Federal Family and Medical Leave

Eligibility for Federal Family and Medical Leave

To be eligible for Family and Medical Leave, an employee must:

1. Have been employed by one or more of the Verizon companies for at least twelve (12) months, which need not be consecutive; and
2. Have worked 1,250 hours (actual time worked, including overtime) during the twelve (12) months immediately preceding the leave; and
3. Have remaining FMLA leave time available.

Reasons for Federal Family and Medical Leave

An eligible employee may take FMLA leave for one or more of the following:

1. The birth and care of the employee's newborn child;
2. The placement of a child with the employee for adoption or foster care;
3. To care for any of the following family members with a serious health condition: employee's parent, spouse, child (under 18), or a child of any age who is incapable of self-care because of a mental or physical disability;
4. When a serious health condition renders the employee unable to perform his/her job functions;
5. To address certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "military member") is in the regular Armed Forces and is deployed to a foreign country, or has been deployed to a foreign country under a call or order to covered active duty in the National Guard or Reserves in support of a contingency operation or to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty ("Qualifying Exigency Leave"); and,
6. To care for a Service member, including a veteran who was discharged within the five years preceding the leave (who is the employee's spouse, son, daughter, parent or next of kin (i.e., closest blood relative) with a Serious Injury or Illness ("Military Caregiver Leave").

Duration of Federal Family and Medical Leave

FMLA leave may be taken for up to twelve (12) workweeks in a 12-month period for the purposes described in (1)-(5) above.

FMLA leave for purposes that would qualify as Military Caregiver Leave as described in (6), above may be taken for up to twenty-six (26) workweeks in a single 12-month period. The single 12-month period begins on the first day the eligible employee takes Military Caregiver Leave and ends 12 months after that date. If an eligible employee does not take all of his/her 26 workweeks of Military

- *FMLA may be taken for up to 12 workweeks in a 12-month period.*
- *Approved FMLA leave may run concurrently with certain types of approved paid or unpaid absences, or leaves of absence*

Caregiver Leave to care for a covered service member during this single 12-month period, the remaining part of his/her 26 workweeks is forfeited.

Military Caregiver Leave is combined with all other FMLA leave available (i.e., leave to care for a newborn child, care for adopted or foster child, care for a spouse, child or parent with a serious health condition, and or treatment/care for the employee's own serious health condition, and/or because of a qualifying exigency) such that the total combined maximum allotment of leave available to an eligible employee is 26 workweeks of leave during the single 12-month period. For example, an eligible employee may take 12 weeks of leave to care for a newborn child and an additional 14 weeks of leave to care for a covered service member, but the eligible employee may not take more than 26 weeks in total during a single 12-month period. All time off that qualifies as FMLA leave will be counted against the employee's federal and, if applicable, state family and medical leave entitlement to the fullest extent permitted by law.

An approved FMLA leave may run concurrently with certain types of approved paid or unpaid absences, or leaves of absence. This is based upon the leave provisions, absence payment policies and/or collective bargaining agreements of your employing company.

Employee Request for Federal FMLA Leave

Employees should use the FMLA Medical Certification form when requesting federal FMLA leave. The FMLA Certification Form will allow the Company to determine if the request for time off qualifies as FMLA leave as well as providing the Company information relating to the duration and timing of the leave. The FMLA Medical Certification Form is available on About You > Work/Life> Illness Injury.

When the need for federal FMLA leave is foreseeable (such as for a planned medical procedure), employees must provide 30 days advance notice of the need for leave. Failure to provide 30 days notice may result in the delay of the commencement of the leave.

When the need for leave is sudden, the employee must notify his or her Supervisor/Manager as soon as possible. With respect to qualifying exigency leave, employees should provide such notice to the employer as is reasonable and practicable. Employees must comply with the Company's standard call in procedures for unscheduled absences as outlined in the Company's Attendance Policy. Additionally, employees must inform the Company when taking time off for a reason for which FMLA leave was previously taken or certified

Medical Certification of Federal FMLA Leave

An employee who has requested time off due to his/her own serious health condition, or to care for a family member with a serious health condition, or a covered service member with a serious injury or illness will be required to submit a medical certification form completed and signed by an appropriate health care provider. The employee is required to return the completed medical certification form to the FMLA team as soon as reasonably practicable, and not later than the date leave begins or within 25 calendar days from the date the absence was

- *Employees should use the [FMLA Medical Certification form](#) when requesting federal FMLA leave*
- *When the need for federal FMLA leave is foreseeable employees must provide 30 days advance notice of the need for leave.*
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reported. The Company reserves the right to contact the relevant health care provider to seek authentication or clarification of information in the certification,

as needed, and may require recertification, as appropriate..

Certification of Qualifying Exigency under the Federal FMLA

When leave is due to a Qualifying Exigency, the employee must submit a completed Certification of Qualifying Exigency for Military Family Leave form to establish the employee's eligibility for this leave. This form is available on-line. A complete and sufficient certification must be provided as soon as is reasonably practicable, and within 25 calendar days from the first day of absence.

Intermittent or Reduced Schedule Federal FMLA Leave

Eligible employees may take federal FMLA leave on an intermittent or reduced schedule basis. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations.

If an employee requests leave on an intermittent or a reduced schedule basis, the Company reserves the right to transfer the employee temporarily, during the period that the intermittent or reduced leave schedule is required, to another available position with equivalent pay and benefits that better accommodates recurring periods of leave, consistent with applicable law.

Recertification of Leave under the Federal FMLA

Recertification may be required if the employee's leave exceeds the period designated by the health care provider.

Benefits Continuation During Approved Federal FMLA Leave

An employee on an approved FMLA leave will continue to be eligible to receive Medical, Dental and Vision coverage, Basic Life and AD&D, Supplemental Life, Voluntary AD&D, Short-Term Disability, and Long-Term Disability. Elected benefits will continue as long as the employee makes the required premium payments. During unpaid portions of the leave period employees are billed directly for the applicable premiums by the Company's third party administrator. During the period of leave for which the employee continues to receive a paycheck or STD payments the applicable premiums will be deducted.

Reinstatement After an Approved Federal FMLA Leave

Employees returning to work following an approved FMLA leave will be reinstated to their same or equivalent position, provided they return to work no later than the expiration of their leave entitlement under the Family and Medical Leave Act with two exceptions. First, certain highly compensated key employees are not automatically entitled to reinstatement although the Company will attempt to reinstate them to the extent this is consistent with the Company business needs. Second, because employees on FMLA leave have no greater right to reinstatement than if they had been continuously employed during the FMLA leave period, employees will not be reinstated if they would have been terminated during the leave period for business reasons unrelated to the leave (such as workforce reductions or poor performance).

- *Recertification may be required if your leave exceeds the period designated by the health care provider.*
- *When applying for intermittent leave be certain that your health care provider indicates the duration and frequency of the leave required on the [FMLA Medical Certification Form](#).*

If the employee fails to return to work upon the expiration of FMLA leave, and has not obtained any other type of approved leave, the company may treat the employee's failure to return as a voluntary resignation, unless the absence has been approved under the provisions of the Sickness and Accident Disability Benefit Plan.

State Family and/or Medical Leave

Initiating State Family or Medical Leave in States Other Than California

Several states have their own laws guaranteeing leaves of absence for serious health conditions of employees and qualified family members. In most cases, available state leave is granted to employees based on the information provided on the FMLA Medical Certification Form.

Initiating Family or Medical Leave in California

In the State of California, there are two separate leave laws, the California Family Rights Act ("CFRA") and the Pregnancy Disability Leave Law ("PDL"), which together encompass virtually all of the reasons an employee would otherwise seek leave under the FMLA. CFRA guarantees employees the right to take up to 12 weeks of job-protected leave in a 12-month period due to a serious health condition (other than a serious health condition due to pregnancy, childbirth, or related medical conditions) of the employee, due to a serious health condition of a qualified family member or registered domestic partner, for the birth of a child of the employee, or for the placement of a child with an employee in connection with adoption or foster care. PDL guarantees female employees the right to take up to four months of job-protected leave for disabilities due to pregnancy, childbirth, or related medical conditions. CFRA leave and PDL leave generally are counted towards an employee's 12 weeks of FMLA leave. California CFRA and PDL forms are available on About You > Work/Life> Illness Injury.

PLEASE NOTE: EXCEPT IN VERY RARE CIRCUMSTANCES, CALIFORNIA EMPLOYEES MAY ONLY USE THE CFRA OR PDL FORM AND ARE NOT TO USE THE FEDERAL FMLA FORM. A CALIFORNIA EMPLOYEE WHO IN A RARE CIRCUMSTANCE SEEKS THE KIND OF LEAVE THAT SPECIALLY REQUIRES THE USE OF ONLY THE FEDERAL FMLA FORM, WILL BE CONTACTED DIRECTLY AND INSTRUCTED TO USE THAT FORM.

Contact Information

VzC employees with questions regarding FMLA can call 1-855-814-9344 or may e-mail FMLA questions to VerizonLeaveManagement@metlifeservice.com.

E-mails may be sent at any time, but they will be responded to during the normal business hours.

- *CFRA leave and PDL leave generally are counted towards an employee's 12 weeks of FMLA leave. California CFRA and PDL forms are available on About You > Work/Life> Illness Injury.*

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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 service member 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 service members 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 an 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 US 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

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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