

Your questions answered.

New York Life Group Benefit Solutions Family and Medical Leaves.

Q: What is the Family and Medical Leave Act (FMLA)?

A: The Family and Medical Leave Act (FMLA) of 1993 is a federal law that permits eligible employees to take job-protected, unpaid time off from work for certain family and medical reasons. If you meet certain eligibility requirements, you may receive up to 12 work weeks of leave for most FMLA qualifying reasons.

Your employer may require, or allow, you to substitute available paid leave for unpaid leave. In order to do so, you'll be required to follow your employer's paid leave policies to use any form of accrued paid leave, including available sick time, paid time off, and/or short-term disability pay (if applicable) during your leave. For the duration of your FMLA leave, your employer must maintain your health coverage under any group health plan (you may be required to continue to pay a part of the premium).

Depending on which state you work in, you may be entitled to additional rights under state laws that are similar to the FMLA. The FMLA is complex. You should contact your employer's human resources representative or consult your human resources policies and procedures for more information.

Q: What is considered a "qualifying reason" for FMLA leave?

A: The following are qualifying reasons for leave under the FMLA:

- To take care of your own serious health condition
- To care for a parent, spouse or child with a serious health condition
- For the birth, adoption or foster care placement of a child within 12 months after your child's birth or placement for adoption or foster care
- A qualifying exigency arising from your spouse's, child's, or parent's covered active duty as a member of the Armed Forces, including the Reserves and National Guard
- To care for a covered service member with a serious injury or illness if you are the spouse, child, parent, or next of kin of the covered service member

Q: Do state family and medical leave laws differ from the federal FMLA?

A: Yes. Many state laws provide family and medical leave (FML) rights that are different from what's provided under the federal FMLA. The federal FMLA sets the minimum standard for what your employer is required to provide in terms of leave rights. State laws may provide additional rights. For example, state leave laws may contain fewer eligibility requirements than the federal FMLA, expanded coverage for other family members or leave reasons, or longer leave periods.

Q: How is FML and short-term disability different?

A: FML provides job-protected, unpaid time off for certain family and medical events, while short-term disability (STD) pays disability benefits and can cover all, or a portion of, your income when you're out of work due to a covered illness or injury. Although different from FML, STD may run alongside FML depending on your employer's plan or policy.



Q: How much time can I take under the FMLA?

A: For most FMLA leave reasons, you're entitled to a total of 12 work weeks of leave during a 12-month period. You should contact your human resources representative or consult your employer's FMLA policy for information on how the 12-month period is calculated.

For leave to care for a covered military service member with a military-service-related serious injury or illness, you're entitled to a total of 26 work weeks of leave during a 12-month period (measured forward from the date you first use FMLA leave for this reason). During this 12-month period, you can't take more than a total of 26 work weeks of leave for any FMLA qualifying reason.

Your leave entitlement is based on your normal work week. For example, if you're regularly scheduled to work 40 hours a week, you're entitled to 480 hours of FMLA leave (12 weeks x 40 hours per week).

Q: What are the ways I can take FML?

A: You can take FML on the following basis:

- **Continuous** – where you're missing work every day for a certain period of time
- **Intermittent** – where you're missing days or hours/minutes of work, but not every day
- **Reduced schedule** – where you're working part of your normal work schedule on a regular basis

You should review your employer's FMLA policy for more information on taking FML.

Q: How do I submit a leave request?

A: Contact your employer on, or before, your first day out of work – and let them know when and for how long you expect to be absent. Then, contact New York Life. You can file your leave two different ways:

ONLINE at myNYLGBS.com > Coverage > Disability/Leave of Absence

BY PHONE at (888) 842-4462 or (866) 562-8421 (español), 7:00 am–7:00 pm CST and a representative will walk you through the process.

Have the following information on hand:

- Your Social Security number, birth date, home address, phone number and email address
- The reason for your leave or expected delivery date (if you're pregnant)
- Your employer's contact information, date of hire, what kind of work you do and the last date you worked
- If the leave is for your own medical condition – dates and contact information for any health care providers or hospital/clinic visits

Q: What if my injury or illness is work-related?

A: If your injury or illness is work-related, workers' compensation runs concurrent with FML. You should notify your employer if a work-related injury or illness occurs and your employer can provide information on how to file a workers' compensation claim.

Q: What does it mean if my FML is "exhausted"?

A: It means that you've used up all of your available leave time.

Q: What should I do about returning to work?

A: While on leave, you may be required to provide your employer with periodic reports of your status and intent to return to work, as noted in your employer's procedures. This is especially important if you need workplace accommodations, as some take time to put in place. Your employer may require a Fitness for Duty certification in order to return to work.

Q: What if I can't return to work on the date my leave is expected to end?

A: Call Group Benefit Solutions and discuss your situation with your leave manager to figure out next steps. Call your employer to let them know when you do plan to return to work.

Q: How is the Americans with Disabilities Act (ADA) different from the FMLA?

A: The ADA is a federal law that requires employers to provide reasonable accommodations that will allow otherwise qualified employees with disabilities to perform the essential functions of their job or have equal access to the benefits and privileges of employment, unless doing so would impose an undue hardship on the employer. Leave may be available as a reasonable accommodation to qualified employees with disabilities on a case-by-case basis.

If you're experiencing difficulty in performing your job due to a disability, you may qualify for an accommodation under the ADA. A reasonable accommodation is any change in the work environment to help a person with a disability perform the duties of a job. An accommodation may take a variety of forms, such as:

- Additional time off
- Modified work arrangement
- Worksite accommodation

Q: How do I request an accommodation under the ADA?

A: You can request an accommodation under the ADA by contacting Group Benefit Solutions at (888)-842-4462 or (866) 562-8421 (español) from 7:00 am to 7:00 pm CST and a representative will walk you through the process.

New York Life Group Benefit Solutions products and services are provided by Life Insurance Company of North America and New York Life Group Insurance Company of NY, subsidiaries of New York Life Insurance Company.

New York Life Insurance Company

51 Madison Avenue
New York, NY 10010

© 2021, New York Life Insurance Company. All rights reserved. NEW YORK LIFE, and the NEW YORK LIFE Box Logo are trademarks of New York Life Insurance Company.

937587 a 0221 SMRU 1892391 Exp. Date 04.15.2023