

A vertical image of a green plant stalk with several long, narrow leaves, positioned on the left side of the page.

The Employee's Guide to The Family and Medical Leave Act

Frequently Asked Questions

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Welcome to TELUS Health

Your employer has partnered with TELUS Health to administer its Family & Medical Leave (FML).

This Frequently Asked Question (FAQ) guide can help employees navigate the stormy waters of leaves of absence. While it would be nice if no one ever needed a leave of absence, we know that life happens.

This FAQ provides information so you can better understand what your rights are under FMLA regulations, how FMLA can benefit you, and how to apply.

In all respects, leaves of absence under the FMLA shall be administered and provided for in a manner consistent with the Family and Medical Leave Act of 1993 as amended and its published regulations.

This FAQ is not all-inclusive list of policies and procedures relating to FMLA regulations and their implementation with TELUS Health or your employer. However, it is a guide to help answer the most asked questions and sets forth the guidelines under which FMLA leave is administered. TELUS Health reserves the right to change any procedures and processes related to FMLA leave at any time.

Glossary

To help you get started, please take a moment to review the following terms and acronyms as used in this FAQ and relating to FMLA regulations.

Term or Acronym	Definition
Child	Includes foster, legal ward, step, or other child under the age of 18 (unless the adult child is incapable of “self-care” because of a mental or physical handicap) for whom you stand in place of a parent.
Continuing treatment by a health care provider	<p>A period of incapacity (inability to work, attend school, or perform other regular daily activities due to a serious health condition) of more than three consecutive calendar days, involving:</p> <p>1) Treatment two or more times by a health care provider, or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider’s supervision; 2) Pregnancy or prenatal care qualifies even if you do not receive treatment and even if the care does not last three days; 3) A chronic serious health condition, defined as one that requires at least two visits per year for treatment by a health care provider, continues over an extended period of time, and may cause episodic rather than continuous incapacity (e.g., asthma, severe morning sickness); 4) A permanent or long-term condition for which treatment may not be effective (e.g. Alzheimer’s disease, severe stroke, terminal stages of a disease); 5) An absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that likely would result in incapacity of more than three consecutive calendar days in the absence of medical treatment (e.g., cancer, severe arthritis).</p> <p>In addition to these five broad categories, the FMLA regulations also include in the definition of “continuing treatment by a health care provider” allergies or mental illness resulting from stress, but only if they meet all of the other criteria of a serious illness, and substance abuse, and only if you are taking leave for treatment by a health care provider.</p>
Covered service member	The spouse, parent, child, or next of kin to an active member of the regular Armed Forces (Army, Navy, Air Force and Marines), National Guard and Reserves, and certain retired military.
Designation/ Determination	The decision made as to whether or not an employee is granted FMLA leave, and if so, how the leave can be taken.
Eligible/Eligibility	Meeting the minimum requirements so as to be considered for FMLA leave protection (i.e., length of service, hours worked in the 12 months immediately preceding a qualifying absence).
FMLA	The Family and Medical Leave Act of 1993 as amended.
Health care provider	Includes doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), nurse practitioner, nurse mid-wife, Christian Science practitioner, clinical social worker, and health care providers from whom your employer or your employer’s group health care plan will accept certification of a serious health condition to substantiate a claim for benefits, and any health care provider meeting the preceding definition authorized to practice in another country.

Covered family member	Your spouse, child, or parent, as defined herein.
Intermittent leave	Any leave taken in separate blocks of time due to a single illness or injury, rather than in one continuous period of time (e.g., kidney dialysis or physical therapy regimen).
Next of kin relative	The nearest blood relative of the injured/ill service member, other than spouse, parents, or children, when the injury is incurred in the line of duty, including siblings, grandparents, aunts and uncles, and first cousins.
Parent	Your biological or stepparent, or an individual who stands or stood in loco parentis to you when you were a child
Qualifying Exigencies	A situation that demands or makes urgently necessary your attention and meets one or more of the qualifying exigency reasons identified in the FMLA, such that you cannot attend work, with regard to a family member's deployment, or notification of deployment in the Regular Armed Forces (Army, Navy, Air Force, Marines), National Guard and Reserves.
Serious health condition	An illness, injury, or condition that involves inpatient care at a medical facility or continuing treatment by a health care provider (other specific requirements apply).
Spouse	Your husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides.
Treatment	Includes, but is not limited to, examinations to determine if a serious health condition exists. Does not include routine physicals, routine eye examinations, or routine dental examinations. While a course of prescription medicine or therapy qualifies as a "regimen of continued treatment," over-the-counter medicines do not. Specific conditions listed that do not qualify for FMLA leave include: cold, flu, earaches, upset stomach, minor ulcer, headaches (other than migraines), and routine dental or orthodontia problems and periodontal disease. Cosmetic treatments are not considered a serious health condition unless medically required or complications arise.

2 Frequently Asked Questions about FMLA Leave in General

2.1 What is Family and Medical Leave?

The Family and Medical Leave Act (FMLA) provides job protection for an eligible employee's absence from work under certain conditions. Federal and state laws determine if you are eligible, if your absence qualifies as FMLA leave, and how much leave time you may take.

Please note that FMLA is a federal government regulation that relates only to job protection; it has nothing to do with how you are paid during this leave.

- The FMLA provides covered employees with up to 12 weeks per year of job protected leave for certain family and medical reasons.
- FMLA leave also provides for Military Exigency leave, and leave to care for the illness or injury of a covered service member.

Qualifying Exigency: You can take up to 12 weeks of leave during a 12-month period.

Care of an injured or ill Covered Service Member: You can take up to 26 workweeks of leave during a single 12-month period. Note that this leave may not go over 26 weeks in a single 12-month period if/when it is combined with other FMLA-qualifying leave. This FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

2.2 Am I eligible for FMLA leave?

Employers may choose the method of tracking used for FMLA. Please reference your company's FMLA policy or consult with Human Resources to determine which method of tracking is used to determine your FMLA leave entitlement. We look at a one-year timeframe (depending on your employer's tracking method) from the date of first FMLA qualifying absence. This tells us if you are eligible for FMLA leave, and how much of this leave is available for your use. In brief, your leave will be the balance of the 12-week allowance which has not been used during the 12-month period.

In general, to be eligible for FMLA leave, you must meet the following requirements:

You must have worked at least 12 months in the past seven years
and 1,250 hours in the past 12 months

AND

Work at a job site or office where at least 50 employees are employed
within 75 miles of that job site or office.

Please note your eligibility may also be dependent on how and when you requested FMLA leave.

2.3 What is the reporting procedure for FMLA leave?

All employees must use your employer's Absence Reporting System (refer to your brochure for additional information) to report your absence. You will be prompted to enter your absence reason, duration and apply your absence to an existing FMLA claim or apply for a new one. You must also adhere to your employer's reporting and attendance policy.

2.4 Do I need to give any other notifications to HR or TELUS Health?

If you return from any period of absence which was not designated as FMLA leave, and you want to have the leave counted as FMLA leave, you must notify TELUS Health the same or next business day of returning to work that the absences were for FMLA reasons. Failure to provide the necessary notice will prevent any subsequent assertion of FMLA protection for that absence.

2.5 How will my wages and benefits be calculated?

Please refer to your employer's FMLA Policy.

2.6 What happens when I return to work?

Upon return from FMLA leave, you will be restored to your original or equivalent position with equivalent pay, benefits and other employment terms. You will not lose any employment benefit that accrued prior to the start of the leave.

If you were off work because of your own serious health condition, you must provide a medical release form from the treating medical provider specifying you are able to resume work. Failure to provide that release will delay the restoration of your job and may result in the denial of the restoration of your job.

2.7 If I do not return to work, what happens?

Employees who fail to return from FMLA leave are obligated to reimburse their employer for the cost of employer-paid health coverage, except when your failure to return is due to the continuation, recurrence, or onset of a

serious health condition which would entitle you to medical or family leave, or other circumstances beyond your control.

2.8 I heard that FMLA leave runs together with other types of leave. Is this true?

Yes, FMLA leave may run concurrent with other types of leave. In particular, note that:

- All time off work which meets the definitions under FMLA may be charged against your annual FMLA entitlement of 12-weeks. For example, whenever Workers' Compensation leave, a disability leave, or any other sick leave is due to a serious medical condition, all time off may be charged against your FMLA entitlement. Likewise, if you take a vacation or use other paid time off such as Short and/or Long Term Disability, for any purposes covered by FMLA, all time taken may be charged against your FMLA allowance.
- Please consult your employer's FMLA policy for specific details.

2.9 Can my FMLA leave and accompanying benefits be stopped?

Your FMLA leave and accompanying benefits will cease under the following circumstances:

- Your employment relationship with your employer would have terminated if you had not taken FMLA leave.
- You advised your employer of your intent not to return from leave.
- You fraudulently obtained FMLA leave.
- You fail to return from leave or continue on leave after exhausting your FMLA leave entitlement, unless permission to do so has been granted by your employer.

3 Frequently Asked Questions about FMLA Leave for Yourself or a Family Member

3.1 What are qualifying reasons for FMLA leave for me or a qualifying family member?

- Incapacity due to pregnancy, prenatal medical care or childbirth; or
- To care for your child after birth, or placement for adoption or foster care; or
- To care for your spouse, child, or parent, who has a serious health condition; or
- A serious health condition that makes you unable to perform your job.

3.2 What kind of notice do I need to give for FMLA leave?

You need to provide advance notice of FMLA leave to TELUS Health under the following circumstances:

- When the need for leave is *foreseeable*, you are expected to provide **thirty (30) days** advance notice by reporting your absence through the Absence Reporting System.
- When the need for leave is *not foreseeable*, you are required to provide notice of the need for leave as soon as practicable, or the same day or next day of learning of your need for leave. You must report your absence through the Absence Reporting System.
- When leave is needed for planned medical treatment, you must attempt to schedule treatment so as not to unduly disrupt your employer's operations.

Note: Failure to provide appropriate notice may result in delay or denial of FMLA leave.

Upon reporting your absence via the Absence Reporting System, you will be asked if your absence should apply to your FMLA. If you select "yes", you will receive via U.S. mail to your home address a Notice of Eligibility and

Rights & Responsibilities form. This form will advise you if you are eligible for FMLA. If you are eligible, a Medical Certification form will be included for you to take to your health care provider and have completed and returned to TELUS Health by the due date listed.

3.3 How much time can I take off for FMLA leave?

- FMLA (Family Medical Leave Act) is a federal law that entitles an employee to job protection for 12 weeks. Employees are eligible for this protection if they have been employed for at least one year and have worked at least 1250 hours in the last 12 months.
- **Continuous Leave:** When medically necessary, leave for an employee's own serious health condition or to care for a family member, may be taken on a continuous basis.
 - Leave for a newborn or newly placed child may be taken only within twelve (12) months from the date of birth or placement and may only be taken once continuously. If both parents are employed by the same company, they may take a combined total of twelve (12) weeks of leave, not twenty-four (24) weeks.
- **Intermittent Leave:** When medically necessary, leave to care for a family member or for the employee's own serious health condition, may be taken on an intermittent basis or by arranging a reduced work schedule. An employee may be required to transfer temporarily to a position that can better accommodate an intermittent or reduced hour leave. Any employee taking intermittent leave must make a reasonable effort to schedule the leave so as not to disrupt the employer's operations. All time taken will count toward the employee's twelve (12) week annual entitlement for family and medical leave.

In addition, intermittent leave **does not** apply to Care of New Child leave, which includes the birth of a child, adoption or foster care.

3.4 What Medical Certification is required for FMLA leave?

Medical Certification is required to support a request for FMLA leave because of a serious health condition. When leave is required for a serious health condition, you are required to provide the Medical Certification form as soon as possible, but **not later than the due date on the form**. TELUS Health or your employer reserves the right to request a second or third opinion (at your employer's expense).

- The Medical Certification must be completed in its entirety.
- For a medical leave for your own serious medical condition, the Medical Certification must also include a statement that you are unable to perform the essential functions of your position.
- The Medical Certification to support a leave for family medical reasons must include a statement indicating that your presence is necessary or would be beneficial for the care of the family member, and the period of time care is needed or that your presence would be beneficial.
- If you plan to take intermittent leave or work a reduced schedule, the Medical Certification must also include the anticipated frequency, duration and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Note: Any Medical Certification form that is returned with incomplete or insufficient information will be returned to you. In this case, you have an additional 7 calendar days to complete and return the form. If the information is not received by its due date, then your leave will be denied.

3.5 How do I apply for FMLA leave?

Report your absence or future absence via the Absence Reporting System at <https://abilitiabsenceus.com> and answer "yes" when prompted to the FMLA question. **Note:** An actual absence, present-day or future, is required to apply for FMLA leave.

The Notice of Eligibility & Rights and Responsibilities form will be mailed to your address of record with your employer. If you are eligible to apply for FMLA a Medical Certification form will be included.

You will take the Medical Certification form to your treating health care provider and return it to TELUS Health by the due date specified.

You or your health care provider may email, fax or mail the completed Medical Certification form to TELUS Health at the number or address listed. The Medical Certification must be postmarked or received by TELUS Health on or before the due date.

If you drop off your Medical Certification to your health care provider's office, please make sure that you confirm with them that they have sent the completed form to TELUS Health by the due date.

You will be mailed a Designation Notice approving or denying your FMLA request within 5 business days of receipt of all required information or clarification of your leave request.

Note: Any Medical Certification form that is returned with incomplete or insufficient information will be returned to you. In this case, you have an additional 7 calendar days to complete and return the form. If the information is not received by its due date, then your leave will be denied.

3.6 What is needed to Return-To-Work from a Medical Leave?

If you are returning to work from a medical leave (e.g., Short Term Disability), please refer to your employer's policy regarding Return-to-Work instructions. Your employer may require that you provide to your supervisor or Human Resource department a doctor's statement indicating you are able to resume work, including any restrictions or limitations you may have, and their duration.

4 Frequently Asked Questions about Qualifying Exigency Military FMLA Leave

4.1 What is a qualifying exigency?

A qualifying exigency arises out of the fact that your family member is on active duty (or has been notified of impending call or order to active duty) in the Armed Forces (Army, Navy, Air Force or Marines), Armed Forces Reserves or National Guard in support of a contingency operation.

4.2 What are qualifying reasons for Qualifying Exigency FMLA Leave?

- Short notice deployments (seven days or less)
- Attending certain military events
- Arranging for childcare or attending school meetings
- Addressing certain financial and legal affairs
- Attending certain counseling sessions
- Attending post-deployment reintegration briefings, rest and recuperation (up to fifteen calendar days)
- Other events rising out of active duty or call to duty.

Note: A qualifying exigency *does not* apply to next of kin.

4.3 What notice do I need to give for Qualifying Exigency FMLA leave?

In general, the same rules apply as for Family and Medical Leave. We recognize that the nature of a qualifying exigency means you may have very short notice for the qualifying exigency, and therefore ask that you use the Absence Reporting System and let your supervisor or Human Resources know as soon as you are aware of the possibility of needing to take such leave.

4.4 What supporting documentation do I need to provide for Qualifying Exigency FMLA leave?

You need to provide:

- A copy of your military family member's active duty orders or a copy of other military documentation certifying active duty of your family member.
- A copy of documentation supporting the need to attend a military event, a post deployment reintegration meeting, or other events arising out of the active duty or call to duty of your family member.

4.5 What is the duration of Qualifying Exigency FMLA leave?

Qualifying Exigency FMLA is included in your 12 weeks of leave during a 12-month period.

4.6 How do I apply for Qualifying Exigency FMLA leave?

Report your absence or future absence via the Absence Reporting System and answer "yes" when prompted to the FMLA question.

The Notice of Eligibility & Rights and Responsibilities form will be mailed to your home. If you are eligible to apply for FMLA a Certification form will be included.

You will need to complete the Certification form and return it to TELUS Health by the due date specified.

You may email, fax or mail the Certification back to TELUS Health via U.S. Postal Service. All return information is listed on the form. The Certification must be postmarked or received by TELUS Health on or before the due date listed.

You will be mailed a Designation Notice approving or denying of your FMLA request within 5 business days of receipt of all required information.

Note: Any certification of qualifying exigency form that is returned with incomplete or insufficient information will be returned to you. In this case, you have an additional 7 calendar days to complete and return the form. If the information is not received by its due date, then your leave will be denied.

5 Frequently Asked Questions about FMLA Military Caregiver Leave

5.1 What is FMLA Military Caregiver Leave?

Military Caregiver leave allows eligible employees to take up to 26 weeks of FMLA leave in a single 12-month period to care for a Covered service member suffering from a serious injury or illness incurred in the line of duty while on active duty.

5.2 What are qualifying reasons for FMLA Military Caregiver leave?

The only qualifying reason is a serious injury or illness incurred by the covered service member in the line of active duty, making them unfit to perform the duties of the member's office, grade, rank, or rating.

5.3 What is a “Covered Service Member”?

A covered service member is your spouse, parent, child, or next of kin who is a current member of the Armed Forces, including a member of the National Guard or Reserves. That person must have incurred the injury or illness in the line of duty, while on active duty, and must be undergoing medical treatment, recuperation, or therapy, or be otherwise in outpatient status, or be otherwise on the temporary disability retired list due to that injury or illness.

5.4 What notice do I need to give for FMLA Military Caregiver leave?

In general, the same rules apply as for Family and Medical Leave.

What supporting documentation do I need to provide for FMLA Military Caregiver leave?

Supporting medical documentation must be provided by:

- A United States Department of Defense (DOD) health care provider; or
- Either: (1) a United States Department of Veterans Affairs (VA) health care provider, or (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider.
- In the case of a catastrophic injury, for which you must immediately fly to be with that family member, a copy of your “invitational travel order” (ITO) is acceptable.

5.5 What is the duration of FMLA Military Caregiver leave?

If eligible, you can take up to 26 workweeks of leave during a single 12-month period to care for a seriously injured or ill covered service member. The single 12-month period begins on the first day that you take FMLA military caregiver leave and ends 12 months after that date, regardless of the method used to determine your 12 workweeks of leave entitlement for other FMLA-qualifying reasons.

FMLA Military Caregiver Leave runs concurrent with other leave entitlements provided under federal, state and local law.

5.6 How do I apply for FMLA Military Caregiver leave?

1. Report your absence or future absence via the Absence Reporting System and answer “yes” when prompted to the FMLA question.

The Notice of Eligibility & Rights and Responsibilities form will be mailed to your home. If you are eligible to apply for FMLA a Certification form will be included.

You will need to complete the Certification form and return it to TELUS Health by the due date specified.

You may fax the completed Certification form to TELUS Health at the number listed. Or you may mail the Certification back to TELUS Health via U.S. Postal Service. The Certification must be postmarked or received by TELUS Health on or before the due date listed.

You will be mailed a Designation Notice of your FMLA request within 5 business days of receipt of all required information.

Note: Any certification form that is returned with incomplete or insufficient information will be returned to you. In this case, you have an additional 7 calendar days to complete and return the form. If the information is not received by its due date, then your leave will be denied.

6 Questions

If you have questions or desire further information, please contact TELUS Health at 1.888.674.3652.