

I. PURPOSE

The purpose of this Corporate Policy and Procedure (Policy) is to establish procedures for providing family and medical leaves of absence (family/medical leave) in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended by the National Defense Authorization Act for Fiscal Year 2010 (2010 NDAA).

II. SCOPE

This Policy applies to all LIRR employees.

III. DEFINITIONS

- A. Child** - means a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing in the place of a parent, who is: (1) under eighteen (18) years old; or (2) eighteen (18) years old or more and incapable of self-care because of a mental or physical disability, as defined under the Americans with Disabilities Act (ADA).
- B. Parent** - means the biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.
- C. Spouse** - means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.
- D. Domestic Partner** - For the purposes of this Policy, Domestic Partners of employees are defined as same or opposite sex partners, age eighteen (18) or older, with whom they reside and have a committed, long term relationship of mutual support and for whom they have assumed long term financial responsibility or have mutual financial responsibility. However, persons who live together for economic reasons, but who have not made a commitment to an exclusive enduring Domestic Partnership will not be considered Domestic Partners. Both partners must not be married to other individuals and must not be related by blood in a way that would bar marriage under the laws of the State of New York.

The partners must be each other's sole Domestic Partner and must have been involved in a Domestic Partnership for a period of not less than six (6) months. Employees must be able to document all these criteria to be registered as Domestic Partners.
- E. Key Employee** - means a salaried eligible employee who is among the highest paid ten (10) percent of all the employees employed by the LIRR.
- F. Equivalent Position** - a job that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges and status. It must involve the same or substantially similar duties and responsibilities, requiring substantially equivalent skill, effort, responsibility, and authority.
- G. Employment Benefits** - all benefits provided or made available to employees by the LIRR, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions.

H. Serious Health Condition - an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care – which means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, including treatment and recovery), or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a health care provider – which includes any one or more of the following:
 - a. A period of incapacity of more than three consecutive full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider; or
 - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

The requirement for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

A regimen of continuing treatment includes a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.

- b. Any period of incapacity due to pregnancy, or for prenatal care.
- c. Any period of incapacity or related treatment due to a chronic serious health condition. A chronic serious health condition is one which (i) requires periodic visits (at least twice a year) for treatment by a health care provider; (ii) continues over an extended period of time; and (iii) may cause episodic rather than a continuing period of incapacity (e.g. asthma, diabetes, epilepsy).
- d. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective.
- e. Any period of absence to receive multiple treatments by a health care provider for (i) restorative surgery after an accident or other injury, or (ii) a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.).

Absences attributable to pregnancy, prenatal care, or a chronic serious health condition qualify for family/medical leave even though the employee or covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive full calendar days.

Conditions for which cosmetic treatments are administered are not serious health conditions unless inpatient hospital care is required or unless complications develop.

- I. **Intermittent Leave** - a family/medical leave taken in separate blocks of time due to a single qualifying reason.
- J. **Reduced Leave Schedule** - a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time.
- K. **Covered Service Member** - 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 has otherwise been placed on the Temporary Disability Retired List (TDRL) under the authority of 10 U.S.C. §1202 or §1205, for a serious injury or illness incurred in the line of duty on active duty.

IV. ESSENTIAL FUNCTIONS

- A. **Deputy Chief People Office-Human Resources** – oversees administration of this Policy.
- B. **Senior Director-Employee Services** – manages day-to-day operation of this Policy.
- C. **Employees** – must provide full cooperation when requesting family/medical leave under this Policy.

V. PROCEDURES

A. Eligibility

An employee is eligible for family/medical leave if they has been employed by the LIRR for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. These hours must be actual hours worked.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), an employee returning from fulfilling their National Guard or Reserve military obligation shall be credited with the hours of service that would have been performed but for the period of military service in determining whether the employee worked the 1,250 hours of service.

B. Entitlement to Leave

Subject to the notice and certification requirements in this Policy, an eligible employee is entitled to up to a total of twelve (12) weeks of unpaid leave during the twelve (12) month period measured forward from the commencement of the employee's first family/medical leave for the following reasons:

1. because of a serious health condition of the employee that makes the employee unable to perform the functions of the employee's job; or

2. for the birth of a child of the employee to care/bond for such child within twelve (12) months of the birth of that child; or
3. for the placement of a child with the employee either through adoption or foster care within twelve (12) months of that placement; or
4. to care for a spouse, domestic partner, child or parent of the employee, if such spouse, domestic partner, child or parent has a serious health condition; or
5. because of any “qualifying exigency” arising out of the fact that the employee’s spouse, domestic partner, child, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or
6. to care for a covered servicemember with a serious injury or illness if the employee is the spouse, domestic partner, child, parent, or next of kin of the servicemember.

C. Military Qualifying Exigency Leave

An eligible employee may take family/medical leave while the employee’s spouse, domestic partner, child, or parent (the “covered military member”) is on active duty or call to active duty status for one or more of the following qualifying exigencies: (1) short-notice deployment; (2) military events and related activities; (3) certain temporary child care arrangements and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation, (7) post-deployment activities; and (8) other events which arise out of the covered military member’s active duty or call to active duty status provided the LIRR and employee agree the leave will qualify as an exigency, and agree to both the timing and duration of the leave.

“Active duty or call to active duty status” means duty under a federal call or order to active duty (or notification of an impending call or order to active duty) in support of a contingency operation pursuant to Sections 688, 12301(a), 12302, 12304, 12305, 12406 of Title 10 of the United States Code, Chapter 15 of Title 10 of the United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress.

The covered military member must be on active duty or call to active duty status as either a member of the reserve components (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve) or be serving in the Regular Armed Forces, or a retired member of the Regular Armed Forces or Reserve.

A military operation qualifies as a “contingency operation”, if it (1) is designated by the U.S. Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or (2) results in the call or order to, or retention on, active duty of members of the uniformed services under the United States Code Sections cited above.

D. Military Caregiver Leave

An eligible employee who is the spouse, domestic partner, child, parent, or next of kin of a covered servicemember is entitled to a total of twenty-six (26) weeks of family/medical leave during a single twelve (12) month period to care for the covered servicemember who has a serious injury or illness incurred in the line of duty on active duty for which they are undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. The single twelve (12) month period begins on the first day the eligible employee takes family/medical leave to care for the covered servicemember and ends twelve (12) months after that date.

“Covered servicemember” means a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness.

The “next of kin” of a covered servicemember is the nearest blood relative other than the covered servicemember’s spouse, child, or parent, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

The term “serious injury or illness,” with respect to a covered servicemember, means an injury incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of their office, grade, rank, or rating.

“Outpatient status,” with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to either (1) a military medical treatment facility as an outpatient, or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

An eligible employee is entitled to a combined total of twenty-six (26) weeks for any family/medical qualifying reason during the single twelve (12) month period, provided that the employee is entitled to no more than twelve (12) weeks of leave for any other family/medical qualifying reason. For example, an eligible employee may, during the single twelve (12) month period, take sixteen (16) weeks of family/medical leave to care for a covered servicemember and ten (10) weeks of family/medical leave to care for a newborn child.

E. Both Spouses Employed by the LIRR

When both spouses are employed by the LIRR, they are limited to a combined total of twelve (12) weeks of family/medical leave during any twelve (12) month period if the leave is taken for the birth of the employee's child or to care for the child after birth, or for the placement of a child with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. This limitation on the total weeks of leave applies even though the spouses are assigned to two different work sites or departments. Where the spouses both use a portion of the total twelve (12) week leave entitlement for one of these purposes, they will each be

entitled to the difference between the amount of leave they have taken individually and twelve (12) weeks for some other qualifying purpose.

When both spouses are employed by the LIRR, they are limited to a combined total of twenty-six (26) weeks of family/medical leave during the single twelve (12) month period if the leave is taken to care for a covered servicemember with a serious injury or illness or a combination of leave taken to care for the covered servicemember and leave taken for any other qualifying reason.

F. Notice Requirements

1. An employee must provide at least thirty (30) days advance notice to Workpartners before the family/medical leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or the employee's spouse, domestic partner, child, or parent, or the planned medical treatment for a serious injury or illness of a covered servicemember. If thirty (30) days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, an employee must give notice to Workpartners as soon as practicable. For foreseeable leave due to a qualifying exigency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. In general, while the determination of when an employee could practicably provide notice will take into account the individual facts and circumstances, when an employee becomes aware of a need for family/medical leave less than thirty (30) days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.
2. When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to Workpartners as soon as practicable under the facts and circumstances of the particular case. In such a case, the employee must comply with any applicable call-in procedures.
3. When the need for family/medical leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the FMLA coverage may be delayed until thirty (30) days after the date the employee provides notice. When the need for family/medical leave is foreseeable fewer than thirty (30) days in advance or is unforeseeable, and an employee fails to give notice as soon as practicable, FMLA coverage for the leave may be delayed.
4. When planning medical treatment for the employee, or the employee's spouse, domestic partner, child, parent, or for a covered servicemember, the employee must consult with their supervisor and make a reasonable effort to schedule the treatment so as not to unduly disrupt the LIRR's operations, subject to the approval of the health care provider. For example, scheduling treatment on off-hours or on a relief day. If the employee neglects to consult with their supervisor to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the LIRR's operations, the LIRR will initiate discussions with the employee and will require the employee to attempt to make such arrangements, subject to the approval of the health care provider.

5. The employee shall advise Workpartners as soon as practicable if the dates of the scheduled leave change or are extended, or were initially unknown.
6. When requesting family/medical leave under this Policy, the employee must contact Workpartners to initiate a leave request.
7. Workpartners will review the "Family and Medical Leave Application" and determine eligibility based on length of service and hours worked in the preceding twelve (12) month period. The employee will be notified by the Workpartners whether he/she has met the eligibility requirements for the leave.

G. Certification

1. If the employee is eligible for family/medical leave and the employee's request for leave is for the birth, adoption or placement of a child in foster care, the employee must submit substantiating documentation (i.e., birth certificate, court papers).
2. If the employee is eligible for family/medical leave and the leave is:
 - a. taken for the employee's own serious health condition, the employee must have their health care provider complete a "Certification of Health Care Provider" form and submit it in to Workpartners; or
 - b. taken to care for a spouse, domestic partner, child, or parent who has a serious health condition, the employee must have a "Certification of Health Care Provider" form completed by the health care provider of the employee's spouse, domestic partner, child, or parent, as appropriate, and submit to Workpartners.
3. If the employee is eligible for family/medical leave and the leave is taken to care for a covered servicemember with a serious injury or illness, the employee must have a "Certification for Serious Injury or Illness of Covered Service Member"-form completed and submitted to Workpartners.
4. If the employee is eligible for family/medical leave and the leave is taken for a "qualifying exigency" arising out of the active duty or a call or order to active duty status, the employee must provide a completed "FMLA Certification of Qualifying Exigency for Military Family Leave" form along with proper documentation, such as a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.
5. The "Certification of Health Care Provider" form, which must be legible, completed in full, and signed and dated by the health care provider, will be reviewed to determine entitlement to family/medical leave.
6. Workpartners will advise the employee whenever it finds that the "Certification of Health Care Provider" form is incomplete or insufficient, and will state in writing what additional information is necessary to make the certification complete and sufficient. The employee will have seven (7) calendar days to cure any such deficiency. If the deficiencies are not cured, the request may be denied.

7. If the LIRR has reason to doubt the validity of the medical certification (for the employee or the employee's spouse, domestic partner, child, or parent, or a covered servicemember), the LIRR may require the employee to obtain a second opinion at the LIRR's expense. The LIRR is permitted to designate the health care provider, who may not be employed by the LIRR on a regular basis, to furnish the second opinion. If the second opinion differs from the original medical certification, the LIRR may require, at the LIRR's expense, that the employee obtain a third opinion from a health care provider designated or approved jointly by the LIRR and the employee. The opinion of the third health care provider shall be final and binding on the LIRR and the employee.
8. Upon request by the employee, the LIRR will provide the employee with a copy of the second and third medical opinions, where applicable. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to family/medical leave. However, if the certifications do not ultimately establish the employee's entitlement to family/medical leave, the leave shall not be designated as family/medical leave and may be treated as paid or unpaid leave under the LIRR's leave policies.
9. If an employee fails to provide a complete and sufficient certification in a timely manner, despite the opportunity to cure any deficiency, or fails to provide any certification, the LIRR may deny the taking of family/medical leave.
10. The employee will receive, Notice of Eligibility and Rights & Responsibilities and Leave Designation Notice.
11. The LIRR reserves the right to retroactively designate any leave as family/medical leave, with appropriate notice to the employee, whether or not the employee requested family/medical leave, if the LIRR has reason to believe an employee's absence qualifies as family/medical leave.

H. Recertification

The LIRR may request subsequent recertification of medical conditions consistent with FMLA regulations. The employee must provide the requested recertification within the time frame requested. Any recertification requested shall be at the employee's expense.

I. Confidentiality

Workpartners will keep confidential all medical information relating to requests for family/medical leave. Such information will be used only as permitted by this Policy. Supervisors and managers may be given information concerning necessary work restrictions and accommodations.

J. Intermittent Leave or Reduced Leave Schedule

1. Leave taken because of an employee's serious health condition, or to care for a spouse, domestic partner, child or parent who has a serious health condition, or to care for a covered servicemember with a serious injury or illness may be taken intermittently or on a reduced leave schedule if medically necessary.

2. Leave taken because of a “qualifying exigency” arising out of active duty or a call or order to active duty status, may be taken intermittently or on a reduced leave schedule.
3. In the case of leave taken after the birth of a child or placement of a child for adoption or foster care, leave is to be taken on a continuous basis, except in limited circumstances leave may be taken intermittently or on a reduced leave schedule if specifically approved in writing by the Senior Director-Employee Services (or designee) and the employee's Department Head.
4. If an employee needs leave intermittently or on a reduced leave schedule for planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the LIRR's operations. If the employee neglects to consult with their supervisor to make a reasonable effort to arrange the schedule of treatments so as not to unduly disrupt the LIRR's operations, the LIRR will initiate discussions with the employee and will require the employee to attempt to make such arrangements, subject to the approval of the health care provider.
5. If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee, the employee's spouse, domestic partner, child, or parent, or a covered servicemember, or for the birth of a child or for placement of a child for adoption or foster care (if specifically approved in writing), the LIRR may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave. Employees transferred under these circumstances will receive equivalent pay and benefits.
6. When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position, no longer needs to continue leave and is able to return to full-time work, the employee will be placed in the same or equivalent job as the job they left when the family/medical leave commenced.

K. Use of Accrued Paid Leave

1. Generally, family/medical leave is unpaid. However, accrued paid leave shall be utilized as follows:
 - a. In the case of family/medical leave taken because of an employee's own serious health condition, the LIRR WILL REQUIRE all employees to utilize accrued sick leave. If the sick leave bank of the employee is depleted or becomes depleted, he/she may then elect to utilize accrued vacation, personal days, or compensatory time for the family/medical leave. If not, the leave becomes unpaid.
 - b. In the case of family/medical leave taken because of an employee's own serious health condition, or to take care of a spouse, domestic partner, child or parent who has a serious health condition, or to care for a covered servicemember with a serious injury or illness, the LIRR WILL REQUIRE all management employees and represented employees with management benefits (collectively Management Employees) to utilize accrued sick leave for family/medical leave. If the sick leave bank of the Management Employee is depleted or becomes depleted, he/she may

then elect to utilize accrued vacation, personal leave, or compensatory time for the family/medical leave. If not, the leave becomes unpaid.

- c. Employees on paid sick leave that is designated as family/medical leave must comply with the sick leave provisions in all applicable Collective Bargaining Agreements and/or LIRR or Department policies and procedures regarding sick leave.
 - d. In the case of family/medical leave taken for reasons other than those described in paragraphs (a) and (b) above, all employees may elect to utilize accrued vacation, personal leave, or compensatory time for any part of a family/medical leave period (i.e., part of the 12 week or 26 week period as appropriate). If the employee elects not to utilize accrued leave, the leave will be without pay.
2. To the extent that an employee uses accrued paid leave or compensatory time while they are on designated family/medical leave, the use of the accrued paid leave or compensatory time will run concurrently with the family/medical leave. The LIRR will count all such leave time toward the employee's twelve (12) week or twenty-six (26) week family/medical leave entitlement.

L. Reporting While on Family/Medical Leave

If an employee takes a continuous family/medical leave because of their own serious health condition, or to care for a spouse, domestic partner, child, or parent who has a serious health condition, or a covered servicemember with a serious injury or illness, the employee may be required to report periodically on the status of the condition and their intention to return to work.

M. No Work While on Family/Medical Leave

An employee on family/medical leave is prohibited from working another job during the hours of their regular tour. An employee on family/medical leave who desires to work another job outside the hours of their regular tour must obtain the prior written approval of the LIRR Human Resources Department. The LIRR Human Resources Department may require the employee to provide appropriate medical documentation to support their request. Violation of this provision may result in disciplinary action, up to and including discharge.

N. Return to Work

- 1. Where an employee's family/medical leave is occasioned by the employee's own serious health condition, the employee may be required to present medical certification from the employee's health care provider that the employee is able to resume work and that they are able to perform the essential functions of the employee's job. If medical certification is required, restoration to employment will be denied until the employee submits the required medical documentation.
- 2. Except as required by a collective bargaining agreement, the LIRR will not request a certification of fitness to return to duty for absence taken on an intermittent or reduced leave schedule. However, where an employee takes family/medical leave on an

intermittent or reduced leave schedule because of their own serious health condition, the LIRR will require the employee to provide certification of fitness to return to work up to once every thirty (30) days if reasonable safety concerns exist regarding the employee's ability to perform their duties, based on the serious health condition for which the employee took such leave.

3. On return from family/medical leave, an employee is entitled to be returned to the same position the employee occupied when the leave commenced, or to an equivalent position.
4. The LIRR may deny restoration to employment for key employees if the denial is necessary to prevent substantial and grievous economic injury to the operations of the LIRR. In such cases, the LIRR will notify the key employee of the LIRR's intent to deny restoration and (if the leave has commenced) provide the key employee a reasonable time in which to return to work.
5. Any employee, who is unable to return to work following the expiration of their family/medical leave, may apply for any other remaining leave under any applicable LIRR policy or Collective Bargaining Agreement.

O. Employment Benefits Protection

1. The taking of family/medical leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.
2. Any health benefits provided to an employee by the LIRR will be maintained on the same basis, as coverage would have been provided if the employee had been continuously employed during the family/medical leave period. Therefore, any share of health plan premiums that had been paid by the employee prior to family/medical leave, must continue to be paid by the employee during the leave period.
3. If accrued paid leave is utilized for family/medical leave, the employee's share of health plan premiums will continue to be made by payroll deduction. If the family/medical leave is unpaid, the LIRR will pay the employee's health plan premium payment. The LIRR will recover the employee's share of any health plan premium payments missed by the employee for any family/medical leave period during which the LIRR maintains health coverage by paying the employee's share.
4. The LIRR will also seek to recover its share of health plan premiums during any period of unpaid family/medical leave from an employee if the employee fails to return to work after the employee's family/medical leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:
 - a. the continuation, recurrence, or onset of a serious health condition of the employee or the employee's spouse, domestic partner, child or parent, or a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under this Policy; or
 - b. other circumstances beyond the employee's control.
5. Where an employee fails to return to work because of the continuation, reoccurrence or onset of a serious health condition, thereby precluding the LIRR from recovering its

share of health plan premiums, the LIRR will require medical certification issued of the serious health condition. The employee is required to provide the medical certification to the Director-Employee Services or the Assistant Medical Director, MTA-OHS no later than thirty (30) days from the LIRR's request. If the employee fails to provide the medical certification within thirty (30) days, or the reason for not returning to work does not constitute circumstances beyond the employee's control, the LIRR may recover 100% of the health plan premiums it paid during the period of unpaid family/medical leave.

6. For employees who are on unpaid family/medical leave and who participate in a contributory supplemental life insurance program, the LIRR will maintain coverage by making premium payments on behalf of the employee to avoid a lapse in coverage. At the conclusion of the family/medical leave, the LIRR is entitled to recover the costs incurred for paying the employee's share of the premium payments, whether or not the employee returns to work.
7. For the purpose of this section, an employee who returns to work for at least thirty (30) calendar days is considered to have "returned" to work.
8. When paid leave is substituted for family/medical leave, the LIRR may not recover health plan or other non-health plan premiums for any period of family/medical leave covered by paid leave.
9. With respect to pension and other retirement plans, the employee's eligibility will be governed by the terms of the applicable plan.

P. Fraud or Misrepresentation

Family/medical leave may only be taken for the reason(s) for which the leave was approved. An employee who requests and/or takes family/medical leave based on fraud or misrepresentation will be subject to discipline, up to and including dismissal. In addition, an employee who fraudulently obtains family/medical leave from the LIRR is not protected by the job restoration or maintenance of health benefits provisions of this Policy.

VI. Workpartners Contact Information

Workpartners

Intake Phone Number –	1-833-325-7004
Online Portal -	https://www.workpartners.com/portal
Fax Number –	1-844-531-4854
Email –	LIRRFMLA@workpartners.com

VII. REVISION TRACKING

February 2001
May 2005
June 2005
March 2010

- November 2014 – This Policy was due for review based on CP&P BPM-001 – Issuance of Corporate Policies and Procedures;
Updated to comply with the National Defense Authorization Act requirements; and
Provide information regarding access to forms on the BSC Portal.
- December 2018 – This Policy was due for review based on CP&P BPM-001 – issuance of Corporate Policies and Procedures;
Physician-in-Charge was changed to Assistant Medical Director, MTA-Occupational Health Services (MTA-OHS).
- March 2025 This Policy was due for review based on CP&P BPM-001 – issuance of Corporate Policies and Procedures; Updates include revised titles and removal of Assistant Medical Director, MTA-Occupational Health Services (MTA-OHS) title in Essential Functions. Revised LIRR reference to workpartners and replaced Forms and Attachments section to Workpartners Contact Information section.