



FMLA: Frequently Asked Questions

(Q) What is FMLA and what does it provide?

The Family and Medical Leave Act (FMLA) provides eligible employees up to 12 workweeks of unpaid, job-protected leave during a rolling calendar year, and requires group health benefits to be maintained during the leave of absence. Employees are also entitled to return to their same or an equivalent job at the end of their FMLA leave.

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 a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Up to 26 weeks of unpaid leave during a single 12-month period may be taken when the employee is needed to care for a child of any age, spouse, parent, or next of kin who is a covered service member and who has a serious injury or illness in the line of active duty that may render the service member medically unable to perform their duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

(Q) Who can take FMLA leave?

In order to be eligible to take leave under the FMLA, an employee must:

- Be employed for at least twelve months in total prior to the start of the leave
- have worked 1,250 hours during the 12 months immediately prior to the start of leave;

Employment and hours worked as a temporary employee assigned to BorgWarner prior to transitioning to permanent BorgWarner employment will be included for purposes of FMLA eligibility.

(Q) When can an eligible employee use FMLA leave?

A covered employer must grant an eligible employee up to a total of 12 workweeks of unpaid, job-protected leave in a rolling 12 month period for one or more of the following reasons:

If you have a serious health condition that makes you unable to perform the functions of your job and expect to be absent from work for:

- More than 3 consecutive calendar days,
- Intermittent periods of time (non-consecutive hours or days away from work) or
- Hospitalized for any amount of time

Or for one of the following:

- Birth of a child and care of a newborn child
- Placement of a child with you for adoption or foster care
- Care for a spouse, child or parent with a serious health condition
- Qualifying Exigency reason(s) arising from your family member's military deployment
- School Activities (Available only in CA, CO, DC, IL, LA, MA, MN, NC, NV, RI and VT)
- Alternate State Leave* – For yourself or a family member

(*Alternate State Leaves include leaves permitted by state law for crime victims and victims of domestic violence. Available in: AZ, CA, CO, CT, FL, HI, IL, KS, ME, MI, MN, MO, NH, NM, NY, OH, OR, PA, RI, VA, VT, WA and WY)

- Up to 26 weeks of unpaid leave during a single 12-month period for the care of a child of any age, spouse, parent, or next of kin who is a covered service member and who has a serious injury or

illness in the line of active duty that may render the service member medically unable to perform their duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

(Q) What and when do I need to tell my employer if I plan to take FMLA leave?

Employees seeking to use FMLA leave are required to provide 30-day advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than 30 days in advance, the employee must provide notice as soon as practicable – generally, either the same or next business day. When the need for leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, employees must comply with the employer's usual and customary notice and procedural requirements for requesting leave.

The regulations make clear that, if the employee fails to provide timely notice, he or she may have the FMLA leave request delayed or denied and may be subject to whatever discipline the employer's rules provide.

Birth and bonding

(Q) Are there any restrictions on when an employee can take leave for the birth or adoption of a child?

Leave to bond with a newborn child or for a newly placed adopted or foster child must conclude within 12 months after the birth or placement. Your location may require paternal leave for these purposes to be taken as one continuous leave. Please see your location Human Resources office for more information.

If the newly born or newly placed child has a serious health condition, the employee has the right to take FMLA leave to care for the child intermittently, if medically necessary and such leave is not subject to the 12-month limitation.

(Q) When can a parent take leave for a newborn?

Mothers and fathers have the same right to take FMLA leave to bond with a newborn child. A mother can also take FMLA leave for prenatal care, incapacity related to pregnancy, and for her own serious health condition following the birth of a child. A father can also use FMLA leave to care for his spouse who is incapacitated due to pregnancy or child birth.

Intermittent/reduced leave schedule

(Q) Does an employee have to take leave all at once or can it be taken periodically or to reduce the employee's schedule?

When it is medically necessary, employees may take FMLA leave intermittently (taking leave in separate blocks of time for a single qualifying reason), or on a reduced leave schedule (reducing the employee's usual weekly or daily work schedule). When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Leave to care for or bond with a newborn child or for a newly placed adopted or foster child may only be taken intermittently with the employer's approval and must conclude within 12 months after the birth or placement.

(Q) Can an employer change an employee's job when the employee takes intermittent or reduced schedule leave?

Employees needing intermittent/reduced schedule leave for foreseeable medical treatments must work with their employers to schedule the leave so as not to disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Serious health condition

(Q) What is a serious health condition?

A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

The most common serious health conditions that qualify for FMLA leave are:

- conditions requiring an overnight stay in a hospital or other medical care facility;
- conditions that incapacitate you or your family member (for example, unable to work or attend school) for more than three consecutive days and have ongoing medical treatment (either multiple appointments with a health care provider, or a single appointment and follow-up care);
- chronic conditions that cause occasional periods when you or your family member are incapacitated and require treatment by a health care provider at least twice a year; and
- pregnancy (including prenatal medical appointments, and/or pregnancy-related incapacity).

(Q) Can I continue to use FMLA for leave due to my chronic serious health condition?

Under the regulations, employees continue to be able to use FMLA leave for any period of incapacity or treatment due to a chronic serious health condition. The regulations continue to define a chronic serious health condition as one that (1) requires “periodic visits” for treatment by a health care provider or nurse under the supervision of the health care provider, (2) continues over an extended period of time, and (3) may cause episodic rather than continuing periods of incapacity. The regulations clarify this definition by defining “periodic visits” as at least twice a year.

Reporting an FMLA Claim for my own serious health condition (including birth of a child)

(Q) How do I call to report a claim?

Call Cigna’s toll-free number at **1-888-84-Cigna** or **1-888-842-4462** and a knowledgeable Cigna Intake Specialist will walk you through the process. For Spanish-speaking customers, call **1-866-562-8421**. You can also create a new leave request via www.myCigna.com by selecting the ‘Review my Coverage’ tab in the menu and clicking on ‘Disability/Leave of Absence.’

Remember, even though you call Cigna, you must also call your employer on or before your first day of absence to report how long you expect to be absent. Of course, always seek appropriate medical attention immediately. Your health and safety always come first.

(Q) How do I file a short-term disability claim for my own condition?

By calling Cigna’s toll-free number at 1-888-84-Cigna or 1-888-842-4462 to report an FMLA claim, you automatically file a short-term disability claim. Once your short-term disability claim is approved, you will automatically reach approval of your leave under FMLA.

Reporting an FMLA Claim for all other reasons:

(Q) How do I call to report a claim?

Call Cigna’s toll-free number at **1-888-84-Cigna** or **1-888-842-4462** and a knowledgeable Cigna Intake Specialist will walk you through the process. For Spanish-speaking customers, call **1-866-562-8421**. You can also create a new leave request via www.myCigna.com by selecting the ‘Review my Coverage’ tab in the menu and clicking on ‘Disability/Leave of Absence.’

Within a few days, you will receive a package from Cigna which will include information about your eligibility for Family Medical Leave and your rights under FMLA, as well as further instructions regarding any paperwork you must provide to Cigna to have your leave approved.

Pre-filing an FMLA Claim:

(Q) Can I pre-file a claim?

Yes, you can pre-file your claim. Call Cigna's toll-free number at **1-888-84-Cigna** or **1-888-842-4462** and a knowledgeable Cigna Intake Specialist will walk you through the process. For Spanish-speaking customers, call **1-866-562-8421**. You can also create a new leave request via www.myCigna.com by selecting the 'Review my Coverage' tab in the menu and clicking on 'Disability/Leave of Absence.' Remember that you will still be required to notify Cigna when you have stopped working. The claim/leave process will not begin until after your last day worked.

Returning from a Continuous Leave (Your Own Serious Health Condition):

(Q) What is required when I'm ready to return to work?

When you return from a leave for our own serious health condition, a release note signed by your medical provider must be presented to your employer. See your local BorgWarner HR for more specific requirement.

(Q) What if I have additional questions?

If you have a question regarding your Short-term Disability Claim or your Family Medical Leave, call 1-888-84-Cigna (24462). Spanish-speaking customers can call 1-866-562-8421. These numbers are operational between 7:00 a.m. and 7:00 p.m. Central Time. If you call outside this time frame, please leave a voicemail message and a representative will respond the next business day.

You may also go to the BorgWarner benefits page at www.borgwarner.com/benefits for more information.