

FMLA Process Changes

To: AT&T Employees
What: Recent Changes to FMLA Regulations
When: May 17th

Note: Supervisors, please share this information with employees who do not have access to email.

The U.S. Department of Labor issued revisions to FMLA regulations earlier this year. The complete complement of regulatory revisions introduced a number of changes to FMLA and provided clarification on many FMLA issues. AT&T immediately implemented compliance-related changes on January 16, as required by law.

AT&T will adopt other regulatory changes **effective May 17:**

In states other than California, employees must take FMLA leave for a minimum of one hour, unless the need for leave occurs within the last hour of a work shift.

The AT&T Certification of Healthcare Provider Form (FMLA4) will be revised to request medical facts such as symptoms and diagnosis for employees in states that do not have state leave laws that preclude employers from requesting this information. Additionally, employers may request the healthcare provider indicate which essential job functions an employee is unable to perform.

NOTE: The Certification of Healthcare Provider Form (FMLA4) for California employees will not change.

Employers may contact healthcare providers to clarify or authenticate the FMLA medical certification form. Under internal policy, only FMLA Operations will have authority to conduct clarification and authentication. Under the revised regulations, employees who do not authorize FMLA Operations to clarify their certification may be denied FMLA leave.

Additionally, permission by an employee to contact a healthcare provider will not be required for purposes of authenticating a certification form. This provision may not apply to employees in states with existing leave laws that prohibit this practice.

The federal FMLA definition of a serious health condition has also changed with respect to incapacity and treatment for conditions categorized as *absence plus treatment*. For absences consisting of incapacity of more than three full consecutive calendar days and two treatments, the 1st treatment must occur within 7 days of the first date of incapacity and the 2nd treatment must occur within 30 days of the first date of incapacity. For absences consisting of one treatment visit and a regimen of treatment (e.g. antibiotics), the one visit must occur within 7 days of the first date of incapacity.

Under the revised regulations, employees referred to a 2nd opinion who fail to release all relevant medical information pertaining to a serious health condition may be denied FMLA leave. This provision may not apply to employees in states with existing leave laws that prohibit this practice.

To access information regarding FMLA policy and process, visit <http://hronestop.att.com> > **Your Time & Attendance** > **FMLA**.