



## Family Medical Leave Act Frequently Asked Questions

12/2007

### 1.Q. What is the Family and Medical Leave Act?

A. The Family and Medical Leave Act (FMLA) is a federal law covering employers of 50 or more employees within a 75-mile radius. Under the FMLA, eligible employees are entitled to take up to 12 weeks of unpaid leave in a rolling 12-month period measured backward from the date the employee uses FMLA leave (1) if the employee has a serious health condition, (2) to care for family members with serious health conditions, or (3) to care for a newborn or newly adopted child or a newly-placed foster child. In addition to leave rights, the FMLA also provides job protection and health benefit continuation assurances for employees who take leave under the law. Lowe's complies with all requirements of the FMLA.

### 2.Q. Are there State leave laws that provide family and medical leave for employees?

A. Yes, a number of states have passed similar protections that may apply to more employees than the federal law, differ in the terms of leave that are required and provide more specific or additional types of leave. Lowe's complies with the provisions of the state and local family and medical leave laws applicable in areas where Lowe's operates or does business.

### 3.Q. Which leave benefits do I get if my State leave law differs from the FMLA?

A. If the State law leave entitles an employee to more generous benefits than the FMLA does, the employee will receive the more generous benefits. If an employee is entitled to both FMLA and State law leave, the employee's FMLA entitlement and State leave law entitlement will run concurrently. Also, if an employee is injured at work, FMLA leave and State law leave, if applicable, will also run concurrently with an employee's alleged workers' compensation leave, if applicable.

### 4.Q. For what purposes can I apply for FMLA leave?

A. Employees can request to use FMLA leave to cover the time they need to be away from work for any of the following purposes:

- to care for a newborn child, a newly adopted child, or a newly placed foster child, as long as the leave is taken in the year following the child's birth or placement;
- to care for a child, spouse or domestic partner\*, or parent who has a serious health condition; or
- to provide employees time to attend to their own serious health conditions that leave them unable to perform their jobs.

\*For purposes of its FMLA and State law leave administration, Lowe's will consider the definition of "spouse" to include "domestic partners."

### 5.Q. Who is eligible for FMLA leave?

A. To be eligible for FMLA leave, an employee must have worked for Lowe's for at least 12 months and performed at least 1,250 hours of work during the previous 12 months. Lowe's will comply with the eligibility requirements of individual state and local laws applicable in areas where it operates or does business.

Where spouses or domestic partners are both employed with Lowe's, the two employees are limited to a combined total of 12 weeks of family leave to cover the time off they need after the birth or placement of a child or to care for a seriously ill parent. However, each employee is eligible to take any unused portion of the 12 weeks for his or her own serious health condition, the care of a seriously ill child, or the care of the other spouse or domestic partner.

**6.Q. I need to go on a medical leave on or after January 1, 2008. Who do I contact?**

A. Whether the medical leave is covered under short-term disability, long-term disability and/or the FMLA, you should contact Liberty Mutual at 1-877-225-1740 or access Liberty Mutual's website (after 12/31/07) through myloweslife.com. Remember to notify your HR Manager/Coach or CSC Departmental Manager of your leave needs at least 30 days prior to your leave if at all possible. If you cannot foresee the need for FMLA leave 30 days in advance, you must give as much notice as you can.

**7.Q. What hours is Liberty Mutual available to take my FMLA leave application?**

A. You may call to report the leave to Liberty's call center at any time. The call center is available 24 hours a day, 7 days a week. Please call 1-877-225-1740 to begin your FMLA leave application process or access Liberty Mutual's web site (after 12/31/07) through myloweslife.com.

**8.Q. Does Liberty Mutual have resources available to assist Spanish speaking employees?**

A. Liberty's call center can handle inquiries in Spanish, and AT&T translators are available to assist those who speak Spanish. All of the written communications regarding FMLA leave are provided in English.

**9.Q. Can't my HR Manager/Coach or CSC Departmental Manager handle my FMLA leave request?**

A. No, Lowe's has partnered with Liberty Mutual to be the Company's administrator for leaves under the FMLA and similar leaves under State-specific laws. Having Liberty Mutual manage both the short-term disability and FMLA leave process will reduce the amount of paperwork employees seeking short-term disability will have to submit. However, you must let your HR Manager/Coach or CSC Departmental Manager know that you are applying for leave through Liberty Mutual.

**10.Q. Am I automatically approved for an FMLA leave?**

A. No, Liberty Mutual will send you an FMLA application and Medical Certification form for completion and request documentation to substantiate the need for leave. Liberty Mutual will determine your eligibility for leave under the FMLA and the State leave law, if applicable. Your HR Manager/Coach or CSC Departmental Manager will also be made aware of the status of your leave request.

**11.Q. Is an FMLA leave paid or unpaid?**

A. FMLA leave is unpaid unless it is taken together with accrued paid leave. However, for a FMLA leave for an employee with a serious health condition who qualifies for short-term disability pay, the employee is required to use all accrued basic sick pay prior to being eligible to receive any short-term disability pay. Lowe's will not require the employee to substitute accrued vacation leave for unpaid FMLA leave, but the employee may do so if he/she chooses. Employees who would like to substitute accrued vacation leave for unpaid FMLA leave must contact their HR Manager/Coach or CSC Departmental Manager.

**12.Q. What happens after I contact Liberty Mutual about a medical leave?**

A. Liberty Mutual will contact you by mail and provide you detailed information on what is required to complete your FMLA leave filing requirements. Liberty Mutual will notify you about the status of your request for leave.

**13.Q. How will Lowe's know that I'm on an FMLA leave?**

A. You must inform your HR Manager/Coach or CSC Departmental Manager that you need family or medical leave and when you expect to be absent. Liberty Mutual will make your HR Manager/Coach or CSC Departmental Manager aware of the status of your leave request. If you know you need FMLA leave a month before the leave begins, you must give your HR Manager/Coach or CSC Departmental Manager 30 calendar days' advance notice. If you cannot foresee the need for FMLA leave 30 days in advance, please give as much notice as you can.

**14.Q. What if my request for FMLA leave is denied by Liberty Mutual? Can I appeal to Lowe's?**

A. Liberty Mutual has an appeal process, and reconsideration of the denial of a leave request is processed through that appeal process.

**15.Q. I'm already on an approved FMLA leave in 2007. Do I have to reapply with Liberty if my leave was approved beyond December 31, 2007? Will Liberty Mutual send me any information about my leave?**

A. For current 2007 approved FMLA leaves, your current FMLA leave will continue to be managed by Lowe's through 12/31/07, and will then transfer to Liberty Mutual on January 1, 2008. Letters are being mailed from Liberty Mutual, before year-end 2007, to employees currently on an approved FMLA leave notifying them of the administrative change to Liberty Mutual.

**16.Q. When I contact Liberty Mutual will I be asked to provide my Sales ID# or SS#?**

A. You will be asked to provide your Social Security Number when you complete your FMLA application process. You don't need your Social Security Number to access the Liberty Mutual web site through myloweslife.com

**17.Q. I'm currently on an approved intermittent FMLA leave? What should I do?**

A. Contact Liberty Mutual at 1-877-225-1740. Your HR Manager/Coach or CSC Departmental Manager will need to provide Liberty Mutual with the leave time you have taken.

**18.Q. Do I call Liberty Mutual about other leave requests, like military, personal or workers' compensation leaves? Vacation?**

A. No, Lowe's has partnered with Liberty Mutual to be our administrator for leaves under the FMLA and similar leaves under State-specific laws. For all other leave types like personal, vacation, jury duty, funeral leave, etc, contact your HR Manager/Coach or CSC Departmental Manager for assistance. For workers' compensation leaves, you'll be asked by Liberty Mutual to apply for FMLA leave, since this type of leave can occur concurrently with workers' compensation leave. Please supply all requested FMLA materials to Liberty Mutual as promptly as possible.

**19.Q. When I am able to return to work from leave, do I provide my return to work release to Liberty Mutual or to my HR Manager/Coach or CSC Departmental Manager?**

A. Please provide your return to work release to your HR Manager/Coach or CSC Departmental Manager. You also need to notify Liberty Mutual of your return to work, prior to returning. Failure to do so may delay your return to active status date