
Family and Medical Leave Act Fact Sheet

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THE FAMILY AND MEDICAL LEAVE ACT

Basic Provisions

The Family and Medical Leave Act of 1993 (the FMLA) provides that eligible employees must be given a total of up to 12 weeks of unpaid leave per year for absences due to the birth, adoption, or foster care placement of a child; for the care of a spouse, child, or parent with a "serious health condition;" or for the employee's own "serious health condition" which makes him/her unable to perform the job FMLA defines "eligible employees" as those employees who have worked at least 1250 hours in the previous 12-month period.

SANDIA POLICY REGARDING THE FMLA

FMLA-qualifying absences

Any absence under the child care, family care, or medical leave of absence programs, under the Sickness Absence Plan, or charged to unpaid sickness absence (A502) or unpaid family care absence (A510) counts toward satisfaction of the leave requirements of the FMLA Sandia calculates FMLA eligibility based on a "rolling year," with the 12-month period beginning on the first day of absence.

General guidelines

The following guidelines apply to all FMLA-qualifying absences:

- At least 30 calendar days of advance notice is required (when possible).
- The employee must provide medical certification of the need for the absence.
- Health care coverage for which the employee is eligible at the beginning of the absence is continued for at least 12 weeks of the absence. Employees continue to pay any portion of the premiums which they paid prior to the leave.
- Basic and Basic Supplemental Group Term Life insurance and Accidental Death and Dismemberment insurance for which the employee is eligible at the beginning of the leave are continued for the period of leave. Other insurance benefits may be continued if the employee pays the premiums in advance.
- Temporary transfers made to accommodate an intermittent absence or reduced work schedule will not affect the employee's straight-time hourly rate.
- Guarantees of reinstatement apply to the same position or one of equal status, pay, and working conditions. Reinstatement is not guaranteed past the end of an established employment period or if the employee would have been terminated had he/she not been absent.
- The absence does not constitute a break in service for purposes of pension plan vesting and eligibility.
- Continuous absences of more than 30 consecutive calendar days must either qualify under the Sickness Absence Plan or be treated as a Leave of Absence. Intermittent absences and continuous absences of fewer than 30 consecutive calendar days do not constitute Leaves of Absence.

- If the absence is a Leave of Absence, 30 days of credited service will be granted for pension purposes and 12 weeks of service will be granted for benefits eligibility purposes (If the Leave is less than 12 weeks, the entire absence period will be credited). If the absence is not a Leave of Absence, the entire period of absence constitutes credited service in accordance with CPR 300.6.21, "Term of Employment" (formerly "Credited Service").

Absence to care for a newborn, newly adopted, or newly-placed child

The following options are available for unpaid absences to care for a newborn or newly placed child.

- Child Care Leave of Absence
 - Up to 12 months of continuous unpaid absence.
 - Available to any regular employee, Postdoctoral Appointee, Faculty Sabbatical Appointee, or Limited Term Staff Member regardless of the length of credited service. Available to all other regular employees who have earned at least 1250 hours of credited service in the previous 12 month period.
 - Health care coverage is continued for up to 6 months of the leave.
 - Reinstatement is guaranteed if the employee returns to work within 12 months the birth or placement of the child.
 - See CPR300.6.18, "Leaves of Absence" for details.
- Unpaid Family Care Absence
 - Up to 240 hours of unpaid continuous and/or intermittent unpaid absence charged to A510.
 - Available to any employee regardless of the length of credited service
 - Full benefits continue during the period of absence.
 - Reinstatement is guaranteed if the employee returns to work within the established absence period.
 - See CPR300.6.15, "Employee Time Charging" for details.

For more information about absences to care for newborn or newly placed children, contact your Medical Case Manager.

Absence to care for an ill family member

The following options are available for unpaid absences to care for an ill family member

- Family Care Leave of Absence
 - Up to 6 months of continuous absence. (Leaves of greater than 12 weeks require the approval of the employee's Director.)
 - Available to all employees with at least 6 months of credited service.
 - Health care coverage is continued for up to 6 months of the leave
 - Reinstatement is guaranteed if the employee returns to work within 12 weeks of the beginning of the leave.
 - See CPR300.6.18, "Leaves of Absence" for details.
- Unpaid Family Care Absence
 - Up to 480 hours of intermittent unpaid absence charged to A510
 - Available to any employee regardless of the length of credited service.
 - Full benefits continue during the period of absence.
 - Reinstatement is guaranteed if the employee returns to work within the established absence period.
 - See CPR300.6.15, "Employee Time Charging" for details.

For more information about absences to care for ill family members, contact Ann Murphy in Benefits (505-844-8853).

Absence due to the employee's own serious health condition

Paid absence under the Sickness Absence Plan may be available to regular employees, Limited Term members of the technical and administrative staff, Post-Doctoral employees, and Faculty Sabbatical Appointees with at least 6 months of service. See Sickness Absence Plan SPD for details.

In addition, the following types of unpaid absence may be available:

- Unpaid Sickness Absence
 - Up to 480 hours of intermittent unpaid absence or 240 hours of continuous unpaid absence charged to A502.
 - Available to all employees regardless of credited service.
 - Full benefits continue during the period of absence.
 - Reinstatement is guaranteed as required by FMLA. The employee must receive clearance to return to work from the Sandia medical organization.
 - See CPR300.6.15 "Employee Time Charging" for details.

- Medical Leave of Absence
 - Up to 12 weeks of continuous absence (up to 6 months may be granted as provided in CPR300.6.18, "Leaves of Absence").
 - Available to any employee who has earned at least 1250 hours of credited service in the previous 12-month period.
 - Health care coverage is continued for up to 12 weeks of the leave
 - Reinstatement is guaranteed if the employee returns to work within 12 weeks of the beginning of the leave The employee must receive clearance to return to work from the Sandia medical organization.
 - See CPR300.6.18, "Leaves of Absence" for details.

For more information about absences due to illness or injury, contact your Medical Case Manager.

This "Fact Sheet" is not intended to create an employment contract and is not a plan document or summary plan description of any employee benefit plan. Sandia reserves the right to modify, discontinue, or terminate the described benefits at any time. Should Sandia take such action, benefits availability would be subject to legal and benefit plan provisions regarding the benefit earned as of the date of the action.
