

## Eligibility

- Employees must have been employed by the State for at least 12 month (doesn't have to be consecutive).
- Employees must have worked at least 1,250 hours in the 12-months preceding the leave.

## FMLA Provisions

- FMLA provides 12 weeks, or 480 hours of protected leave.
- FMLA is *unpaid* but can be used concurrently with an employee's leave time.
- If both partners are State employees, they qualify for 12 weeks of combined leave.
- An employee has 12 months from the first day they are out on leave to utilize the 12 weeks of leave.
- If the need for additional leave arises after FMLA is exhausted, the employee may re-apply after the 12-month period is completed provided they meet original requirements.

## For Questions on your health premiums contact your HR Payroll Analyst:

Crystal Lawrence 827-0203

Rachel Roybal 827-0204

Crystal Trujillo 827-0261

## For additional information about FMLA:

Visit the State Personal Website:

<http://www.spo.state.nm.us/resources.aspx>

Or

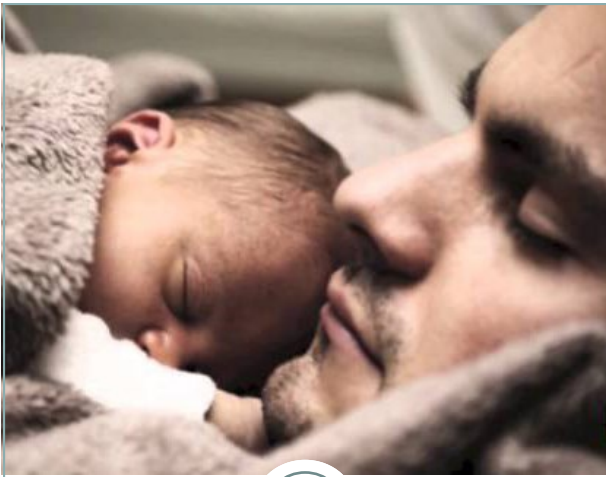
[www.wagehour.dol.gov](http://www.wagehour.dol.gov)

Or

1-866-4US-WAGE (1-866-487-9243)

# Family Medical Leave Act (FMLA)

## What you need to know...



## Qualifying Circumstances for FMLA Leave

- The birth and care of a newborn child.
- The placement of a child for adoption or foster care.
- To care for immediate family members (child(ren), parent(s), or spouse) with a serious health condition. (This does not include in-laws or domestic partners).
- For an employee's own serious health condition.
- Qualifying critical situation arising when a covered family member is on active duty or called to active duty status.
- To care for covered service members with a serious injury or illness for up to 26 weeks.

## Employee Responsibilities

- Employees must provide 30 days notice if the need for FMLA is foreseeable. If the need for FMLA is **not** foreseeable, employees must provide notice as soon as possible.
- Employees must provide sufficient information for the employer to determine if their situation will qualify them for FMLA by providing the appropriate application and a doctor's certification.
  - ◇ All HRB forms can be found at [http://trd\\_intra/forms.aspx](http://trd_intra/forms.aspx) under "FMLA Paperwork".

## Employer Responsibilities

- The employer has five (5) business days after receiving documentation from an employee to notify them if their situation qualifies them for FMLA.
- The employer must notify employees of specific expectations and obligations, such as status updates and/or continued documentation.
- The employer must post relevant information about employee eligibility and changes to FMLA.

## FMLA and Insurance

- Employees may choose to retain any insurance (Medical, Dental, Vision, Disability, etc.) through the State, provided the employee has enough leave to cover the deductions.
- If an employee no longer has leave but still wishes to continue coverage, they will need to pay the employee portion of the insurance payment by providing either a cashier check or money order.
- Employees who do not wish to keep coverage while on FMLA will be reinstated upon their return to work, assuming it is within the 12-week window.
- If an employee leaves their job while on FMLA, the State retains the right to recover their portion of any premiums paid by them unless circumstances are beyond the employee's control.