

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 MFL Provisions

- FMLA MFL provides 12 work weeks, or 480 hours of protected leave for qualifying urgent situations and/or up to 26 work weeks of protected leave for giving care to an injured or sick service member.
- FMLA MFL is **unpaid** but can be used concurrently with an employee's leave time.
- If both partners are 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 MFL:

Visit the State Personal Website:

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

Or

www.wagehour.dol.gov

Or

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



Military Family Leave Family Medical Leave Act (FMLA MFL)

What you need to know...





Two types of FMLA Military Family Leave (FMLA MFL):

- **Qualifying exigency (urgent) leave** helps families for up to **12 work weeks** with short-notice deployment, childcare and school activities, non-medical counseling, rest and recuperation, military events and related activities, financial and legal arrangements, care of military member's parent, and/or post-deployment activities.
- **Military caregiver leave** helps families care for service members with a serious injury or illness for up to **26 work weeks**. A serious injury or illness is one that occurred while on active duty or one that existed before active duty and was aggravated by service and may cause the service member an inability to perform their duties.

Employee Responsibilities

- Employees must provide 30 days notice if the need for FMLA MFL is foreseeable. If the need for FMLA MFL 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 MFL by providing the appropriate application, a doctor's certification and/or the appropriate military orders.
 - ◇ All HRB forms can be found at 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 MFL.
- 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

FMLA MFL and Health 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 MFL 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 MFL, the State retains the right to recover their portion of any premiums paid by them unless circumstances are beyond the employee's control.