FAMILY AND MEDICAL LEAVE ACT

FMLA provides up to twelve (12) weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for NMCAA for at least one year, and for 1,250 hours over the previous twelve (12) months.

Unpaid leave will be granted for any of the following reasons:

* + An employee’s own serious health condition;
	+ To care for a spouse, parent, biological child, adopted child, foster child, step-child, legal ward, or a child of a person standing in loco parentis (who is under 18 years of age, or 18 years or older and incapable of self-care because of a mental or physical disability), with a serious health condition;
	+ For the birth of an employee’s child, or placement of a child with an employee for adoption or foster care. Leave for birth, adoption or foster care must conclude within twelve months of the birth or placement.
	+ For “any qualifying exigency” arising out of the fact that a spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.
	+ For a spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty. This leave may be up to 26 weeks in a single 12-month period to care for a service member.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: Employees may be required to provide advance leave notice and medical certifications. FMLA may be denied if requirements are not met.

• A thirty (30) days advance notice must be provided when the leave is “foreseeable”.

• Medical certification to support a request for leave because of a serious health condition may be required, and may require second or third opinions (at NMCAA’s expense) and a fitness for duty report to return to work.

 JOB BENEFITS AND PROTECTION

• For the duration of FMLA leave, NMCAA will maintain the employee’s health coverage under any “group health plan”.

• Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

• The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

NMCAA DOES NOT:

• Interfere with, restrain, or deny the exercise of any right provided under FMLA;

• Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

To apply for FMLA, please have the employee complete the FMLA Request form and submit it to the HR Manager.