



M-01222

February 7, 1994

Mr. William Burrus
Executive Vice President
American Postal Workers Union,
AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-4128

Dear Bill:

I was glad to see that the APWU published a user-friendly FMLA booklet to help employees understand their rights and obligations under this law. I think it's important that employees receive support and consideration when confronted with pressing family health obligations or serious illnesses.

With regard to the questions regarding FMLA which you and Corine Rodriguez discussed, our responses are:

Question: Do employees retain the no-layoff protection when FMLA interrupts the 20 pay periods worked per year during the six year period of continuous service?

Answer: Yes. However, since the maximum FMLA time off is 12 weeks or 6 pay periods per leave year, loss of the no-layoff protection would normally be for other reasons. The only time FMLA would interrupt the years required for protection is in cases where more than 12 weeks of FMLA during two different "leave" years result in more than 6 pay periods of absence during an individual employee's "anniversary" year. In these rare cases the no-layoff protection must manually be restored. This is accomplished by sending a memorandum to the Minneapolis Information Service Center.

Question: Does OWCP and Military Leave count towards the 1250 work hour criteria for eligibility for FMLA?

Answer: No. Whether an employee has worked the minimum 1250 hours of service is determined according to the principles


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established under the Fair Labor Standards Act (FLSA) for determining compensable hours of work. OWCP and Military Leave do not qualify as work under these principles.

If we can answer any other questions, please contact Corine at (202) 268-3823.

Sincerely,



Sherry A. Cognoli
Manager
Contract Administration (NALC/NRLCA)
Labor Relations