



# Leave of Absence

## Frequently Asked Questions

### Types of Leave

**I will be taking a medical leave. Do I have to take a leave under the Family Medical Leave Act (FMLA) as well?**

If you have been with Lam for more than 1 year and have worked more than 1,250 hours in the past 12 months, you will qualify for a leave under FMLA. FMLA provides you job protection while on leave of absence; it does not provide an income replacement benefit. FMLA is applied concurrently with a medical leave.

If you take a medical leave of absence because you are ill, injured, or pregnant and you are enrolled in a disability plan, you will qualify for partial income replacement. Employees in California have Voluntary Disability Insurance (VDI) and employees outside California have Short-Term Disability (STD) if they have not opted out. VDI and STD provide income to an employee during a leave of absence.

**My wife and I just had a baby. What type of leave can I take?**

Lam provides employees with family leave to care for and bond with a newborn. Your leave may qualify for job protection under FMLA if you have been with Lam for more than 1 year and have worked more than 1,250 hours in the past 12 months. You may qualify for paid family leave (PFL) of up to 12 weeks if you are enrolled in Voluntary Disability Insurance (VDI, for California employees) or Short-Term Disability (STD, for employees outside California), which will provide partial income replacement benefits during your leave.

**Can the 12 weeks of paid family leave (PFL) for baby bonding be taken in smaller chunks?**

Yes, you can take your leave intermittently up to the baby's first birthday or one year after foster/adoption placement. When calling TRISTAR, you will need to provide the schedule of your intermittent leave so the days are tracked correctly. The minimum you can take is one day.

**Can I take a leave to care for a family member such as a sick sibling, grandparent, or domestic partner?**

Under FMLA, a covered family member is a spouse, child, or parent. Some states have a different definition that may include siblings, grandparents, and domestic partners. Check to see how your state defines an eligible family member. If the family member is not a covered dependent under its family leave laws, you can apply for a personal leave, which may be granted at the discretion of your manager.

## Job Protection and Pay While on Leave

### What job protections do I have while on leave?

- **Family Medical Leave Act (FMLA):** Employees with at least 12 months of service and who have worked 1,250 hours in the past 12 months are eligible for up to 12 weeks of job-protected leave as the result of sickness, injury, or a pregnancy-related disability, or to care for a family member or bond with a new child.
- **Pregnancy Disability Leave (PDL):** Employees in California who take a pregnancy-related disability leave are entitled to up to four months of job-protected leave.
  - **PDL and FMLA** run concurrently for an employee who takes a pregnancy disability leave, and they start on the first day of leave. At the end of an employee's period(s) of pregnancy disability leave (usually six weeks after a normal delivery, eight weeks for a Cesarean section), a CFRA-eligible employee may request a CFRA leave of up to 12 weeks to bond with the newborn.
- **California Family Rights Act (CFRA):** California employees with at least 12 months of service and who have worked 1,250 hours in the past 12 months are eligible for up to 12 weeks of job-protected leave as the result of sickness or injury, or to care for a family member, or to bond with a new child.
- **Oregon Family Leave Act (OFLA):** Oregon employees with at least 180 days of service who average at least 25 hours per week during the 180 days before their leave are eligible for up to 12 weeks of job-protected leave as the result of a serious health condition, to care for a sick family member, or to bond with a new child. For bonding with a new child, the 25 hours-per-week requirement is waived.

### How do I get paid while on leave of absence?

Employees in California have Voluntary Disability Insurance (VDI) and employees outside California have Short-Term Disability (STD) if they have not opted out, which will provide partial income replacement benefits during your leave.

- **For your own disability (including maternity),** you'll receive disability pay through TRISTAR of 70% of your weekly earnings up to a weekly maximum of \$3,250. There is a waiting period of seven calendar days before you receive benefits; however, if you are hospitalized or have outpatient surgery, your benefits begin on the first day of your leave. The disability benefit you receive is not taxable.
- **To care for a family member or to bond with a new child,** you'll receive partial income replacement under Paid Family Leave (PFL). TRISTAR will provide your PFL pay at 66 2/3% of your weekly earnings, up to a weekly maximum of \$3,250 starting on the first day of your leave. This benefit is taxable, and you will receive a W-2 at the end of the year from TRISTAR.

### Must I use all my accrued PTO before taking paid family leave (PFL), or may I retain my accrued PTO during PFL? (I know that I do not continue accruing PTO while on leave.)

PFL benefits begin Day 1, and there is no need to use PTO. However, if you would like to supplement the 66 2/3% PFL benefit with your accrued PTO, send an email to Janet Yu to initiate a payroll request.

## Mechanics of Taking a Leave of Absence

### What should I enter in Kronos when I go on leave?

To receive pay during the seven-day waiting period for a medical leave, **hourly** employees may enter up to 40 hours of PTO. **Salaried** employees will be provided 40 hours salary continuation automatically and do not need to enter any hours on their timesheet to receive pay during the waiting period.

- Note that there is no waiting period for Paid Family Leave (PFL). If you are taking a leave for baby bonding or to care for a family member, PFL benefits begin Day 1.

You do not need to enter time in Kronos for the rest of your leave. Benefits will update your status in Employee Connect (EC) and notify Payroll.

### How are my benefits impacted during my leave?

Lam pays the employee contributions for these benefits for the first month of your leave:

- Health coverage
- Life insurance
- Accidental death and dismemberment (AD&D) insurance
- California Voluntary Disability Insurance (VDI) or short-term disability (STD) and long-term disability (LTD)
- Employee assistance program (EAP)
- Group legal services

If your leave extends past one month, you are responsible for paying the employee contributions for your benefits while you are out.

Here's how other benefits will be impacted:

- Paid time off (PTO) accrual stops once you stop receiving a Lam paycheck.
- You are not entitled to holiday pay unless you are using PTO at the time the holiday occurs (i.e., if the holiday falls during the seven-day waiting period at the start of your leave).
- For leaves greater than 30 days, your bonus, if any, will be prorated.
- You are not eligible to contribute to your 401(k) or to participate in the ESPP during your leave of absence. If you have a 401(k) loan, your loan payments will cease and your loan will be re-amortized when you return to work.
- If you are enrolled in the ESPP and your leave extends beyond 90 days, in most cases your participation in the ESPP will cease on the 91st day, and any accumulated payroll deductions will be returned to you. You may rejoin the ESPP during the next enrollment period after you return to work.
- Your contributions to a Health Care or Dependent Care Flexible Spending Account (FSA) will stop while you are on leave, but you will be allowed to submit eligible expenses. Participation may resume when you return to full-time work.

- Your contributions and Lam’s contributions to a Health Savings Account (HSA) will stop while you are on leave, but you will be allowed to submit eligible expenses. Participation may resume when you return to full-time work.

### **How will my benefit payments be handled while I am on leave?**

Lam will pay for your benefits for the first month of your leave. If you remain on leave after the first month—and continue to be on leave for at least another month—you will be responsible for paying the contributions that are normally deducted from your paycheck.

You will receive information in the mail from our benefits administrator, BASIC pacific, detailing the amount you need to pay. Use the payment coupons enclosed in the packet when submitting your payment.

### **Will I still have access to Lam’s systems such as SAP, email, and The Point when I go on leave?**

As soon as you go on leave of absence, your SAP access will be disabled, and you will not be able to access SAP, Lam’s intranet, or Kronos. You will continue to have access to your email, but it will be automatically disabled when no activity is detected for more than four weeks. You are allowed to take your company cell phone and computer, but if you anticipate an extended leave of absence, we recommend you leave them with your manager.

### **What should I do when I am ready to return to work after my leave of absence?**

Before returning to work, provide your manager with a certification from your doctor that says you are released to return to work (if you are on a medical leave). The certificate should also indicate any restrictions. Your manager will determine if your restrictions can be accommodated.

Notify the Benefits Helpdesk at [benefits@lamresearch.com](mailto:benefits@lamresearch.com) of your return to work so your systems access can be reactivated as soon as you begin working.

### **What if I need more time off than I had originally planned?**

You are expected to return to work on the date you indicated when you filed your leave of absence with TRISTAR. If you find that you need more time off, you must notify your supervisor and TRISTAR at least one week before the end of your scheduled leave. If you are on a medical leave, your doctor will need to give you an extension notice. If you are on a personal leave, you must apply for an extension, which may or may not be granted at the discretion of your manager. Failure to return to work at the end of a leave of absence without an extension will be considered job abandonment.

### **How does intermittent paid family leave (PFL) work for taking care of a family member? Can I work remotely? How will this impact PFL filing, PFL pay, my Lam SAP/systems access, and how to mark my Kronos timesheet?**

You may work remotely if approved by your manager and consistent with Lam policies. You will need to provide TRISTAR the schedule of your intermittent leave so the days are tracked and paid correctly. You should only enter time in Kronos for days you work or take PTO.

Your SAP/systems access will be discontinued during your leave unless you request it to continue by contacting IT at [helpdesk2@lamresearch.com](mailto:helpdesk2@lamresearch.com).