

FAMILY MEDICAL LEAVE ACT (FMLA)

Benefits and Protections:

During FMLA leave, Winthrop must maintain the employee's health coverage under the group health plan on the same terms as if the employee had continued to work. The employee must continue to make any normal contributions to the cost of the health insurance premiums.

When an employee returns from FMLA leave, he or she must be restored to the same job or to an "equivalent job". The employee is not guaranteed the actual job held prior to the leave. An equivalent job means a job that is virtually identical to the original job in terms of pay, benefits, shift, location and other employment terms and conditions. ([DOL Fact Sheet #28A](#))

Eligibility Requirements:

- Must have been employed for the State of SC for at least 12 months
- AND must have worked 1,250 hours of service in the 12 months before taking leave

Examples of FMLA Qualifying Events:

- Incapacity due to pregnancy, prenatal medical care or child birth
- To care for an employee's child after birth, or placement for adoption or foster care
- To care for the employee's spouse, son, daughter or parent who has a serious health condition
- For a serious health condition that makes the employee unable to perform his/her job
- Certain qualifying Military exigencies
- To care for a covered service member

Basic Leave Entitlement:

FMLA requires Winthrop to provide up to 12 weeks of unpaid, job-protected leave to eligible employees. Winthrop University allows leave-eligible employees to substitute paid leave for unpaid leave.

- May use accrued sick leave if it is your own medical condition
- May use up to 10 days of accrued personal sick leave if FMLA leave is due to the illness of a covered family member
- May use accrued annual leave if personal sick leave is exhausted or you are taking care of a covered family member.
 - Generally, 9, 10 and 10.5 month Faculty

Process:

- Employee must provide 30-days advance notice of the need to take FMLA leave (when the need is foreseeable). ([DOL Fact Sheet #28E](#))
- Must provide sufficient information for the Office of Human Resources to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave
 - May include that the employee is unable to perform job functions, family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
- Depending on the nature of the FMLA leave sought, employees will be required to provide a medical certification and periodic recertification supporting the need for the leave. ([DOL Fact Sheet #28G](#))
- Employee will be responsible for communicating with Human Resources about the status of his/her condition
- Employee must provide a Fitness for Duty statement signed by his/her physician on or before returning from FMLA