

## **Family and Medical Leave Act – FAQs**

The Family and Medical Leave Act (FMLA) is a federal law that requires Winthrop University to allow its eligible employees up to 12 weeks of unpaid leave in a calendar year for certain family and medical situations. Eligible employees also may take up to 26 weeks of leave in a calendar year to care for a covered service member with a serious injury or illness.

### **Who can I talk with about FMLA?**

If you have questions about FMLA, call the Office of Human Resources to speak with a Benefits Administrator at (803) 323-2273.

For more information about the FMLA, please refer to the University's FMLA Policy located [here](#).

### **Who is eligible for FMLA leave?**

All employees are eligible to apply for FMLA leave if they: (1) have been employed by Winthrop University or the State of South Carolina for at least 12 months; (2) have worked at least 1,250 hours during the 12 months immediately preceding the date on which FMLA leave begins.

### **What situations qualify as FMLA leave?**

Eligible employees may request FMLA leave for:

- (1) A serious health condition of the employee;
- (2) A serious health condition of a covered family member;
- (3) The birth, adoption, or placement for foster care of a child with the employee;
- (4) Qualifying exigencies that arise while a covered service member (who is the employee's spouse, child or parent) is on covered active duty, called to covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces; or
- (5) To care for a covered service member with a serious injury or illness.

### **Who qualifies as "covered family member"?**

For purposes of FMLA, immediate family is defined as the employee's spouse, child under the age of 18 (or older if certified as incapable of self-care because of a mental or

physical disability), and the employee's parents. Refer to the FMLA Policy for further details on these immediate family definitions.

### **Will I be paid during FMLA leave?**

The FMLA requires only that unpaid leave be granted in qualifying circumstances. However, an employee must use available sick and annual leave for their own serious health condition. Employees may use up to 10 days per calendar year of the employee's accrued sick leave to provide care for members of the immediate family who become ill or disabled. Once the allowed 10 days of sick leave is used to care for a member of the immediate family, employees may use their accrued annual leave.

### **Will my job be protected during FMLA leave?**

Except for certain limited situations specified in the FMLA, employees returning from approved FMLA leave are entitled to be restored to the position held immediately prior to the leave, or to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

### **May FMLA leave be taken on an intermittent basis?**

Eligible employees may take intermittent leave when medically necessary based on the serious health condition of the employee, a covered family member or the serious injury or illness of a covered service member or for a qualifying exigency.

### **If I take FMLA leave, what happens to the insurance I have through Winthrop University?**

If you are taking FMLA leave, you must continue your normal premium payments during the period of leave to keep your insurance benefits active. Winthrop will continue to pay its portion of your premiums while you are in covered FMLA status.

If you are out on unpaid leave, you will be invoiced for your premiums if you wish to keep your insurance active.

### **Will I need to provide a doctor's note to return to work from FMLA?**

You must provide a physician's release upon your return to work following absences related to your own serious health condition.

### **How do I apply for FMLA leave?**

Requests for FMLA leave should be made by contacting the Office of Human Resources. You will be provided with the appropriate certification form, which you must have completed and returned to the Office of Human Resources within 15 days of receipt.

### **How much advanced notice of my need for FMLA should I give Winthrop?**

When requesting FMLA leave you must, when foreseeable, give 30-days advance notice of the need to take FMLA leave. When 30 days is not possible, you must provide notice as soon as practicable.

**Who at Winthrop is responsible for reviewing and approving my FMLA request?**

The University's Office of Human Resources has the responsibility to declare leave as FMLA qualified based on the information provided by the employee and the certification information.