

How to Use the Family and Medical Leave Act - FAQs

The Family and Medical Leave Act (FMLA) is a federal law that requires the College of Charleston (the College) 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 is eligible for FMLA leave?

All employees are eligible to apply for FMLA leave if they: (1) have been employed by the College 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; and (3) work at a location where there are 50 or more employees employed by the College or the State of South Carolina within 75 miles of that location.

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 qualified immediate 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 "immediate family"?

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* (but not parents in-law). 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 leave for their own serious health condition and may use sick and annual leave in other situations as set forth in the College's FMLA Policy. The use of annual or sick leave must meet the requirements set forth in College Policies and State Regulations.

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. FMLA leave may not be taken intermittently for the birth or placement of a child unless the employee's immediate supervisor and the Office of Human Resources agree otherwise.

If I take unpaid FMLA leave, what happens to the insurance I have through the College?

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

If you are out on unpaid leave longer than the authorized FMLA leave entitlement period, you will be responsible for paying both the College's portion in addition to your own premiums if you wish to keep your insurance active.

If you do not elect to keep your insurance in force during the period of unpaid leave, you may re-enroll upon returning from FMLA leave. You will not be required to meet any qualification requirements under the plan, such as a new pre-existing condition waiting period or a medical examination for reinstatement of coverage.

If you fail to return to work based on certain circumstances within your control following the expiration of FMLA leave, you may be required to repay the College's portion of the insurance premiums paid for any period of unpaid leave.

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 College's Office of Human Resources. You will be provided with the appropriate certification form (located online at <http://hr.cofc.edu/forms/index.php>), which you must have completed and returned to the Office of Human Resources within 15 days of receipt.

If the FMLA leave is for the adoption or placement of a child in foster care, you may be required to present satisfactory proof such as a copy of the adoption papers or a letter from the attorney or official handling the adoption or foster care arrangement. In the case of either qualifying exigency or military caregiver leave, you may be required to provide documentation or statement of family relationship, certain military documentation and a proper certification related to the need for leave.

How much advanced notice of my need for FMLA should I give the College?

When requesting FMLA leave you must, when foreseeable, give 30-days advance notice to the College of the need to take FMLA leave. When 30 days is not possible, you must provide notice as soon as practicable and comply with the College's normal call-in procedures.

Who at the College is responsible for reviewing and approving my FMLA request?

The College'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.

Who can I talk with about FMLA?

If you have questions about FMLA, call the College's Office of Human Resources to speak with a Benefits Counselor at 953-5512.

If you have questions about insurance premium payments, call the College's Office of Human Resources to speak with a Benefits Counselor at 953-5512.

For more information about the FMLA, please refer to the College's FMLA Policy located online at <http://policy.cofc.edu/documents/9.3.1.pdf>.