

## **Medical Leave Procedures Georgetown County School District**

In reference to medical leave, the following procedures will be implemented:

1. Any employee who requests leave for a serious health condition that prevents the employee from performing his/her job responsibilities will be asked to complete an application for leave under the Family Medical Leave Act (FMLA). If the employee qualifies for FMLA leave, the employee will be required to use his/her accrued leave days concurrently with the 60 days of leave available under the FMLA. If the employee does not qualify for FMLA leave, he/she will be advised on the process for requesting Emergency Medical Leave. If Emergency Leave is approved, the employee will be required to use his/her accrued leave days during the approved leave period.
2. Once an employee has exhausted all accrued leave days, whether sick leave or vacation leave, the employee will be placed on a leave without pay status. *The employee will not accrue sick or vacation days while on leave without pay status. Generally, an employee may continue or drop all or part of his/her coverage while on approved leave/LWOP; but if dropping, coverage must be dropped within 31 days of starting the leave period. Georgetown County School District will pay its portion of the premium for the employee's health insurance benefits until the employee reaches 90 days of continuous leave without pay. An employee who is on extended medical leave without pay beyond 90 days will be required to pay both the employee and employer portion of the premium for his/her insurance benefits.*
3. After all accrued leave days have been exhausted, the employee will be responsible for making arrangements to timely remit the applicable portion(s) of his/her insurance benefits premium in accordance with Paragraph 2 herein. If an employee does not pay the applicable portion of his/her insurance benefits premiums, the District will notify the employee in writing that premiums are past due and that the District will cancel the employee's coverage if payment is not received within 30 days of the date of notification. If this occurs, the district administration will recommend to terminate the relationship between the district and the employee.
4. South Carolina Code § 59-1-400 specifies that an employee cannot be terminated while that employee is using his/her accrued sick leave days nor during a continuing sick leave of less than ninety-one work days. The Georgetown County School District will allow an employee to remain on unpaid leave of absence status for a maximum of one school year from the last day worked, after which time the employee will be terminated.
5. An employee who is unable to return to work with or without reasonable accommodations and fulfill all of the essential functions of his/her position after the 90<sup>th</sup> work day of continuous absences will be advised of the option of applying for Standard Long-Term Disability as well as State Retirement Disability (if applicable). If the employee chooses not to apply for disability benefits, or if the employee applies for disability benefits and is not approved, the procedures set forth in Paragraph 4 herein will be applicable.

**Effective: July 1, 2010**

**Source: State Benefits Administration Manual 2010  
South Carolina Code § 59-1-400**

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the 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. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)



U.S. Wage and Hour Division