

Horry County  
Human Resources Department  
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Conway, SC 29526



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## Notice of Eligibility and Rights & Responsibilities (Family and Medical Leave Act)

### PART A - NOTICE OF ELIGIBILITY

TO:

\_\_\_\_\_  
Employee

FROM:

\_\_\_\_\_  
Employer Representative

DATE:

\_\_\_\_\_

**You have informed us that you needed leave beginning on \_\_\_\_\_ for:**

\_\_\_\_\_ The birth of a child, or placement of a child with you for adoption or foster care.

\_\_\_\_\_ Your own serious health condition.

\_\_\_\_\_ Because you are needed to care for your \_\_\_\_\_ spouse; \_\_\_\_\_ child; \_\_\_\_\_ parent due to his/her Serious health condition.

\_\_\_\_\_ Because of a qualifying exigency arising out of the fact that your \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

\_\_\_\_\_ Because you are the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered servicemember with a serious injury or illness.

**This Notice is to inform you that you:**

\_\_\_\_\_ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

\_\_\_\_\_ Are **not** eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

\_\_\_\_\_ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately \_\_\_\_ months towards this

requirement.

\_\_\_\_ You have not met the FMLA's 1,250-hours-worked requirement.

\_\_\_\_ You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, contact Thresla Dewitt at (843) 915-7348 or view the FMLA poster located in the Government & Justice Center, Human Resources Office, 1301 Second Avenue, Conway, SC.

## **PART B-RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE**

Part A indicates whether or not you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us within 15 calendar days from receipt of this notice. If sufficient information is not provided in a timely manner, your leave may be denied.**

\_\_\_\_ Sufficient certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request is/ \_\_\_\_\_ is not enclosed.

\_\_\_\_ Sufficient documentation to establish the required relationship between you and your family member.

\_\_\_\_ Other documentation needed \_\_\_\_\_

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### **If your leave does qualify as FMLA leave you will have the following responsibilities while on FMLA leave (only checked blanks apply):**

\_\_\_\_ Contact Thresla Dewitt at Horry County Human Resources, (843) 915-7348 to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.

\_\_\_\_ You will be required to use your available paid time off leave during your FMLA absence. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.

\_\_\_\_ Due to your status within the company, you are considered a "key employee" as defined in the FMLA. As a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We \_\_\_\_ have/ \_\_\_\_ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.

While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every \_\_\_\_\_

**If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.**

**If your leave does qualify as FMLA leave you will have the following rights while on FMLA leave:**

- You have a right under the FMLA for up to 12 weeks of unpaid leave in a "rolling" 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on \_\_\_\_\_.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA.).
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

For a copy of conditions applicable to sick/vacation/other leave usage please refer to the Horry County Employment Guidelines available at: [horrycounty.org](http://horrycounty.org) on the Human Resources website.

**Once we obtain the information requested from you, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count toward your FMLA leave entitlement. If you have any questions, contact Thresla Dewitt at Human Resources at (843) 915-7348 or [tdewitt@horrycounty.org](mailto:tdewitt@horrycounty.org).**