

**FMLA  
PROTECTIONS  
DURING FMLA LEAVE****I. GROUP HEALTH INSURANCE BENEFITS****Continuation of Benefits**

*If an employee is provided with group health insurance benefits, then that employee is entitled to the continuation of group health insurance benefits during FMLA leave on the same terms as if he/she had continued to work. If family coverage is provided to an employee, then family coverage must be maintained during FMLA leave. The employee must continue to pay any normal premium cost share for that health insurance coverage.*

If paid leave is substituted for FMLA leave, then the employee's share of the group health insurance premium must be paid by method traditionally used during paid leave. That method is typically by payroll deduction.

An employee on unpaid leave must make arrangements to pay the normal employee cost share of the premium to maintain coverage. If that payment is more than 30 days late, then the employee's coverage may be dropped by the employer unless the employer has a standing policy of a longer grace period. Before health insurance coverage can be stopped, the employer must provide written notice to the employee that payment has not been received and allow at least 15 days before coverage may be stopped.

An employer may elect to pay the employee's premium cost share to ensure that the employee can receive equivalent benefits upon return to work. The employer may require the employee to repay that portion of the cost share.

**Failure to Return to Work** If an employee fails to return to work following FMLA leave, the employer may require an employee to repay the employer's premium cost share of the premium cost share unless the employee's failure to return to work is due to circumstance outside of the employee's control, including, but not limited to, a qualifying medical condition.

## **II. BENEFITS OTHER THAN HEALTH INSURANCE**

*An employee's right to benefits other than group health insurance depends on the employer's established policies. Any benefit that would be maintained when an employee is on any other form of leave must be maintained when an employee is on FMLA leave.*

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