Family & Medical Leave Acts (FMLA)
Description of Benefits & Guidelines for Application

General Overview – The federal Family and Medical Leave Act (hereafter referred to as the “federal FMLA”) was enacted by Congress to help employees balance their work and family lives by allowing them to take unpaid leave for different qualifying events. In addition, Connecticut General Statues (hereafter referred to as the “CT family/medical leave”) also provides public sector employees with the right to take family or medical leave under defined circumstances.

The purpose of this document is to provide employees with a general description of their entitlement under the federal FMLA and the CT family/medical leave and written guidance on your obligations whenever requesting a leave under either law. Nothing in this document is meant to substitute or provide benefits in place of those provided in the federal FMLA and the CT family/medical leave or any applicable collective bargaining agreement or personnel policies. Should you have any specific questions concerning the leave entitlement under the federal FMLA and the CT family/medical leave or any other applicable leave provision, feel free to contact Ms. Lisa Lengel, Assistant Director of Human Resources - Benefits, in the Human Resources Department at 203-837-8665.

Eligibility – To qualify for federal FMLA, employees must have at least 12 months of total service (in the aggregate) and have worked at least 1,250 hours in the 12 months immediately preceding the commencement of leave. (“Hours worked” does not include time spent on paid leave – sick, vacation, personal, administrative or unpaid leave. However, overtime hours and military leave do count toward the 1,250 hour requirement.) To qualify for CT family/medical leave, employees must have permanent status1 with the State of Connecticut as defined in Connecticut General Statute 5-196(20)

Qualifying Events – Below are the circumstances (reasons for leave) that are covered under the federal FMLA, CT family/medical leave, or both:

<table>
<thead>
<tr>
<th>Reason for the Leave</th>
<th>Covered under Federal FMLA</th>
<th>Covered under Connecticut's Family Medical Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth of employee’s child.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Adoption of a child by the employee</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Placement of foster child</td>
<td>X</td>
<td>X</td>
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<tr>
<td>“Serious illness” (CT family/medical leave) or “health condition” (federal FMLA) of spouse (includes civil unions and same sex marriages under the CT family/medical leave), child (under age 18 years or older and incapable of self-care because of a mental or physical disability), or parent (not a parent “in-law”)</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

1 “Permanent employee” means an employee holding a position in the classified service under a permanent appointment or an employee holding a position in unclassified service who has served in such a position for a period of more than six months, except employees in positions funded in whole or in part by the federal government as part of any public service employment program, on-the-job training program or work experience program.
## Reason for Leave

<table>
<thead>
<tr>
<th>Description</th>
<th>Covered under Federal FMLA</th>
<th>Covered under Connecticut's Family Medical Leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee's own “serious illness” (CT family/medical leave) or “serious health condition” (federal FMLA)</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Employee to serve as an organ or bone marrow donor</td>
<td>X</td>
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<tr>
<td>Military Family Leave – up to 26 weeks of unpaid leave for a spouse, child (up to any age), parent or next of kin (nearest blood relative to that individual other than his/her spouse, parent, son, or daughter) to care for a covered service member injured while on covered active duty in the U.S. Armed Forces (only available during a single 12-month period). This also applies to care for veterans who served in the regular Armed Forces, the Reserves within 5 years of the date the veteran undergoes medical treatment, recuperation, or therapy.</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Military Family Leave – up to 12 weeks of unpaid leave because of “any qualifying exigency” arising out of the fact that the spouse, child (up to any age), or parent of the employee is on active duty or notification of a call to covered active duty in support of a contingency operation.</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

## Leave Entitlements for Eligible Employees (Duration of Leave)

The following leave entitlements are available under each law:

**Federal FMLA Leave** – Eligible employees are entitled to up to 12 weeks of unpaid leave or paid leave with earned accruals in a 12-month period. With regards to military leave eligible employees are entitled to up to 12 weeks or 26 weeks of unpaid leave or paid leave with earned accruals in a 12-month period depending on the usage.

**CT family/medical leave** - Eligible employees are entitled up to 24 weeks of unpaid family or medical leave of absence within a 24-month period. The CT family/medical leave entitlement will be applied after the employee has exhausted any sick leave accruals that may be applicable.

**Most Generous Provision** – Where an employee meets the required applicability standards of both laws and the laws contain differing provisions, an analysis must be made of both laws, provision-by-provision, to determine which standard(s) from each law will apply to the particular situation. The standard providing the greater right or more generous benefit to the employee from each law (provision-by-provision) will apply. Whenever possible the University will run federal FMLA, CT family/medical leave, and other leave entitlements concurrently.
Substitution of Paid Leave for Unpaid Leave

Federal FMLA Leave – Generally, the federal FMLA is an unpaid leave. However, to the extent permitted under collective bargaining agreements or existing leave policies, employees may choose to substitute paid leave to cover some or all of their federal FMLA entitlement. For example, an employee may elect to use vacation or personal leave to cover a federal FMLA leave for the birth of a child. In addition, the University will require that employees use accrued leave time as part of their federal FMLA entitlement when circumstances permit.

CT family/medical leave – Since CT family/medical leave entitlement begins after an employee has exhausted their accrued sick leave, there can be no substitution of paid sick leave during the CT family/medical leave.

Status of Benefits While on Leave

Benefit Status – During periods of paid and/or unpaid family/medical leave, employees continue to receive the same benefits as if they were actually working. The State of Connecticut continues to pay the same portion of employees’ individual and/or dependent insurance coverage as it did prior to the leave.

Benefit Payment While on Paid Leave – Employees on paid family/medical leave will continue to have the employee’s portion of the premium deducted from their paycheck.

Benefit Payment While on Unpaid Leave – Employees on an unpaid leave will be instructed by the University on how to make premium payments for insurance coverage equal to the same portion of the cost that would be withheld from their paycheck for that purpose. In the case of other deductions (e.g. disability insurance, universal life insurance, deferred compensation, credit union loans, etc.) that were previously withheld from the employee’s paycheck, employees must deal directly with the appropriate vendor to discuss payment options.

Consequences for Non-Payment of Premium – Employees who fail to make the required premium payment for insurance risk termination of insurance coverage.

Return to Work – At the conclusion of federal FMLA and/or CT family/medical leave, employees are entitled with limited exceptions to return to the same position or an equivalent position with equivalent pay, benefits, and working conditions. In most cases, the employee will be returned to the position they occupied prior to the leave. If this is not possible, the University will notify them of their new position prior to their return from the leave.

Key Employee Exception – The University reserves the right to deny job restoration to a “key employee” under the federal FMLA.

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2 A “key employee” is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees - both salaried and non-salaried, eligible and ineligible for FMLA.
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Steps for Requesting Leaves of Absence

**Contact the Human Resources Department** - Whenever possible, it is suggested that the employee contact the Human Resources Department in advance of the anticipated leave. The Human Resources Department can explain the different leave options available to the employee and assist them with planning their leave and providing any needed forms.

**Human Resources Preliminary Determination** – It is the employer’s responsibility to designate leaves – whether unpaid or paid – as FMLA-qualifying leaves. In order to do so, the Human Resources representative may need to make sufficient inquiry to make the necessary determination. In addition, the Human Resources Department will determine the employee’s eligibility for the leave, examining both the federal and state laws and any applicable bargaining unit contract. At this stage, preliminary information regarding the leave may be shared with the department by the employee or Human Resources so that the department may begin planning any needed staffing arrangements.

**Employee’s Documentation of Leave** – After making the necessary inquiry, if the reasons for leave are a qualifying event covered under either the federal FMLA or the CT family/medical leave, the Human Resources Department will forward to the employee the appropriate forms according to the leave being requested. Forms that the employee may be requested to complete are:

- **Form HR-1** - [FMLA - Employee Request - HR1](#) - Employee Request for Leave of Absence Under FMLA (Federal) or C.G.S. 5-248a (State)
- **Form P-33A** - [FMLA - Employee Medical Certificate - P33a](#) - Medical Certificate for employee illness
- **Form P-33B** - [FMLA - Caregiver Medical Certificate - P33b](#) - Medical Certificate for illness of spouse, child, parent
- **Form HR-3** - [FMLA - Intent to Return to Work - HR3](#) - Intent to Return to Work
- **Form WH-384** - [FMLA - Military Request - Certification of Qualifying Exigency](#) - Certification of Qualifying Exigency for Military Family Leave
- **Form WH-385** - [FMLA - Military Request - Serious Illness or Injury](#) - Certification for Serious Injury or Illness of Covered Service member for Military Family Leave

**Designation of Leave as FMLA Qualifying** – Upon receipt of the completed forms, the Human Resources Department will make a final determination and provide a response to the employee’s request for a leave.
Expiration of Leave and Return to Work – Upon the expiration of the leave, the University may request that the employee provide a “fitness-for-duty certification” before allowing the employee to return to work.

Summary – It is hoped that these Description of Benefits & Guidelines for Application provide employees with an overall understanding of their entitlement under the federal FMLA and the CT family/medical leave. Because these leave entitlements may also be used in combination with other leave benefits, please take advantage of contacting the Human Resources Department to plan and arrange your leave.