SUMMARY OF PROVISIONS OF THE FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA) AND STATE C.G.S. 5-248a (Family and Medical leave from employment)

Over the past several years legislation has been passed at both the State and Federal levels with the objective of providing employees with special leave benefits in certain circumstances. The provisions of the two pieces of legislation differ in many respects. In most cases, employees are eligible for the combination of benefits that is most favorable to them.

Minimum Service Requirement: 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 or unpaid leave). To qualify for state family/medical leave, employees must have permanent status with the State of Connecticut.

Qualifying Events: The circumstances covered under either the state family/medical leave or federal FMLA or combinations of the acts are as follows:
1. The birth of employee's child or adoption of a child by the employee (both);
2. The placement of a foster child with the employee (federal only);
3. The "serious illness" (state) or "serious health condition" (federal) of a child or spouse or parent; or
4. The "serious illness" (state) or "serious health condition" (federal) of the employee.

Documentation Requirements: The following documents must be submitted in support of an FMLA request:
- Birth of child: "Employee Request" (Form HR-I) and Medical Certificate (P-33A-Employee) indicating the pre-delivery disability period (if applicable), delivery date and post-partum disability period.
- Adoption (both state and federal) or foster care (federal only) of child: "Employee Request" (Form HR-I) and letter from the adoption/foster care agency confirming the event and its effective date.
- Serious illness/health condition of child, spouse or parent: "Employee Request" (Form HR-I) and Medical Certificate (Form P-33B-Caregiver).
- Serious illness/health condition of employee: "Employee Request (Form HR-I) and Medical Certificate (Form P-33A-Employee) (only if employee is on paid or unpaid leave for more than five days).

Employees who request a leave under the State's C.G.S. 5-248a are required to sign a statement confirming their intent to return to work immediately following the leave (HR-3-"Intent to Return to Work"). Although the federal FMLA does not require such certification, employees whose leave is covered by federal law only may be required to submit this form after leave has begun or, if covered by both state and federal law, prior to beginning leave if the total period of leave exceeds their federal 12-week entitlement. Failure to return to work at the end of the leave period may be treated as a resignation unless an extension has been agreed upon and approved in writing by the University.

Duration of Entitlement: Under federal FMLA, employees are entitled to 12 weeks of unpaid leave in a twelve-month period. The federal law allows employees to elect or the employer to require that the employee's paid leave be substituted for this time. Under state family/medical leave, employees are entitled to a maximum of twenty-four (24) weeks of unpaid leave within a two-year period. The state entitlement is applied after the employee has exhausted any sick leave accruals that may be applicable. The state's policy is to allow the substitution of personal leave and vacation accruals; however, this will not extend the 24-week entitlement period. Where possible, leave time granted under the state's family/medical leave legislation will run concurrently with the federal FMLA entitlement.
**Benefits:** 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 previous to the leave; however, employees on unpaid leave are billed directly by the Business Services Department for the same portion of the cost that was previously withheld from their paychecks for that purpose. Those who have dependent health coverage but wish to change to individual health coverage need to contact the Payroll Unit immediately for forms to cancel dependent coverage. Employees who have state-sponsored group life insurance will be billed directly by the Business Services Department for the same amount they contributed prior to the leave. In the case of any other deductions being made from paychecks (e.g. disability insurance, BSL life insurance, deferred compensation, credit union loans), employees must deal directly with the appropriate vendor to discuss payment options. Upon return from the leave, service time accrued up to the beginning of the leave is restored to the employee for longevity and seniority purposes; some bargaining unit contracts even provide for service credit for the time spent on leave. Consult your union contract for further information.

If the employee does not return to work immediately following the leave for reasons other than a health condition or another good reason beyond the employee's control, the employer may charge the employee retroactively for the employer's portion of the cost of the health insurance during the unpaid leave.

**Return to Work:** At the conclusion of 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 the vast majority of cases, they 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 leave. In cases involving the serious health condition of an employee, the University will require the employee to produce a fitness-for-duty report on which the physician has certified the employee is able to return to work. This requirement protects the employee, co-workers and the public from the negative consequences that can result when an individual returns to work before being medically ready to do so. Therefore, employees who are notified of the need for a fitness-for-duty certification will not be allowed to return to work without it.

**Application Procedure:** Employees who wish to apply for family/medical leave must complete **Form HR-1**, "Employee Request for Leave of Absence under the federal FLMA and/or state C.G.S. 5-248a," which is available from the Human Resources Department. Where the employee has advance notice of the need for the leave (e.g., an anticipated birth, adoption or surgery), the form should be submitted several weeks in advance, using approximate dates if definite ones are not yet available. Where there is no forewarning (e.g., major illness), the form should be submitted as soon as the employee becomes aware that he/she is to be absent for an FMLA qualifying reason. The form is to be submitted through the department/unit manager to the Human Resources Department along with required documentation. Failure to provide the needed documentation may result in a disapproval of the leave or a delay in its commencement. Upon receipt, the Human Resources Department will review the request and complete **Form HR-2**, "Agency Response to Employee Request for Leave of Absence under the federal FMLA and/or state C.G.S. 5-248a." That response will be mailed back to the employee, with a copy to the cost center/department/unit manager. Questions should be addressed to the Human Resources Department.

(September 2006) CCSU