

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family and Medical Leave Act**

The Council will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA). Eligible employees are entitled to up to 12 work weeks of unpaid family and medical leave in any 12-month period. CREC will continue to pay its share of the employee's health benefits during the leave. In addition, CREC will restore the employee to the same or an equivalent position after the termination of the leave in accordance with Council policy.

Employees will not be deprived of any employment benefits accrued before taking FMLA leave. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force.

In complying with the FMLA, CREC will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws.

(cf. 4118.14 - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. 4152.3 - Maternity; Adoptive; Child Care)

Legal Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995 and on March 30, 1995. Rules and Regulations (29CFR Part 825)

Policy adopted: September 17, 2003  
CAPITOL REGION EDUCATION COUNCIL  
Hartford, Connecticut

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### **Family and Medical Leave**

#### **1. Eligibility**

Employees who have worked at CREC for at least twelve (12) months and who have worked at least 1,250 actual work hours during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

#### **2. Reasons for Leave**

Leaves under the FMLA may be taken for the following reasons:

- The birth and/or care of the employees' newborn child;
- The placement of a child with the employee by adoption or for foster care;
- To care for the employee's spouse, child or parent who has a serious health condition;
- To care for the employee's own serious health condition that renders the employee unable to perform the functions of his or her position.

#### **3. Length of Leave**

If a leave is requested for one of the above-listed reasons, each eligible employee may take up to a total of twelve (12) weeks unpaid family leave or medical leave in any 12-month entitlement period.

The 12-month entitlement period for family or medical leave is measured on the basis of [Employer has the option of selecting one of four methods of calculating the "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.]

#### **4. Types of Leave and Conditions**

##### **Full-Time, Intermittent and Reduced Schedule Leave**

Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. Full-time leave excuses the employee from work for a continuing period of time.

Intermittent leave means leave taken in separate periods of time rather than for one continuous period of time. Examples of intermittent leave include: leave taken one day per week over a period of a few months; or leave taken on an occasional/as-needed basis for medical appointments.

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#### **Full-Time, Intermittent and Reduced Schedule Leave (continued)**

Reduced schedule leave is leave that reduces the employee's usual number of work hours per day for some period of time. For example, an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

An employee may take full time, intermittent or reduced schedule leave whenever it is mentally necessary for a serious health condition of the eligible employee, his or her spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of the Human Resource Director.

If intermittent or reduced scheduled leave is medically required, CREC may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the type of leave requested. Also, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period).

#### **Both Spouses Working for the Same Employer**

If both spouses are employees of CREC and request leave for the birth, placement of a child by adoption or for foster care, or to care for a seriously ill parent, they only will be entitled to a maximum combined total leave equal to twelve (12) weeks in any 12-month entitlement period. If either spouse (or both) uses a portion of the total 12-week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount he or she has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement periods.

#### **Leave Taken by Instructional Employees Near the End of an Academic Term**

If a leave taken by an instructional employee for any reason begins more than five (5) weeks before the end of an academic term, CREC may require that employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

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#### **Leave Taken by Instructional Employees Near the End of an Academic Term** (continued)

If the employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the employee's own serious health condition. CREC may require the employee to continue taking leave until the end of the term if the leave will last more than two (2) weeks and the employee would return to work during the two-week period before the end of the term.

If the employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the employee's own serious health condition. CREC may require the employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

#### **5. Requests For Leave**

Requests for a family or medical leave must be submitted to the Personnel Department at least thirty (30) days before the leave is to commence, if possible. If thirty (30) days' notice is not possible, the employee will submit their request as soon as practicable under the circumstances.

For leaves taken because of the employee's or a family member's serious health condition, the employee must submit a completed "Certification of Health Care Provider" form before the leave begins if possible. This form may be obtained from the Personnel Department. If such advance certification is not possible, the employee must provide the medical certification within fifteen (15) calendar days of the employer's request for the medical certification.

If an employee takes leave to care for his or her own serious health condition, immediately upon return to work the employee must provide medical certification that the health condition which created the need for the leave no longer renders the employee unable to perform the functions of the job. This certification must be submitted to the Personnel Department.

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4252.6

**6. Use of Paid Leave**

Accrued paid personal leave and accrued paid vacation shall be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personnel and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

**7. Medical Insurance and Other Benefits**

During approval family or medical leaves of absence CREC will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave, unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During a leave an employee shall not accrue any seniority or other benefits. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under CREC's attendance policy.

**8. Reinstatement**

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job held prior to the leave or to an equivalent position with equivalent pay and benefits.

**Additional Information**

Questions regarding family or medical leave may be directed to the Human Resource Department.