

## FAMILY AND MEDICAL LEAVE ACT (FMLA)

This document is meant as a quick summary of a very complicated law. There are many unique situations that fall under this law. For any specific questions, please contact your CEA UniServ Representative.

- FMLA is a federal law that applies to teachers in CT who have been employed for at least 12 months.
- FMLA allows employees up to 12 weeks of unpaid leave for eligible occurrences:
  - “Medical leave” to treat or recover from an incapacity caused by a serious health condition
  - “Family care leave” to care for son, daughter, spouse, or parent incapacitated by a serious health condition
  - “New child leave” to give birth or to bond with a newborn, newly adopted, or newly placed foster child
  - “Military-exigency leave” arising from a family member’s duty in the U.S. military or impending call to duty
- Employees entitled to 12 weeks of unpaid leave in any 12 month period (12 month period is on a rolling basis and begins when the employee’s leave begins – not a calendar year, school year, fiscal year, or any other fixed time period)
  - Must be employed for at least one year and actually worked 1,250 hours to be eligible
  - May be taken as a continued block of time, intermittently (for child rearing only if approved by employer), or a reduction in scheduled hours or days
  - Unused leave is not carried over
  - Special rules for educators: if leave taken near the end of the academic term, the district may require leave until the end of the term
- Employer can require a certification from a health care provider – when leave is foreseeable, must give 30 days notification or as much notice as possible if 30 days is not possible
- During FMLA leave, health insurance continues as though the employee is still at work (provided the employee continues to pay their applicable premium share.)
- After FMLA leave ends, the employee must be restored to an “equivalent” position (not necessarily the same position)
- During FMLA leave, the employee may use accumulated sick time consistent with contract
  - Sick leave days for personal illness or incapacity
  - For family illness, usage varies by contract
- Maternity/Adoptive/Childrearing Leave (used at the same time as FMLA)
  - Broken down into 2 parts:
    - Disability sick leave – generally the first 6 weeks (8 weeks for caesarian section or longer for medical reason as documented by a doctor)
    - Childrearing leave – generally the second 6 weeks
  - Maternity/Adoptive/Childrearing Leave may be requested beyond the 12 weeks allowed through FMLA consistent with contract
  - Upon expiration of FMLA leave (12 weeks), insurance may be continued at teacher’s expense (full cost, not just the regular employee’s contribution)