

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.

Legal Reference: Federal laws

29 U.S.C. § 2601 et seq. - The Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act for Fiscal Year 2008, and the National Defense Authorization act for Fiscal Year 2010.

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.

Final Rule - published in Federal Register, Vol. 78, February 6, 2013

Final Rule - published in Federal Register, Vol. 80, No. 37, February 25, 2015

Connecticut General Statutes

31-51rr. Family and medical leave benefits for employees of political subdivisions.

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CAPITOL REGION EDUCATION COUNCIL

Hartford, Connecticut

Personnel -- Certified/Non-Certified

Family and Medical Leave

Eligibility

Employees who have worked at CREC for at least twelve (12) months and who have worked at least 1,250 actual work hours, or at least 950 actual work hours if they are paraprofessionals, during the twelve (12) months immediately preceding the start of a leave, are eligible for unpaid leave under the FMLA.

The twelve months of employment do not have to be consecutive. Part-time, temporary, or seasonal work generally counts towards the twelve months of employment. Employees returning from fulfilling their National Guard or Reserve military obligation are credited with the hours of service that they would have been performed but-for the period of military service in determining whether they worked the required hours at CREC.

For purposes of FMLA leave the 12-month period is a rolling twelve-month period measured backward from the date an employee uses FMLA leave (each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).

Reasons for Leave

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

- The birth of the employees' child and to bond with the newborn child within one year of birth;
- The placement with the employee of a child by adoption or for foster care and to bond with the newly placed child within one year of placement;
- To care for the employee's spouse, child or parent who has a serious health condition including incapacity due to pregnancy and for prenatal medical care;
- To care for the employee's own serious health condition that renders the employee unable to perform the functions of their position, including incapacity due to pregnancy and for prenatal medical care;
- Because of a qualifying exigency (such as making legal, financial, and child care arrangements and taking care of family obligations) of the employee's spouse, child (of any age), or parent who is a military member on covered active duty in the armed forces or is called to covered active-duty status.
- To care for the employee's spouse, child (of any age), parent, or next of kin who is a covered service member with a serious injury or illness.

Length of Leave

Eligible employees may take up to a total of twelve (12) weeks unpaid family or medical leave in a single 12-month period, except that an eligible employee who is the spouse, child, parent, or next of kin of a covered service member may take up to a total of 26 workweeks of leave during a single 12-month period to care for the service member. The “single 12-month period” for military caregiver leave begins on the first day the employee takes leave for this reason and ends 12 months later.

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.

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.

Intermittent or reduced schedule leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child or parent. Intermittent leave or reduced schedule leave for other reasons will be permitted only with the approval of Matrix Absence Management. In the case of foreseeable intermittent or reduced leave, the employee must schedule the leave to minimize disruption to CREC's operations.

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 CREC

If both spouses are employees of CREC they are limited to a combined total of 12 workweeks of leave in a 12-month period to share for the birth of a child and bonding with the newborn child; the placement of a child with them for adoption or foster care, and bonding with the newly-placed child; and the care of a parent with a serious health condition; and to a combined total of

26 work weeks of leave in a 12-month period to care for a covered service member with a serious injury or illness who is a parent, spouse, child (of any age), or next of kin of the spouse(s). If either spouse uses a portion of the total 12-week entitlement for one of the purposes above, such spouse is entitled to the difference between the amount taken individually and the 12 weeks, for FMLA leave for their own or their spouse's serious health condition in the 12-month entitlement period.

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.

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.

Requests For Leave

Requests for FMLA leave must be submitted to the Matrix Absence Management 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 Matrix Absence Management. If such advance certification is not possible, the employee must provide the medical certification within fifteen (15) calendar days of the request for the medical certification.

If an employee takes leave to care for their own serious health condition, at least three (3) days prior to 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 Matrix Absence Management and the Human Resources Department.

Use of Paid Leave

Accrued paid personal leave and accrued paid vacation shall be substituted (in that order) for any unpaid portions of FMLA 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 FMLA leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid FMLA leave entitlement is reduced by the amount of paid leave that is substituted.

Medical Insurance and Other Benefits

During approved FMLA leaves of absence CREC will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. If the employee fails to return to work after their FMLA leave entitlement has been exhausted or expires, CREC may recover its portion of the paid medical insurance premiums, unless the reason the employee does not return to work is because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member; a serious injury or illness of a covered service member that would otherwise entitle the employee to leave under FMLA; or other circumstances beyond the employee's control.

During an FMLA 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 regulation and accompanying policy does not constitute an absence under CREC's attendance policy.

Reinstatement

Except for circumstances unrelated to the taking of a family or medical leave, an employee who returns to work immediately following the expiration of FMLA 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 Resources Department.

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Revised: November 16, 2022 Hartford, Connecticut