

Frequently Asked Questions

What is FMLA?

The Family Medical Leave Act entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

1. Up to 60 work days of leave in a 12-month period for:
 - the birth of a child or placement of a child for adoption or foster care;
 - to bond with a child (leave must be taken within 1 year of the child's birth or placement);
 - to care for the employee's spouse, child, or parent who has a serious health condition;
 - for the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
 - for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
2. 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Do I qualify for FMLA?

To be eligible for FMLA leave, an employee **must work for a covered employer and:**

- have been employed by the district for at least 12 months; and
- have worked at least 1,250 actual hours of service during the 12 month period preceding the start of the leave for teachers and 12 month employees
- or have at least 950 actual hours of service during the 12 month period preceding the start of the leave for para-professionals.

Am I required to apply for FMLA if I have enough sick leave accrued?

If you anticipate that your absence will be longer than five consecutive work days or your intermittent leave will extend beyond 5 days you will be put on FMLA by the District. You should proactively contact Sue Gaudreau at the Superintendent's Office to begin the paperwork process.

How much time do I get?

If a leave is requested and approved for one of the above-listed reasons, each employee may be able to take up to a total of 60 work days unpaid family or medical leave in any 12-month entitlement period.

Am I allowed to take intermittent/reduced schedule FMLA time?

- FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. (CFR Section 203)
- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the employer's approval.
- Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees may not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave. Employers may account for FMLA leave in the shortest period of time that their payroll systems use; provided it is one hour or less. (See CFR Section 825-205)
- Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

Do I get paid for my FMLA time away from work?

Accrued paid personal leave and accrued paid vacation will 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 personal and accrued paid vacation leave.

What happens to my health insurance during FMLA?

- You maintain your current insurance during the entire FMLA 12 week period.
- During FMLA leaves of absence, the Board will continue to pay its portion of the health insurance premiums and the employee must continue to pay his/her share of the premiums (copay). If the employee does not return to work after the expiration of the leave, or is unpaid during any portion of the 12 week leave, the employee will be required to reimburse the Board for payment of health insurance premiums during the FMLA leave, unless the employee does not return because of the presence of a serious health condition which prevents that employee from performing his/her job, or circumstances beyond the control of the employee.
- When you take a leave beyond the FMLA 12 week period, such as a childrearing leave, you are eligible to purchase insurance through COBRA.

How does Maternity/Paternity Leave and FMLA work?

Maternity and FMLA leave run concurrently. Maternity leave for the employee is for six or eight (if cesarean section) weeks from the birth of your child. The employee's sick days are applied to these days off. The maternity leave starts the day your child is born. FMLA leave runs concurrently but only working days are counted. The 60 days gets extended if there is a snow day or unanticipated closing. Once the maternity leave portion is over the remainder of the FMLA leave is unpaid time off. The employee does have the option to extend their paid time off by using available personal days, but this must be requested.

Paternity Leave: FMLA may be used for paternity leave but it is unpaid time as it is not a medical leave for the employee. Personal time may be used as paid time off as well as up to five paid sick days (as approved by the CT Paid Sick Leave Law, Public Act 14-128) assuming that you have not used up the allotted time prior to your FMLA request.

Do weekends, vacations and summer vacation count in the 12 FMLA weeks?

- No, the District only counts work days toward your FMLA 60 day period.
- For contracted teachers, FMLA can be used across school years. For example: If your FMLA leave begins in May, and you use 30 work days until school closes for the summer, you may resume your FMLA leave to start the new school year for the remaining 30 work days.

What paperwork is needed for FMLA?

A doctor's note(s) stating the length of your disability period with a return to work without restriction date is required. Additionally, one of the following forms must be completed:

- [FMLA Form: Certification of Health Care Provider for EMPLOYEE'S Serious Health Condition](#); or
- [FMLA Form: Certification of Health Care Provider for FAMILY MEMBER'S Serious Health Condition](#)

These forms are completed at Central Office and sent to you. You will need to submit the appropriate form to your medical provider.

When are my forms due to the Superintendent's Office?

- It is important to notify your building administrator and Sue Gaudreau as soon as possible of an upcoming leave. Please send your doctor's letter stating the length of your disability period with a return to work without restriction date as soon as possible.
- FMLA form(s) must be returned to our office within 15 working days of the start of your absence.

What if I want to take more time than FMLA offers?

You will need to review your contractual options.

How is Teacher Retirement Benefit (T.R.B.) impacted when I am on unpaid leave?

If you are on an unpaid on the first working day of the month, you will not contribute to T.R.B. for that month. This could impact your retirement date.

Any Further Questions???

Please contact Sue Gaudreau, Administrative Assistant for HR/Business Office

by phone at 860-349-7200, Ext 237 or
by email at sgaudreau@rsd13.org.