



R 4117
Personnel

MODEL NOTICE
CONNECTICUT FAMILY AND MEDICAL LEAVE ACT
and CONNECTICUT PAID FAMILY AND MEDICAL LEAVE

The purpose of this notification is to apprise eligible employees of the Region 10 Board of Education of their rights under the Connecticut Family and Medical Leave Act ("CT FMLA") and applicable Connecticut state law. For additional information about employee family and medical leave rights and responsibilities, please consult the Board's full FMLA policy, available at www.region10ct.org.

Eligibility

An employee working for the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes (hereinafter referred to as a "noncertified employee") is eligible for unpaid, job-protected leave under the CT FMLA if such employee has been employed by the Board for at least three (3) months in the twelve (12) months immediately preceding the start of such leave.

Reasons for Leave

Leave under the CT FMLA may be taken for the following reasons:

- upon the birth of the employee's newborn child, and to care for the newborn child;
- upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
- to care for the employee's family member, if such family member has a serious health condition;
- because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for a covered injured or ill servicemember who is the employee's spouse, parent, child or next of kin; or
- to address a qualifying exigency arising from a spouse, child, or parent's active duty in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under the CT FMLA, “family member” is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

Length of Leave

If a leave is requested for a CT FMLA-qualifying reason, an eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the 12-month entitlement period. An employee may take up to two (2) additional workweeks of leave during such 12-month period for a serious health condition resulting in incapacitation that occurs during pregnancy. These additional two (2) weeks are only available during pregnancy.

In addition, an eligible employee may take up to twenty-six (26) workweeks of CT FMLA leave during a 12-month period to care for a covered servicemember who is the employee’s spouse, parent, child or next of kin.

To the extent an employee is eligible for and qualifies for leave under the Federal FMLA and CT FMLA, the employee’s Federal FMLA and CT FMLA leave will run concurrently.

Requests for Leave

If an employee’s need for leave is foreseeable, an employee must notify the district’s Human Resources Department of the need for family or medical leave at least thirty (30) days before the leave is to begin. If 30 days’ notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances.

When the employee’s need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

Required Certifications/Documentation

For leaves taken for any CT FMLA-qualifying reason, an employee must submit completed certification form(s) supporting the need for leave. The appropriate form(s) will be provided to the employee.

If an employee takes leave for the employee’s own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job.

Use of Paid Leave

CT FMLA leave is unpaid. Paid leave, which has been accrued in accordance with applicable law, the relevant collective bargaining agreement (if any), and/or Board policy will be substituted for any unpaid portions of CT FMLA leave taken for any reason that is also a

qualifying reason for using such accrued paid leave. In such instance, the employee's accrued paid leave and CT FMLA-qualifying leave will run concurrently. An employee who is approved for CT FMLA leave may retain up to two weeks of their accrued paid time off that would otherwise be required to run concurrently with CT FMLA leave ("PTO").

Applying for Income Replacement Benefits Under CT Paid Leave

Where accrued paid leave is not substituted for the entire period of unpaid leave for a qualifying reason under the CT FMLA, a noncertified employee may apply for and be provided with compensation through the Paid Family and Medical Leave Insurance Program ("CT Paid Leave") for all or part of any unpaid leave, provided the employee qualifies for payments under the program.

Noncertified employees may apply to the Connecticut Paid Medical and Family Leave Insurance Authority ("Authority") for partial income replacement benefits when they need leave for (1) any of the reasons that qualify for CT FMLA; and/or (2) if an employee is a victim of family violence or sexual assault, to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, to obtain services from a victim services organization on behalf of the victim, to relocate due to such family violence or sexual assault, or to participate in any civil or criminal proceeding related to or resulting from such family violence or sexual assault.

Eligible employees shall apply directly to the Authority, which is responsible for determining an employee's eligibility for CT Paid Leave benefits and the amount of such benefit. The Board will provide the Authority with all requested information regarding an employee's application for CT Paid Leave, in accordance with applicable law.

Complaints

The CT FMLA prohibits employers from interfering with, restraining, or denying any rights provided by the CT FMLA or CT Paid Leave. The CT FMLA also prohibits employers from terminating or discriminating against any individual for exercising their rights under the CT FMLA leave or applying for CT Paid Leave benefits, for opposing any unlawful practice, or for being involved in any proceeding related to the CT FMLA.

An employee alleging a violation of the CT FMLA may file a complaint with the Connecticut Department of Labor within one hundred eighty (180) calendar days of the employer action that prompted the complaint, unless good cause exists for the late filing. Upon receipt of any such complaint, the Department of Labor Commissioner, or the Commissioner's designee, shall conduct an investigation and make a finding regarding jurisdiction and whether a violation of the CT FMLA has occurred. An employee alleging a violation of the CT FMLA may also bring a civil action in a court of competent jurisdiction against the employer within one hundred eighty (180) calendar days of the employer action alleged to be in violation of the CT FMLA. Such action may be brought by an employee without first filing an administrative complaint.

Additional Information

Questions regarding family or medical leave may be directed to Carrie Howe, Region 10 Human Resources Office.