

Success At Wes

Leave Of Absences

“What You Need To Know”



Welcome

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Agenda

- ❑ Federal and Connecticut Family and Medical Leave Acts (FMLA and CT FMLA) and Connecticut Paid Leave (CT PL)
 - ❑ Employee Eligibility and Benefits
 - ❑ Qualifying Reasons
 - ❑ Qualifying Family Members
- ❑ Continuous and Intermittent Leave
- ❑ Requesting a Leave of Absence
- ❑ Applying for a Leave of Absence
- ❑ Benefit Payment Schedule
- ❑ How you will be paid during a Leave of Absence
- ❑ Human Resources Responsibilities
- ❑ Employee Responsibilities
- ❑ Workplace Accommodations
- ❑ Resources
- ❑ Who To Contact!



*Federal and Connecticut Family and Medical Leave
Acts
(FMLA & CT FMLA)*

Federal and Connecticut Family and Medical Leave Acts (FMLA & CT FMLA)

The Federal Family and Medical Leave Act and Connecticut Family and Medical Leave Act allow eligible employees to take job and benefit-protected time away from work for certain family and medical reasons.

Federal FMLA and CT FMLA run concurrently depending on the circumstances necessitating the leave. When both the FMLA and CT FMLA apply, the leave provided by each will count against the employee's entitlement under both laws.



Federal Job-Protected Family and Medical Leave Act (FMLA)

- Must be employed at least 12 cumulative months in the last seven years unless the break in service is due to an employee's fulfillment of military service (in which case, the time is not counted towards the 12-months)
- Must have worked at least 1,250 hours within a 12-month period prior to the start of the leave
- Military Caregiver - Up to 26 weeks in a 12-month period for military caregiver leave
- Spouse eligibility - Spouses share their 12-week job-protected leave entitlement if the reason for leave is:
 - To bond with a newborn child, newly adopted child, newly placed foster care
 - To care for a parent with a serious health condition

Connecticut Job-Protected Family and Medical Leave Act (CT FMLA)

- Employed by the employer for at least 3 months
- No hours worked requirement
- Up to 12 weeks in a 12-month period for all qualifying leave reasons
- Military Caregiver - Up to 26 weeks in a 12-month period for military caregiver leave
- Family Violence- Up to 12 days in a calendar year can be used for family violence leave, per the Family Violence Leave Act
- Pregnancy Incapacity - An employee may be eligible for 2 additional weeks of leave for incapacity during pregnancy
- Spouse eligibility - Spouses share their 12-week job-protected leave entitlement if the reason for leave is:
 - To bond with a newborn child, newly adopted child, newly placed foster care
 - To care for a parent with a serious health condition
- Federal Job-Protected Family Leave eligibility requirements are secondary to the CT FMLA

FMLA and CT FMLA

Connecticut Paid Leave (CT PL)

The Connecticut Paid Leave Program provides eligible employees with income replacement benefits for qualifying events but does not provide job-protected leave.



Non-Job Protected Connecticut Paid Leave (CT PL)

- Currently employed and working in Connecticut; or
- Was employed and working in Connecticut during the past 12 weeks
- Earned at least \$2,325 in the highest earning quarter of the first 4 of the past 5 quarters (from 1 or more employers)
- Up to 12 weeks in a 12-month period for all qualifying leave reasons including military caregiver leave
- Family Violence - Up to 12 days of the 12 weeks could be used for income replacement during family violence leave
- Pregnancy Incapacity - An employee may be eligible for 2 additional weeks of income replacement during leave for incapacity during pregnancy
- Spousal Eligibility - Spouses are not required to share their 12-week paid leave benefit entitlement for any reason

CT PL

*Federal, Connecticut Family and Medical Leave Acts
and Connecticut Paid Leave
Allowed Reasons
(FMLA, CT FMLA & CT PL)*

CT FMLA	Federal FMLA	CT PL
<ul style="list-style-type: none"> ▪ The birth of a child and care within the first year after birth ▪ The placement of a child with an employee for adoption or foster care and care for that child within the first year after placement ▪ To care for a family member with a serious health condition ▪ Because of the employee's own serious health condition ▪ To serve as an organ or bone marrow donor ▪ To address qualifying exigencies arising from a spouse, son, daughter, or parent's active-duty service in the armed forces; or ▪ To care for a spouse, son, daughter, parent or next of kin with a severe injury or illness incurred on active duty in the armed forces ▪ Family violence (up to 12 days in a calendar year) 	<ul style="list-style-type: none"> ▪ Birth of employee's newborn child ▪ Placement of child with employee for adoption or foster care ▪ Providing care for an employee's parent, child, or spouse with serious health conditions ▪ Employee's own serious health condition ▪ Any qualifying exigency when employee's spouse, child or parent is on active duty or is notified of impending call or order to active duty in Armed Forces; or ▪ Caring for a spouse, child, parent or next of kin who is a covered service member with a severe injury or illness ▪ 	<ul style="list-style-type: none"> ▪ Receive treatment or recover from their own serious health condition, including pregnancy and serving as an organ or bone marrow donor ▪ To care for a family member who has a serious health condition ▪ To bond with their new-born child or child who has joined their family through adoption or foster care ▪ To care for a parent, spouse, child or next of kin who was injured in the line of duty on active duty in the military ▪ To address specific exigent circumstances associated with the deployment of a parent, spouse, or child to overseas military duty; and ▪ To address specific situations associated with the fact that they are experiencing family violence

FMLA, CT FMLA and CT PL Allowed Reasons

CT FMLA	Federal FMLA	CT PL
<ul style="list-style-type: none"> ▪ Spouse ▪ Sibling ▪ Child ▪ Parent ▪ Grandparent ▪ Grandchild ▪ Individual relation to the employee by blood or affinity relationship 	<ul style="list-style-type: none"> ▪ Spouse ▪ Child ▪ Parent <p><u>Note:</u> Federal FMLA allotment will not be reduced if CT Paid Leave or CT FMLA is used for a non-qualifying dependent under federal FMLA</p>	<ul style="list-style-type: none"> ▪ Spouse ▪ Child ▪ Parent ▪ Spouse's Parent ▪ Child's Spouse ▪ Grandparent ▪ Spouse's Grandparent ▪ Sibling ▪ Sibling-In-Law ▪ Individual relation to the employee by blood or affinity relationship
<p>Military/Qualifying Exigency:</p> <ul style="list-style-type: none"> ▪ Spouse ▪ Child ▪ Parent ▪ Next of Kin 	<p>Military/Qualifying Exigency:</p> <ul style="list-style-type: none"> ▪ Spouse ▪ Child ▪ Parent ▪ Next of Kin 	<p>Military/Qualifying Exigency:</p> <ul style="list-style-type: none"> ▪ Spouse ▪ Child ▪ Parent ▪ Next of Kin

FMLA, CT FMLA and CT PL Covered Family Members

*Federal, Connecticut Family and Medical Leave Acts
and Connecticut Paid Leave
Types of Leave
(FMLA, CT FMLA & CT PL)*

Continuous Leave of Absence

Continuous FMLA leave is FMLA leave that is taken and not broken up by periods of work. Continuous FMLA leave is typically when an employee is absent for three consecutive business days or longer and has been treated by a doctor.

Intermittent Leave of Absence

Intermittent FMLA leave is an option for employees who need to use FMLA leave in a more flexible manner. Intermittent leave involves the use of days or hours, broken down into increments, to receive treatment for the employee's own serious illness or to care for a family member with a serious illness.

Note: Reduced schedules and intermittent leaves for birth or placement of a child will be reviewed on a case-by-case basis.

FMLA, CT FMLA and CT PL
Types of Leave

*Requesting a Leave of Absence,
Applying for Benefits
and
Benefit Payment Schedule*

If you need to take Federal or CT FMLA, a 30-day notice is required (if feasible) by contacting benefits@wesleyan.edu or by calling 860.685.2100. A department's regular procedures for notifying supervisors of absences applies to all absences from work.

To apply for Connecticut Paid Leave benefit:

- Apply to the CT Paid Leave Authority for Paid Leave Benefits at www.ctpaidleave.org or by calling 877-499-8606.
- The employee will be supplied with the forms required based on the type of leave requested.
- All types of leaves require the employee to provide an Employment Verification Form from the CT Paid Leave's third-party administrator, AFLAC, and provide it to benefits@wesleyan.edu for completion. If you have other employers, you must provide a form to each employer.
- Notify benefits@wesleyan.edu that you have applied for leave.
- It is the employee's responsibility to obtain all required forms and documentation and provide them to the State's third-party administrator.

FMLA, CT FMLA and CT PL

To apply for Wesleyan Family and Medical Leave and Short-Term Disability and :

- Contact Human Resources at benefits@wesleyan.edu or 860-685-2100. Human Resources will provide you with the forms to apply for FMLA and short-term disability benefits.

To apply for Wesleyan Parental Leave Benefits:

- Staff - Contact benefits@wesleyan.edu or 860-685-2100.
- Faculty - Contact your Department Chair and the Associate Provost.

FMLA, CT FMLA and CT PL

The State of Connecticut will be the primary payer for leave types that qualify for CT PL. Wesleyan will be considered the secondary payor for parental leave and short-term disability (STD) benefits.

Wesleyan will supplement the State-provided paid leave benefit for employee medical leave according to the schedule of STD benefits or applicable bargaining unit contract. The total payments to the employee from the State's paid leave program and Wesleyan's STD will not exceed 100% of the employees' regular earnings (weekly, semi-monthly or monthly).

In the case of coordination with Wesleyan's short-term disability coverage, only State-paid benefits will apply during the short-term disability elimination period. No Wesleyan short-term disability benefit will be paid during this time.

Similarly, Wesleyan will supplement the State-provided paid leave benefit for family leave according to the faculty and staff schedule of benefits outlined in the faculty and staff handbooks or applicable bargaining unit contracts. The total payments to the employee from the State's paid leave program and Wesleyan's parental leave benefit will not exceed the amounts listed in faculty and staff handbooks or applicable bargaining unit contracts.

FMLA, CT FMLA and CT PL

Wesleyan CT PL Income Replacement Loan

If there will be a financial hardship for an employee based on the above schedule of pay, the employee may request that Wesleyan pay the State's benefit portion in advance of actual receipt from the State. If approved, the employee must sign a promissory note and reimburse the University within 30 days of receiving their CT PL notice of approval for paid benefits.

Benefit Deductions

If the Wesleyan benefit payment does not allow for full benefit deductions, the employee will be directly billed through Wesleyan's benefit billing administrator, Group Dynamic Inc. (GDI).

Paid Time Off Accrual

Employees will continue to accrue vacation and sick time (if applicable) during any paid time off period.

Employees will not be required to use accrued paid time off for the Federal or CT FMLA or CT PL programs. An employee may choose to supplement pay with accrued paid time off, however, under no circumstances will more than 100% of an employee's normal earnings be paid from all pay sources (the State benefit, Wesleyan's benefit, and paid time off).

FMLA, CT FMLA and CT PL

Human Resources Responsibilities

- Provide explanation of the Leave of Absence process and the necessary notice documents/forms to the employee
- Communicate with supervisor/manager on the status of an employee's leave request and updates during the leave
- Maintain Leave of Absence records
- Maintain group health insurance
- Lead conversations concerning return to work accommodations, if applicable
- Restore the employee to same or equivalent job and benefits during the protected leave period

Non-Retaliation

Wesleyan will not retaliate or discriminate against an employee for exercising their Federal or CT FMLA rights. Additionally, Wesleyan will not discharge, cause to be discharged, or in any manner discriminate against any individual because the individual has filed a charge, provided information, or testified in connection to an inquiry or proceeding, related to the violation of rights provided by Federal or CT FMLA. Employees who believe their FMLA or CT FMLA rights have been violated in any way should immediately report the matter to Assistant Vice President of Human Resources.

Human Resources Responsibilities

Employee Responsibilities

- Understand and comply with Federal/State laws and leave of absence policies
- Provide sufficient and timely notice of the need for leave:
 - Foreseeable Leave - 30 days notice, or as soon as practicable
 - Unforeseeable Leave - as soon as practicable
- If requested by the employer:
 - Provide certification to support the need for a leave
 - Provide periodic status reports
- Provide fitness-for-duty certification (doctor's note)
- Ensure that time off is accurately recorded
- Provide as much notice as possible for absences or return to work schedule

Employee Responsibilities

Workplace Accommodations

Workplace Accommodations

- If an employee is unable to return to full duty at the end of their leave of absence or asks for workplace modification(s) other than leave, contact Human Resources – Benefits at benefits@wesleyan.edu to discuss the employees' options.
- Reasonable accommodation requests should be consistent with ADA (Americans with Disabilities Act) and may differ from the employee's specific request. This is an interactive process with the employer, supervisor/manager, Human Resources, healthcare provider and the disability provider.
- Designed to assist employee in completion of primary responsibilities
- (i.e., essential functions) – not change the job.
- Requests are evaluated on a case-by-case basis.
- Human Resources - Benefits can coordinate ergonomic assessments, if needed.



Workplace Accommodations

Resources

Federal and Connecticut Family Medical Leaves of Absence and Connecticut Paid Leave Policy

<https://www.wesleyan.edu/hr/pdfs/CT%20Family%20and%20Medical%20Leave%20and%20Paid%20Leave%20Policy.pdf>

Connecticut Paid Leave Authority

www.ctpaidleave.org

Wesleyan Short-Term & Long-Term Disability Policy

<https://www.wesleyan.edu/hr/staff/leaves/disability.html>

Unum Employee Assistance Program (EAP)

800-854-1446

<https://www.wesleyan.edu/hr/staff/benefits/EAP%20Overview.pdf>

Americans with Disabilities Act

<https://www.ada.gov/index.html>

<https://www.eeoc.gov/eeoc/publications/ada-leave.cfm>

Who to Contact!

Email Questions

To

benefits@wesleyan.edu