

FISCAL INSTITUTE FOR
TRAINING (FIT)


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Human Resources – Absence Management

Family/Medical Leave Entitlements
and Other Leaves

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 **TODAY'S OBJECTIVES**

- Explain the laws governing employee leaves and entitlements
- Illustrate the purpose, eligibility requirements, and lengths of major leave types
- Highlight other notable leave types

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COMPLIANCE WITH LAWS AND AUDITS

Leaves of absence are specified by:

- Federal Law**
- State of CT statute**
- University policy**
- collective bargaining contract**

or a combination thereof, so it is important for you to understand what to do should one of your direct reports need to go out on leave.



The university is audited by different State of CT agencies to make sure that we are compliance with the applicable laws, statutes and bargaining union contracts.

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COMPLIANCE WITH COLLECTIVE BARGAINING

The basics of leaves are the same across the board, but there are some differences in each collective bargaining contracts with how paid time off is accrued, timesheet coding and how much time is allowed under different types of leaves. We work with each employee to ensure that all applicable laws and policies are being followed.

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AVAILABLE ENTITLEMENTS

A state employee may be eligible for one or more of the following leave entitlements

FEDERAL FMLA
STATE FMLA
SEBAC SUPPLEMENTAL LEAVE
PREGNANCY DISABILITY LEAVE
ORGAN DONOR LEAVE
BONE MARROW DONOR LEAVE

These leave entitlements are collectively referred to as "Family & Medical Leave Entitlements".

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PURPOSE OF LEAVE ENTITLEMENTS

Federal & State FMLA

- Provides job and benefit protection for employees for the following reasons:
- the employee's own serious health condition (personal illness)
- to care for an immediate family member (child, spouse, parent) with a serious health condition
- CT Law – broader definition of family member – to care for parent-in-law, sibling (in-law), grandparent (in-law), grandchild, person related by blood or affinity equal to one of these relationships
- the birth and care of a newborn child
- placement of a child for adoption or foster care
- Military Caregiver and Qualifying Exigency

SEBAC Supplemental Leave is leave in addition to the leave taken under federal FMLA, state FMLA, and Pregnancy Disability and leave provided under the state Workers' Compensation statutes.

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EMPLOYEE ELIGIBILITY

Federal FMLA Requirements	State FMLA Requirements	SEBAC Requirements
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- 12 months of service
- 1,250 hours in the 12 months immediately preceding the beginning of the leave.

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EMPLOYEE ELIGIBILITY CONT.

Federal FMLA Requirements	State FMLA Requirements	SEBAC Requirements
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- 3 months of service

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EMPLOYEE ELIGIBILITY CONT.

Federal FMLA Requirements	State FMLA Requirements	SEBAC Requirements
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- Must be a permanent employee
- Classified state employee: completed the initial working test period.
- Unclassified state employee: have passed the probation period.

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LENGTH OF LEAVE

Federal FMLA Entitlements

- 12 weeks in the 12-month period

State FMLA Entitlements

- 12 weeks in a 12-month period

An employee may be eligible for 2 additional weeks of leave for incapacity **during** pregnancy

SEBAC Entitlements

- 24 weeks in a 24-month period
- 4 calendar months for a bonding leave in a 24-month period

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Activity:

Ryan was hired on 10/25/2021 and he needed to have surgery on 4/15/2024. He has worked 1,470 hours from 4/15/2023 – 4/14/2024. He is a member of UCPEA.

What leave entitlements is Ryan eligible for?

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Activity:

Sally was hired on 1/28/2024. Sally needed to be out of work starting on 5/13/24 to care for a parent that is having surgery. She has worked 490 hours from 05/13/2023 – 05/12/2024. Sally is a confidential employee.

What leave entitlements is Sally eligible for?

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LENGTH OF LEAVE

Federal and State FMLA Entitlements

- 12 weeks in the 12-month period

Under State FMLA Only:

- An employee may be eligible for 2 additional weeks of leave for incapacity during pregnancy

Month	Day	Week	Day	Week	Day	Week	Day
JAN	1	2	3	4	5	6	7
JAN	8	9	10	11	12	13	14
JAN	15	16	17	18	19	20	21
JAN	22	23	24	25	26	27	28
FEB	1	2	3	4	5	6	7
FEB	8	9	10	11	12	13	14
FEB	15	16	17	18	19	20	21
FEB	22	23	24	25	26	27	28
MAR	1	2	3	4	5	6	7
MAR	8	9	10	11	12	13	14
MAR	15	16	17	18	19	20	21
MAR	22	23	24	25	26	27	28
MAR	29	30	31				
APR	1	2	3	4	5	6	7
APR	8	9	10	11	12	13	14
APR	15	16	17	18	19	20	21
APR	22	23	24	25	26	27	28
APR	29	30					
MAY	1	2	3	4	5	6	7
MAY	8	9	10	11	12	13	14
MAY	15	16	17	18	19	20	21
MAY	22	23	24	25	26	27	28
MAY	29	30	31				
JUN	1	2	3	4	5	6	7
JUN	8	9	10	11	12	13	14
JUN	15	16	17	18	19	20	21
JUN	22	23	24	25	26	27	28
JUN	29	30					
JUL	1	2	3	4	5	6	7
JUL	8	9	10	11	12	13	14
JUL	15	16	17	18	19	20	21
JUL	22	23	24	25	26	27	28
JUL	29	30	31				
AUG	1	2	3	4	5	6	7
AUG	8	9	10	11	12	13	14
AUG	15	16	17	18	19	20	21
AUG	22	23	24	25	26	27	28
AUG	29	30					
SEP	1	2	3	4	5	6	7
SEP	8	9	10	11	12	13	14
SEP	15	16	17	18	19	20	21
SEP	22	23	24	25	26	27	28
SEP	29	30					
OCT	1	2	3	4	5	6	7
OCT	8	9	10	11	12	13	14
OCT	15	16	17	18	19	20	21
OCT	22	23	24	25	26	27	28
OCT	29	30					
NOV	1	2	3	4	5	6	7
NOV	8	9	10	11	12	13	14
NOV	15	16	17	18	19	20	21
NOV	22	23	24	25	26	27	28
NOV	29	30					
DEC	1	2	3	4	5	6	7
DEC	8	9	10	11	12	13	14
DEC	15	16	17	18	19	20	21
DEC	22	23	24	25	26	27	28
DEC	29	30					

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Counting Entitlements:

Ryan that had surgery on 4/15/2024 needs to be out of work through 5/10/2024. He works Monday through Friday.

How much FMLA leave entitlements will he use?

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April 2024							May 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

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April 2024							May 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6				1	2	3	4
7	8	9	10	11	12	13	5	6	7	8	9	10	11
14	15	16	17	18	19	20	12	13	14	15	16	17	18
21	22	23	24	25	26	27	19	20	21	22	23	24	25
28	29	30					26	27	28	29	30	31	

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LENGTH OF LEAVE

SEBAC Entitlements

- 24 weeks in a 24-month period
- 4 calendar months for a bonding leave in a 24-month period

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Calculate New Entitlements:

Ryan had a complication from his surgery and his leave has now been extended through 7/12/2024. His first day out was 4/15/2024.

How much FMLA and SEBAC leave entitlements will he use?

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April 2024							June 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6							1
7	8	9	10	11	12	13	2	3	4	5	6	7	8
14	15	16	17	18	19	20	9	10	11	12	13	14	15
21	22	23	24	25	26	27	16	17	18	19	20	21	22
28	29	30					23	24	25	26	27	28	29
							30						
May 2024							July 2024						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4							
5	6	7	8	9	10	11	7	8	9	10	11	12	13
12	13	14	15	16	17	18	14	15	16	17	18	19	20
19	20	21	22	23	24	25	21	22	23	24	25	26	27
26	27	28	29	30	31		28	29	30	31			

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LEAVE TYPES

<p>FMLA</p> <p><u>Block Leave</u> - A one-time continuous absence for a single qualifying reason</p> <p><u>Intermittent Leave</u> - Leave taken repeatedly for a single qualifying reason</p> <p><u>Reduced Schedule Leave</u> - A leave schedule reducing working hours per workweek or day</p>		<p>SEBAC</p> <ul style="list-style-type: none"> Block leave only With the exception of bonding leaves that can be taken as a reduced schedule (with department approval) SEBAC begins when FMLA entitlements are exhausted For personal illness leaves, the employee must exhaust sick time and FMLA before SEBAC begins.
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How am I paid during a FMLA leave?

The State FMLA law allows an employee to keep up to 2 weeks of paid time off

- | | | | |
|---|---|--|---|
| <p>Personal Illness:</p> <ul style="list-style-type: none"> • Must use current sick time first, then can use the Prior "as if" sick time and/or banked sick time • After sick time is exhausted, can use any accrued paid time off | <p>Caregiver:</p> <ul style="list-style-type: none"> • Can use any accrued paid time off • If using sick time, must use current sick time first, before using the Prior "as if" sick time and/or banked sick time • Contractual sick family limits do not apply while on an approved FMLA leave | <p>Maternity:</p> <ul style="list-style-type: none"> • Must use current sick time first, then can use the Prior "as if" sick time and/or banked sick time • After sick time is exhausted, can use any accrued paid time off • (There may contractual time available under certain bargaining unions) | <p>Bonding:</p> <ul style="list-style-type: none"> • Can use any accrued paid time off • If using sick time, must use current sick time first, before using the Prior "as if" sick time and/or banked sick time • Contractual sick family limits do not apply while on an approved FMLA leave |
|---|---|--|---|

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EFFECTIVE JANUARY 1, 2022



CT Paid Family Medical Leave

- No job protection
- Administered by Aflac
- Employee will work directly with Aflac
- At this point no unions have asked to be included

ELIGIBILITY:

- a Connecticut resident enrolled in the program – you will have a payroll deduction
- have earned wages of at least \$2,325 in the highest quarter of the first four of the five most recently completed quarters and are currently employed, or have been employed within the last 12 weeks
- up to twelve (12) weeks of paid leave benefits and up to 2 additional weeks for incapacity during pregnancy

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Formula for PAID Leave Benefits:

- If the employee's base weekly earnings are **less than or equal** to the minimum wage multiplied by 40
- The weekly benefit payment will be 95% of the covered worker's base weekly earnings

Worker A earns Minimum Wage:

Worker A works 40 hours at \$15.69/hour

Base weekly earnings:

40 x \$15.69 = \$627.60/weekly

Benefit: 95%(\$627.60) = \$596.22

Worker A receives \$596.22 in benefits

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- If the employee's base weekly earnings are **more than** the minimum wage multiplied by 40
- The weekly benefit payment will be 95% of the covered worker's base weekly earnings
- Plus 60% of the difference between the base weekly earnings amount and the CT minimum wage multiplied by 40

Worker B earns above Minimum Wage - works 40 hours at \$16.50/hour

Base weekly earnings $40 \times \$16.50 = \$660/\text{weekly}$

Benefit: $95\% (\$627.60) + 60\% (\$660 - \$627.60)$

$\$596.22 + \$19.44 = \$615.66$

Worker B receives \$615.66 in benefits

Note Maximum Payments: 60 times the minimum wage. In 2024 minimum wage is $\$15.69 \times 60 = \941.40 maximum weekly payment.

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Discussion:

How will Ryan be paid for his leave of absence from 4/15/2024 through 7/12/2024?

Plan Type	Plan	Percentage	Available Balance
Leave	Sick		113.75
Leave	Vacation		401.75
Leave	Personal		16.00
Comp Time	SPUCN000N		522.50
Comp Time	HAUTOEXPN		0.00

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BREAK



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MILITARY CAREGIVER & EXIGENCY LEAVE

Military Caregiver Leave is leave to care for a covered service member (who has a serious injury or illness while on covered active duty) or, under federal FMLA only, leave to care for a covered veteran (who incurred a serious injury or illness while on covered active duty), if the employee is the service member's spouse, son, daughter, parent, or next of kin.

Qualifying Exigency Leave is leave for reasons arising from the foreign deployment of the employee's spouse, son, daughter, or parent on covered active duty with the Armed Forces. This could include making alternative childcare or school arrangements, financial and legal arrangements, attending family support or assistance programs and informational briefings sponsored or promoted by the military that are related to the covered active-duty call of a covered military member.

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PREGANCY DISABILITY LEAVE



This is afforded to all pregnant women under C.G.S. §46a-60(b)(7) and a woman is always entitled to Pregnancy Disability leave regardless of whether she is also eligible for any other Family and Medical Leave Entitlements (i.e. federal FMLA, state FMLA, and/or SEBAC Supplemental leave).
It provides a reasonable period of leave for the "disability resulting from her pregnancy," usually 6 to 8 weeks and usually dependent on the type of delivery (vaginal vs. cesarean).

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PREGANCY DISABILITY LEAVE CONT.

This "disability period" includes both the hospital stay and any period of time prior to and subsequent to the delivery certified by the attending physician as time when the employee is unable to perform the requirements of the job. It does not include bonding.
The SEBAC Supplemental leave is in addition to the Pregnancy Disability leave, a pregnant employee will never use her SEBAC Supplemental leave entitlement during her pregnancy; however, SEBAC Supplemental leave remains available for bonding.



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Activity:

Janice was hired on 03/08/2024 and she is pregnant with a due date of 05/12/2024. She gives birth on 05/13/2024 by C-section. She is coming back to work on 8/1/2024. Janice is a management employee.

What leave entitlements is Janice eligible for?

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ORGAN & BONE MARROW DONOR LEAVE CONT.

All employees are eligible for job-protected leave regardless of their eligibility for any leave such as FMLA.



Scope: This entitlement applies to pre-donation medical appointments, tests, exams, counseling, surgery and the recovery from the surgery.

Length of time: This entitlement provides up to 15 workdays of paid leave for organ donation and up to 7 workdays of paid leave for bone marrow donation.

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ORGAN & BONE MARROW DONOR LEAVE

Taking leave pursuant to this statute shall not result in a reduction in pay, the loss of any leave to which the employee is otherwise entitled, or a loss of credit for time or service. It shall not affect the employee's rights with respect to any other employee benefits provided under federal or state law.

An employee who needs to take organ donor or bone marrow donor leave must provide at least seven days' advance notice when practicable.



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LEAVE ENTITLEMENT SUMMARY

Leave Entitlement	Standard Leave	Military Family Leave – Caregiver	Military Family Leave- Qualifying Exigency
Federal FMLA	Up to 12 workweeks within a 12-month period	Up to 26 workweeks in a single 12-month period	Up to 12 workweeks within a 12-month period
State FMLA	Up to 12 workweeks within a 12-month period	Up to 26 workweeks in a single 12-month period	Up to 12 workweeks within a 12-month period
SEBAC Supplemental	Up to 24 workweeks within a 2-year period	N/A	N/A
Pregnancy Disability	A "reasonable amount of leave"	N/A	N/A
Organ Donor Leave	Up to 15 days	N/A	N/A
Bone Marrow Donor Leave	Up to 7 days	N/A	N/A

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LEAVE PROCESS

HR Responsibilities:


- notified of an employee’s need for a leave
- works with the employee to gather further information
- looks at the employee’s eligibility for Family and Medical Leave entitlements
- completes a HR2a form regarding their rights and eligibility
- completes a HR2b form to gather additional information, or to approve or deny the leave, and specify what entitlements will be used
- completes a HR2c form to provide the supervisor and the employee with the timesheet coding

Employee Responsibilities:

- completes the Employee Request Form (HR1) and the Intent to Return to Work Form (HR3)
- provides medical documentation that needs to be complete and sufficient
- Stays in communication with HR regarding any changes to their leave

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MEDICAL DOCUMENTATION



Documentation must be complete and sufficient:

- Medical Certificate (P33a Form) - for personal illness
- Medical Certificate (P33b Form) – Caregiver
- Separate forms for Military Leaves

Returning to Work

A fitness for duty form is required before the employee can return to work. It must state any work restrictions if applicable.

Light Duty

If there are restrictions, then HR will work with the supervisor and department to see if they can be accommodated, length of time of the restrictions and if there are any special considerations that are needed.

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Discussion:

Your employee John calls you and says I will be out of work today I have a migraine headache. John calls out the following week and says I have a migraine headache. Then on the third week, John calls out again and says I have a migraine.

As John’s manager what should you do?

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Discussion:

John calls you on Monday and says I will be out of work today as I have a migraine headache. He calls out the next day for the same reason and then the next day for the same reason. He then tells you I saw my doctor yesterday and I will be out of work until next Wednesday.

As John’s manager what should you do?

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OTHER LEAVES

- Military Leaves for reservists, active duty, training, weekend drills
- VSRP (Voluntary Schedule Reduction Program)
- Personal/Emergency Leave of Absence
- Educational Leaves
- Family Violence Leave under Connecticut General Statute 46b-38a
- American Red Cross Connecticut under General Statute 5-249 (b), employees are eligible for paid leave if they are certified as a disaster service volunteer of the American Red Cross.
- ADA (American with Disabilities Act)
- Worker’s Compensation

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COMPLIANCE

Employers have ethical and moral responsibilities to assure employees receive the benefits and protections these laws provide.

Violations of these laws may result in lost wages, back pay, reinstatement, retroactive benefits, compensatory damages, and punitive damages

WHO CAN BE HELD LIABLE?

Depending upon the circumstances, one or more of the following could be held liable for non-compliance with the requirements of the Family and Medical Leave Entitlements:

- Agency
- Human Resources
- Managers/Supervisors

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WHAT ARE THE PENALTIES?

FEDERAL FMLA

If an employer violates one or more of the "provisions of federal FMLA", and if justified by the facts of a particular case, an employee may receive one or more of the following:

- Wages, employment benefits, or other compensation denied or lost to the employee by reason of the violation; or
- Where no such tangible loss has occurred, such as when federal FMLA leave was unlawfully denied, any actual monetary loss sustained by the employee as a direct result of the violation.
- When appropriate, the employee may also obtain appropriate equitable relief, such as employment, reinstatement and promotion.
- A reasonable attorney's fee, reasonable expert witness fees, and other costs of the action from the employer in addition to any judgment awarded by the court.
- If the employer willfully violates the "employer notice requirements", the employer may be assessed a civil money penalty for each separate offense.

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STATE FMLA

- If the State Department of Labor ("DOL") Commissioner concludes that the employer has violated the State FMLA, the Commissioner may order the employer to comply with the applicable requirements of the law and provide such relief as the Commissioner determines will remedy the harm, including but not limited to:
- Restoration of any rights, benefits, entitlements or protections afforded to the employee by the state FMLA;
- Reinstatement to employment, back pay, and any other monetary compensation for any loss which was the direct result of the employer's violation, discharge, or discrimination.

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PREGNANCY DISABILITY LEAVE

- If the complaint is heard by a Commission on Human Rights and Opportunities ("CHRO") Human Rights Referee presiding over a Public Hearing, the penalties include the following:
 - Cease & desist order
 - Reinstatement of lost job benefits
 - Back pay
- If the complaint is filed in Superior Court instead of with the Office of Public Hearing, the court has the authority to award additional remedies, including compensatory damages.

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SEBAC

SEBAC SUPPLEMENTAL LEAVE AND ORGAN AND BONE MARROW DONOR LEAVE

- SEBAC Supplemental Leave and Organ and Bone Marrow Donor Leave do not explicitly address penalties; however, the denial of the benefits provided under these Family and Medical Leave Entitlements may result in a grievance pursuant to the employee's collective bargaining agreement ("CBA") or the regulations of the Employee Review Board.

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QUESTIONS

