



## NEW HAVEN PUBLIC SCHOOLS

### HUMAN RESOURCES DEPARTMENT

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### Family & Medical Leave Policy Frequently Asked Questions & Answers

#### 1. Q. When can I use FMLA leave?

A. You can use FMLA leave for any of the following reasons:

- (1) to recover from a serious health condition;
- (2) to take care of a spouse, child or parent who has a serious condition;
- (3) to care for your child within 12 months of the child's birth, or the date you adopt or begin caring for a foster child;
- (4) Employees on Short Term Disability Benefits or extended Worker's Compensation Leave are concurrently eligible for FMLA.

#### 2. Q. What is FMLA leave?

A. FMLA leave is without pay, but with continued medical benefits and a guarantee that you can return to your job, or to an equivalent position. The City is required by law to grant employees who meet certain requirements up to 12 work weeks of FMLA leave in a 12 month period.

#### 3. Q. Am I eligible for FMLA leave?

A. You are eligible if you have been working for the City for at least 1,250 hours in the past 12 months.

#### 4. Q. How do I apply for FMLA leave?

A. If you know that you are going to need FMLA leave, you must ask your Department Head for an application at least 30 days before the date you want leave to begin. (In an emergency situation, ask for the application as soon as you know that you will need leave.) Complete the application and return it to your Department Head. Your Department Head will then forward your application to the Director of Human Resources who will decide whether or not to approve your leave request within 10 working days.

#### 5. Q. Can the City count an absence as FMLA leave without an employee requesting it?

A. Yes. If you have been absent from work for 3 consecutive days on sick leave, your Department Head will request medical documentation. If the medical documentation indicates that your absence comes under the FMLA statute, then he or she will contact you and may notify you that your entire period of absence will be counted as FMLA leave. The City may count absences as FMLA leave retroactively, as long as the City takes this action before you return to work.

#### 6. Q. Do I need to provide medical certification if I request FMLA leave because of my own serious health condition (or that of a family member)?

A. Yes. If you are taking leave because of your own serious health condition or that of a parent, spouse or child, you need to get a Medical Certification Form completed and signed by a health care provider. You then need to submit it to your Department Head within 15 days of the date that you submit your FMLA application, or of the date that your Department Head requests medical certification. The City may require you to get a second or third opinion (the City will pay). If you request an extended period of leave, you may be required to submit additional medical certification every 30 days while you are on leave. If you do not submit a Medical Certification Form, the City may deny your leave request.

**7. Q. Does my paid leave count as part of my FMLA leave?**

**A. Employees in Local 3144 and 884:**

Yes. During FMLA leave for all reasons, paid sick leave must be used first. Employees then have the option to use or not to use accumulated vacation and personal days as a part of FMLA leave. Paid leave shall be included in (and not in addition to) the 12 weeks of FMLA leave.

**All Other Eligible Employees:**

Yes. If you take FMLA leave because of your own illness or illness of a family member, then you must use all of your paid sick, vacation and personal leave as part of your 12 weeks of FMLA leave. If you take leave to care for a newborn, newly adopted or newly placed child, you must use all of your vacation and personal time, sick time is optional.

**8. Q. What benefits do I get while on FMLA?**

**A. Employees in Local 3144 and 884:**

Your health insurance coverage continues while you are on FMLA leave and your seniority will continue to accrue. While on paid FMLA leave only, employees who accumulate sick days shall continue to do so. Employees on unpaid FMLA leave shall not continue to accumulate sick or vacation credits. However, the continuity of employment shall be preserved for purposes of vacation, longevity entitlement and other benefits based upon time in service.

**All Other Eligible Employees:**

Your health insurance coverage continues while you are on FMLA leave and your seniority will continue to accrue. Sick leave will not accrue while you are on leave and you will not receive holiday pay.

**9. Q. Do I have to use up all of my 12 weeks of FMLA leave at once?**

A. No. The law allows you to break up your leave, to take it intermittently or on a "reduced leave schedule," if a doctor states on a Medical Certification Form that this is necessary because of your serious health condition or that of your spouse, child or parent. You can take the leave in shorter time blocks if you don't need all 12 weeks. Also, you may use leave to work a shorter week (for example, come in only mornings instead of all day, or several days a week instead of every day) if a doctor states that this is necessary because of your medical condition or that of a family member. If you want to use FMLA leave to work part-time, you need to make special arrangements with your Department Head; you may be required to switch to a different (but equivalent) job while you are on leave.

If you are interested in taking intermittent leave or a reduced leave schedule, be sure to note this on your FMLA Application. You may not use intermittent leave or a reduced leave schedule for child care leave.

**10. Q. What can I do if I need more than 12 weeks for leave?**

A. Under the Civil Service rules, Civil Service City Employees are still allowed to request up to 12 months of leave without pay. Leave without pay is different from FMLA leave, in that you are not entitled to benefits. You must apply for and exhaust FMLA leave before you can apply for Civil Service leave if your reason is medically related.

**11. Q. What can I do when I'm ready to return from FMLA leave?**

A. At least five working days before you plan to return from leave, you should complete a Notice of Intention to Return from Leave form, available from your department head. You may also be required to complete a fitness for duty examination form.

**12. Q. What happens if I don't return from leave?**

A. If you don't come back from FMLA leave for a reason other than your medical condition or other circumstances beyond your control, you will be required to pay the City the amount you received in medical benefits.

**For more information, please contact the Human Resources Department,  
54 Meadow Street, New Haven, CT. 06519, Phone 475-220-1545, Fax 203-946-8805.**