



NEW HAVEN PUBLIC SCHOOLS

Your Rights

Under the

Family and Medical Leave Act

FMLA is a federal law that requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, and worked at least 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles, and if they have not used all available FMLA leave in the 12 months looking back from the date the leave will commence and if they have experienced a qualifying event

REASONS FOR TAKING LEAVE:

Unpaid leave must be granted for any of the following reasons which are considered qualifying events:

- Birth and Care of the employee’s newborn child.
- Placement of a child with the employee for adoption, or by the State for foster care.
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition.
- For the employee’s own serious health condition that prevents him or her from performing the essential functions of the job, including worker’s compensation leaves.

At the employee’s or employer’s option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION:

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is “foreseeable.” If a 30-day notice is not possible because of an emergency, an employee should notify an employer as soon as possible.
- An employer may require medical certification to support a request for leave because of a serious health condition, and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under the same conditions as if you continued to work.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrues prior to the start of an employee’s leave.

UNLAWFUL ACTS BY EMPLOYERS:

FMLA makes it unlawful for any employer to:

- Interfere with, restrain or deny the exercise of any right provided under the FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT:

The US Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical rights.

FOR ADDITIONAL INFORMATION: Contact the Human Resources Department at 475-220-1545.