

Federal and Connecticut Family and Medical Leave Acts and Connecticut Paid Leave Policy

(Including how they coordinate with Wesleyan's Parental Leave and Short-Term Disability Policies)

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

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

Federal FMLA, CT FMLA and CT PL may all run concurrently depending on the circumstances necessitating the leave. When both the Federal FMLA and CT FMLA apply, the leave provided by each will count against the employee's entitlement under both laws and leave taken under the Federal FMLA will run concurrently with leave taken under the CT FMLA. To the extent CT PL applies during a CT FMLA leave, these benefits will run concurrently.

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 before the leave starts.
- Military Caregiver - Up to 26 weeks in a 12-month period for military caregiver leave.
- Spouse eligibility – When both spouses work for Wesleyan, they 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)

- Must be employed by the employer for at least 3 months
- No hours worked requirement
- Up to 12 weeks of leave are available in a 12-month period for all qualifying leave reasons
- Military Caregiver - Up to 26 weeks of leave are available 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 - When both spouses work for Wesleyan, they 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

Non-Job Protected Connecticut Paid Leave (CT PL)

- Must be 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 can 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

Allowed Reasons for CT FMLA, Federal FMLA and 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 newborn 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

Covered Family Members for Purposes of Taking CT FMLA, Federal FMLA and CT PL

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
---	---	---

Types of CT FMLA, Federal FMLA and CT PL

- Continuous Leave: continuous (block of time) absence for a single qualifying reason.
- Reduced Schedule: leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday, normally from a full-time to a part-time schedule.
- Intermittent: leave in separate, non-consecutive time periods rather than a single block of time for a single qualifying reason, in 15-minute increments.

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

Requesting Leave

If you need to take Federal or CT FMLA, 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.

For those leaves, such as parental leave, where the approximate date of the leave is known well in advance, we recommend contacting benefits@wesleyan.edu at least 45 days prior to the leave begin date to discuss the leave process and required documentation.

To apply for CT PL 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.

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

- 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.



Benefit Payment Schedule

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 outlined on page 5 of the [STD Summary Plan Description](#) 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 the amounts listed in the STD Summary Plan Description.

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. Please refer to page five of the [STD Summary Plan Description](#) for the elimination period that applies to your employee group.

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.

Timing of Payments

The State's Paid Leave Authority will generally determine benefits within five (5) to seven business days of their third-party administrator Aflac's receipt of all required documentation. Payments will be two (2) weeks in arrears. Wesleyan's parental leave or short-term disability benefit payments will be made as soon as administratively possible after determination of Wesleyan's payment amount.

Please note: The timing of payments is based on the State Paid Leave Authority's (CT PL) approval of claims.

Wesleyan CT PL Income Replacement Loan

If there is 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 3rd-party benefit billing administrator, Group Dynamic Inc. (GDI) or they can make double deductions upon their return to work.

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 (CT PL), Wesleyan's benefit, and paid time off).

Job Restoration

An employee returning from a leave taken for their own serious health condition must receive a certification form from a health care provider so that they can resume work.

An employee is entitled to restoration to the position they held prior to taking leave upon return from Federal or CT FMLA (up to 12 weeks, or 14 if an additional two weeks of pregnancy incapacitation applies). If the original position of employment is not available, the employee is entitled to restoration to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. In the case of medical leave, if the employee is medically unable to perform the original job upon return from leave, the employee is entitled to be transferred to a position suitable to their physical condition if such a position is available.

[Unpaid personal leave](#) after the Federal or CT PL period (12 weeks or 14 when pregnancy incapacitation) may be approved jointly by Human Resources and the employee's department once the Federal or CT PL period is exhausted. Generally, an employee's job will not be filled during unpaid leave. However, if a business needs change and a job can no longer be held, the employee will be notified and given the opportunity to return to work.

When a leave is due to a serious medical condition, job protection is generally extended through the end of the STD period. An employee has no greater right to continued employment or reinstatement than if the employee had been continuously employed. For example, employment may be terminated in conjunction with a layoff or job elimination during a leave of absence the same as if the employee were not on leave.

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 the Associate Vice President of Human Resources.

Glossary

Bonding Leave (CT PL) is the portion of a CT Paid Leave that provides additional bonding time with a new child at birth, adoption, or foster-care placement. After the birth of a child, it is the leave period after the birthing mother can work.

Caregiver Leave (CT PL and FMLA) – Leave that is for the caring of a family member with a serious health condition.

Continuous Leave is an extended absence taken on consecutive days for a single qualifying reason. CT PL refers to this as a “block leave.”

Military Caregiver Leave (CT PL and FMLA) – leave that is taken by a spouse, parent, child, or next of kin to care for a covered service member who incurred a serious injury or illness in the line of duty on active duty in the Armed Forces. Up to 26 weeks of job-protection leave are available for military caregivers. However, CT Paid Leave is only available for 12 weeks total in a 12-month period.

Elimination Period (STD) is the period before short-term disability benefits begin. Benefits begin the day after the elimination period is completed.

Intermittent Leave is leave taken in separate, non-consecutive time periods rather than a single span of time for a single qualifying reason.

Family Violence Leave - If an employee is experiencing family violence, they can apply to take up to 12 days of leave to seek medical care or psychological or other counseling for physical or psychological injury or disability, to obtain services from a victim services organization, to relocate or to participate in any civil or criminal proceeding related to the family violence.

Military Exigency Leave (CT PL and FMLA) - For any qualifying exigency (urgent need or demand), arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

Pregnancy Incapacitation (CT PL) is any period of incapacity due to pregnancy, including pre-natal appointments. If during pregnancy or after childbirth, a healthcare provider determines that an individual may need a bit more time for recovery, individuals may apply for an extra 2 weeks of leave.

Reduced Schedule Leave is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday for a period of time, normally from a full-time schedule to a part-time schedule.

For additional definitions and details, link to the [CT PL website](#) or the [FMLA website](#) and [CT PL FAQs](#) and Federal [FMLA FAQs](#).