

Town of Madison

Family Medical Leave Act

What is the Family Medical Leave Act?

The Family Medical Leave Act (FMLA) provides unpaid, job-protected leave for eligible employees during a specified period for family and medically qualifying events.

Federal: 12 weeks of unpaid job protection within 12 months.

According to Town policy, a year shall be defined as a twelve month period beginning with the first day of an employee's leave.

The Town of Madison complies with all requirements of the Federal version of FMLA.

What is Job Protection?

Your employer cannot make a negative employment decision against you (e.g. pay, benefits, hiring, promotion, disciplinary actions regarding FMLA absences) while you exercise your rights under FMLA, unless the decision would have happened anyway (e.g. layoff, disciplinary action for violation of policy)

Who is eligible for FMLA?

Prior to the qualifying event:

Federal: Actually worked 1,250 hours and employed for 12 months.

What is a Qualifying Event?

- a. Birth and Care of an employee's newborn
- b. Placement of an employee's adopted child or for foster care
- c. Employee's own serious health condition
- d. Care for an employee's covered relation who has a serious health condition.

What is a Serious Health Condition?

Illness, injury or impairment of a physical or mental condition:

- Inpatient care at a hospital, hospice or residential medical care facility
- Incapacity while under treatment of a health care provider

What is Incapacity?

(Also known as a continuing treatment)

The employee cannot perform the essential duties of his job:

- a. For three or more calendar days
- b. Due to pregnancy, prenatal care or pregnancy complications
- c. Due to a chronic serious health condition (e.g. diabetes)
- d. Due to permanent or long term conditions for which treatment may not be effective (e.g. terminal stages of cancer)
- e. Due to multiple treatments by a health care provider for restorative surgery after an accident or injury
- f. Due to multiple treatments that would result in incapacity for 3 or more calendar days (e.g. physical therapy)

What if I have a serious health condition but it does not cause me to be out of work for a continuous period of time?

Your FMLA leave can be taken intermittently (or irregularly).

Who is a covered relation?

Child: Most common are biological, adopted, step, and foster.

Parent: Most common are biological, adopted, step, foster and in-law.

Spouse: Legal. The State of Connecticut does not recognize common-law marriages; however, common-law

marriages established in another state could be recognized if a legal document exists from that state. Same-sex domestic partnerships may be eligible under the same criteria.

Other situations may apply. Call the Department of Human Resources if you have any questions.

What does it mean, "care for"?

"Care for" means an employee is needed to provide physical and psychological care, such as nutritional, medical, hygienic, safety or transportation.

Can I continue to receive a paycheck while out on FMLA leave?

You must use any accrued paid time (e.g. sick, vacation, personal time) during your FMLA leave. Paid time off and unpaid FMLA leave run concurrently.

In accordance with Town policy, employees must use paid time off for self or covered relation for FMLA absences.

SICK: Employee's own medical condition. Employees are not eligible to utilize accrued sick leave for the care of a family member.

VACATION: Employee's medical condition, child's medical condition, birth and care of an employee's newborn or adopted placement, medical condition for any covered relation listed above.

PERSONAL: Employee's medical condition, child's medical condition, birth and care of an employee's newborn or adoption placement, medical condition for any covered relation listed above.

Do I provide any documentation during FMLA?

For a serious health condition, the Town of Madison will require a medical certificate from your health care provider. A medical certification typically includes your name, duration of medical incapacity and your inability to perform your essential job duties (if it is your serious health condition).

A Fitness to Return to Work certification from your physician will be required prior to returning to work if you use FMLA for your own serious health condition. Forms are available from the Human Resources office.

When do I have to provide this medical certification?

Within 15 days from the date your leave began. The Town of Madison may require additional medical certification on a periodic basis.

What if I do not provide the required medical certification?

- Your job may not be protected from negative employment decisions.
- The Town can deny the use of your sick leave and will apply your vacation or personal time towards your absence from work.

In addition to FMLA, the Town requires that employees provide medical certification if they are absent from work for 3 or more due to an illness or injury.

What if I am injured on the job?

Workers' compensation can be an FMLA qualifying event and will run concurrently with FMLA leave, if you are determined eligible for FMLA.

How do I request FMLA?

Notify your supervisor or the Human Resources Department 30 days prior to your qualifying event (e.g. planned surgery or adoption). Employees are required to request FMLA leave in writing. The department head will then make a recommendation on the leave to the First Selectman who will take action on the request.

What if I cannot give 30 days notice?

If a 30-day notice is not possible, such as an emergency visit to the hospital or if you have an accident, you should notify the Town as soon as possible. The Town will determine eligibility as soon as the Town becomes aware of the qualifying event.

What happens to my medical and dental benefits?

Your medical and dental benefits will continue. If you receive a paycheck, premiums, deductions and dues will still be deducted from your wages. If you no longer have paid time off and still need FMLA leave, please contact the Human Resources Department.

Please note that the Town can recover any unpaid premiums if you do not return to work for unallowable reasons. (e.g. quit before leave ends).

If you do not have paid time off available and you do not receive a paycheck, you will be responsible for paying the co-pays for your insurance directly to the Town.

What if I experience more than one FMLA qualifying event?

All qualifying events are applied collectively towards FMLA entitlements within the FMLA period. For example, on 1/1/03, you experience an accident and you cannot work for 8 weeks (until 3/1/03). Therefore, you have 8 more weeks of CT FMLA entitlements to use by 12/31/03.

When I no longer need FMLA, will I return to my same job?

Yes, or an equivalent one if the original one is not available. For Union employees, the bargaining unit prevails.

What if I have more questions?

Please feel free to call the Human resources Department at 203-245-5603.

The Town of Madison considers all applicable federal laws, Town policies and union policies in making any leave-related decisions.

This brochure is intended to offer guidance only on the FMLA and does not serve as a legal document.