

### **307 Family and Medical Leave Act (FMLA)**

**Effective Date: 01/03/2011**

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The federal and state Family and Medical Leave Acts (FMLA) require employers to grant job-protected leave to eligible employees for certain qualifying events. To be eligible for FMLA, an employee must be employed by CAANH for at least 12 months and worked 1,000 or more hours under the state FMLA (1250 under the federal FMLA) in the 12-month period before the first day of the requested leave.

An eligible employee may be entitled to up to a total of 12 work weeks of unpaid leave during any 12 month period under the federal FMLA, and up to a total of 16 work weeks of unpaid leave in a 24 month period under the Connecticut FMLA, for one or more of the following:

- the birth and care of a newborn child of the employee;
- placement with the employee of a son or daughter for adoption or foster care;
- a spouse, son, daughter, or parent of an employee who is assigned to active Military Duty; or
- to care for an immediate family member (spouse, child, parent or parent-in-law) with a serious health condition.

Leave for birth and care, or placement for adoption or foster care must conclude within 12 months of the birth or placement.

FMLA leave that qualifies under the state and federal FMLA will run concurrently.

Spouses employed by the same employer are jointly entitled to a combined total of 12 work-weeks of family leave under the federal FMLA (16 weeks under the Connecticut FMLA) for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

Leave time provided under FMLA is unpaid leave. Any paid leave the employee is entitled to under established CAANH policy will be paid. Employees are required to use all available vacation time during family and medical leave and all available sick time if the leave is due to the serious illness of the employee. The paid leave time will be deducted from the total amount of time allowed under the FMLA.

Leave due to a serious health condition may be taken intermittently or on a reduced hours basis if medically necessary to care for a family member with a serious health condition, or because the employee has a serious health condition and unable to work. CAANH may, however,

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temporarily transfer the employee to another job with equivalent pay and benefits to better accommodate that type of leave. CAANH reserves the right to require medical certification for intermittent leave.

An employee requesting FMLA leave due to serious illness should give the CAANH as much advance notification as possible. Written certification from the doctor or health care provider stating both the nature and the probable duration of the illness of the employee or family member must also be provided. In the case of an employee, the CAANH reserves the right to request an examination of the employee by a physician of its choice at its expense.

Employees requesting leave due to the birth or placement of a child should give the CAANH at least thirty (30) days advance notice.

CAANH will continue to provide medical, dental, life, and disability insurance coverage for eligible and enrolled employees absent due to FMLA leave on the same basis as if the employee were working. The employee, however, must continue to pay his/her portion of the medical and dental premiums, either on a bi-weekly or a monthly basis. Non-receipt of payment will result in immediate cancellation of coverage.

Employees who do not return to work after the expiration of the leave will be required to reimburse CAANH for payment of medical and dental premiums paid during the leave, unless failure to return is due to the employee's serious health condition that prevents the performance of his/her job duties.

An employee who returns to work from FMLA leave within, or on the business day following the expiration of the leave is entitled to return to his/her job or to an equivalent position. Employees who do not return within the allowed FMLA period will not have job protection.

If an employee is medically unable to perform his/her original job, CAANH will make every reasonable effort to accommodate the employee with another more suitable position if one is available, upon the employee's return.