



University of New Haven

Human Resources Policy/Procedure

Policy / Procedure Title	Applicability/ Scope	Purpose	Revision/Issue Date(s)	Responsible Party	Page(s)
FMLA (Family and Medical Leave Act) Policy & Procedure	All Employees	Provide employees with guidance related to state and Federal FML	7/1/2022	Associate Vice President Human Resources & Organizational Development	4

The University of New Haven (the “University”) provides family and medical leave to eligible employees in accordance with Federal, State of Connecticut, University policies and Union Agreements. All the leave policies shown below run concurrently. The policy which provides for a greater benefit will prevail. The maximum allowable leave is for up to six months, except as outlined in the Faculty Handbook and the University will hold the individual employee’s position or a comparable position for up to that six-month period unless the employee is only eligible for FML benefits as shown in below.

Federal and State of Connecticut Family Medical Leave Acts: Employees who have completed at least one year of service and have worked at least 1,250 hours within the preceding 12-month period are eligible for the following under federal law:

- Under Federal law an employee is eligible to take up to 12 weeks of paid and/or unpaid job protected leave in a 12-month period. There is a rolling 12-month look back period from the current first date of absence to determine the amount of time remaining of the 12-week entitlement.
- Under Connecticut State law an employee is eligible to take up to 12 weeks of job-protected leave under CT FML if you have worked for the University for at least three (3) months immediately preceding the leave. There is no minimum hours worked requirement.
- Federal and State leave run concurrently.

Administrative Staff are eligible for up to 6 months of paid medical leave in accordance with the University’s Medical Leave of Absence Policy for Administrative Staff and Faculty, but not less than the Federal or State of Connecticut FML entitlements indicated above. There is a rolling 12-month look back period from the current first date of absence to determine the amount of time remaining of the 6-month entitlement.

Faculty are eligible for up to 6 months of paid medical leave in accordance with the University's Medical Leave Policy for Administrative Staff and Faculty, but not less than the Federal or State of Connecticut FMLA entitlements as indicated above or less than what is stated in the Faculty Handbook. There is a rolling 12-month look back period from the current first date of absence to determine the amount of time remaining of the 6-month entitlement.

Clerical and Maintenance Union employees are eligible for paid sick days which can be accumulated from year to year in accordance with each respective Union Agreement, but not less than the Federal or State of Connecticut FML entitlements as indicated above.

Work related illnesses and Injuries. Workers Compensation leave will run concurrently with FML entitlement provided the employee meets the eligibility requirements of FML and the absence is due to a qualifying serious health condition. Employees who injure themselves on the job have up to six months to return to work. If an employee is unable to return to work with or without an accommodation, their employment will be terminated. Employees injured on the job must not only provide medical documentation to the Workers Compensation administrator but the University's FML administrator, MedLeave Solution.

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MedLeave Solutions will manage all FML requests. All employees must comply with the provisions required by Med/Leave solutions to have their FML related claim properly dispositioned. The Human Resources Department will not be involved in the approval or denial of any claims and faculty, or staff should not discuss their medical history or need for the leave with any representative of the Human Resources department. Salary continuation will be based on the application of, and approval of, an FML request through MedLeave Solutions.

**Concurrent Leaves** All leave entitlements run concurrently and there shall be no pyramiding. The leave which affords the greater benefit to the employee shall prevail.

**Qualifying Reasons for FML leave.** Eligible employees may be placed on personal medical or family medical leave for any of the reasons shown below:

- a. The birth of a child or to care for a child within the first 12 months after birth;
- b. The placement of a child with the employee for adoption or foster care and to bond with and care for the child (within the first 12 months of placement);
- c. To care for an immediate family member who has a serious health condition;
- d. For a serious health condition that makes the employee unable to perform the functions of his/her position, including a work-related illness or injury;
- e. If the employee experiences a qualifying exigency that arises out of the fact that a spouse, parent, or child has been called to or is on active duty in the Armed Forces.
  - o An employee who is the spouse, parent, child, or next of kin of a member of the Armed Forces who was injured in the line of duty ("injured service member") may be eligible for up to 26 weeks of FMLA leave in a 12-month period, including the types of leave listed above.

**Leave Notice.** When requesting leave, the employee must provide notice of the need for leave at least 30 days in advance or as soon as practicable.

**Medical and other Certifications.** Employees will be required to provide a medical certification to

MedLeave if the leave request is for the employee's own serious health condition, to care for a family member's serious health condition, or military caregiver leave. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided. If an employee refuses to provide a medical certification, their leave request may be denied.

All FML requests will be managed by MedLeave Absence Management Solutions. A dedicated MedLeave representative will collaborate with employees to educate them about the leave process and to secure the necessary medical documentation.

**Second Medical Opinion:** The University at its expense, may require a medical examination by a health care provider of its own choosing if it has a reasonable question regarding the medical certification provided by the employee. In lieu of a second opinion, the University may contact the health care provider directly to clarify or authenticate a medical certification, including certifications for military caregiver leave. Second opinions may not be required for military caregiver leave. Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency.

**Return to Work Certificate.** Because the University wishes to ensure the well-being of all employees, any employee returning from FML leave for his/her own serious health condition, including from a work-related illness or injury, will need to provide a Return-to-Work Certificate to MedLeave signed by their treating physician. Any employee who fails to provide a Return-to-Work Certificate will be prohibited from returning to work until it is provided.

**Continuation of Benefits:** The University will maintain health care benefits for the employee while on FML leave, including those who are out due to a work-related injury. The employee, however, is responsible for paying the normal monthly contribution for their benefits while they are out. If the employee elects not to return to work at the end of the leave and/or workers comp period, the employee will be required to reimburse the University for the cost of premiums paid for maintaining coverage during the leave period. All other benefits cease to accrue during the unpaid portion of the leave.

**Exhaustion of Accumulated Time:** Employees must use any accumulated sick leave, vacation time, or personal to the extent available during FML unless such leave is covered under Workers' Compensation, in which case the employee may only use accumulated leave time only for the purpose of satisfying any waiting period. Absences more than these accumulated days will be treated as FML leave without pay.

**Married Couples Who Work for the University:** If an employee and their spouse both work for UNH, they are both eligible for leave. The amount of leave allowed for the employee and the employee's spouse may be limited to a combined total of 12 weeks of FMLA leave in a 12-month period under federal and CT state law if the leave is taken for:

- a. The birth, adoption, or foster placement of a child;
- b. To care for and bond with such child who does not suffer from a serious health condition;
- c. To care for a parent with a serious health condition; or
- d. A combination of the above.
- e. This limitation does **not** apply when leave is taken to care for a seriously ill spouse or child, or the employees' own serious health condition. In these situations both employees may each take 12 weeks of leave for these purposes.

- f. For injured service member leave, the employee and his/her spouse may be limited to a combined total of 26 weeks of leave in a 12-month period, including the types of leave listed above in this paragraph.

Federal and State FML always run concurrently.

**Intermittent Leave:** It may be medically necessary for employees to use intermittent FML leave. The University and the employee will work to arrange reduced work schedules or leaves of absence to care for a family member's serious medical condition or due to the employee's own serious medical condition.

- a. Leave because of the birth or adoption of a child must be completed within the 12-month period beginning on the date of birth or placement of the child. It may not be taken intermittently.

**Returning from Leave:** Upon returning from an FML leave, the employee will be reinstated to their former position or to an equivalent position with equivalent pay, benefits and other employment terms and condition. However, if changes occur in the University's business while an employee is out on leave and the employee would have been terminated, laid off or reassigned had they been actively at work, the employee is not guaranteed reinstatement.

**Failure to Return from Leave.** Employees who do not return to work from an approved FML leave will be terminated when they have exhausted their leave.

### **Connecticut Paid Leave**

The State of Connecticut provides paid leave to employees who take leave under the Connecticut Family Medical Leave Act (CTFMLA). Employees are entitled to 12 weeks of paid CT FML for the qualifying reasons listed in this policy. To apply, employees need to create an account at [ctpaidleave.org](http://ctpaidleave.org) or they can complete an application by calling Aflac's Claim Center at 877-499-8606. Once the application is completed and Aflac has determined your eligibility, they will send the University a Verification Form to be completed and sent back to Aflac who will determine appropriate claim payments. The Connecticut Paid Leave program does not provide dollar for dollar wage replacement. The amount of compensation is determined by the state using a formula identified in the state statute.

Although the State of Connecticut now provides paid leave, they do not provide a right to job-protected leave under FML. Only the employer can determine, in communication with the employee, whether the leave taken is subject to job protection under state or federal leave laws. Therefore, all employees needing to take FML, must contact MedLeave Solutions, the University's FML administrator who will make this determination on behalf of the University. Employees must contact MedLeave before contacting the State of Connecticut to report their need for FML.

The University requires that employees use any sick time or other accrued paid leave or paid time off while on FML. However, employees are eligible to retain a minimum of two (2) weeks of vacation time under state law. MedLeave will explain your options and work with Human Resources to ensure that their paid benefit time is used first. Employees who are receiving worker's compensation are ineligible to receive paid leave under the CT Paid Leave Authority. However, if they are out due to a worker's compensation claim it will run concurrently with FML.