

Personnel -- Certified/Non-Certified**Family and Medical Leave Act****Subscribing Districts:**

The Region One Board of Education shall provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates. This policy notifies employees of their rights and establishes guidelines consistent with FMLA and applicable Connecticut state law. This policy does not recite every provision of applicable law and regulations.

Federal FMLA

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under federal FMLA, eligible employees are provided up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require a professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must be employed by the Board for at least three months during the previous 12 month to be eligible.

Under CT FMLA, eligible employees can take up to 12 weeks of unpaid leave in a 12 month period for qualifying reasons with an additional 2 weeks available for certain pregnancy-related conditions.

Leave covered by FMLA include the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;
- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;

- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
 - o short-notice deployment;
 - o military events and related activities;
 - o childcare and school activities;
 - o financial and legal arrangements;
 - o counseling;
 - o rest and recuperation;
 - o post-deployment activities;
 - o parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
 - o additional activities that arise out of the active duty or call to active duty status of a covered military member provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave.

The Superintendent will draft administrative regulations to comply with the FMLA and subsequent updates. In developing these regulations to support policy 4152.6/4252.6, the Superintendent will provide direction and explanations covering the following areas:

- Acceptable reasons for requesting a leave under the FMLA;
- Leave scenarios and conditions;
- Leave to care for an injured or ill service member;
- Procedures for requesting a leave under the FMLA;
- Leaves under FMLA and medical treatment requirements;

- Required certifications and documentation;
- Use of paid leave;
- Medical insurance and other benefits; and
- Reinstatement.

(cf. [4118.14](#) - Disabilities)

(cf. 4151.2 - Family Illness)

(cf. [4152.3](#) - Maternity; Adoptive; Child Care)

Legal References: Connecticut General Statutes

[31-51rr](#) Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies [31-51rr-1](#), et seq.

United States Code:

Family and Medical Leave Act of 1993, 29 U.S.C. Section 2601 et seq., as amended

29 CFR Part 825.100 et seq.

Title II of the Genetic Information Nondiscrimination Act of 2008, 42 USC 2000ff et seq.

29 CFR 1635.1 et seq.

PA 24-41 An Act Concerning Educator Certification, Teachers, Paraeducators and Mandated Reporter Requirements, Section 18

PA 25-174 An Act Authorizing and Adjusting Bonds of the State and Concerning Grant Programs, State Grant Commitments for School Building Projects, Revisions to the School Building Projects Statutes and Various Provisions Revising and Implementing the Budget for the Biennium Ending June 30, 2027, Sections 234-237

Policy adopted: 3/2/2026

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Family and Medical Leave Act

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Federal FMLA

Employees of the Board of Education who have been employed for at least twelve (12) months and who have worked at least 1,250 service hours during the twelve (12) months immediately preceding the start of a leave are eligible for unpaid leave under the FMLA. Full-time employees are considered to have met the 1,250-hour requirement unless the Board can demonstrate otherwise. Under federal FMLA, eligible employees are provided up to 12 week of unpaid leave each year.

CT FMLA

Eligible employees are employees whose position does not require a professional certification (non-certified school personnel) or certified school personnel whose union has successfully negotiated with the Board to participate in such programs. To be eligible for the program, a certified school employee must be employed for at least three months immediately preceding such employee's request for leave by the employer with respect to whom leave is requested. Non-certified school personnel must be employed by the Board for at least three months during the previous 12 month to be eligible.

Under CT FMLA, eligible employees can take up to 12 weeks of unpaid leave in a 12 month period for qualifying reasons with an additional 2 weeks available for certain pregnancy-related conditions.

For purposes of these administrative regulations, a **paraeducator** means a school employee who performs instructional duties or delivers either direct or indirect services to students and/or parents and serves in a position for which a teacher has ultimate responsibility for the design and implementation of educational programs and services. An **instructional employee** is defined as a teacher or other employee who serves in an instructional capacity and whose function is to instruct students. The term does not include teacher assistants or non-instructional aides, nor auxiliary personnel such as school counselors, psychologists, curriculum specialists, cafeteria workers, maintenance or custodial workers, or other primarily non-instructional employees.

Leave covered by FMLA include the following:

- incapacity due to pregnancy, prenatal medical care, or childbirth;
- to care for the employee's newborn child;

- the placement of a child with the employee by adoption or foster care;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- to care for the employee's own serious health condition that renders the employee unable to perform the functions of the employee's position;
- to serve as an organ or bone marrow donor;
- to care for an injured or ill service member;
- a qualifying exigency arising out of a family member's military service, including one or more of the following reasons:
 - o short-notice deployment;
 - o military events and related activities;
 - o childcare and school activities;
 - o financial and legal arrangements;
 - o counseling;
 - o rest and recuperation;
 - o post-deployment activities;
 - o parental care leave for a military member's parent who is incapable of self-care and care is necessitated by the military member's covered active duty;
 - o additional activities that arise out of the active duty or call to active duty status of a covered military member provided that the Board and the employee agree that such leave qualifies as an exigency and agree to both the timing and the duration of such leave.

If a leave is requested for one of the reasons listed above, each eligible employee may take up to a total of twelve (12) weeks of unpaid family or medical leave in the twelve (12) month entitlement period. This entitlement period is measured on the basis of a "rolling" 12 month period measured backward from the date an employee uses any FMLA leave.

Types of Leave and Conditions

Full-Time, Intermittent and Reduced Schedule Leave

Full-time leave excuses the employee from work for a continuous period of time. Full-time unpaid leave may be taken for any of the reasons permitted by the FMLA. **Intermittent leave** means leave taken for a single qualifying reason in separate periods rather than for one continuous period. Intermittent leave includes leave taken one day per week over a period of a few months or leaves taken on an occasional or as-needed basis for medical appointments. **Reduced schedule** leave is leave that reduces the employee's usual number of work hours per

day for some period of time, as when an employee may request half-time work for a number of weeks so the employee can assist in the care of a seriously ill parent.

Intermittent or reduced schedule leave may be taken when medically necessary for an employee's or covered family member's serious health condition or for a covered service member's serious illness or injury, and the need for leave can be best accommodated through an intermittent or reduced schedule leave. In addition, FMLA leave may be taken intermittently or on a reduced schedule basis due to a qualifying exigency or to effectuate the placement of a child for adoption or foster care before the placement of the child in the home. Intermittent or reduced schedule leave may be taken following the birth or placement of a healthy child only with the Board's permission.

If foreseeable intermittent or reduced schedule leave is medically required based on planned medical treatment of the employee, a family member, or a covered service member, the Board may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates the leave requested. This would include a period of recovery from an employee's or family member's serious health condition or a serious injury or illness of a covered service member.

In addition, special arrangements may be required of an instructional employee who needs to take intermittent or reduced-schedule leave, which will involve absence for more than twenty (20) percent of the work days in the period over which the leave will extend (for example, more than five days over a five-week period) if the leave is to care for a family member with a serious health condition, to care for a covered service member with a serious injury or illness, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment. In such situations, the Board may require the instructional employee to transfer temporarily to another job or take leave for a particular duration not to exceed the duration of the planned medical treatment.

Both Spouses Working for the Same Employer

If both spouses are eligible employees of the Board and request leave for the birth, placement of a child by adoption or for foster care, or to care for a parent with a serious health condition, they will only be entitled to a maximum combined total leave equal to twelve (12) weeks in the 12 month entitlement period. If either spouse (or both) uses a portion of the total 12 week entitlement for one of the purposes in the preceding sentence, each is entitled to the difference between the amount the employee has taken individually and the 12 weeks for FMLA leave for their own or their spouse's serious health condition in the 12 month entitlement periods.

Leave Taken by Instructional Employees Near the End of an Academic Term

If an instructional employee's leave for any reason begins more than five (5) weeks before the end of an academic term, the Board may require the employee to continue the leave until the end of the term if the leave will last at least three (3) weeks and the instructional employee returns to work during the three-week period before the end of the term.

If the instructional employee begins a leave during the five-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the

end of the term if the leave will last more than two (2) weeks and the instructional employee would return to work during the two-week period before the end of the term.

If the instructional employee begins a leave during the three-week period preceding the end of an academic term for a reason other than the instructional employee's own serious health condition, the Board may require the instructional employee to continue taking leave until the end of the term if the leave will last more than five (5) working days.

Leave to Care for an Injured or Ill Service Member

In addition to the reasons for leave listed above, an eligible employee may take up to twenty-six (26) workweeks of FMLA leave during a 12 month period to care for a service member who is the employee's spouse, parent, child, or next of kin, and who incurred a serious injury or illness in the line of duty and while on active duty in the Armed Forces or had a preexisting injury or illness prior to beginning active duty that was aggravated by service in the line of duty on active duty in the Armed Forces; or a covered veteran with a serious injury or illness who is the employee's spouse, parent, child or next of kin.

For service members, the injury or illness must render them medically unable to perform the duties of office, grade, rank, or rating. This provision applies to service members who are undergoing medical treatment, recuperation, or therapy, are in outpatient status, or are on the temporary disability retired list for a serious injury or illness.

For covered veterans, they must be undergoing medical treatment, recuperation, or therapy for a serious injury or illness and must have been a member of the Armed Forces (including the National Guard or Reserves), discharged or released under conditions that were other than dishonorable, and discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the veteran. *(The employee's first date of leave must be within the five-year period. However, the employee may continue to take leave throughout the single 12 month period even if the leave extends past the five-year period. Note - special rules may apply to calculating the five-year period for veterans discharged between October 28, 2009, and March 8, 2013. This period will effectively be excluded from the five-year calculation.)*

For covered veterans, serious injury or illness means any of the following:

- a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating;
- a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave;
- a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment;

- an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

When combined with any other type of FMLA qualifying leave, total leave time may not exceed twenty-six (26) weeks in a single twelve (12) month period. Standard FMLA leave procedures described below apply to all requests for and designation of leave for this purpose. However, in the case of leave to care for a service member with a serious injury or illness, the 12 month period begins on the day such leave actually commences.

Requests for Leave

Foreseeable Leave

An employee must notify the personnel department of the need for a family or medical leave at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on the expected birth of the employee's child, placement of a child with the employee for adoption or foster care, planned medical treatment for the employee's or family member's serious health condition, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days-notice is not practicable, then the employee must provide notice as soon as practicable under the circumstances, usually the same day or the next business day after the employee becomes aware of the need for FMLA leave.

Qualifying Exigency

An employee must provide notice as soon as practicable if the foreseeable leave is for a qualifying exigency, regardless of how far in advance such leave is foreseeable.

Unforeseeable Leave

When the employee's need for leave is not foreseeable, an employee must provide notice as practicable under the circumstances.

Scheduling Planned Medical Treatment

When planning medical treatment for foreseeable FMLA leave, an employee must consult with the personnel department and make a reasonable effort to schedule the treatment so as not to unduly disrupt the Board's operations, subject to the approval of the health care provider. Similarly, if an employee needs to leave intermittently or on a reduced leave schedule for planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt the Board's operations unduly.

Ordinarily, the employee should consult with the personnel department prior to scheduling the treatment in order to work out a treatment schedule that best suits the needs of the Board and the employee. The Board and the employee shall attempt to work out a schedule for leave that meets the employee's needs without unduly disrupting the Board's operations, subject to the approval of the health care provider as to any modification of the treatment schedule.

Required Certifications/Documentation

For leaves taken for any FMLA-qualifying reason, an employee must submit a completed certification form supporting the need for leave. The employee must submit a complete and sufficient certification form as required within fifteen (15) calendar days of receiving the request for the completed certification. If it is not practicable for the employee to provide the completed form by the due date despite the employee's diligent, good-faith efforts, the employee must inform the personnel department of the reason(s) for the delay and what efforts the employee undertook to obtain the required certification.

FMLA-protected leave may be delayed or denied if the employee does not provide a complete and sufficient certification as required. Depending on the reason for leave, an employee may be required to submit medical certification from the employee's health care provider, medical certification from the employee's family member's health care provider, and/or other documentation (e.g., to establish a family relationship, military active duty orders, etc.). In certain circumstances and under certain conditions, employees may also be required to obtain second or third medical opinions and/or recertifications in accordance with applicable law.

If an employee takes leave for the employee's own serious health condition (except on an intermittent or reduced-schedule basis), prior to returning to work, the employee must provide a medical fitness-for-duty certification that the employee is able to resume work and the health condition that created the need for the leave no longer renders the employee unable to perform the essential functions of the job. This certification must be submitted to the personnel department.

If the employee is unable to perform one or more of the essential functions of the employee's position, the Board will determine whether the employee is eligible for additional FMLA leave (if such leave has not been exhausted) or whether an accommodation is appropriate, in accordance with the Americans with Disabilities Act.

In connection with the Board's request for medical information, employees must be aware that the Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by Title II of GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, the Board requests that employees not provide any genetic information when responding to a request for medical information.

Use of Paid Leave

Accrued paid personal leave and accrued paid vacation will be substituted (in that order) for any unpaid portions of family or medical leave taken for any reason. However, where the leave is for the employee's own serious health condition, accrued paid sick leave shall be substituted for unpaid portions of family or medical leave prior to the substitution of accrued paid personal and accrued paid vacation leave. The amount of unpaid family or medical leave entitlement is reduced by the amount of paid leave that is substituted.

In addition, in cases involving absences due to a Workers' Compensation injury that also qualifies as an FMLA serious health condition, and if the employee (and the employee's collective bargaining agent, if applicable) and the Board agree to do so, the Board will apply the employee's available accrued paid leave in increments as a supplement to the Workers'

Compensation weekly benefit in an appropriate amount so that the employee can maintain the employee's regular weekly income level.

Medical Insurance and Other Benefits

During approved family or medical leaves of absence, the Board will continue to pay its portion of medical insurance premiums for the period of unpaid family or medical leave. The employee must continue to pay the employee's share of the premium, and failure to do so may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the Board for payment of medical insurance premiums during the family or medical leave unless the employee does not return because of a serious health condition or circumstances beyond the employee's control.

During an FMLA leave, an employee shall not accrue list benefits, such as seniority, pension benefits, or sick or vacation leave, unless otherwise required by any applicable collective bargaining agreement or Board policy. However, unused employment benefits accrued by the employee up to the day on which the leave begins will not be lost upon return to work. Leave taken under this policy does not constitute an absence under the Board's attendance policy, if any.

Reinstatement

Except for circumstances unrelated to taking family or medical leave, and unless an exception applies, an employee who returns to work following the expiration of a family or medical leave is entitled to return to the job such employee held prior to the leave or to an equivalent position with equivalent pay and benefits.

Additional Information

Questions regarding family or medical leave may be directed to the Superintendent or designee. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Legal References: Connecticut General Statutes

[31-51rr](#) Family and medical leave benefits for employees of political subdivisions

Regs. Conn. State Agencies [31-51rr-1](#), et seq.

United States Code:

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Regulation approved: 3/2/2026

Policy adopted: 3/2/2026