

Do you need time off from work to care for a child, parent, spouse or yourself?

Questions & Answers about:

Taking Time Off From Work: Family & Medical Leave

Q. Who is covered under the FMLA?

A. Both the state and federal government have Family and Medical Leave

Act (FMLA) laws—each with different rules.

Number of employees	Hours worked within last 12 months	You will be covered under
50+	1250	Federal FMLA
75+	1000	Connecticut FMLA

And, you must have worked at least 12 months. Only hours actually worked count--paid vacation, holiday or sick leave do not count.

Q. If someone in my family is sick, can I get time off from work?

A. Yes, in some cases. Both *federal* and *Connecticut* FMLA allow some employees to take time off (usually unpaid) to recover from his/her own serious illness or to care for a seriously ill child, parent or spouse.

Connecticut FMLA also allows time off to care for a *parent-in-law* or *civil union partner*.

Both *federal* and *Connecticut* FMLA also allow you to take time off to care for a newborn or newly adopted child or foster child. You may be able to (or be required to) first use paid time off, such as vacation days, to cover some or all of your leave.

New Military Family Leave: An eligible employee can take up to 26 weeks of unpaid time off to care for a service member who is seriously ill or was injured in active duty. The employee must be the spouse, son, daughter, parent, or next of kin.

Q. How much leave can I get?

A. If you are covered under *federal* FMLA, you can get 12 weeks of unpaid leave in any 12-month period. If you are covered under *Connecticut* FMLA, you can get 16 weeks of unpaid leave in any 24-month period. (CT state agency employees can get up to 24 weeks of unpaid leave.)

Q. Do I have to take the leave all at once?

A. No. It can be taken in parts or occasionally if it is medically necessary or if your employer agrees. (For example, taking a half a day at a time or working fewer hours on a regular basis to go to appointments.)

Q. Do my health benefits continue while I'm out?

A. Yes. An employer must continue group health benefits while you are on leave, as well as life and disability insurance, sick leave, educational benefits, and pension. The payment arrangement for all benefits would continue as if you were still working. This means if your employer previously paid your benefits, you will not start paying. But, if you pay for all or part of your benefits, you will keep paying.

Q. What do I have to do before taking leave?

A. As soon as possible, tell your supervisor that you need to take a leave and the reason why. You do not have to ask for the leave in writing (but it is better if you do). Unless you have an emergency medical condition, you must give 30 days' notice (or if 30 days is not possible, as much notice as you can).

Once you ask for the leave, the employer is supposed to explain your rights under FMLA and tell you what information/documentation you must provide.

Q. Can I get my job back when my leave ends?

A. Once your leave ends, you are entitled to go back to your original job. If that job is no longer available, you must be given a similar job with similar pay and benefits. If you took medical leave and you are unable to perform your original job for medical reasons, under *Connecticut* FMLA your employer should transfer you to a job that is suitable to your physical condition. Under *federal* FMLA, you have no right to another job. You may have this right under the Americans with Disabilities Act (ADA). An employer is not required to create a job for you.

Q. What if I am fired for trying to take FMLA leave or if I need help getting a leave?

A. An employer cannot deny or restrict your rights under FMLA or discriminate or take negative action against you (such as firing) while you are on leave or upon your return. You must follow the employer's rules or the employer might be able to take action against you. Call the U.S. Department of Labor (1-866-487-9243) or the CT Department of Labor (860-263-6790) for information or to file a claim. If you meet the requirements of both the federal and state FMLA, you can choose to apply the rule most helpful to you.

Questions? Call Statewide Legal Services at 1-800-453-3320 or 860-344-0380.