

## **Personnel -- Certified/Non-Certified**

### **Personal Leaves**

#### **Family, Medical and Pregnancy Leave Policy**

Family and Medical leaves are provided by the Board as required by the federal Family and Medical Leave Act of 1993, as amended (FMLA) and the Family Medical Leave Act as part of the National Defense Authorization Acts of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances) and 2013 Final Rules. This policy and the corresponding regulations will be interpreted to comply with that law, as well as the Connecticut Fair Employment Practices Act (CFEPA) with respect to pregnancy-related disability leave and transfer. Employees should contact the Business Office of the Somers Public Schools if they have any questions regarding how the Board's FMLA policy and regulations apply to their situation, when and how they may take leave or any question regarding family, medical or pregnancy-related disability leave.

Paraprofessionals are also eligible to benefits equal to those under the federal FMLA if such paraprofessional was employed for at least one year and for at least ~~950~~ 1,250 hours over the previous twelve-month period preceding the commencement of the leave. [Under federal FMLA, eligible employees are provided up to 12 weeks of unpaid leave each year.](#)

A paraprofessional is defined as a school employee who performs duties that are instructional in nature 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.

#### **CT FMLA**

[Eligible employees are employees whose position does not require 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 months 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. An employee may be entitled to leave under the Federal FMLA and/or CT FMLA. To the extent an employee is eligible for and qualifies for leave under both laws, the employee's Federal FMLA and CT FMLA leave will run concurrently.](#)

## Definitions

**Genetic Information:** For purposes of this policy, “genetic information” includes an individual’s family medical history, an individual’s or family member’s genetic tests, and/or the fact that an individual or an individual’s family member sought or received genetic services or participated in clinical research which includes genetic services. “Genetic information” includes information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member utilizing assistive reproductive technology.

**Instructional employee:** For purposes of this policy, an “instructional employee” is defined as a teacher or other employee of the Board who is employed principally in an instructional capacity and whose principal function is to teach and instruct students in a class, small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

**Non-certified employee:** For purposes of this policy, “non-certified employee” means an employee employed by the Board in a position that does not require a professional certification under Chapter 166 of the Connecticut General Statutes.

## Leave covered by FMLA includes 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; or
- 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:
  - short-notice deployment;
  - military events and related activities;
  - childcare and school activities;
  - financial and legal arrangements;
  - counseling;
  - rest and recuperation;
  - post-deployment activities;
  - 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;
  - 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.

**Leave covered by Connecticut FMLA includes the following:**

- upon the birth of the employee's newborn child, and to care for the newborn child;
- upon the placement of a child with the employee for adoption or foster care, and to care for the newly placed child;
- to care for the employee's family member, if such family member has a serious health condition;
- because of the employee's own serious health condition, including any period of incapacity due to pregnancy or for prenatal care, that renders the employee unable to perform the functions of the employee's position;
- in order to serve as an organ or bone marrow donor;
- to care for an injured or ill servicemember who is the employee's spouse, parent, child or next of kin; or
- to address a qualifying exigency arising out of the fact that the spouse, child, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.

For purposes of determining whether an employee has a qualifying reason for leave under CT FMLA, "family member" is defined as a spouse, sibling, child, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

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 shall draft administrative regulations to comply with the FMLA and CT 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 leave under the FMLA;
- Leave scenarios and conditions;
- Leave to care for an injured or ill service member;
- Procedures for requesting 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 Reference: P.L. 103-3 and 29 CFR Part 825 - The Family and Medical Leave Act of 1993, as amended by H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008, Section 585. 29 U.S.C. §2601 et seq. and the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, section 565, Title V.

Final Rule - published in Federal Register, Vol. 60, Nov. 4, Friday, January 6, 1995, as amended on February 3, 1995, March 30, 1995, and on November 17, 2008. Rules and Regulations (29 CFR Part 825).

Connecticut General Statutes

[46b-3800](#) Applicability of statutes to civil unions and parties to a civil union.

PA 07-245 An Act Concerning Family and Medical Leave for Municipal Employees.

PA 12-43 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees.

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