

Personnel – Certified / Non-Certified

ABSENCES AND LEAVES – FAMILY AND MEDICAL LEAVE ACT

4152.6 – 4252.6(a)

The District will provide leave to eligible employees consistent with the Family and Medical Leave Act of 1993 (FMLA) and legislative updates.

Federal FMLA

Employees of the District 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 District can demonstrate otherwise. Under federal FMLA, eligible employees are provided up to 12 weeks of unpaid leave each year.

CT FMLA

Eligible employees are those whose positions do not require a professional certification (non-certified school personnel). Non-certified school personnel must be employed by the District for at least three months during the previous 12 months to be eligible.

Under the 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.

Eligible employees are entitled to take unpaid leave for a covered family member's service in the Armed Forces, for any one or for a combination of the following reasons:

- A “qualifying exigency” as defined by Department of Labor regulations arising out of a covered family member's covered active duty or Federal call to covered active duty (includes National Guard and Reserves) in the Armed Forces including deployment to a foreign country or to international waters;
- To care for a covered family member who has incurred a serious injury or illness in the line of duty while on covered active duty in the Armed Forces (including as a member of the National Guard or Reserves) provided that such duty or illness may render the family member medically unfit to perform duties of the member's office, grade, rank, or rating;
- To care for a covered family member who is a veteran who is undergoing medical treatment, recuperation, or therapy for a service related illness or injury that was incurred or aggravated while on active duty and manifested itself before or after the member became a veteran, within five years after a veteran leaves service; and/or
- To care for a parent/guardian of a military member called to active duty provided the military member is the spouse, parent/guardian, or child of the employee.

Personnel – Certified / Non-Certified

**ABSENCES AND LEAVES – FAMILY AND
MEDICAL LEAVE ACT**

4152.6 – 4252.6(b)

If a leave is requested for one of the reasons listed above, each eligible employee may take up to twelve (12) weeks of unpaid family or medical leave within 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.

When leave is due to a “qualifying exigency” of a service member, an eligible employee may take up to 12 work weeks of leave during any 12 months. When such leave is to care for an injured or ill service member, an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single 12-month period. Employees will not be deprived of any employment benefits accrued before taking FMLA leave.

The District will maintain health insurance benefits at the same basis as is provided to other similarly situated employees. Conversely, employees on FMLA leave are not entitled to accrue any seniority or benefits during the leave unless determined otherwise due to a collective bargaining agreement. When an employee returns from FMLA leave, benefits will be resumed in the same manner as provided prior to taking the leave, subject to any changes in benefit levels that may have occurred during the FMLA leave period and which affect the entire work force. Leave available for eligible employees under FMLA is not intended to supplement leave otherwise provided to such employees. The District may require the eligible employee substitute any accrued vacation or sick leave for any part of the twelve-week period that may be taken for the serious health condition of a spouse, child or parent, or for the employee’s own serious health condition.

In complying with the FMLA, the District will adhere to the requirements of the Americans with Disabilities Act as well as other applicable federal and state laws. In addition, the District shall allow its employees leave time under this policy to serve as organ or bone marrow donors.

The District, in compliance with FMLA’s regulations, will post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the provisions of the FMLA and providing information concerning the procedures for filing complaints of violations of the Act. Electronic posting may be utilized.

Personnel – Certified / Non-Certified

**ABSENCES AND LEAVES – FAMILY AND
MEDICAL LEAVE ACT**

4152.6 – 4252.6(c)

(cf. 4118.14 - Disabilities)
(cf. 4151.2 - Family Illness) Fairfield Public School
(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).
Final Rule – published in Federal Register, Vol. 78, Wed. February 6, 2013.
Final Rule – published in Federal Register, Vol. 80, No. 37, Wednesday, February 25, 2015
Connecticut General Statutes
46b-38oo 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
United States v. Windsor, U.S. 133 S. Ct. 2675 (2013)
Obergefell v. Hodges, No. 14-556, 135 S. Ct. 2584 (2015)

Adopted 8/27/2004
Revised and Adopted 10/4/2016
Revised and Adopted 12/9/2025