**FMLA - Family and Medical Leave Act Law**

The Family and Medical Leave Act is a law that allows an individual up to 12 weeks leave based on medical necessity for self, child, spouse or parents. Both the State of Connecticut and federal government have Family and Medical Leave Act (FMLA) laws—each with different rules. You will be covered under the federal FMLA if you have worked for at least 12 months for a private company that has 50 or more employees and you have worked 1250 hours within the last 12 months. You will be covered under Connecticut FMLA if you have worked at least 12 months for an employer that has 75 or more employees and you have worked 1000 hours within the last 12 months. For both federal and Connecticut FMLA, only hours actually worked count—paid vacation, holiday or sick leave do not count.

Below are answers to common FMLA questions.

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

A. Yes, in some cases. The federal FMLA allows some employees to take time off (usually unpaid) to care for a seriously ill child, parent (but not "parent-in-law") or spouse, and to recover from your own serious illness. The ConnecticutFMLA allows some employees to take time off (usually unpaid) to care for a seriously ill child, parent, parent-in-law, spouse, or civil union partner, and to recover from your own serious illness.

Both 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 any paid time off that you have, such as vacation days, to cover some or all of your leave.

Q. How much leave can I get? Do I have to take the leave all at once?

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. (Connecticut state agency employees can get up to 24 weeks of unpaid leave.) You don’t have to take the leave all at once--it can be taken in parts or occasionally if your employer agrees or if it is medically necessary. For example, a half a day at a time or by working fewer hours on a regular basis to attend appointments.

Q. Do my health benefits continue while I am out on leave?

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 the benefits, you will not start paying for them yourself. However, if you pay for all or part of your benefits, you will continue to pay.

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. What happens when I get back from leave? Can I get my job back?

A. Once your leave ends, you are entitled to go back to your original position. If that position is no longer available, you must be given a similar position with similar pay and benefits. If you took medical leave and you are unable to perform your original job for medical reasons, your employer should transfer you to a job which is suitable to your physical condition. However, an employer is not required to create a job for you.

Q.What if I am fired for trying to take FMLA leave or fired in retaliation for taking FMLA 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. If you have been terminated or discriminated against while exercising your legal rights under the FMLA, you have the right to file a Complaint against in your employer in federal court and the right to file a claim with the Connecticut Department of Labor. The damages recoverable in a FMLA lawsuit include compensatory damages (back pay, front pay, loss of benefits and other out-of-pocket expenses), attorneys’ fees, court costs, and liquidated damages if a willful violation has been proven.

*The information here and elsewhere on this site intended solely as background. You should not take it to be legal advice, nor does it create an attorney-client relationship. If you have a legal question, please consult an attorney directly.*