



## **POLICIES AND PROCEDURES**

**Subject: Family and Medical Leave**

**Policy No. 3**

**Pages: 15**

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**Approved by:** Maria M. Houser, Assoc V P for H R & Labor Relations

**Signature:** *(Signature on file)*

### **Policy Statement**

Southern Connecticut State University provides family and medical leaves in accordance with the Federal Family and Medical Leave Act of 1993; the revised regulations to the FMLA by the United States Department of Labor effective January 16, 2009 and the provisions of Section 5-248a of the Connecticut General Statutes enacted in 1988. *Federal* law allows for paid or unpaid family and medical leave of 12 weeks in a 12-month period for eligible employees. *State* law permits unpaid family and medical leave for up to 24 weeks in a 24-month period for permanent employees. In general, employees will return to the same position or an equivalent position at the conclusion of the leave. An employee in a position with an ending date will be granted a leave only through the end date for the position.

### **Scope**

This policy applies to full-time and part-time permanent classified or unclassified employees.

### **FMLA Eligibility**

An employee is covered by the FMLA if he or she meets the following eligibility requirements:

- To qualify for *federal* FMLA, employees must have at least 12 months of cumulative state service (or 52 weeks if the work is intermittent)
- Worked for the state for at least 1,250 hours (including overtime if your position allows it) in the 12 months immediately preceding the commencement of the FMLA leave. (Working for the "state" includes University employment.) Except for military leave, paid and unpaid leave is not counted as part of the 1,250 hours.

- Has not already used the current year's 12 week FMLA leave entitlement.

NOTE—the required 1,250 hours do not have to be worked during consecutive months. However, the 1,250 hours of work requirement applies to the 12 months immediately preceding the start of the leave.

- To qualify for *state* FMLA, employees must have permanent status with the state as defined in C.G.S. 5-196(20).

NOTE—for both *federal* and *Connecticut* FMLA, only hours actually worked count. “Hours worked” do not include time spent on paid leave – sick, vacation, personal leave, administrative – or unpaid leave. Overtime hours do count towards the 1,250-hour requirement.

### **Key Points**

> Employees may be eligible for:

- *Federal* FMLA only,
- *State* family/medical leave only, or
- Both *federal* FMLA and *state* FMLA.

> Employees eligible under only one law will receive benefits in accordance with that law only. If the leave qualifies for both *Federal* and *State* FMLA leave, the leave may count against an eligible employee’s entitlement under both laws and run concurrently.

> *Federal* FMLA (but not *State* FMLA) may run concurrently with a Workers’ Compensation absence.

> When both the employee and their spouse work for the State of Connecticut and are eligible for *Federal* FMLA leave, the employees may be limited to a combined total of 12 weeks of leave during any 12-month period, depending on the reason for leave. There is no spousal limitation under *State* FMLA.

> Under the Civil Union statute, *Federal* FMLA benefits extend to the employee in events which apply to the employee and dependent children, but are not extended to qualifying events that involve the civil union partner.

> The *Connecticut Family and Medical Leave Plan* (C.G.S. 5-248a) is a state benefit which applies to qualifying events for the employee, their dependent children, and events which involve the civil union partner.

> An employee may not retroactively invoke his or her entitlement to family and medical leave unless they were physically or mentally incapable of invoking their entitlement as set forth in the Act.

> The FMLA guarantees an employee the right to take FMLA covered leave intermittently or as part of a reduced work schedule when medically necessary.

> Also refer to the various State and University collective bargaining unit contracts.

### **Qualified Purposes**

The circumstances covered under either the *State* or *Federal* FMLA or a combination of the acts is as follows:

- The birth of employee's child or adoption of a child by the employee (both *State* and *Federal*); (Adoption leave will be effective on the actual date of adoption)
- The placement of a foster child with the employee (*Federal only*);
- The "serious illness" (*State*) or "serious health condition" (*Federal*) of the employee, a child\*, spouse\*\* or parent;
- For an employee to serve as an organ or bone marrow donor (*State only-PA 04-95*);
- For military family leave (*Federal only-NDAA 2008, Public Law 110-81*).
  1. Up to 26 weeks of unpaid leave for a spouse, child, parent or next of kin (nearest blood relative to that individual) to care for a covered service member injured while on active duty in the U.S. Armed Forces (only available during a single 12-month period)
  2. Up to 12 weeks of unpaid leave because of any "qualifying exigency" (see Definition below) arising out of the fact that a spouse, son, daughter 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 in support of a "contingency operation" (see below).

\*Under *State* Family Medical Leave, the term "child" includes a biological, adopted or foster child, stepchild or child of a person standing in "loco parentis" (under age 18 years or 18 or older and incapable of self-care because of a mental or physical disability). It also includes a child of whom a person has legal guardianship or custody. (*Public Act No. 06-102*)

\*\*The term "spouse" includes civil unions under the *State* Family Medical Leave (*Pub. Act 05-10*).

### **Serious Health Condition – Six Individual Definitions**

Serious health condition is very specifically defined under *Federal* FMLA. The following is a brief description of the covered categories:

- **Inpatient care** (i.e., overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to inpatient care.
- **Absence plus treatment**—a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition, that also involves (a) treatment two or more times by a health care provider or (b) treatment by a health

care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

- **Pregnancy**—includes prenatal care.
- **Chronic conditions requiring treatments** (*Ex: Asthma, diabetes, epilepsy*)
- **Permanent long-term conditions** (*Ex: Alzheimer's, a severe stroke, terminal states of a disease*)
- **Multiple treatments** (non-chronic conditions) (*Ex: cancer, kidney disease*)

The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. The University will require medical certification of a serious health condition.

### **Certification of a Serious Health Condition**

*Certification of Health Care Provider*—An employee requesting family and medical leave must submit an acceptable medical certificate from a Health Care Provider to Human Resources within fifteen (15) calendar days of receipt of the form, absent extenuating circumstances.

*Certification Elements*—Certification must state the date of the onset of the serious condition, its probable duration, and appropriate medical facts. If the leave is because of the employee's condition, the certification must also state that the employee is unable to perform the functions of his or her position. When leave is taken to care for a family member, the certification must state that the employee is required to provide care for the family member and estimate the amount of time the employee will need. For an intermittent leave, the dates of treatment and duration must be specified.

*Certification Evaluation*—The Associate Vice President for Human Resources and Labor Relations, or designee, is delegated to determine family and medical leave eligibility. Human Resources shall evaluate the completed form and will take one of the following actions:

- If Human Resources decides the family and medical leave is appropriate under the law they will notify the employee and their supervisor.
- If the Certification is incomplete, Human Resources shall request the employee to provide additional information.
- If the validity of the medical certification is in doubt Human Resources can require a **second opinion** with a health care provider of our choice at our expense. If the two opinions conflict, we may pay for a *third* opinion. A final decision will be based on the findings.

(Note: medical certificates must be directly forwarded to Human Resources in a confidential envelope)

## **Amount of Leave**

Under *Federal* FMLA, eligible employees are entitled to 12 weeks of paid or unpaid leave in a 12-month period. Under *state* FMLA, eligible employees are entitled to a maximum of 24 weeks of unpaid leave within a 24 month period. Where possible, leave time granted under the *State's* family/medical leave law will run concurrently with the *federal* FMLA entitlement.

Leave for a ***serious health condition*** for either the employee or that of the employee's spouse, parent or child may be taken intermittently if necessary. There is no intermittent leave following the birth of a child, although at the discretion of the University an option may be invoked according to the provisions of General Letter 217-A.

(Note: General Letter 217-A allows an agency the discretion to effect a temporary change in position status from full-time to part-time to facilitate an employee's return to work on a part-time basis following a medical leave of absence or maternity leave (at the end of the disability period). This is not an entitlement to the employee rather it is an option for an agency. Approval is subject to agency operating needs and certain criteria as it relates to the Federal Family and Medical Leave Act (FMLA) and State C.G.S. §5-248a)

Leave Extensions—An employee who has not utilized the full 12 weeks of *Federal* leave time or the full 24 weeks of *state* leave time and requests additional family and medical leave time will be required to obtain another certification.

## **Advance Notice and Medical Documentation**

Employees are required to submit a medical certificate to substantiate leave taken for a serious health condition/serious illness. Employees must use the following forms:

- **Form P-33A-Employee** – when the leave is for the employee's own illness.
- **Form P-33B-Caregiver** – when the employee requests leave to care for a child, spouse or parent with a serious health condition/serious illness.

Where the employee has advance notice of the need for the leave (i.e., an anticipated birth, adoption or surgery), the medical certificate form should be submitted at least 30 days in advance, using approximate dates if definite ones are not yet available. In the case of adoption, the employee must provide a letter from the adoption agency establishing the date of the adoption.

Where there is no forewarning (i.e. major unexpected illness), the medical form should be submitted as soon as the employee becomes aware that he/she is to be absent for an FMLA qualifying reason. Failure to provide the needed documentation may result in a disapproval of the leave or a delay in its commencement.

Employees who request a leave under the *State's* FMLA (C.G.S. 5-248a), are required to sign a statement confirming their intent to return to work immediately following the leave. During this leave, the employee will be required to furnish Human Resources with periodic reports of the employee's status. Failure to return to work at the end of the leave period may be treated as a resignation unless an extension of the employee's absence has been agreed to and approved in writing by Human Resources. In no event shall the period of FMLA exceed the benefit provided under *federal* or *state* law.

### **Employer Notice Obligations**

Pursuant to the new regulations, employers are required to provide employees with the following notices:

- (1) A general notice about FMLA, which must be posted at the worksite (or electronically) and published in an employee handbook or given to new employees upon hire;
- (2) An "eligibility notice", which must be sent to employee within five (5) days of the date when the employer is given notification of the request for FMLA leave;
- (3) A "rights and responsibilities notice", which informs employees of their obligations and expectations while on FMLA leave; and
- (4) A "designation notice", which notifies employees whether the leave requested qualifies for FMLA leave.

The new regulations also extend the time for employers to provide various notices, including its response to a request for FMLA leave, from two (2) business days to five (5) business days.

### **Processing the Leave Request**

**Employee:** When foreseeable, the employee shall give advance notice to the supervisor of the need to take family and medical leave.

**Supervisor:** When an employee has requested family and medical leave, or the supervisor recognizes the possible application of family and medical leave, the supervisor shall provide written notice to Human Resources within two (2) business days, absent extenuating circumstances. The supervisor shall contact Human Resources with any questions.

**Human Resources:** Upon receipt of notification, Human Resources shall provide the employee with the necessary forms and information.

## **Paid vs. Unpaid**

Generally, *Federal* FMLA leave is unpaid. However under certain circumstances, Federal law permits an eligible employee to choose to substitute paid leave to cover some or all of the FMLA leave. An HR representative can review this with the employee.

Unless a labor contract specifies otherwise, if the employee requests a leave for their own serious illness they will be required to exhaust all their accrued sick time before going on unpaid time. In this case, the leave will be counted towards *Federal* FMLA only. **Once the employee has exhausted accrued sick time, the leave will be counted toward their 24-week entitlement under State law** (if they are eligible). If there is time left under *Federal* FMLA, the leaves will run concurrently.

Employees who need leave time for *maternity reasons* must use their accrued sick time for the disability portion of the leave. Once they have been cleared to return to work, they may continue on family leave but may no longer use accrued sick time. Employees may also request that vacation and personal leave be applied toward their family/medical leave.

Donated sick time or benefits under a Sick Leave Bank will be counted toward leave entitlement under both *federal* and *state* family/medical leave laws.

## **Benefit Continuation**

The University will continue the employee's health insurance coverage while the employee is on leave. The employee must continue to pay any share of the group health plan premiums that he/she had paid prior to taking leave. The use of FMLA leave will not result in the loss of any employment benefit that accrued *prior* to the start of an employee's leave. Employees should also consult their collective bargaining agreement for further information.

Nonpayment of Premiums by Employee—If an employee fails to pay any share of the group health plan premiums that they had paid prior to taking leave by the due date, a thirty-day (30) grace period will be provided. If the employee does not pay all amounts currently due within thirty (30) days of the due date, the University shall cancel the employee's health insurance coverage at the end of the last month for which a complete payment is made. Deductions taken from the paycheck (e.g., disability insurance, credit union loans, and deferred compensation) are the employee's responsibility and they should contact the vendor directly to discuss payment options.

## **Return to Work**

At the conclusion of family/medical leave, employees are entitled with limited exceptions to return to the same position or an equivalent position with equivalent pay, benefits and working conditions. In the vast majority of cases, employees will be returned to the position they occupied prior to the leave. If this is not possible, the University will notify them of their new position prior to their return from leave.

In cases involving the serious health condition of an employee, the agency may require the employee to produce a “**fitness-for-duty certification**” which the physician has certified the employee is able to return to work and able to perform their regular duties. This requirement protects the employee, co-workers and the public from the negative consequences that can result when an individual returns to work before being medically ready to do so. Therefore, employees who are notified of the need for a “fitness-for-duty certification” will not be allowed to return to work without it.

If an employee fails to return to work after family and medical leave, and the University has paid for maintaining health coverage, the University, under certain circumstances, is entitled to recover the premiums paid.

Consult the appropriate collective bargaining agreement for further information.

## **FMLA Rights Expanded for Military Service Members (January 16, 2009)**

This implements two important new military family leave entitlements for eligible specified family members:

**Caregiver Leave:** This portion of the National Defense Authorization Act (NDAA) allows a "spouse, son, daughter, parent or next of kin" to take up to 26 weeks of leave to care for a member of the Armed Forces, including a member of the National Guard and Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise on outpatient status, or is otherwise on the temporary disability retired list, for serious injury or illness. Employers may still implement FMLA procedures like requiring substitution of paid leave and notice, for example. The leave is available on an intermittent basis, but is only available for use in a single 12 month period.

**Active Duty Leave:** This category of leave would address situations in which an employee faces "any qualifying exigency" arising out of the fact that the "spouse, or son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty." The term "any qualifying exigency" has not yet been defined by the Secretary of Labor and this provision will not be effective until definitive regulations are published. In the interim, the Department

of Labor encourages employers to use good faith efforts to provide active duty leave to qualifying employees.

For more information see:

<http://www.dol.gov/esa/whd/regs/compliance/whdfs28a.pdf>

### **Other Paid Leave and Benefit Accruals**

While on family and medical leave, sick leave, annual leave and state service credit will continue to accrue only during that portion of the leave that is covered by paid leave.

### **Other Leave Options**

If an employee is not eligible for family and medical leave, an employee may be entitled to other leave, with or without pay. Consult with your Human Resources representative and/or your collective bargaining contract.

### **Confidentiality of Medical Records**

Any document containing medical information about an employee is considered a medical record and is regarded as confidential. Human Resources will maintain medical records in a file separate from the employee's official records.

### **Unlawful Acts**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The U.S. Department of Labor is authorized to investigate and resolve complaints of violations regarding the *federal* FMLA. Complaints regarding *federal* and or *state* family/medical leave may be directed to the Human Resources Office or the employee's union.

### **Definitions**

**Breaks in Employment** – While it is understood that employees are eligible to take FMLA leave if they have been employed by the employer for at least twelve (12) months and have at least 1,250 hours of service in such twelve (12) month period, the new regulations clarify that the twelve (12) months of employment do not need to be consecutive. Further, any period of employment prior to a

continuous break in service for seven (7) years or more, need not be counted for purposes of determining eligibility.

### **Chronic Condition**

- (1) requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); AND
- (3) May cause **episodic** rather than a continuing period of incapacity

**Contingency Operation** means a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force or results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

### **Fitness for Duty Certification**

The FMLA final rule of January 16, 2009 makes two changes to the fitness-for-duty certification process. **First**, an employer may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. **Second**, where reasonable job safety concerns exist, an employer may require fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

**Health care provider** includes a doctor of medicine or osteopathy, dentist, podiatrist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a clinical social worker that is authorized to practice in the State of Connecticut.

**Intermittent leave** is defined as leave taken in separate blocks of time to cover a single illness or injury. Employees who take intermittent FMLA leave have a statutory obligation to make a "reasonable effort" to schedule such leave so as not to unduly disrupt the employer's operations. (Under the old rule, they just had to "attempt.")

**Qualifying Exigency** – The Secretary of the US Department of Labor will issue rules defining a "qualifying exigency". Until rules are issued, employers should consider that the US Congress intends that FMLA eligible family members be able to assist a covered service member who has been called to active duty in the armed services. This might be for such activities as helping to arrange for or

temporarily provide childcare, assisting with a family business, completing the sale of personal property, etc.

**Reduced schedule leave** is defined as a leave schedule that reduces the number of hours an employee usually works in a day or a week. An example of reduced schedule leave would be an employee working part of a day while recovering from a serious health condition.

### **Serious Health Condition**

1. A serious health condition involves more than three (3) consecutive, full calendar days of incapacity **plus** “two visits to a health care provider.” (The two visits to the health care provider must occur within thirty (30) days from the first day of incapacity) **AND** the first visit to the health care provider must take place within seven (7) days of the first day of incapacity.

2. A serious health condition involves more than three (3) consecutive, full calendar days of incapacity **plus** a regimen of continuing treatment. The first visit to the health care provider must take place within seven (7) days of the first day of incapacity.

3. Chronic serious health conditions “**periodic visits**” is at least two (2) visits to a health care provider per year.

**Serious Injury or Illness**— In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

**Treatment** includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

A **regimen** of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

### **Authority**

- Family and Medical Leave Act (FMLA) of 1993,
- USC Title 29, Chapter 28—Family and Medical Leave
- Americans with Disabilities Act of 1990 (ADA)

- Title VII of the Civil Rights Act of 1964
- The State Personnel Act (Chapter 67, Sec. 5-248a of the Connecticut General Statutes).
- CSU System Office “Human resources Policies for the CSU Chancellor and Presidents” Approved by the Board of Trustees on July 22, 2005
- SCSU Employee Handbook
- CT Dept of Admin Services “Understanding Family and Medical Leave”
- National Defense Authorization Act (NDAA) for Fiscal Year 2008.
- Amendments to the FMLA Effective January 16, 2009

### **For Assistance**

Interpretation of specific requirements of the family and medical leave policy is subject to provisions contained in the full text of the Family and Medical Leave Act at [www.dol.gov/esa](http://www.dol.gov/esa) . Questions regarding family and medical leave should be directed to Human Resources Office.

### **Exceptions**

Any exception to the procedures in this Policy shall require prior written approval from the Associate Vice President of Human Resources and Labor Relations or designee of this University.

### **History**

7/7/09 Definition of “Intermittent Leave” amplified; Definition of “Break in Service” added; Definition of “Serious Health Condition” added; Definition of “Treatment” added; Definition of “Chronic Condition” added; Definition of “Fitness for Duty Certification” added; new section “Employer Notice Obligations” added.

## Federal vs. Connecticut Family and Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
<b>Employer Covered</b>	<p>Private Employers of 50 or more Employees in at least 20 weeks of the current or preceding year</p> <p>Public agencies, including state, local, and Federal Employers</p> <p>Local education agencies covered under special provisions</p>	<p>Private sector Employers of 75 or more Employees, determined as of October 1 annually, excepting private or parochial elementary or secondary schools</p> <p>State agencies covered under separate statute, with similar provisions</p> <p>Local government agencies, including local education agencies, excepted</p>
<b>Employees Eligible</b>	<p>Worked for Employer for at least 12 months - which need not be consecutive; worked at least 1,250 hours for Employer during 12 months preceding leave; and employed at Employer worksite with 50 or more Employees or within 75 miles of Employer worksites with a total of 50 or more Employees</p>	<p>1000 hours service with Employer during 12-month period preceding first day of leave</p> <p>No worksite proviso</p>
<b>Leave Amount</b>	<p>Up to a total of 12 weeks during a 12-month period; however, leave for birth, adoption, foster care, or to care for a parent with a serious health condition must be shared by spouses working for same Employer</p>	<p>Employees of covered Employers may receive 16 weeks of leave in a 24 month period</p> <p>State employees in the state are entitled to a maximum of 24 weeks of medical leave in any two (2) year period in order to serve as an organ or bone marrow donor</p> <p>Similar to Federal provision regarding sharing of leave by spouses</p>
<b>Type of Leave</b>	<p>Unpaid leave for birth, placement of child for adoption or foster care, to provide care for Employee's own parent (including individuals who exercise parental responsibility under state law), child, or spouse with serious health condition, or Employee's own serious health condition</p>	<p>Similar to Federal provision, additionally to provide care to spouse's parent or to serve as an organ or bone marrow donor</p>
<b>Serious Health Condition</b>	<p>Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential</p>	<p>Similar to Federal provision</p>

	<p>medical-care facility; or, continuing treatment by a health care provider involving a period of incapacity: (1) requiring absence of more than 3 consecutive calendar days from work, school, or other activities; (2) due to a chronic or long-term condition for which treatment may be ineffective; (3) absences to receive multiple treatments (including recovery periods) for a condition that if left untreated likely would result in incapacity of more than 3 days; or (4) due to any incapacity related to pregnancy or for prenatal care</p>	
<b>Health Care Provider</b>	<p>Doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors (limited to manual manipulation of spine to correct subluxation shown to exist by x-ray), nurse practitioners, and nurse-midwives, if authorized to practice under State law and consistent with the scope of their authorization; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA; any provider so recognized by the Employer or its group health plan's benefits manager; and any health provider listed above who practices and is authorized to practice in a country other than the United States</p>	Similar to Federal provision
<b>Intermittent Leave</b>	<p>Permitted for serious health condition when medically necessary. Not permitted for care of newborn or new placement by adoption or foster care unless Employer agrees</p>	Similar to Federal provision
<b>Substitution of Paid Leave</b>	<p>Employees may elect or Employers may require accrued paid leave to be substituted in some cases. No limits on substituting paid vacation or personal leave. An Employee may not substitute paid sick, medical, or family leave for any situation not covered by any Employers' leave plan</p>	Similar to Federal provision
<b>Reinstatement</b>	<p>Must be restored to same position</p>	Unlike Federal (which does not

<b>Rights</b>	or one equivalent to it in all benefits and other terms and conditions of employment	require restoration if the Employee is unable to perform an essential function of his job), if upon return from leave, the Employee is medically unable to perform the Employee's original job, the Employee is to be transferred to work suitable to such Employee's physical condition if such work is available
<b>Key Employee Exception</b>	Limited exception for salaried Employees if among highest paid 10%, within 75 miles of worksites, restoration would lead to grievous economic harm to Employer, and other conditions met	No provision
<b>Maintenance of Health Benefits During Leave</b>	Health insurance must be continued under same conditions as prior to leave	No specific provision
<b>Leave Requests</b>	To be made by Employee at least 30 days prior to date leave is to begin where need is known in advance or, where not foreseeable, as soon as practicable.  If due to a planned medical treatment or for intermittent leave, the Employee, subject to health care provider's approval, shall make a reasonable effort to schedule it in a way that does not unduly disrupt Employer's operation	Similar to Federal provision
<b>Medical Certification May Be Required by Employer for:</b>	Request for leave because of serious health condition  To demonstrate Employee's fitness to return to work from medical leave where Employer has a uniformly applied practice or policy to require such certification	Similar to Federal provisions
<b>Executive, Administrative, and Professional Employees</b>	Such individuals are entitled to FMLA benefits. However, their use of FMLA leave does not change their status under the Fair Labor Standards Act (FLSA), i.e., an Employer, does not lose its exemption from the FLSA's minimum wage and overtime requirements.	No specific provision