

Providers' Guide

Helping Families Understand Workplace Rights

Balancing a work schedule is a particular challenge for parents whose children have a chronic or extraordinary medical condition.

What are the laws that are relevant to workplace issues for parents with sick children?

There are a number of laws that impact employee attendance when a household member has a serious medical condition. Connecticut has laws that provide guidance in areas including family medical leave, unemployment compensation and paid sick leave.



What is the Family Medical Leave Act?

The Connecticut Family Medical Leave Act (FMLA) protects certain employees from job termination but only in a limited set of circumstances:

1. Connecticut FMLA only protects the employee from losing employment. There is no right to wages when an individual is out of work on FMLA leave.
2. Only businesses that employ 75 people or more must comply with Connecticut FMLA.
3. Before they are eligible for FMLA benefits, an employee must have worked for the employer for 12 months and for at least 1000 hours.
4. FMLA leave can only total 16 work weeks over a 24 month period.

5. Leave under FMLA can only be requested under certain circumstances:

Serious health condition of employee (period of incapacity 3 full consecutive work days)

Serious health condition of child, spouse or parent of employee

Birth of child

Placement of foster/adoptive child with employee

6. Intermittent leave requests are appropriate under FMLA:

Intermittent leave can include very short periods of time (eg: one hour).

Intermittent leave is included under FMLA even for those times when treatment by a healthcare provider is not required.

7. Medical Documentation can be required under FMLA:

Certification must be provided by health care provider (date condition commenced, probable duration, etc.)

"Appropriate" medical facts may be required

Statement from healthcare provider that employee is needed to care for child, parent or spouse or is unable to perform job based on medical condition may be requested

Absences may be attributable to incapacity under FMLA even though employee or family member does not receive treatment from healthcare provider

What are the job protections for parents of sick children?

Laws that protect jobs in Connecticut are very limited and this includes protections of the jobs of parents with sick children. Connecticut is an "employee at will" state. This means that an employee can be terminated from a job for any reason or for no reason at all, regardless of the quality of his/her job performance, the amount of time he/she has worked at the job, etc.

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There are certain situations where job termination may be deemed inappropriate:

1. Termination is based on discrimination based on race, sex, age or physical handicap.
2. Employee is a member of a union and the termination violates the collective bargaining agreement.
3. Employee has a workplace document which sets out workplace rules including termination and the employee's job termination appears to be inconsistent with the stated rules.

If FMLA or one of the other exceptions does not apply, the parent of a sick child can be terminated from employment regardless of the child's medical condition.

When are parents of sick children eligible for Unemployment Benefits?

Unemployment benefits are available in Connecticut for certain categories of people who have been separated from their jobs. Eligibility for unemployment benefits is limited even for parents who have left or been separated from jobs because their children are sick.

Eligible for unemployment benefits:

1. Fully or partially employed prior to job separation
2. Separated from job based on no fault of their own
3. Able and available to work full time
4. Actively seeking employment

There are situations where an individual is not eligible for unemployment benefits after they have been separated from a job. These situations can occur when an individual:

1. Voluntarily quits a job
2. Engages in willful misconduct at the work place (employee violated a known work rule)
3. Violates absenteeism policy (e.g. absent without notice or good cause on 3 separate instances in 3 months)

There are limited circumstances where an individual may be eligible for unemployment if he/she leaves a job because of a difficult or "hostile" work environment.

If an employee leaves a job to care for a sick family member he/she may still be eligible for unemployment benefits. However, the employee will not be able to receive benefits until he/she is "able and available" to return to work.

Who makes decisions regarding eligibility for Unemployment Benefits?

All decision regarding eligibility are made by the Connecticut Department of Labor. Patients should be directed to call 211 InfoLine for application information.

Paid Sick Leave

Connecticut has a new law which provides paid sick leave for some employees:

1. Law applies only to businesses that employ 50 or more workers
2. Paid sick leave accrues at one hour for every 40 hours worked
3. Paid sick leave can be used only after individual has been employed for 680 hours
4. Employer can require employee to use other available paid time off before invoking sick leave
5. Sick leave can be used only for the following:

Worker's illness, injury or health condition

Illness, injury or health condition of worker's child or spouse

If you have questions, please contact:

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