

Sec. 31-51qq-21. What are an employee's rights on returning to work from FMLA leave?

(See 29 CFR § 825.214)

(a) Except as provided in subsection (b) of this section, upon return from FMLA leave, an employee is entitled to be returned to the original position the employee held when leave commenced, or if the original position is not available, to an equivalent position with equivalent benefits, pay and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. (See also section 31-51qq-4(e) of the Regulations of Connecticut State Agencies for the obligations of joint employers.)

(b) If the employee is medically unable to perform the employee's original job upon the expiration of such leave, the employer shall transfer the employee to work suitable to such employee's physical condition if such work is available. In addition, the employer's obligations may also be governed by the Americans with Disabilities Act (ADA).

(Adopted effective March 9, 1999)