



COMPLIANCE BULLETIN

Connecticut Enacts Paid Family and Medical Leave Law

HIGHLIGHTS

- Paid family and medical leave claims will be administered by the state.
- Beginning in 2022, eligible employees may take up to 12 weeks of paid family and medical leave in a 12-month period.
- The paid family and medical leave program will be funded through a mandatory payroll tax on employees of 0.5% of income.

IMPORTANT DATES

January 1, 2021

The payroll tax to fund family and medical leave benefits takes effect.

January 1, 2022

Workers may begin receiving paid leave benefits.

July 1, 2022

Employers must notify employees of their right to benefits under the law.

OVERVIEW

On June 25, 2019, Connecticut Governor Ned Lamont signed [Public Act 19-25](#) into law, establishing a statewide paid family and medical leave program. This new paid family leave program will be funded through a **mandatory payroll tax on employees of 0.5% of income**, beginning in 2021.

Beginning in 2022, eligible employees may take **up to 12 weeks** of protected paid leave in a 12-month period for certain family and medical reasons. Employees who experience a pregnancy-related serious health condition that results in incapacity will be eligible for **up to 14 weeks** of paid family and medical leave.

Beginning July 1, 2022, employers must provide written notice to employees of their right to benefits under the law, both at the time of hiring and annually thereafter.

ACTION STEPS

Employers should keep track of developments related to the new paid family and medical leave program. The law established the Paid Family and Medical Leave Insurance Authority (the Authority) to administer and enforce the paid family and medical leave program.

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Covered Employers

In Connecticut, all private employers with one or more employees must comply with the paid family and medical leave requirements. In addition, non-union state and local government employees are covered.

Self-employed individuals and sole-proprietors may opt-in to the program. Unionized public workers may collectively bargain and become covered.

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Eligible Employees

Virtually all employees working in Connecticut will be covered individuals who are eligible for paid family and medical leave benefits, provided they have worked for their employer for:

- ✓ **At least three months** immediately prior to the request for leave; and
- ✓ **At least 1,000 hours of service** during the 12-month period preceding the first day of the leave.

Qualifying Reasons for Paid Family and Medical Leave

Connecticut employees will be able to use paid family and medical leave for the following reasons:

1	Upon the birth of the employee's son or daughter, or the placement of a son or daughter with the employee for adoption or foster care;
2	To care for a family member who has a serious health condition;
3	Due to the employee's serious health condition;
4	To serve as an organ or bone marrow donor; or
5	Due to any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces; or
6	To care for a family member who is a covered service member with a serious injury or illness incurred in the line of duty.

For purposes of paid family and medical leave, an employee's **family member** includes the employee's:

- ✓ Spouse;
- ✓ Sibling (including a brother or sister related to a person by blood, marriage, adoption by a parent of the person, or foster care placement);

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- ✓ Son or daughter (including a biological, adopted or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis* (in place of a parent), or an individual to whom the employee stood *in loco parentis* when the individual was a child);
- ✓ Grandparent (including a grandparent related to a person by blood, marriage, adoption of a minor child by a child of the grandparent, or foster care by a child of the grandparent);
- ✓ Grandchild (including a grandchild related to a person by blood, marriage, adoption by a child of the grandparent, or foster care by a child of the grandparent);
- ✓ Parent (including a biological parent, foster parent, adoptive parent, stepparent, parent-in-law or legal guardian of an eligible employee or an eligible employee's spouse); or
- ✓ An individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.

A person standing *in loco parentis* (in place of a parent) to the eligible employee (or who stood *in loco parentis* to the eligible employee when the employee was a child) is also included in the definition of family member.

Serious Health Condition: For purposes of Connecticut's paid family and medical leave program, a serious health condition is defined similarly to that under the federal Family and Medical Leave Act (FMLA). In general, it refers to an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (2) continuing treatment, including outpatient treatment, by a health care provider.

Duration of Paid Family and Medical Leave

The paid family and medical leave program provides the following leave amounts in any 12-month period:

Family and Medical Leave	Up to 12 weeks
Pregnancy Disability Leave	Two additional weeks (for a total of up to 14 weeks)
Leave to Care for a Covered Service Member	Up to 26 weeks

The applicable 12-month period is to be determined using any one of the following methods:

- ✓ A calendar year;
- ✓ Any fixed 12-month period (such as a fiscal year or a 12-month period measured forward from the employee's first day of employment);

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- ✓ A 12-month period measured forward from the employee's first day of leave; or
- ✓ A rolling 12-month period measured backward from the employee's first day of leave.

However, if leave is taken to care for a covered service member, the applicable 12-month period begins on the employee's first day of leave.

In the case of two spouses employed by the same employer, the aggregate number of weeks of leave both spouses are entitled to may be limited to 12 workweeks during any 12-month period, if leave is taken:

- ✓ For the birth or placement of a child with the employee for adoption or foster care; or
- ✓ To care for a sick family member.

In any case, the aggregate number of workweeks of leave both spouses are entitled to may be limited to 26 workweeks during any 12-month period.

Employee Notification Requirements

If the need for leave is foreseeable, employees must provide their employer with at least **30 days' notice** of the intent to take leave. However, if the circumstances require leave to begin in less than 30 days, the employee must notify the employer as soon as practicable.

If the need for leave is foreseeable due to planned medical treatment, the employee must make reasonable efforts to schedule the treatment so as not to unduly disrupt the employer's operations, subject to the health care provider's approval.

An employer may require that request for leave based on a serious health condition be supported by a certification issued by the employee's or family member's health care provider, as appropriate. The employer may also require an employee to obtain recertification at the employer's expense on a reasonable basis (not more than once during a 30-day period).

Employer Notification Requirements

Effective July 1, 2022, employers must provide written notice to employees of their right to benefits under the law, both at the time of hiring and annually thereafter. The Labor Commissioner may adopt regulations to establish additional requirements regarding the employer notice requirement.

Amount of Family and Medical Leave Benefits

While on family and medical leave, employees will be paid 95% of their salary up to 40 times the minimum wage, plus 60% of their salary exceeding the minimum wage, up to a **maximum of 60 times the minimum wage (\$780 on a \$13 minimum wage, \$840 on a \$14 minimum wage and \$900 on a \$15 minimum wage)**. Note that the minimum wage in Connecticut will rise to \$13 on Aug. 1, 2021, \$14 on July 1, 2022, and \$15 on Oct. 15, 2023. After that date, minimum wage increases are tied to the federal Employment Cost Index.

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Paid Leave Funding

The paid family and medical leave program is funded by a mandatory payroll tax on employees of **0.5% of income**, up to the Social Security wage base. The paid family and medical leave program is funded by the employee only. No employer contribution is required for family or medical leave premiums.

Private Plans

Employers may apply to the Authority for approval to meet obligations under the law through a private plan. An employer's private plan must provide all of the same rights, protections and benefits as provided under the paid family and medical leave law.