

EMPLOYMENT LAW SUMMARY

Connecticut Employee Leave Laws - Overview



Employers generally have some flexibility when it comes to establishing or negotiating employee leave policies. However, Connecticut employers must provide their employees with certain types of paid and unpaid leave required by state law.

Connecticut state law includes the following employee leave mandates:

- Paid sick leave;
- Family and medical leave;
- Paid family and medical leave;
- Voting leave;
- Jury duty leave;
- Military and National Guard leave;
- Civil air patrol leave;
- Witness and victim leave;
- Leave for victims of domestic violence and family violence;
- Emergency responder leave; and
- Elected official leave.

Employers should be aware that local governments have enacted ordinances that require employers to provide employee leave. When an employer is subject to both a local law and a state law regarding employee leave, the employer must generally comply with both.

Employers should also be aware that they may be subject to federal leave laws, such as the federal Family and Medical Leave Act (FMLA). If an employee leave situation is covered under both the FMLA and the Connecticut version as described below, employers must apply the provisions of federal and state law that are most generous to employees.

The information below provides a high-level overview of Connecticut's employee leave laws at the state level.

OVERVIEW OF CONNECTICUT'S EMPLOYEE LEAVE LAWS

Paid Sick Leave for Service Workers

Employers with **50 or more employees** (based on the number of employees on the payroll during the week containing Oct. 1) must provide **paid sick leave** to eligible employees. Certain employers are exempt, including specific manufacturing operations and nationally chartered organizations exempt from taxation that provide recreation, child care or educational services.

Eligible employees include full- and part-time **service workers**, defined as employees who are:

- Paid on an hourly basis or not exempt from the minimum wage and overtime compensation requirements of the federal Fair Labor Standards Act; and
- Primarily engaged in one of the occupations listed in Section 1(7) of the [statute](#) and identified by occupation code numbers and titles used by the [federal Bureau of Labor Statistics Standard Occupational Classification System](#).

Day or temporary workers, per diem employees and employees considered exempt under the federal FLSA are specifically excluded.

Eligible employees must accrue **one hour of sick leave for every 40 hours worked** during a 365-day period chosen by employers, up to a maximum of 40 hours of sick leave per year. Accruals must be in one-hour increments. Employees may carry over up to 40 hours of unused sick leave each year, but may not use more than 40 hours in any year.

Service workers are eligible to use accrued sick leave after working 680 hours from the date of hire, if they worked an average of at least 10 hours per week in the most recent calendar quarter. Permitted use for sick leave includes leave for:

- An employee's illness, injury or health condition;
- Medical diagnosis, care, or treatment of an employee's mental or physical illness, injury or health condition;
- Preventive medical care for the employee;
- A mental health wellness day (effective Oct. 1, 2023);
- To care for a child or spouse for the same purposes listed above; or
- Medical care, counseling, relocation or services from a victim service organization resulting from family violence or sexual assault. Effective Oct. 1, 2023, this reason for leave applies to the victim's parent or guardian as well.

Employers will be considered in compliance with the paid sick leave law if the employer offers any other paid leave, or combination of other paid leave that may be used for the same reasons as defined in the law and that is accrued at a rate equal to or greater than one hour per every 40 hours worked (for a total of 40 hours per year).

Family and Medical Leave

Employers with at least one employee in the state must provide eligible employees with **unpaid** family and medical leave. The requirement does not apply to municipalities, local or regional boards of education or nonpublic elementary or secondary schools.

Employees are eligible if they have worked for their current employer for three months preceding the request for leave. Eligible employees may take up to 12 workweeks of leave during any 12-month period, plus up to two additional weeks for a serious health condition resulting in incapacitation during a pregnancy. Leave may be taken for any of the following reasons:

- The birth or adoption of the employee's child;
- The placement of a foster child with the employee;
- Care for the spouse, son, daughter, parent, grandparent, grandchild or sibling of the employee (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) with a serious health condition;
- An employee's own serious health condition;
- An organ or bone marrow donation; or
- Any qualifying exigency when the employee's spouse, child or parent is on active duty or is notified of an impending call or order to active duty in the Armed Forces.

In addition, an employee may be entitled to a one-time benefit of **26 weeks** of leave during a 12-month period to care for the employee's spouse, child, parent or next of kin who is a current member of the armed forces and is undergoing medical treatment due to a serious injury or illness incurred in the line of duty. (This may be limited to a combined total of 26 weeks of leave for two spouses employed by the same employer.)

Two spouses employed by the same employer may be limited to a combined total of 12 weeks of leave in a 12-month period for child bonding or to care for a family member with a serious health condition.

Intermittent leave is permitted, but the employer's agreement is required if the intermittent leave is for the birth, adoption or placement of a child.

The substitution of accrued paid leave may be elected or required; however, the employee must be allowed to retain at least two weeks of their accrued paid leave.

Employee notice and certification obligations apply. Employer notice obligations also apply. Employees must be reinstated to their former positions; however, if the employee is medically unable to perform their original job upon return from leave, the employee must be transferred to work suitable to their physical condition, if available.

Paid Family and Medical Leave

The Connecticut paid family and medical leave insurance program provides partial wage replacement for eligible workers on leave for specified family and medical reasons. The program is funded through a mandatory 0.5% payroll tax on employees, which employers collect and remit to the state. The tax took effect Jan. 1, 2021, and benefits became available Jan. 1, 2022. The program is administered by the Connecticut Paid Leave Authority.

Most employers with workers in Connecticut must participate in the program, although private plans with equivalent benefits may be approved by the state. There are limited exceptions for certain federal, state or local governments, boards of education or nonpublic elementary or secondary schools. Workers are eligible for benefits if they:

- Earned at least \$2,325 in the highest quarter of the first four of the five most recently completed quarters; and
- Are currently employed in Connecticut with a covered employer, or have been employed in Connecticut with a covered employer in the 12 weeks immediately prior to filing a claim for benefits.

The program applies to part-time, seasonal and student workers; workers on permanent and temporary work visas; and workers who do not live in Connecticut. Connecticut residents who are self-employed or are the sole proprietor of a business may enroll.

The program does not provide job protection, but it provides compensation for up to 12 weeks of leave in any 12-month period for the following reasons:

- Birth or foster care placement/adoption of a child;
- Family member's serious health condition;
- To serve as an organ or bone marrow donor;
- 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;
- To care for a family member who is a covered service member with a serious injury or illness incurred in the line of duty; or
- For certain purposes related to family violence (12 days of the 12 weeks per year are permitted for this reason).

Covered employees are eligible for two additional weeks for a serious health condition resulting in incapacitation during a pregnancy.

Employees are paid 95% of their weekly wage up to 40 times the minimum wage, plus 60% of their weekly wage exceeding the minimum wage, up to a maximum of 60 times the minimum wage (\$840 on a \$14 minimum wage and \$900 on a \$15 minimum wage).

Intermittent leave is compensated under the program. Employees must provide their employers with advance notice of leave. **Effective July 1, 2022**, employers must provide written notice to employees of their right to benefits under both the program and the Connecticut Family and Medical Leave Act, both at the time of hiring and annually thereafter.

Voting Leave

Effective June 23, 2021, employees must be permitted two hours of unpaid time off from their regularly scheduled work day to vote in state elections, on the day of the election.

Employees who are electors for special elections for United States senator, representative in Congress, state senator, state representative or probate judge must also receive two hours of unpaid time off from their regularly scheduled work day on the day of those elections.

Employees are required to request time off for voting at least two working days before the election. Passed as part of the state budget bill, the voting leave entitlement remains in effect through June 30, 2024.

Jury Duty Leave

Connecticut law prohibits all employers from discharging, threatening or coercing an employee who receives a jury summons, responds to the summons or serves as a juror. Employees are entitled to leave from work for the duration of jury service.

Full-time employees (those working at least 30 hours per week in a non-temporary capacity) must be **paid their regular wages for the first five days of jury service**, unless the employees would not have accrued regular wages or would not have worked more than a half shift that extends into another day.

An employer may not require an employee who has served eight hours of jury duty in one day to work in excess of those eight hours.

Military and National Guard Leavein

In addition to complying with the federal USERRA, Connecticut employers must allow employees who are members of the U.S. armed forces or the National Guard to take **unpaid** leave in order to perform military duty, including attending meetings or drills. Employees who take leave for these reasons may not lose vacation or holiday benefits or be unfairly discriminated against with respect to promotion, continued employment, reemployment or reappointment.

Civil Air Patrol Leave

Employers are prohibited from discriminating against, disciplining or discharging employees for absence due to responding to certain specified emergencies as a civil air patrol member, or due to participating in required civil air patrol training and exercises.

Employees must give as much notice as possible of their dates of absence and provide employers with written verification from the civil air patrol.

Employers may treat the absence as unpaid time off.

Civil air patrol members must notify their employers at the time of employment or when they join the civil air patrol that they might be called to participate in training or participate in an emergency.

Witness and Victim Leave

All employers in the state must provide their employees with **unpaid** leave in order to:

- Appear as a witness in any criminal proceeding;
- Attend a court proceeding or participate in a police investigation related to a criminal case in which the employee is a crime victim; or
- Attend or participate in a court proceeding related to a civil case where the employee is a victim of family violence.

Employers may not discharge, penalize, threaten or coerce employees who take this leave.

Domestic Violence and Family Violence Leave

Domestic violence leave: Effective Oct. 1, 2022, Connecticut employers with at least **one employee** must permit a **reasonable leave of absence** for employees to:

- Seek attention for injuries caused by domestic violence, including for a child victim;
- Obtain services, including safety planning from a domestic violence agency or rape crisis center, as a result of domestic violence;
- Obtain psychological counseling related to an incident of domestic violence, including for a child victim;
- Take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; and
- Obtain legal services or participate in legal proceedings in relation to an incident of domestic violence.

The requirement also applies to the state and all of its political subdivisions. Employers may ask employees for documentary certification within a reasonable time after leave that the leave was taken for a permitted reason. Certification must be in a form specified in the law, including a police report, court order or documentation from a medical professional or counselor.

A [workplace poster](#) is available for employer use.

Family Violence Leave: Employers with **three or more employees** must allow employees who are victims of family violence to take leave in order to:

- Seek medical care or counseling for physical or psychological injury or disability;

- Obtain services from a victim services organization;
- Relocate due to family violence; or
- Participate in any civil or criminal proceeding related to family violence.

Leave may be paid or unpaid. Employees with compensatory, vacation, personal or other paid time off available may use that time for needed leave.

Unpaid leave may be limited to 12 days during the calendar year. Employers are not required to provide paid time off to employees without any paid leave available.

When the need for leave is foreseeable, employees must provide up to seven days' notice, or as soon as possible if the leave is not foreseeable. Employers are permitted to request certification in the form of a police or court report, or a signed written statement that the employee is a victim of family violence.

Emergency Responder Leave

All employers are prohibited from discharging or discriminating in any manner against any employee who is an active volunteer firefighter or member of a volunteer ambulance service for being late or absent from work as a result of responding to an emergency call prior to or during the employee's regular working hours.

The law also requires these employees to make every effort to notify their employers if they will be late or absent from work due to emergency call responses. Employers may require them to provide documentation signed by the appropriate fire or ambulatory authorities verifying the need for leave. Employers may also require them to provide notice of volunteer status within 30 days of being certified.

Elected Official Leave

Employers with **25 or more employees** may not discriminate against, discipline or discharge any employee because the employee:

- Is a candidate for the office of representative or senator in the Connecticut General Assembly;
- Holds such office;
- Is a member-elect to such office; or
- Loses time from work in order to perform duties of the office.

Any absence from work for the above reasons may be unpaid, but the employee may not lose any seniority status.

In addition, employers with more than 25 employees must grant leaves of absence to employees who accept a full-time elective municipal or state office. The leave must be granted for no more than two terms of office.

An employee must give his or her employer written notice of his or her candidacy for a full-time municipal or state office within 30 days of his or her nomination for office.

An employee who reapplies for his or her original position at the end of his or her leave must be reinstated to his or her original position or to a similar position with equivalent pay, seniority, retirement and fringe benefits.

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Connecticut.

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