

EMPLOYMENT LAW SUMMARY

Connecticut Employee Leave Laws - Paid Family and Medical Leave

The Connecticut Paid Family and Medical Leave Act ([PFMLA](#)) created a state insurance program that started providing partial wage replacement for employee family and medical leave on **Jan. 1, 2022**. Payments for leave under the PFMLA are funded through a mandatory payroll tax on employees of 0.5% of income that took effect Jan. 1, 2021. The program is administered by the Connecticut Paid Leave Authority (“[Authority](#)”).

The PFMLA provides compensation for up to **12 weeks of leave in any 12-month period** for certain family and medical reasons. Employees who cannot work due to a pregnancy-related serious health condition may be eligible for an additional two weeks (for a total of 14 weeks) of leave. In addition, 12 days of the 12 weeks may be used as family violence leave.

The PFMLA **does not provide job protection**; however, employee leave compensated under the PFMLA may be job-protected under another state or federal law, such as the Connecticut Family and Medical Leave Act ([CT FMLA](#)) or the federal Family and Medical Leave Act ([FMLA](#)). Employers should note that effective Jan. 1, 2022, the CT FMLA applies to businesses with at least one employee, expanded from the previous 75-employee threshold. Additional CT FMLA amendments expanding coverage also took effect on the same date. The three laws vary with respect to eligibility and other requirements.

The PFMLA requires employers to provide **written notice** to employees of their right to benefits under the law, both at the time of hiring and annually thereafter.

Employers should be aware that across the country, city and other local governments have enacted local ordinances mandating leave for employees. Employers subject to both local and state employee leave law must generally comply with both.

Covered Employers

All private employers (except nonpublic elementary and secondary schools) with one or more employees in Connecticut must comply with the new paid family and medical leave requirements under the PFMLA.

Eligible Employees

Virtually all employees working in Connecticut are eligible for benefits under the PFMLA, provided they have worked for their employer for **at least three months** immediately prior to a request for leave, and they satisfy earnings requirements. (Before Jan. 1, 2022, employees were eligible for unpaid CFMLA leave only if they had been employed for at least 12 months and completed at least 1,000 hours of work for the employer.)

To be eligible, employees must have earned at least **\$2,325** in the highest quarter of the first four of the five most recently completed quarters. The earnings may include salary or hourly pay, vacation pay, holiday pay, tips, commissions, severance pay or the cash value of any “in-kind” payments.

Workers subject to Connecticut unemployment insurance obligations are deemed to work in Connecticut and therefore covered by the program. The Authority will determine whether employees not subject to Connecticut unemployment insurance work in Connecticut by applying factors used in the unemployment insurance context.

The PFMLA 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 in the program, but they must remain enrolled for at least three years.

The Authority determines applicants’ eligibility for benefits.

Qualifying Reasons for Paid Family and Medical Leave

The PFMLA program provides wage replacement for leave taken for the following reasons:

1	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 (leave must be taken within 12 months of the child's birth or placement);
2	2A family member's serious health condition;
3	The employee's serious health condition;
4	To serve as an organ or bone marrow donor;
5	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;
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; or
7	For the following purposes related to family violence: •To seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim; •To obtain services from a victim services organization on behalf of the victim; •To relocate; or •To participate in a civil or criminal proceeding. (Employees may take 12 days of the 12 weeks of paid family and medical leave for family violence reasons.)

“**Family member**” means an employee's:

- Spouse;
- Siblings (including a brother or sister related to the employee by blood, marriage, adoption by a parent of the employee, or foster care placement);
- Son or daughter (including a biological, adopted or foster child, stepchild, legal ward, a child of a person standing in legal place of a parent, or an individual to whom the employee stood in place of a parent when the employee or 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 the employee or the employee's spouse, an individual standing in loco parentis to the employee, or an individual who stood in loco parentis to the employee when the employee was a child); and
- Relatives by blood or affinity whose close association the employee shows to be the equivalent of the above-described family relationships.

The term “serious health condition” is generally defined as an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care in a hospital, hospice, nursing home or residential medical care facility; or
- Continuing treatment, including outpatient treatment, by a health care provider.

Duration of Paid Family and Medical Leave

In January 2022, the paid family and medical leave program began providing compensation for 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 12 weeks (note that the CT FMLA provides up to 26 weeks of unpaid, job-protected leave for this purpose)
Family Violence Leave	Up to 12 days

Spouses Employed by the Same Employer

Two spouses employed by the same employer are **each** eligible for up to 12 weeks of compensation under the PFMLA program in any 12-month period. However, this does not increase employees' eligibility for job-protected leave. For two spouses employed by the same employer, job-protected leave under the CT FMLA may be limited to a combined total of 12 weeks during any 12-month period if the 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.

Federal FMLA leave taken by spouses employed by the same employer may be [similarly limited](#) if the leave is for the birth or placement of a son or daughter or for the care of a parent with a serious health condition.

Determining the 12-Month Period

The PFMLA program uses the “**rolling**” or “**look-back**” method for calculating the 12-month period. With this method, each time an employee receives PFMLA benefits, the remaining benefit entitlement is whatever remains of the 12 weeks of leave that has not been used during the preceding 12 months.

Intermittent Leave

Intermittent or reduced-schedule leave permitted under the federal or CT FMLA is eligible for PFMLA income replacement benefits. The Authority will pay income replacement benefits based on the reported time off to the minute.

Employee Notice of Intent to Take Leave

Workers who wish to apply for PFMLA wage replacement must provide their employer with **30 days' notice** of foreseeable leave and notice of unforeseeable leave as soon as practicable.

The Authority has posted a [sample notice](#) for employees to provide their employers.

Employer Notice Requirements

Employers must provide written notice to employees of their right to benefits under the PFMLA and the CT FMLA, both at the time of hiring and annually thereafter. This requirement took effect July 1, 2022. The Connecticut Department of Labor has published a [model notice](#) for employer use for this purpose. The labor commissioner may adopt regulations to establish additional requirements regarding the employer notice requirement.

Application Process

Employees [apply](#) to the PFML program directly for paid family and medical leave benefits. Employers are asked to complete an employment verification form, which the employee accesses from their web account. The Authority may also require the employee to complete medical certification forms and other documentation in support of the PFML claim. Deadlines apply for submission of the supporting documentation. Samples of these documents can be found on the Connecticut paid leave [website](#) (ctpaidleave.org).

Employers may ask for medical certification allowed by any underlying leave law that applies (e.g., the federal or state FMLA).

Amount of Family and Medical Leave Payments

While on family and medical leave, employees will be 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** (in 2024 this amounts to a maximum of **\$941.40**).

Employees may not receive PFML compensation at the same time as workers' compensation or unemployment benefits.

Interaction With Employer-provided Paid Time Off

An employer may require or allow their employees to use their accrued paid time off concurrently with PFMLA leave, as long as the total compensation received by the employee does not exceed the employee's regular rate of compensation.

Employers should note that while the CT FMLA allows employers to require employees to use accrued vacation time while on CT FMLA leave, the employer must allow the employee to retain **at least two weeks** of vacation leave or equivalent paid time off.

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. No employer contribution is required for family or medical leave premiums; however, employers are responsible for withholding and submitting the payroll deductions for each employee, an obligation that began Jan. 1, 2021. These deductions must be electronically [submitted](#) to the Authority quarterly, through the employer's registered account with the state.

Failure to make appropriate contributions may result in penalties in addition to the required withholdings.

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 PFMLA and be approved by a majority of the employer's workers.

More Information

The Connecticut Paid Leave website (ctpaidleave.org) provides [resources and information](#) about the PFMLA.

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

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