

# Connecticut Paid Family and Medical Leave Passes House; To Governor for Signature

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Late Friday, the Connecticut House passed a [paid family and medical leave bill](#), which Governor Ned Lamont said he will sign, to provide paid leave to eligible employees and significantly expand employee eligibility and covered reasons for leave. The major practical effects of the bill, once signed, are:

- Making 12 weeks of paid leave, funded by a 0.5% employee payroll tax (effective in 2021), available to the vast majority of employees in Connecticut beginning in 2022; and
- Expanding covered FMLA reasons to include caring for grandparents/children, siblings, and those who are equivalent to a family member.

The Governor previously said that he would veto the bill, which was passed by the Senate in late May, but changed his position following negotiations as to how the program would be administered.

## Timing:

The most significant changes are not effective until 2021 or 2022:

- January 1, 2021: employee payroll contributions begin
- On or before January 1, 2022: Department of Labor will provide guidelines for

the expanded FMLA

- January 1, 2022: expansion of covered individuals and reasons for FMLA effective
- January 1, 2022: actual compensation payable

*Note:* Employers can apply for approval of a private program, but it must provide equivalent benefits and meet a number of other specific requirements, including approval by a majority vote of the employer's employees.

## **Paid Leave Entitlement:**

- Up to 12 weeks paid leave are available for state FMLA covered reasons and under the family violence leave law (Conn. Gen. Stat. § 31-51ss). An additional two weeks will be available for a incapacitating serious health condition related to pregnancy.
- Weekly paid leave compensation is capped at a maximum of up to 60 times the minimum wage. When payments begin, the minimum wage is set to be \$13 per hour, so the maximum will be \$780.
- Individuals may receive compensation concurrent with "employer-provided employment benefits" (an undefined term) but the total cannot exceed the employee's regular rate of compensation.
  - While it is not entirely clear, this provision, along with another allowing employers to require employees to use all but two weeks of paid time off, at least suggests that payments through the state program would begin after the employee's paid time off is exhausted, but that, in any case, the total amount of leave would be limited to 12 (or 14) weeks.
- Compensation is available for "non-consecutive hours of leave."
  - This creates a paid intermittent leave entitlement.

## **Expansion of Connecticut FMLA Coverage:**

- Covers private employers with one employee (rather than the previous 75).
- Will expand current coverage to care for a spouse, child, or parent to also cover care for a grandparent, grandchild, sibling, and any other "individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships" (the DOL is to provide guidance on this issue).
- Removes requirement that an employee must have worked for an employer for 12 months and for 1000 hours. Instead, an employee needs to have worked for the employer for three months and have earned at least \$2,325 in a "base period" to be eligible. Individuals who are unemployed may apply for benefits if they meet the earnings requirement and were employed within the 12 weeks

before they applied for benefits.

- Total leave is reduced from 16 to 12 weeks in a 12-month (rather than 24-month) period (with two additional weeks available for incapacitation pregnancy-related condition).
  - This change will make it simpler to align Connecticut and federal FMLA calculations in most cases.

## **Notice requirements:**

Effective July 1, 2022, employers must provide notice to employees at time of hire and annually of FMLA entitlement and terms of use, that retaliation is prohibited, and that employee has right to file a complaint with the Connecticut DOL for violations of the Connecticut FMLA.

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While the contributions and payments under the bill, once signed, will not occur for two or more years, Connecticut employers must be aware of these monumental upcoming changes in employee leave management.

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