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THE REGISTER CITIZEN

Today's Business: New rules for family leave

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Reese Mitchell; Contributed photo

Connecticut has more than a quarter-million small businesses. Together they employ nearly 50 percent of all Connecticut employees. Fundamental changes to the Connecticut Family Medical Leave Act (FMLA) and the implementation of the Connecticut Paid Family and Medical Leave Program (PFMLP) will impact these businesses this year. Employers must be aware of the changes.

Before Jan. 1, FMLA benefits were available only to employees at businesses with 75 or more workers and who were employed for at least 12 months and worked at least 1,000 hours during that period. Further, an employee was only allowed 16 weeks of leave in a two-year period.

The biggest change in the law: Connecticut workers in the private sector and at nonprofits that employ just one or more employees now are eligible, generally, for 12 weeks of leave and after having just three months of employment. Unlike in 2021, leave is calculated on a yearly cycle instead of 24 months as in the earlier law. The cycle either can be based on the calendar, a rolling twelve-month period starting when an employee first took FMLA leave, or annually from the date of hiring. An employer can still require workers to use accrued time off for the leave but must allow the employee to maintain up to two weeks of accrued time off for future use.

It is important to note that these changes do not affect most government workers, private schools, railroad workers or employees who live outside of Connecticut and do not pay Connecticut income tax.

As was true before, once the employee takes leave, they are entitled to resume the previously held position. If the former job becomes unavailable, then the employer should provide an equivalent position with equal benefits, pay and other terms and conditions of employment. An employer cannot retaliate or discriminate against an employee for exercising their FMLA rights. If an employer does retaliate or discriminate against the employee, then the employer can face possible civil penalties and litigation.

Both employees and employers need to understand that the FMLA only provides unpaid leave. However, there is a loophole. If the reason for the leave falls under the PFMLP, then the employee is entitled to concurrent paid leave through the state.

For the past several years, Connecticut's employees have paid an additional 0.5 percent payroll tax to fund the PFMLP. As of Jan. 1, those employees now can access that money to enjoy income replacement benefits under the PFMLP. To be eligible for paid leave, the employee must have earned a minimum of \$2,325 in the highest-earning quarter of the first four of the past five quarters from one or more employers. Under the PFMLP, eligible employees can receive benefits for one of the following reasons:

- If they are receiving treatment for or recovering from a serious health condition, as well as pregnancy.
- To care for a family member who has a serious health condition.
- To bond with a newborn or newly placed adopted or foster child, and attend pre-placement foster and adoption activities.
- To care for a family member injured during active-duty military service.
- To attend to specific issues associated with a parent, spouse, or child's overseas active duty.

— To deal with specific issues arising from directly experiencing family or domestic violence.

To access the income replacements, the employee needs to apply directly to the Connecticut Paid Leave Authority (<https://ctpaidleave.org>). It is recommended that the employee give the employer at least a 30-day notice before beginning the leave.

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