



Connecticut Paid Family and Medical Leave is here. Are you ready?

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Beginning on December 1, 2021, eligible employees working for employers of all sizes in Connecticut may apply for up to 12 weeks of paid leave for life events covered under various federal and state leave laws.

Connecticut's Paid Family and Medical Leave Act ("PFMLA") represents one of the most significant laws to impact Connecticut employers and employees since the enactment of anti-discrimination legislation. Prior to the enactment of the PFMLA, Connecticut state law required employers with 75 or more employees to provide 16 weeks of family and medical leave, and the Federal FMLA required employers with 50 or more employees to provide 12 weeks of leave, paid or unpaid.

The new law in Connecticut changes the landscape in Connecticut by:

- eliminating the threshold of a minimum number of employees;
- mandating 12 weeks of leave (instead of 16);
- expanding the range of circumstances for which an employee may take a leave; and
- providing wage replacement for all employees who take leave.

Who is Eligible for PFMLA leave?

Beginning January 1, 2022, eligible employees can take PFMLA leave under a broad range of circumstances, including:

- Experiencing a serious health condition;

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- Caring for a family member experiencing a serious health condition;
- Caring for a new child (by birth or adoption);
- Experiencing an exigency arising out of a family member being on active duty;
- Serving as an organ or bone marrow donor;
- Being a victim of family violence.

The PFMLA substantially expands the definition of “family member,” which previous legislation limited to spouses, children, and parents with a serious health condition, to include siblings, grandparents, grandchildren, parent in-laws, and “an individual related to the employee by blood or affinity whose close association the employee shows to be equivalent of those family relationships.”

How much will employees be paid during PFMLA leave?

Under the PFMLA, eligible employees will receive a weekly benefit from the State for the full 12 weeks of leave. An additional two weeks may be available for pregnancy related issues.

If an employee's weekly wages are less than or equal to the Connecticut minimum wage multiplied by 40, the weekly benefit rate under the PFMLA will be 95% of the employee's average weekly wage.

If an employee's weekly wages exceed the Connecticut minimum wage multiplied by 40, the weekly benefit rate will be 95% of the Connecticut minimum wage multiplied by 40, plus 60% of the amount by which the employee's average weekly wage exceeds the Connecticut minimum wage multiplied by 40. The benefit rate is capped at 60 times the Connecticut minimum wage.

For example, if an employee earns \$500 per week and minimum wage is \$10 per hour, they will receive 95% of the first \$400 (\$380) and 60% difference between their average weekly wages and 40 times minimum wage ($\$500 - \$400 = \$100 * .6 = \60), which amounts to \$440 ($\$380 + \$60 = \440). The benefit rate is capped at 60 times the minimum wage amount (\$600 in this example).

Employers may supplement the paid leave benefits provided by the PFMLA, as long as the total amount received by an employee does not exceed 100% of their usual weekly wages.

What should Connecticut employers do?

Because employees may start requesting leave and applying for paid leave benefits on December 1, 2021, it is critical that CT employers understand their obligations to both their employees and the CT Paid Leave Authority. For employers that have not previously implemented a family and medical leave policy, it is strongly advised that a policy be created and circulated to employees immediately. For

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employers that have existing family and medical leave policies, it is essential that such policies are reviewed and modified as appropriate to comply with the significant changes to the law.

Resources

For more information, please visit the Connecticut Paid Leave website: <https://ctpaidleave.org>.

We recognize that there is a substantial amount of information here to digest, and that employers and employees alike will have many questions as paid leave is implemented in Connecticut. At Cohen and Wolf, we are committed to keeping abreast of these developments and to providing timely updates, as well as advice tailored to the specific needs of our clients, including assistance in creating and drafting policies. Please don't hesitate to contact us with any questions or concerns.

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