



FMLA Connecticut

Federal vs. Connecticut Family & Medical Leave Laws

	FEDERAL ELEMENTS	STATE ELEMENTS
Employers Covered	<p>Private employers with 50 or more employees in at least 20 weeks of the current or preceding year.</p> <p>Public agencies, including state, local and federal employers.</p> <p>Local education agencies covered under special provisions.</p>	<p>In addition to the federal FMLA, Connecticut has laws regarding (1) family and medical leave, (2) family violence leave, (3) paid sick leave and (4) pregnancy leave*.</p> <p>Family/Medical Leave: Private employers of 75 or more employees, determined as of Oct. 1 annually, except private or parochial elementary or secondary schools. State agencies and political subdivisions are covered under separate statutes with similar provisions.</p> <p>Family Violence Leave: Employers with three or more employees, including the state and any political subdivision.</p> <p>Paid Sick Leave: Employers of 50 or more employees, determined as of Oct. 1 annually, except certain manufacturing businesses and nationally chartered 501(c)(3) organizations that provide recreation, child care or education services.</p> <p>Pregnancy Leave*: Employers with three or more employees.</p>



<p>Employees Eligible</p>	<p>Worked for employer for at least 12 months (which need not be consecutive); worked at least 1,250 hours for employer during 12 months preceding leave; and employed at a worksite with 50 or more employees within 75 miles of worksite.</p>	<p>Family/Medical Leave: Employees with 1,000 hours of service with the employer during the 12-month period preceding the first day of leave.</p> <p>Family Violence Leave: Employees who are the victims of family violence.</p> <p>Paid Sick Leave: A service worker is entitled to accrue paid sick leave beginning on his or her date of hire (or beginning on Jan. 1, 2012, if the service worker was hired prior to Jan. 1, 2012). A service worker is entitled to use accrued paid sick leave after:</p> <ul style="list-style-type: none"> • Completing 680 hours of employment from the date of hire (or from Jan. 1, 2012, if the service worker was hired prior to Jan. 1, 2012), unless the employer agrees to an earlier date; and • Having worked an average of 10 or more hours a week for the employer in the most recent complete calendar quarter. <p>A “service worker” is an hourly, nonexempt employee who is engaged in one of the law’s 68 specified job classifications, such as food service managers, social workers, waiters and waitresses, retail salespersons, secretaries and administrative assistants, and bus drivers. Does not include day or temporary workers.</p> <p>Pregnancy Leave: Pregnant employees. Pregnancy also includes childbirth or a related condition, including, but not limited to, lactation.</p>
<p>Leave Amount</p>	<p>Generally, up to a total of 12 weeks during a 12-month period.</p> <p>Up to 26 weeks during a single 12-month period to care for spouse, child, parent or next of kin who is a covered service member with a serious injury or illness.</p> <p>However, leave for birth, adoption, foster care, care for a</p>	<p>Family/Medical Leave: Up to 16 weeks in a 24-month period. Similar to federal FMLA regarding sharing leave by spouses.</p> <p>Certain employees may be eligible for a one-time benefit of up to 26 weeks of leave in a 12-month period to care for a spouse, child, parent or next of kin who is a current member of the armed forces and suffered an injury or illness in the line of duty.</p> <p>Family Violence Leave: Up to 12 days of</p>

	<p>parent with a serious health condition or care for a covered service member with a serious injury or illness must be shared by spouses working for same employer.</p>	<p>leave in a calendar year.</p> <p>Paid Sick Leave: Leave accrues at the rate of one hour per 40 hours worked, up to a maximum of 40 hours during a 365-day period chosen by the employer. Service workers are entitled to carry over up to 40 unused accrued hours of paid sick leave from year to year, but cannot use more than 40 hours of paid sick leave in any year.</p> <p>Pregnancy Leave: Leave of absence for a reasonable period of time due to a disability resulting from pregnancy. Employers must also make reasonable accommodations for pregnant employees, such as providing time off to recover from childbirth. Employers cannot require employees to take a leave of absence due to pregnancy if a reasonable accommodation can be provided instead of a leave.</p>
<p>Type of Leave</p>	<p>Unpaid leave for:</p> <ul style="list-style-type: none"> • Birth of employee’s newborn child; • Placement of child with employee for adoption or foster care; • Providing care for employee’s parent, child or spouse with serious health condition; • Employee’s own serious health condition; • Any qualifying exigency when employee’s spouse, child or parent is on active duty or is notified of impending call or order to active duty in Armed Forces; or • Caring for a spouse, child, parent or next of kin who is a covered service member with a serious injury or illness. 	<p>Family/Medical Leave: Similar to federal FMLA. In addition to federal FMLA, includes leave to serve as an organ or bone marrow donor.</p> <p>Family Violence Leave: Paid or unpaid leave to:</p> <ul style="list-style-type: none"> • Seek medical care or counseling; • Obtain services from a victim services organization; • Relocate due to family violence; or • Participate in any civil or criminal proceedings related to the family violence. <p>Paid Sick Leave: Paid leave may be used:</p> <ul style="list-style-type: none"> • For the worker’s own illness, injury or health condition; • For the service worker’s child’s or spouse’s illness, injury or health condition; or • Where the service worker is a victim of family violence or sexual assault, to seek medical care or counseling; obtain services from a victim services organization; relocate due to the

		<p>violence or assault; or participate in any court proceedings related to the violence or assault.</p> <p>Leave is paid at a rate equal to the greater of the service worker's normal hourly wage or the state's minimum fair wage in effect at the time leave is taken. At termination of employment, service worker is not entitled to payment of unused accrued sick leave, unless an employee policy or collective bargaining agreement provides for it.</p> <p>Pregnancy Leave: Unpaid leave for a reasonable amount of time due to disability resulting from pregnancy. Employers must also make reasonable accommodations for pregnant employees, such as providing time off to recover from childbirth. Employers cannot require employees to take a leave of absence due to pregnancy if a reasonable accommodation can be provided instead of a leave.</p>
<p>Serious Health Condition/Serious Injury or Illness</p>	<p>Serious Health Condition:</p> <p>Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility, or continuing treatment by a health care provider involving a period of incapacity due to:</p> <ul style="list-style-type: none"> • A health condition lasting more than three consecutive full calendar days and involving a certain level of treatment; • A chronic serious health condition or a permanent or long-term condition for which treatment may be ineffective; • Absences to receive multiple treatments (including recovery 	<p>Family/Medical Leave: "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, nursing home or residential medical care facility, or continuing treatment, including outpatient treatment, by a health care provider. No provision for "serious injury or illness."</p> <p>Family Violence Leave: No provision</p> <p>Paid Sick Leave: No provision</p> <p>Pregnancy Leave: No provision. Pregnancy means pregnancy, childbirth or a related condition, including, but not limited to, lactation.</p>

	<p>periods) for a restorative surgery or for a condition that if left untreated likely would result in incapacity of more than three days; or</p> <ul style="list-style-type: none"> Any incapacity related to pregnancy or for prenatal care. <p>Serious Injury or Illness:</p> <p>In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness incurred by the member in line of duty on active duty in the Armed Forces (or which existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.</p> <p>For a veteran of the Armed Forces, including a veteran of the National Guard or Reserves, an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces (or which existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) and that manifested itself either before or after the member became a veteran.</p>	
<p>Health Care Provider</p>	<p>Doctors of medicine or osteopathy authorized to practice medicine or surgery; podiatrists, dentists, clinical psychologists, clinical social workers, physician assistants, optometrists, chiropractors (limited to manual manipulation of spine to correct subluxation</p>	<p>Family/Medical Leave: Similar to the federal FMLA</p> <p>Family Violence Leave: No provision</p> <p>Paid Sick Leave: No provision</p> <p>Pregnancy Leave: No provision</p>

	<p>shown to exist by x-ray), nurse practitioners, and nurse-midwives, if authorized to practice under state law and consistent with the scope of their authorization; Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, MA; any provider so recognized by the employer or its group health plan's benefits manager; and any health provider listed above who practices and is authorized to practice in a country other than the United States.</p>	
<p>Intermittent Leave</p>	<p>Permitted for serious health condition, for care of covered service member when medically necessary and for active duty leave.</p> <p>Not permitted for care of newborn or new placement by adoption or foster care, unless employer agrees.</p>	<p>Family/Medical Leave: Similar to the federal FMLA</p> <p>Family Violence Leave: No specific provision</p> <p>Paid Sick Leave: No specific provision</p> <p>Pregnancy Leave: No specific provision. Modified work schedule may need to be considered as a reasonable accommodation.</p>
<p>Substitution of Paid Leave</p>	<p>Employees may elect, or employers may require, accrued paid leave to be substituted in some cases. Employee must follow terms and conditions of employer's normal paid leave policies.</p>	<p>Family/Medical Leave: Similar to federal FMLA. Employers must allow employees to use up to two weeks' paid sick leave for the serious health condition of a child, spouse, parent, domestic partner, or for the birth or adoption of a child.</p> <p>Family Violence Leave: May be unpaid or paid leave, including compensatory time, vacation time, personal days off or other time off. If paid leave is not available, leave is unpaid.</p> <p>Paid Sick Leave: As an alternative, the employer complies with paid sick leave requirements if the employer offers any other paid leave (for example, paid vacation, personal days or paid time off) that may be used for the same purposes of paid sick leave and is accrued at a rate equal to or greater than that required for</p>

		<p>paid sick leave.</p> <p>Pregnancy Leave: An employer may not deny any compensation to which the employee is entitled to as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer.</p>
Reinstatement Rights	<p>Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment.</p>	<p>Family/Medical Leave: Similar to the federal FMLA. Unlike federal FMLA (which does not require restoration if the employee is unable to perform an essential function of his job), if the employee is medically unable to perform his or her original job upon return from leave, the employee is to be transferred to work suitable to his or her physical condition, if available.</p> <p>Family Violence Leave: No specific provision, although the law does provide for employee lawsuits if the employer discharges, penalizes, threatens or otherwise coerces the employee in violation of the family violence leave law.</p> <p>Paid Sick Leave: No specific provision, although the employer may not take retaliatory personnel action or discriminate against the employee because he or she requests paid sick leave in accordance with the sick leave law or with the employer's own sick leave policy, or files a complaint with the state alleging the employer violated the sick leave law.</p> <p>Pregnancy Leave: An employee must be reinstated to her original position or a position with equivalent pay, seniority, retirement and fringe benefits, and other service credits, absent circumstances that make it impossible or unreasonable for the employer to do so.</p>
Key Employee Exception to Reinstatement Rights	<p>Limited exception for salaried employees if among highest paid 10 percent of workforce within 75 miles of worksite, restoration would lead to grievous economic harm to employer and other conditions</p>	<p>No provision</p>

	met.	
Maintenance of Health Benefits During Leave	Health insurance must be continued under same conditions as prior to leave.	No provision
Leave Requests	<p>To be made by employee at least 30 days prior to date leave is to begin where need is known in advance or, where not foreseeable, as soon as practicable.</p> <p>If due to a planned medical treatment or for intermittent leave, the employee, subject to health care provider's approval, shall make a reasonable effort to schedule it in a way that does not unduly disrupt employer's operations.</p> <p>If due to foreseeable active duty of family member, notice must be made as soon as practicable.</p>	<p>Family/Medical Leave: Similar to the federal FMLA</p> <p>Family Violence Leave: Except for foreseeable family violence leave, requires no more than seven days prior notice.</p> <p>Paid Sick Leave: If the need for sick leave is foreseeable, employer may require up to seven days prior notice. If need for sick leave is not foreseeable, employer may require notice as soon as practicable.</p> <p>Pregnancy Leave: No provision.</p>
Certification Requirement	<p>Employer may require certification for the following:</p> <p>Request for leave because of serious health condition or to care for covered service member with a serious illness or injury.</p> <p>Request for qualifying exigency leave because of family member's active duty or call to active duty in the Armed Forces.</p> <p>To demonstrate employee's fitness to return to work from medical leave where employer has a uniformly applied practice or policy requiring such certification.</p>	<p>Family/Medical Leave: Similar to the federal FMLA</p> <p>Family Violence Leave: Employer may require certification for family violence leaves.</p> <p>Paid Sick Leave: For paid sick leave of more than three consecutive days, employer may require reasonable documentation that leave is taken for a permitted purpose, such as signed documentation by a health care provider, court record or victim services organization.</p> <p>Pregnancy Leave: No provision</p>
Executive,	These individuals are entitled to	No specific provision

<p>Administrative and Professional Employees</p>	<p>FMLA benefits. However, their use of FMLA leave does not change their status under the Fair Labor Standards Act (FLSA), i.e., an employer does not lose its exemption from the FLSA's minimum wage and overtime requirements.</p>	
<p>Statutes</p>	<p>29 USC 2601</p>	<p>CT ST §§ 31-51kk to 31-51qq (family and medical leave); § 31-51ss (family violence leave); §§ 31-57r to 31-57w (paid sick leave); C.G.S.A. § 46a-60(a)(7) (pregnancy leave/prohibited discrimination)</p>

*Effective Oct. 1, 2017, Connecticut [expanded](#) its fair employment requirements for pregnant employees. The information provided in the above chart reflects employer requirements for pregnant employees under the expanded law.

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