

Glossary of Terms

This glossary is intended to provide guidance to employers, third party administrators, insurers and employees about terms that are relevant with regard to the paid leave benefits under the Connecticut Paid Family and Medical Leave (CT PFML) law. The CT Paid Leave Authority recognizes that the unpaid Connecticut Family and Medical Leave Act (CT FMLA) also contains the terms of the leaves that qualify for paid leave benefits under the CT PFML and, therefore, regulations issued by the Connecticut Department of Labor (DOL) relating to the CT FMLA are relevant when interpreting rights under the CT PFML law as well.

“Armed Services” include the United States Army, Navy, Marine Corps, Coast Guard and Air Force or any reserve component thereof, including the Connecticut National Guard performing federal military duty as provided in Title 32 of the United States Code.

“Bonding Leave” means leave taken by an employee in order to:

- Bond with a newborn child;
- Process the adoption of a child or bond with a newly adopted child; or
- Process the placement of a foster child or bond with a newly placed foster child.

“Block Leave” is a continuous absence for a single qualifying reason.

“Caregiver Leave” leave taken by an employee who is “needed to care for” a “family member” who has a “serious health condition.”

“Child,” “Son” or “Daughter” means a biological, adopted or foster child, stepchild, a legal ward, or child of a person standing “*in loco parentis*,” of any age.

“Covered service member” means:

- A current member of the Armed Services Covered service member for purposes of military caregiver leave does not include veterans.

“Family member” means a “child”, “spouse,” “sibling,” “son or daughter,” “grandparent,” “grandchild,” “parent,” or an “individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.”

“Family violence” (also referred to as “domestic violence”) means a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, current or former intimate partner, , person with whom the perpetrator shares a child in common, or persons presently residing or have resided together.

- Family or domestic violence includes, but is not limited to: physical violence, injury, or intimidation, sexual violence or abuse, emotional and/or psychological intimidation, harassment, stalking or economic abuse and control

“Family violence leave” is leave taken by an employee who is a victim of family violence who needs to take time off from work for the following reasons:

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- To seek medical care or psychological or other counseling for physical or psychological injury or disability;
- To obtain services from a victim services organization;
- To relocate due to such family violence; or
- To participate in any civil or criminal proceeding related to or resulting from such family violence.

“Grandchild” means a grandchild related to a person by (A) blood, (B) marriage, (C) adoption by a child of the grandparent, or (D) foster care by a child of the grandparent

“Grandparent” means a grandparent related to a person by (A) blood, (B) marriage, (C) adoption of a minor child by a child of the grandparent, or (D) foster care by a child of the grandparent

“Health Care Provider” means:

- A doctor of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctor practices,
- A podiatrist, dentist, psychologist, or optometrist authorized to practice in the state and performing within the scope of his or her practice;
- A chiropractor authorized to practice in the state and performing within the scope of his or her practice;
- A nurse practitioner, nurse-midwife, clinical social worker, or physician assistant authorized to practice in the state and performing within the scope of his or her practice;
- A Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts;
- Any health care provider from whom the employer or the employer’s group health plan’s benefits manager will accept a medical certification to substantiate a claim for benefits;
- A health care provider who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or
- Such other health care provider as the Labor Commissioner determines, performing within the scope of the authorized practice.

“Health Care Provider” for military caregiver leave means:

- A Health Care Provider” as defined above;
- A Department of Defense (DOD) health care provider;
- A Veterans Affairs (VA) health care provider;
- A DOD TRICARE network authorized private health care provider; or
- A DOD non-network TRICARE authorized private health care provider

NOTE: TRICARE is the DOD’s military health system and includes network and non-network health care providers.)

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"In loco parentis" means:

- "In the place of the parent"
- An individual stands *in loco parentis* to a child if he or she has day-to-day responsibilities to care for or financially support the child and the individual intends to take on the role of a parent to that child or the person in the place of a parent who had such responsibility for the individual when the individual was a child.
- The person standing *in loco parentis* is not required to have a biological or legal relationship with the child.

NOTE: The federal Department of Labor Administrator's Interpretation No. 2010-3 is a good resource for understanding when an individual is or was *"in loco parentis"* to a child.

"Incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition.

"Individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships" means any person with whom the employee has a significant personal bond that is or is like one of the specific family relationships listed in the statute (i.e. parent, spouse, child, sibling grandparent or grandchild), regardless of biological or legal relationship.

- This determination is necessarily situation specific and governed by the circumstances of the individuals involved.
- Examples of such relationships include, but are not limited to:
 - A friend of the family in whose home the employee lived while she was in high school and whom the employee therefore considers to be family, despite the lack of a biological or legal relationship;
 - An elderly neighbor to whom the employee has provided unpaid caregiving assistance and whom the employee considers to be like a grandfather to her;
 - An aunt or uncle who relies on the employee for unpaid care and has maintained as strong and enduring a relationship with the employee as typically seen between individuals and their parents, grandparents, or siblings;
 - A child of an employee's former partner who lived with the employee for several years and maintains a parent-like relationship with the employee; or
 - An unmarried, significant other of the employee with whom the employee maintains a familial, spouse-like relationship, despite their lack of legal relationship to each other; or

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- o A person with whom the employee lived for several years, sharing financial responsibilities of the household and one another's common welfare, and whom the employee considers to be family, despite not sharing a romantic, legal, or blood relationship.

“Intermittent Leave” is leave in separate, non-consecutive time periods rather than a single span of time for a single qualifying reason.

“Needed to Care For” means the employee is providing (or will provide) physical or psychological care or psychological comfort and reassurance.

“Next of kin” (for military caregiver leave) means the service member's nearest blood relative, other than the covered service member's spouse, parent, son or daughter, in the following order of priority:

- A blood relative or any other individual whose close association with the employee is the equivalent of a family member who the covered service member has specifically designated in writing as his or her nearest blood relative for purposes of military caregiver leave,
- Blood relatives who have been granted legal custody of the service member by court decree or statutory provisions,
- Brothers and sisters,
- Grandparents,
- Aunts and uncles, and
- First cousins.

“Parent” means a biological, adopted, or foster parent, stepparent, parent-in-law, person standing in *loco parentis* to a child or a person who has legal guardianship or custody of a child.

“Parent-in-law” means the parent of the employee's spouse.

“Qualifying Exigency leave” is determined in accordance with regulations adopted by the United States Secretary of Labor 29 CFR § 825.126 arising out of the fact that a spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call or order to active duty in the Armed Services that involves deployment to a foreign country, and includes leave for one or more of the following activities:

Activity	Description
Short notice deployment	To address any issue that arises from a covered service member being notified of an impending call or order to active duty, 7 or less calendar days prior to date of deployment. Leave taken for this purpose can be used for a period of seven calendar days beginning on the date the covered service member is notified of an impending call or order to covered active duty.

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Activity	Description
<p>Military events and related activities</p>	<p>To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered duty of a covered service member; and/or</p> <p>To attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty of a covered</p>
<p>Childcare and school activities (non-routine)</p>	<p>To arrange for alternative childcare for a child of a covered service member when the covered active duty or call to covered active duty necessitates a change in the existing childcare arrangement;</p> <p>To provide childcare for a child of the covered service member on an urgent, immediate need basis when the need to provide such care is necessitated by the disruption caused by covered active duty or call to covered active duty (but not on a routine, regular, or everyday basis);</p> <p>To enroll or transfer a covered service member's child in a new school or day care facility when existing arrangements need to be changed due to the covered active duty; and/or</p> <p>To attend meetings with staff at school or daycare facility when such meetings are necessary due to circumstances arising out of the covered active duty (but not to attend routine meetings/functions).</p> <p>NOTE: The child in question must be the child of the service member, not necessarily the child of the employee.</p>

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<p>Parental leave care (non-routine)</p>	<p>To provide care for a covered service member’s parent who is incapable of self-care on an urgent, immediate need basis when the need to provide such care arises from the covered service member’s active duty or call to active duty. (but not on a routine, regular or every day basis).</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Arranging for alternative care for a parent;</i> • <i>Providing care on an immediate basis;</i> • <i>Admitting or transferring the parent to a care facility; or</i> • <i>Attending meetings with staff at a care facility, such as meetings with hospice or social service providers for a parent.</i> <p>NOTE: The parent who needs care must be the parent of the service member.</p>
<p>Financial and legal arrangements (Before, during or after deployment)</p>	<p>To act as the covered service member’s representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the covered service member is on a covered active duty and for a period of 90 days following termination of covered service member’s covered active duty.</p> <p>To make or update financial or legal arrangements to address the covered service member’s absence while on covered active duty</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Preparing and executing financial and healthcare powers of attorney</i> • <i>Transferring bank account signature authority.</i> • <i>Enrolling in Defense Enrollment Eligibility Reporting System (DEERS).</i> • <i>Obtaining military identification cards</i> • <i>Preparing or updating a will or living trust.</i>

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Activity	Description
Counseling	<p>To attend counseling arises from the covered active duty or call to active duty of a covered service member;</p> <ul style="list-style-type: none"> • Counseling is for the employee, covered service member and/or the covered service member's child. • The counseling must be provided by someone other than a healthcare provider. <p><i>Examples:</i> Military Chaplain Pastor/minister A non-HCP offered by the military or a military service organization</p>
Rest and recuperation	<p>To spend time with a covered service member who is on short-term, temporary, Rest and Recuperation leave during the period of deployment.</p> <p>Leave taken for this purpose can be used for a period of 15 calendar days beginning on the date the covered service member commences each instance of Rest and Recuperation leave</p>
Post-deployment activities	<p>To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of covered service member's covered active duty status; and</p> <p>To address issues that arise from the death of the covered service member while on covered active duty.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • Meeting and recovering the deceased service member. • Making funeral arrangements.
Other activities	<p>Additional activities that arise out of the covered service member's covered active duty provided the employer and employee mutually agree that such leave shall be considered a qualifying exigency and agree to both the timing and duration of such leave</p>

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“Reduced Schedule Leave” is a leave schedule that reduces an employee’s usual number of working hours per workweek, or hours per workday for a period of time, normally from a full-time schedule to a part-time schedule.

“Serious health condition” means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider

- **“Treatment”** includes examinations to determine if a serious health condition exists and evaluations of the condition.
 - A telemedicine with a health care provider will qualify as an in-person visit provided the following criteria are met:
 - The telemedicine visit includes an examination, evaluation or treatment by a health care provider
 - The telemedicine visit is permitted and accepted by state licensing authorities; and
 - The visit is performed by video conference or equivalent technology.
 - Communication methods that do not meet these criteria (e.g., a simple telephone call, letter, email, or text message) are insufficient, by themselves, to satisfy the requirement of an “in-person” visit.
- A **“regime of continuing treatment”** includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition.
- It does not include taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
- A person has a “serious health condition” if he/she has one or more of the following conditions summarized below:

Inpatient Care	<ul style="list-style-type: none"> • An overnight stay in a hospital, hospice, nursing home, or residential medical care facility. • Includes any period of incapacity or any subsequent treatment in connection such inpatient care.
Continuing Treatment by a Health Care Provider <i>(any one or more of the following)</i>	<p>Incapacity and Treatment: A period of incapacity of more than three consecutive calendar days, and any subsequent treatment or period of</p>

	<p>incapacity relating to the same condition, that also involves:</p> <ul style="list-style-type: none"> - Two or more in-person visits to a health care provider or by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or on referral by, a health care provider for treatment within 30 days of the first day of incapacity, unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or - At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider.
	<p>Pregnancy: Any period of incapacity due to pregnancy including prenatal care.</p> <p>Under the CT Paid Leave Act, two additional weeks are available for incapacity and treatment during pregnancy, including labor and delivery, but they are not available for the period of time <i>after</i> delivery.</p>

	<p>Chronic Conditions Requiring Treatments: Any period of incapacity due to or treatment for a chronic serious health condition which:</p> <ul style="list-style-type: none"> - Requires periodic visits for treatment by a health care provider or by a nurse or physician’s assistant under direct supervision of a health care provider at least twice a year; and - Continues over an extended period of time (including recurring episodes of a single underlying condition); and - May cause episodic rather than a continuing period of incapacity. <p><i>Examples: asthma, migraine headaches, diabetes, epilepsy</i></p>
	<p>Permanent/Long-Term Conditions: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider.</p> <p><i>Examples: Alzheimer’s disease; terminal states of cancer; severe stroke.</i></p>
	<p>Multiple Treatments (Non-Chronic Conditions): Restorative surgery after an accident or other injury; or, A condition that would likely result in a period of incapacity of more than three consecutive full calendar days if the employee or employee’s family member did not receive treatment.</p> <p><i>Examples: chemotherapy; physical therapy.</i></p>

“Serious injury or illness” for military caregiver leave means a serious injury or illness that was incurred in the line of duty on active duty in the Armed Forces.

“Sibling” means the biological sibling, half-sibling, stepsibling, adopted sibling, foster sibling, or sibling-in-law of the eligible employee or the eligible employee’s spouse.

“Spouse” means a person to whom one is legally married.

“Workweek” means the employee’s usual or normal schedule (hours/days per week) prior to the start of the family/medical leave.