



About Your Presenter



Andrea Barton Reeves, Inaugural CEO of the Paid Family and Medical Leave Insurance Authority (PFMLIA)

The Authority's Board of Directors consist of 15 members, including designees of the State Treasurer, State Comptroller, and several state agency commissioners, and appointees of legislative leaders and the Governor.

Appointed by Governor Lamont on January 23, 2020 began serving in this capacity on March 2, 2020.

Prior to this appointment, served as president and CEO of HARC, Inc — a large not-for-profit provider of services for people with intellectual and related disabilities and families. Also served as the organization's vice president of administration and in -house counsel.

Prior to joining Harc, Inc., served as the director of program operations at Lawyers for Children America, Inc., and in the insurance industry at Chubb.

Appointed positions:

- Immediate Past President of the Connecticut Bar Foundation
- Former Board chair of Village for Families and Children
- Former Board member of Connecticut Community Nonprofit Alliance
- Current Vice-Chair, Board of the YWCA, Hartford Region
- Board Member of Leadership Greater Hartford

Recognitions include:

- Hartford Business Journal's 'Forty Under Forty, and Five New Leaders to Watch'
- 100 Women of Color Award Class of 2020

Education:

- Bachelor of Arts, English, Rutgers University
- · Juris Doctorate, New York Law School



AGENDA

- About the CT Paid Leave Program
- Overview of Leave Laws
- The Role of the Employer
- Applying for Paid Leave Benefits
- CT Paid Leave in the Workplace
- Private Plans
- Registration
- Additional resources
- Q&A





About the CT Paid Leave Authority

The CT Paid Leave Authority serves a growing need in providing financial relief to Connecticut families, allowing individuals to care for a loved one, or themselves, without having to worry about lost income.

About the CT Paid Leave Authority

OUR MISSION

- To provide pathways to accessible paid family leave benefits; and
- To empower employers, administrators and healthcare providers by offering helpful tools for understanding their vital roles and provide support to navigate our program.
- Responsibilities include:



OUTREACH & ENGAGEMENT



DEVELOP THE
POLICIES AND
PROCEDURES
NEEDED TO RUN
THE CT PAID
LEAVE PROGRAM



ESTABLISH THE TRUST FUND CONTRIBUTION RATE & RECEIVE CONTRIBUTIONS



APPROVEAND AUDIT PRIVATE PLANS



ADMINISTER CLAIMS FOR PAID LEAVE BENEFITS

Key Dates

Employers began deducting contributions from employee wages (1/2 of one percent)



(30 days after the end of the quarter)

Approved contributing employees, sole proprietors and self-employed individuals can begin receiving benefits for qualifying life events.



November 2020



February – March 2021



December 2021

January 1, 2021



Employer registration began





Private Plan Reviews for Employers

Contributing employees, sole proprietors and self-employed individuals can begin submitting applications for benefits.

January 1, 2022





Covered Workers

Who is covered?

- Employers who have one or more people working in CT Including:
 - Non-profits
 - Private-sector employers with a unionized workforce
- Sole proprietors who choose to opt-in for themselves*
- Self-employed individuals who choose to optin for themselves*

Who is not covered?

- The federal government
- The State of Connecticut, except as to "covered public employees"
- Municipalities, unless they have "covered public employees"
- Local or regional boards of education unless they have "covered public employees"
- Non-public elementary or secondary schools

Other entities that are exempted as a result of other laws:

- Railroad workers
- Individuals who are employed by the governments of other state
- Employees of sovereign nations
- Employees engaged in interstate commerce who work in CT but live in another state and thus don't pay income tax in CT
- Spouses of active-duty military members who have opted to continue to pay taxes in their home state instead of where they are currently deployed

^{*}Sole proprietors and self-employed individuals must stay in the plan for a minimum of three years.

Covered Public Employees

- Non-unionized employees of the State of Connecticut
- Unionized employees of the State of Connecticut who collectively bargain to be included in the program
- Employees of municipalities (union and nonunion) IF the unionized employees of the municipality collectively bargain to be included
- Employees of local and regional boards of education (union and nonunion) IF the unionized employees collectively bargain to be included

"Municipality" means any town, city, borough, school district, regional school district, taxing district, fire district, district department of health, probate district, housing authority, regional work force development board, regional emergency telecommunications center, tourism district, flood commission or authority established by special act or regional council of governments



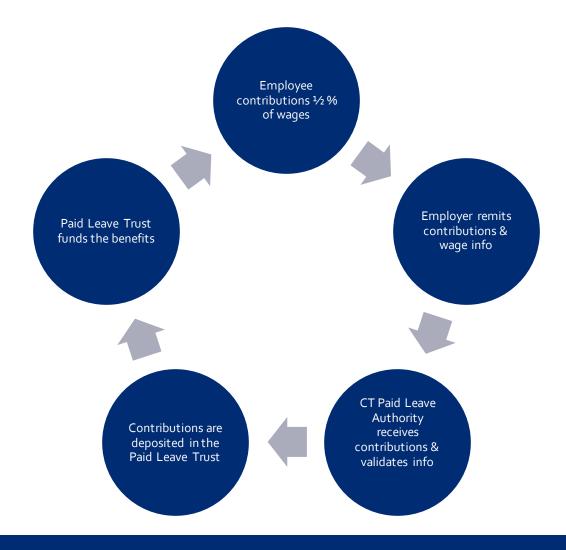
Are you a SOLE PROPRIETOR or INDEPENDENT CONTRACTOR?

If you pay self employment taxes as defined by the IRS, you are considered an independent contractor or sole proprietor.

Sole Proprietors	Independent Contractors:
Are NOT "Employees" as defined by the Paid Leave Law; and therefore	Are NOT "Employees" as defined by the Paid Leave Law; and therefore
Do NOT have to pay into the Paid Leave Program; they have the option to participate at any time, BUT	Do NOT have to pay into the Paid Leave Program
if they do so, they must remain in the program for at least three years	The parties they do work for DO NOT have to withhold the half-percent contribution
If a sole proprietor has employees; the sole proprietor has the option to join the program or not; BUT their employees must participate in the program.	Have the OPTIONTO PARTICIPATE at any time, but if they do so, they must remain in the program for at least three years
	WV35!



Managing the Contributions



- Contributions are post-tax and are based on the employee's wages as calculated for FICA
- Contributions are capped at the Social Security Contribution limit of \$142,800 (Max contribution amount =\$13.73/week or \$714/year)





CONNECTICUT'S FAMILY AND MEDICAL LEAVE LAW IS CHANGING IN 2022!

- No hours worked requirement for eligibility
- Job protection at 3 months, rather than 12 months
- Expanded reasons for leave, including family violence leave
- An expanded definition of family; and
- Income replacement is available for those who are eligible (Paid Leave)



Reasons for Leave / Income Replacement

- To receive treatment and/or recover from your own serious health condition, including pregnancy and serving as an organ or bone marrow donor (aka "medical leave")
- To care for a family member who has a serious health condition (aka "caregiver leave")
- To bond with a newborn or newly placed adopted or foster child and, in the case of adoption and foster care, to attend to pre-placement activities (aka "bonding leave")
- To care for a family member injured on active duty in the military (aka "military caregiver leave")
- To attend to specific issues associated with a parent, spouse or child's overseas active duty (aka "qualifying exigency leave")
- To attend to specific issues associated with directly experiencing family violence (aka "family violence leave")



Current CT FMLA v. CT FMLA in 2022

CURRENT CT FMLA	CT FMLA IN 2022
Applies to employers with 75 or more employees	Applies to employers with one or more employees
Employees must have worked at least 12 months for the employer (can be non-consecutive); worked at least 1,000 hours during the 12 months immediately preceding the date of commencement of FMLA leave	No hours worked requirement
Job protection after 12 months	Job protection after 3 months
 16 weeks of leave in a 24-month period 26 weeks of leave is available for military caregiver leave 	 Up to 12 weeks in a 12-month period for all leave reasons, except: 26 weeks of leave is available for military caregiver leave an additional 2 weeks of leave may be available for incapacitation during pregnancy
Employer can require employees to use all accrued time for paid time off	Employer can require employees to use accrued time off but must allow employee to keep up to two weeks of accrued PTO.

What is the length of the leave/paid leave benefits?

Federal FMLA job-protected leave	CT FMLA job-protected leave (as of 1/1/22)	CT PFML paid leave benefits (as of 1/1/22)	
Up to 12 weeks in a 12-month period for all leave reasons <i>except</i> :	Up to 12 weeks in a 12-month period for all leave reasons <i>except:</i>	Up to 12 weeks in a 12-month period for all leave reasons including military caregiver leave <i>except:</i>	
Up to 26 weeks in a 12-month period for military caregiver leave	Up to 26 weeks in a 12-month period for military caregiver leave		
	Up to 12 days (in a calendar year) can be used for family violence leave	Up to 12 days of the 12 weeks may be used for income replacement during family violence leave	
	Up to 2 additional weeks of leave for incapacity during pregnancy	Up to 2 additional weeks of income replacement during leave for incapacity during pregnancy	



What are the eligibility requirements?

Federal FMLA job-protected leave	CT FMLA job-protected leave (as of 1/1/22)	CT PFML paid leave benefits (as of 1/1/22)
Employed by the employer for at least 12 months	Employed by the employer for at least 3 months	Earned at least \$2,325 in the highest earning quarter of the first 4 of the past 5 quarters Earnings may be combined from more than one employer Has a qualifying reason for leave Has not exhausted leave time
Worked at least 1250 hours in the 12 months immediately preceding the leave	No hours worked requirement	 Is either: Currently employed and working in CT; Was employed and working in CT during the past 12 weeks; or A sole proprietor or self-employed individual who has opted to participate in the CT Paid Leave Program.



OVERVIEW OF LEAVE LAWS

LAWS PROVIDING JOB-PROTECTED LEAVE	LAWS PROVIDING INCOME REPLACEMENT DURING LEAVE
Federal FMLA (applies to employers with 50+ employees)	CT Paid Leave Act (1+ employees working in CT) - Effective 1/1/22 (as to income replacement)
 CT FMLA Before 1/1/22, applies to employers with 75+ employees Eff. 1/1/22, applies to employers with 1+ employees 	Workers' Compensation - for covered on-the-job injuries/illnesses
Workers' Compensation - for covered on-the-job injuries/illness	
Americans with Disabilities Act (15+ employees) - Leave may be a reasonable accommodation	
Pregnancy Disability Act (15+ employees) - Leave may be a reasonable accommodation	
CT Fair Employment Practice Act (3+ employees) - Leave may be a reasonable accommodation	



The primary difference between the reasons for leave under federal FMLA versus the CT laws is the definition of family member

- Under federal FMLA, an employee can take leave to care for a parent, spouse, or child who is under 18 or is over 18 and has a disability
- Under the CT laws, an employee can take caregiver leave (and receive benefits) for a parent, spouse, son or daughter of any age, sibling, grandparent, grandchild, 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

What does "Related by Affinity" mean?

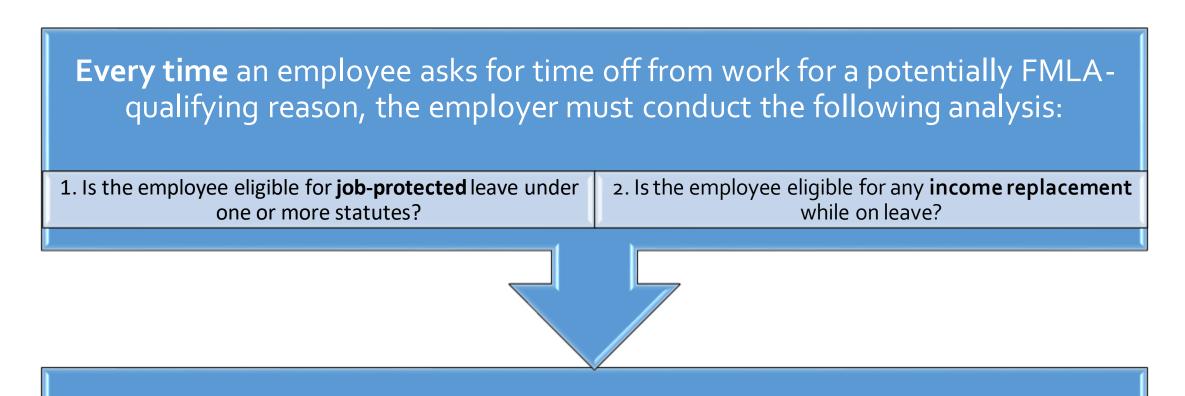
"Any person with whom the employee has a significant personal bond that is like one of the family relationships listed in the statute, regardless of biological or legal relationship."

- This determination of "related by affinity" is necessarily situation specific and governed by the circumstances of the individuals involved.
- The <u>family</u> relationships listed in the statute are parent, spouse, child, sibling, grandparent, and grandchild.
- Examples of such relationships by affinity include, but are not limited to:
 - 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;
 - o 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





Decision-Matrix When Employee Requests Leave



Both questions must be addressed every time

Eligibility for Job Protected Leave

- An employee can be eligible for:
 - Federal FMLA leave only,
 - State FMLA leave only,
 - Both Federal and State FMLA (running concurrently),
 - Neither Federal nor State FMLA but job-protected leave as a reasonable accommodation
 - No job-protected leave at all



Putting it into practice:

- ACME Industries has 100 employees working in CT
- W.E. Coyote is a full-time employee who has worked for ACME for 10 years.
 - He has 4 weeks of sick leave accruals and 2 weeks of vacation time
- W.E. injures his hands in a non-work-related fireworks accident and needs to be out of work for 8 weeks.

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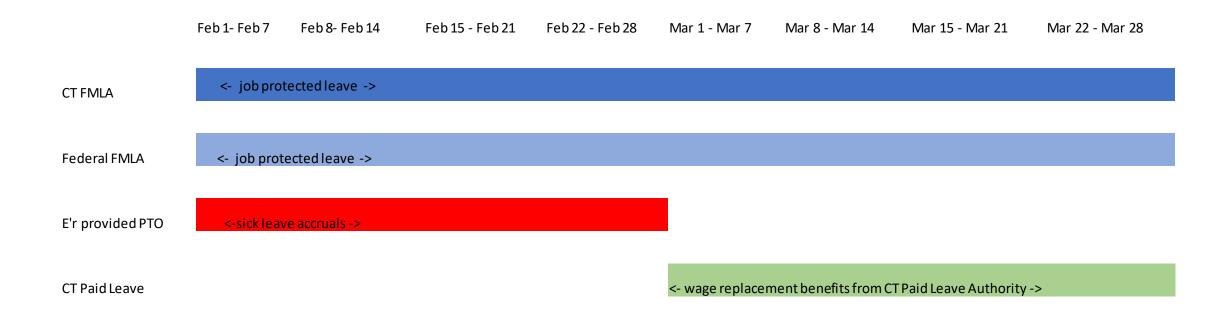
Is W.E. eligible for job-protected leave?

If so, under what statutes & when does the job-protected leave start?

Is W.E. eligible for income replacement benefits?

If so, from whom & when do the income replacement benefits start?

W.E. is eligible for CT FMLA, federal FMLA, and CT Paid Leave benefits



Putting it into practice:

- Bionics-R-Us has 20 employees working in CT
- Jamie is a part-time employee who has worked for Bionics-R-Us for 2 years.
 - She has 6 days of sick leave accruals and 3 weeks of vacation time
- Jamie breaks her leg running with her dog.

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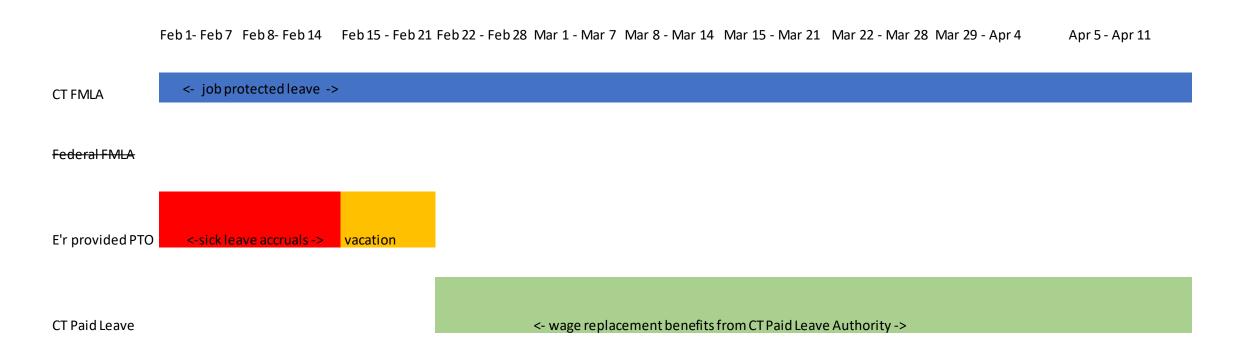
Is Jamie eligible for job-protected leave?

If so, under what statutes & when does the job-protected leave start?

Is Jamie eligible for income replacement benefits?

If so, from whom & when do the income replacement benefits start?

Jamie is eligible for CT FMLA and CT Paid Leave benefits. She is not eligible for federal FMLA.





LEAVE AUTHORITY

How employees access paid leave benefits from the Paid Leave Authority

Employee applies to the CT Paid Leave Authority for paid leave benefits

CT Paid Leave Authority validates:

CT Paid Leave Authority calculates the employee's benefit amount

CT Paid Leave Authority, employee and employer communicate

CT Paid Leave Authority issues benefit payments

The employee's eligibility for benefits under the CT Paid Leave Law based on the employee's total earnings from all CT employers

The reason the employee is seeking benefits

To validate employee's actual covered absences

To calculate offsets based on employer-provided paid time off



FORMULA FOR PAID LEAVE BENEFITS

If employee's base weekly earnings are less than or equal	
to the minimum wage multiplied by 40	

If employee's base weekly earnings are *more than* the CT minimum wage multiplied by 40

The weekly benefit payment will be 95% of the covered employee's base weekly earnings

The weekly benefit rate will 95% of 40 times the minimum wage,

PLUS 60% of the difference between the amount of the employee's base weekly earnings and the CT minimum wage multiplied by 40.

Current 2021 minimum wage = \$12.00/hour As of 8/1/2021, minimum wage = \$13.00/hour The total weekly benefit payment is capped at sixty times (6ox) the CT minimum wage.

60 X \$12.00 = \$720 60 X \$13.00 = 780



Benefit Payments

Min. Wage= \$13/hour

Employee A earns Minimum Wage:

- Employee A works 40 hours at \$13.00/hr
- Base weekly earnings:

$$40x$13.00 = $520/weekly$$

• Benefit: $95\%(40 \times 13) = 494

Employee A receives \$494 in benefits

Employee B earns above Minimum Wage

- Employee B works 40 hours at \$13.50/hour
- Base weekly earnings
 - 40x \$13.50 = \$540/weekly
- Benefit: 95%(40 x 13) + 60%(540-520)

Employee B receives \$506 in benefits



Facts about Income Replacement

- BENEFITS COORDINATION Employees can receive benefits from the CT Paid Leave Authority and employer-provided benefits at the same time, but combined benefits cannot exceed 100% of the employee's regular wages
- SHORT-TERM & LONG-TERM DISABILITY POLICIES Generally, short-term and longterm disability insurance policies dictate that state-provided paid leave benefits must be utilized before an employee can qualify for benefits under the STD or LTD policies
- WORKER'S COMPENSATION AND PAID LEAVE An individual who is receiving Worker's Compensation benefits is not eligible for paid leave benefits from the Paid Leave Authority
- PAID LEAVE WITHOUT JOB PROTECTION- An employee may be eligible to receive benefits from the Paid Leave Authority even if the employee is not eligible for jobprotected leave
- **PRIVATE PLANS:** If the employer has a Paid Leave Authority-approved private plan, then the employer determines if the employee is eligible for benefits under that plan
- REQUIRING THE USE OF ACCRUED TIME
 - Employers may require employees to use:
 - Sick leave accruals
 - Vacation leave accruals
 - Other PTO

In 2022, employees are entitled to keep up to two weeks of accruals.



What about Spouses who work for the same employer?

Under federal FMLA	The spouses are required to share their 12-week job-protected leave entitlement if the reason for leave is: • To bond with a newborn child/newly adopted child/newly placed foster child or • To care for a parent with a serious health condition
Under state FMLA	 The spouses are required to share their 12-week job-protected leave entitlement if the reason for leave is: To bond with a newborn child/newly adopted child/newly placed foster child or To care for a family member with a serious health condition
Under the CT Paid Leave law	The spouses are NOT required to share their 12-week paid leave benefit entitlement for any reason
	Connecticut





The Private Plan or "Exemption" Option

- Section 31-490 of the Connecticut General Statutes permits employers to apply to use a private plan to meet their obligations under the Connecticut Paid Leave Act.
- If an employer has plan approved by the CT Paid Leave Authority:
 - The employer not the Paid Leave Authority administers its employees' claims for paid leave benefits
 - The employer is **not** required to remit employee contributions to the CT Paid Leave Authority
 - The employer may withhold a portion of employees' wages for the sole purpose of administering the plan
 - Withholding cannot exceed CT Paid Leave Program's contribution rate of 0.5% of earnings



Private Plan Policy & Procedures

- Policy can be found on the "I Want to Apply for a Private Plan" page at www.ctpaidleave.org
 - https://ctpaidleave.org/s/i-want-to-apply-forexemption?language=en_US
- Plan Requirements
 - Must offer the same or better benefits as the public plan
 - A short-term disability policy will generally not suffice
 - Cannot cost employees more than the public plan
 - Must cover all employees working in CT
 - Must be approved by a majority vote of all of the employees working in CT

HOW TO APPLY FOR A PRIVATE PLAN EXEMPTION

All private plans are subject to review and approval by the CT Paid Leave Authority before they can be offered as a substitute for the state's CTPL program.

STFP :

REGISTER YOUR BUSINESS AND INDICATE YOUR

If your company plans to apply for a private plan exemption, you will need to register your business with the CT Paid Leave Authority.

STEP 2

SUBMIT APPLICATION FOR PROVISIONAL

After you register, the CT Paid Leave Authority will send an email notification prompting you to submit your private plan application.

STEP 3

UPLOAD POLICY DOCUMENTATION FOR FINA

After the CT Paid Leave Authority publishes the Policy Filing Guidance Notice / Self Insurance Plan Filing Guidance Notice, you will receive another email from the CT Paid Leave Authority prompting you to upload your final policy documentation



PRIVATE PLAN POLICY

View the policy and procedures for an employer to apply to use a private plan to meet its obligations under the Connecticut Paid Leave program





Approved Private Plan Insurers

(as of March 2021)

- •The Guardian Life Insurance Company of America
- •Elips Life Insurance Company
- Principal Life Insurance Company
- •Symetra Life Insurance Company
- •Reliance Standard Life Insurance Company
- •Metropolitan Life Insurance Company
- •The Lincoln National Life Insurance Company
- Lincoln Life & Annuity Company of New York
- •The Prudential Insurance Company of America
- •Sun Life Assurance Company of Canada
- Anthem Life Insurance Company
- •Standard Insurance Company
- •Hartford Life and Accident Insurance Company
- •UnitedHealthcare Insurance Company
- ShelterPoint Life Insurance Company
- •Equitable Financial Life Insurance Co. of America
- Continental American Insurance Company





Register your business

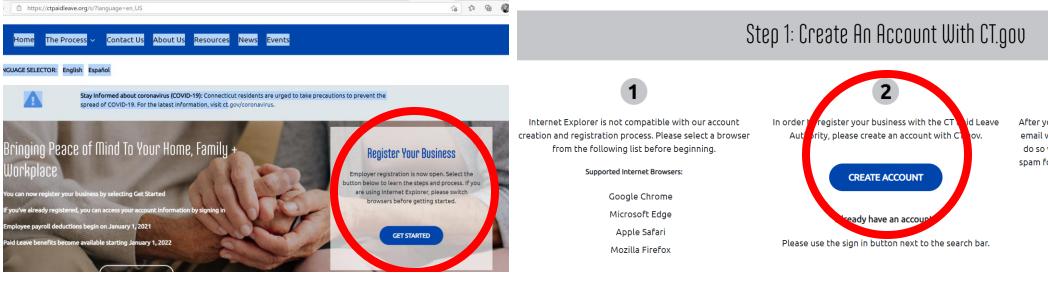
It's the only way to remit employee contributions (which are due each quarter, beginning in March 2021).

Employers are required to withhold half a percent of wages to remit to the Paid Leave Authority trust fund.

➤If you are not registered, you will NOT be able to remit employee contributions.



Registration Process: Visit ctpaidleave.org



After you create an account with CT.gov, you will receive an email with instructions to verify your account. You need to do so within 24 hours of receipt. Make sure to check your spam folder, or other inbox folders such as promotions and



Step 2: Register Your Business with the CT Paid Leave Authority

Sole Proprietors and Self-Employed

Employers / Company
Administrators

Third-Party Administrators Apply for A Private Plan





What to do if you're not withholding contributions

>START NOW.

- ➤ Use the "catch up period"
- Businesses have until **JUNE 30 2021** to collect contributions **retroactively** from employees. Employers can collect up to an additional 1% of the employee pay, to 'catch up' (if the employer did not begin withholding January 1,2021).
- Inform your employees if you use the "catch up" period.





CT Paid Leave Information Resources



For covered employees in the State of Connecticut, the Connecticut Paid Leave program offers the opportunity to take time to take care of personal and family health needs without worrying about

JANUARY 1, 2021; Employer to begin withholding employee contributions (one-half or one percent of each paycheck (0.5%), to the CT Paid Leave (CTPL) Authority trust fund.

JANUARY 1, 2022: Covered employees become eligible for paid leave benefits.

Employee Eligibility

All employers* with one or more employees are covered under the CTPL program.

Covered employees are eligible for CTPL program benefits if they have:

- Earned wages of at least \$2,325** in the highest completed quarters; and
- Are currently employed OR have been employed

Benefit Rates

Benefit rates* will be equal to 95% of an employee's average weekly wages if the wages are less than or equal to the CT minimum wage multiplied by 40. If wages exceed the CT minimum wage multiplied by 40, the employee's benefit rate will be 95% of the employee's average weekly wage up to the CT minimum wage multiplied by 40 PLUS 60% of the amount the average weekly wage exceeds the CT minimum wage multiplied by 40. The benefit rate is capped at 60 times the CT minimum wage.

The benefit rate is capped at 60 times the CT

- For reference:

 Cf minimum wage multiplied by 40 will be equal to \$520 weekly in Jassaay 2022, increasing to \$550 on July 1, 2022, and \$500 on July 1, 2023.
 Cf minimum wage multiplied by 60 will be equal to \$740 weekly in Jassaay 2022, increasing to \$940 on July 1, 2022,

Employee Rights Poster

Oualifying Reasons for Leave

Starting or Expanding a Family

To bond with a new child - by birth, adoption, or foster placement. For serious health conditions resulting in incapacitation during pregnancy, covered employees may qualify for two (2) additional weeks of paid leave benefits.

Personal or Family Health Needs

To address a serious personal or family health condition. Those serving as an organ or bone marrow donor may also be eligible to receive CTPL benefits.

Employees impacted by family violence may be eligible to receive CTPL benefits to seel medical or psychological care, to seek care from to participate in any civil or criminal proceeding relating to family violence. Benefits for these reasons are limited to 12 days.

To care for a family member who is injured relating to a family member's call to active duty

CT Paid Leave, access the Employe



Connecticut Paid Leave

Bringing Peace of Mind To Your Home, Family, and Workplace

The Paid Family and Medical Leave Act (PFMLA) offers Connecticut workers the opportunity to take time to attend to personal and family health needs without worrying about lost income.

The funding to support the CT Paid Leave (CTPL) program comes in the form of employee payroll deductions of one-half of one percent (0.5%) These payroll deductions begin January 1, 2021.

Covered employees become eligible for paid leave benefits beginning January 1, 2022.

Covered employees qualify for up to 12 weeks of paid leave benefits for the following reasons:

Starting or expanding a family. For incapacity during pregnancy, two (2) additional weeks may apply.





To care for a family member who is injured while on active duty or to address specific issues relating to a family member's call to active duty or active duty in the armed forces

Employee Rack Card



Employer Toolkit

In January, 2021, you will notice a change in your paycheck



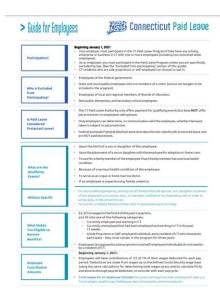


The funding to support the CT Paid Leave program will come in the form of employee payroll deductions beginning January 1, 2021. The most you will contribute is up to one-half of one percent (0.5%) of your total wages, up to the Social Security wage contribution rate that is set by the federal government.

To estimate how much will be deducted every pay period to support CT Paid Leave, use the contribution estimator found at ctpaidleave.org or use your smart phone/QR code reader to scan the QR code provided and scroll to the bottom of the page.

Your payroll contribution will be pooled into a single trust managed by the State Treasurer. This trust will be used for distributing family and medical leave compensation to covered employees, paying the costs of the authority, educating and informing the public about the program and paying the costs of administering the trust. Paid leave benefits begin January 1, 2022.

Employee Paycheck Mailer



Employee Fact Sheet





EMPLOYER IMMEDIATE ACTION CHECKLIST:

Register

- www.ctpaidleave.orgASAP
- If you haven't started already,
 Start wage withholdings
 NOW

Contact

 Contact your payroll provider to be sure they are prepared to process wage withholdings and remit withholdings to the Paid Leave Authority Trust Fund.

Educate

 Educate your employees about the withholding with information you can find on the employer section of the website: For Employers | Employer Resources | Register Your Business (ctpaidleave.org)

Visit

 www.ctpaidleave.org regularly for updates



Questions? We're here to help.

- How to Reach Us
 - Contact Us portal at www.ctpaidleave.org
- Helpful Resources
 - Frequently Asked Questions
 - Helpful Videos





Possible consequences of not withholding

- Failing to withhold employee's contributions in a timely manner and in full could mean that your business will be responsible for making those missed contribution payments for employees.
- Failure to withhold and remit contributions may affect an employee's ability to receive benefits in 2022.
- > Employer could face additional monetary penalties for failure to withhold and remit contributions for their employees.

