

The Differences and Similarities between CTPL and CTFMLA

November 29, 2022



OVERVIEW OF LEAVE LAWS

LAWS PROVIDING JOB-PROTECTED LEAVE	LAWS PROVIDING INCOME REPLACEMENT DURING LEAVE
CTFMLA (1+ employees working in CT)	CT Paid Leave (“CTPL”) (1+ employees working in CT and self-employed opting in)
Federal FMLA (50+ employees in a 75-mile radius for private employers and 1+ for public employers)	Workers’ Compensation - for covered on-the-job injuries/illnesses
Workers’ Compensation - for covered on-the-job injuries/illness	Paid Sick Leave (50 or more employees in CT on 10/1 of each year) - up to 40 hours in a one-year period – only applies to 69 categories of service workers
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 (1+ employees) - Leave may be a reasonable accommodation	
Paid Sick Leave (50 or more employees in CT on 10/1 of each year) - up to 40 hours in a one-year period – only applies to 69 categories of service workers	

THE ELIGIBILITY REQUIREMENTS

Federal FMLA job-protected leave	CTFMLA job-protected leave (as of 1/1/22)	CTPL paid leave benefits (as of 1/1/22)
Employed by the employer for at least 12 months AND	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 (from 1 or more employers) AND
Worked at least 1250 hours in the 12 months immediately preceding the leave	<ul style="list-style-type: none"> No hours worked requirement 	Is either: <ul style="list-style-type: none"> 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 CTPL program.

LENGTH OF THE FMLA LEAVE/PAID LEAVE BENEFITS

Federal FMLA job-protected leave	CTFMLA job-protected leave (as of 1/1/22)	CTPL 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	
	***Under 31-51ss (not CTFMLA), an employee who is a victim of family violence may use up to 12 days of leave during any calendar year in which such leave is reasonably necessary. Leave shall not affect any other leave provided under state or federal law.	Up to 12 days of the 12 weeks could be used for income replacement during family violence leave
	An employee may be eligible for 2 additional weeks of leave for incapacity due to a serious health condition during pregnancy	An employee may be eligible for 2 additional weeks of income replacement during leave for incapacity due a serious health condition during pregnancy

WHAT TRIGGERS THE FMLA AND CTPL?

1. The birth of a child and care within the first year after birth;
2. The placement of a child with employee for adoption or foster care and care for child;
3. To care for a family member with a serious health condition;
4. Because of the employee's own serious health condition ;
5. To serve as an organ or bone marrow donor;
6. To address qualifying exigencies arising from a spouse, son, daughter or parent's active duty service in the armed forces;
7. To care for a spouse, son, daughter, parent or next of kin with a serious injury or illness incurred on active duty in the armed forces
8. *Federal FMLA leave is limited to spouse, son, daughter, or parent, which are not as broadly defined as CTPL*

CTFMLA AND CTPL

- "Family member" means a spouse, sibling, son or daughter, grandparent, grandchild or 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 (*significant bond*)

SUMMARY OF SERIOUS HEALTH CONDITION (CTFMLA, FEDERAL FMLA, CTPL)

1. Inpatient
2. Incapacitated more than 3 consecutive calendar days plus two HCP visits (1st within 7 days, 2nd within 30 days)
3. Incapacitated more than 3 consecutive calendar days plus one HCP visit (within 7 days) and regimen of treatment (prescription medicine, physical therapy, etc.)
4. Chronic
5. Pregnancy
6. Restorative surgery/illness left untreated
7. Long-term condition

LEAVES MAY RUN CONCURRENTLY

- If leaves are taken for the same qualifying reason, CTFMLA, federal FMLA and CTPL may run at the same time
- CTFMLA leave may also run concurrently with disability leave, Workers' Compensation, STD, LTD, sick leave, vacation, PTO....

HOW TO CALCULATE CTPL AND CTFMLA LEAVE TIME

Example 1:

1. Employee took leave to care for her spouse from May 1, 2022, to July 1, 2022. She used 8 weeks of CTFMLA and federal FMLA.
2. She also applied for and received income replacement under CTPL.
3. Then she asks for leave to care for her grandparent on September 1, 2022.

Questions and Answers:

- What remains of her 12-week entitlements for all 3 laws?
 - 4 weeks under CTFMLA, CTPL, federal FMLA
- Can she use all 4 weeks of each law to care for her grandparent?
 - No. Federal FMLA does not include a grandparent in its covered family members (unless there is an “in loco parentis” relationship)
 - She can use 4 weeks under CTFML and CTPL. She will still have 4 weeks under federal FMLA remaining for a qualifying reason.

HOW TO CALCULATE CTPL AND CTFMLA LEAVE TIME

Example 1:

1. On 4/1/22, employee went out on leave to care for his sibling and used CTFMLA in a block of leave of 12 weeks during the year.
2. He also received income replacement through CTPL.
3. He needs leave again on 8/1/22 for his own serious health condition

Questions and Answers:

- Is he covered?
 - He already used up all her CTFMLA and CTPL.
 - She only has federal FMLA left because the federal FMLA did not apply to the leave for a sibling.
 - She has her full 12-week entitlement under federal FMLA.