



Guidance Concerning the Transition To the New CTFMLA Law On 1/1/22 **When an Employee Has an Already Approved CTFMLA Leave**

This guidance is designed to provide a service to the employers and employees of this state. It does not constitute legal advice. Although the Labor Department makes every effort to provide quality information, it makes no claims, promises or guarantees about the accuracy or completeness of the information contained herein. If a complaint is filed in court, that court may have a different interpretation.

The Department of Labor administers the **Connecticut Family and Medical Leave Act (CTFMLA)**, which provides job protection to eligible employees needing such leave. The CT Paid Leave Authority (Authority) administers **CT Paid Leave (CTPL)**, which provides payment to eligible employees needing family or medical leave. These two laws are separate, and, depending on the circumstances, may or may not apply simultaneously to all or a portion of an eligible employee's family or medical leave. For information regarding the CTPL, please visit the Authority's website here: https://ctpaidleave.org/s/?language=en_US

The amendments made to the CTFMLA law by Public Act 19-25 go into effect on 1/1/2022. DOL has had to consider how some of the amendments to CTFMLA will work in practice. In particular, as CT FMLA will change from an entitlement of 16 weeks of leave in a 24 month period to 12 weeks of leave in a 12 month period, it is unclear how that would affect employees currently covered and using CTFMLA. **Note that if you start CTFMLA leave prior to January 2022, the duration of your CTFMLA leave would be capped at 12 weeks in the applicable 12-month period as of January 1, 2022, even if you were approved for, and commenced, 16 weeks of CTFMLA leave in 2021.** In an effort to find an equitable solution, we believe the following accords with the statute as amended while also being mindful of employee leave rights. Generally, the rule will be that, in 2022, the employer can look back over the applicable 12 month period to see if the employee has used any leave to determine if they have time available. (The "applicable 12 month period" refers to the method for calculating the CTFMLA leave year that the employer has already adopted in its administration of CT FMLA.) Examples for each of the four methods that may be used for calculating the 12-month period are:

Rolling back - 12-month period measured backward from the date an employee uses any CTFMLA leave. Under the "rolling" 12-month period, each time an employee takes CTFMLA leave, the remaining leave entitlement would be the balance of the 12 weeks which has not been used during the immediately preceding 12 months.

Example:

- Employee requests leave on May 1, 2022.
- Employer looks back 12 months to see if employee used any leave after May 1, 2021.
- Employee used 4 weeks of leave in the month of July 2021.
- Employee has 8 weeks of leave immediately available as of May 1, 2022.
- Employee will have an additional 4 weeks of leave available after July 1, 2022, as the days start dropping off and become available for use.

First day of leave going forward - 12-month period measured forward from the first date an employee takes CTFMLA leave. The next 12-month period would begin the first time CTFMLA leave is taken after completion of the prior 12-month period.

Example:

- Employee requests leave May 1, 2022.
- Employer looks back 12 months to see if employee used any leave after May 1, 2021.
- Employee previously used 16 weeks of leave starting June 1, 2021.
- Employee would not be eligible for any time on May 1, 2022.
- Employee would become eligible for 12 weeks of leave starting June 1, 2022.

Calendar year - 12-month period that runs from January 1 through December 31.

Example:

- No need to look back as the employer resets leave entitlement every January 1. All eligible employees will have 12 weeks of leave available on January 1, 2022.

Any fixed 12 month period - 12-month period such as a fiscal year (for example, October 1 through September 30) or a year starting on an employee's anniversary date.

Example:

- Employer's fixed 12 month period is July 1 to June 30.
- Employee requests leave on February 1, 2022.
- Employer looks back to July 1, 2021, as that was the new fixed 12-month period.
- Employee used 4 weeks of leave in October 2021.
- Employee has 8 weeks of leave available to use starting on February 1, 2022.
- As the fixed period is July 1 to June 30, all eligible employees will have 12 weeks available to use if needed starting on July 1, 2022, including this employee.