

Understanding Connecticut Paid Leave



Connecticut
Paid Leave

Presenter: Andrea Barton Reeves



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 Authority

Eligibility & Qualifying Reasons for Leave

Private Plans

Website & Registration

Additional Resources

Q&A



About the CT Paid Leave Authority

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.

OUR MISSION

- To provide Connecticut's workforce 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 of the CT Paid Leave Authority



Outreach & Engagement



Develop the policies and procedures needed to run the CT Paid Leave Program



Establish the trust fund contribution rate & receive contributions



Approve and audit private plans



Administer claims for paid leave benefits

Key Dates

ctpaidleave.org is launched; the website for the Paid Family and Medical Leave Authority



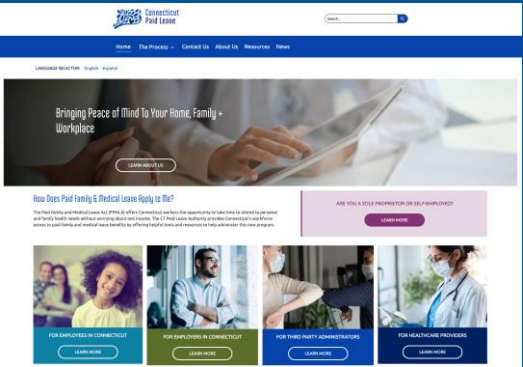
November 23, 2020

Employers begin deducting contributions from employee wages (1/2 of one percent); Sole proprietors and self-employed may also make contributions.



January 1, 2022

September 4, 2020



Employer registration begins; Sole proprietors and self-employed may also register.

January 1, 2021



Employees, sole proprietors and self-employed individuals can submit applications; begin receiving benefits for qualifying life events.





Eligibility & Qualifying Reasons for Leave

Qualifying Reasons for Leave

- Create or expand your family: the birth of a child, or placement of a child with your family for adoption or foster care
- Care for your own serious health condition
- Care for a family member with a serious health condition
- Serve as an organ or bone marrow donor
- Pregnancy, up to 14 weeks of leave due to incapacity related to pregnancy
- Special leave to care for a family member in the military
- Qualifying Exigency leave for when a family member is called to overseas active duty
- Family violence leave (up to 12 days)

Connecticut Paid Leave Eligibility

Who is covered?

- Employers of one or more people working in CT
- Sole proprietors*
- Self-employed individuals*



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

Who is not covered?

- Employees of the State of Connecticut, except for "covered public employees" as defined by the statute
- 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

Current CT FML v. CT FML in 2022

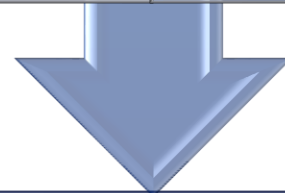
CURRENT CT FML	FML IN 2022
Applies to employers with 75 employees or more	Applies to employers with one or more employees Earned at least \$2,325 in the highest earning quarter of the first 4 of the past 5 quarters (from one or more employers)(for paid leave benefits from the Paid Leave Authority)
Employees 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. Job protection after 12 months	Income replacement: Currently employed and working in CT; or Was employed and working in CT during the past 12 weeks immediately preceding the request for income replacement Job protection after 3 months
16 weeks of leave in a 24-month period	Up to 12 weeks in a 12-month period for all leave reasons including 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 leave.

Decision-Matrix When Employee Requests Leave

Every time an employee asks for time off from work for a potentially FMLA-qualifying reason, the employer must conduct the following analysis:

Is the employee eligible for job-protected leave under one or more statutes?

Is the employee eligible for any income replacement while on leave?



Both questions must be addressed every time



Eligibility for Job-Protected Leave

- An employee can be eligible for:
 - Federal FMLA only;
 - State FMLA 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





Eligibility for Job-Protected Leave Under State Leave Effective 1/1/2022



Connecticut
Paid Leave

- The employer has 1+ employees
- The employee has worked for the employer for at least 3 months
- The reason for leave is covered by state FMLA
- The employee has not already used the entire leave entitlement (12 weeks in a 12-month period), with 2 additional weeks for pregnancy-related disability
- Also consider whether the employee is eligible for other job-protected leave (ADA, CFEPa, PDA)

Consider other types of Job-Protected Leave



Connecticut
Paid Leave

- Is the employee eligible for **federal FMLA** leave?
 - The employer has 50+ employees
 - The employee has worked for the employer for at least 1 year and for at least 1250 hours in the 12 months immediately preceding leave
 - The reason for leave is covered by federal FMLA
 - The employee has not already used the entire leave entitlement (12 weeks in a 12-month period)
- Is the employee eligible for other job-protected leave (ADA, CFEPa, PDA)?
- Workers' Compensation (cannot be collected while receiving paid leave benefits in 2022)



Income Replacement

- An employee can receive paid leave benefits from the CT Paid Leave Authority concurrently with employer-provided income replacement provided that the total amount does not exceed 100% of the employee's regular wages.
- An employer can require an employee to utilize employer provided paid time off while taking federal or state FMLA leave; however, **the employer must allow the employee to retain at least two weeks of vacation accruals (or equivalent PTO).**
- Generally, short-term and long-term 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.



Eligibility for Job-Protected Leave



- **Important things Employers need to know:**
 - The employer notifies the employee whether they qualify for leave and if they can use their accrued time to cover the leave.
 - The employer notifies the employee whether he/she will be required to use some of their leave accruals. **Remember – as of 1/1/2022, an employee is entitled to keep up to two weeks of their accrued vacation time.**
 - Informs the employee that he/she may wish to contact the Paid Leave Authority to apply for paid leave benefits.*
 - An employee may be eligible to receive benefits from the Paid Leave Authority even if the employee is not eligible for job-protected leave.

*If the employer has a Paid Leave Authority-approved private plan, then the employer must determine if the employee is eligible for benefits under that plan.

Integrating CT Paid Leave Law with Current Benefits

- Employers can still offer short-term disability, long-term disability, current health care and other benefits.
- Employers may choose or **the employer may require** the employee to use accrued sick leave, vacation leave, personal leave or family leave for any part of the 12 to 14 weeks of leave.



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: <ul style="list-style-type: none">• 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: <ul style="list-style-type: none">• 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 CTPL Law	The spouses are <u>NOT</u> required to share their 12-week paid leave benefit entitlement for any reason





Private Plans



The Private Plan Option...

- Must offer the same or better benefits as the public plan
- Cannot cost employees more than the public plan contribution; must be limited to one-half of one percent
- Must demonstrate the ability to administer claims and benefits
- Must hold a vote to seek employee approval of the private plan option – must be a majority vote of all eligible employees who work in Connecticut
- The CT Paid Leave Authority must approve the plan

The Private Plan Process

Now

Register as an employer on ctpaidleave.org

Indicate if you plan to apply for the private plan exemption

Soon

Go back to ctpaidleave.org and complete application for the exemption on the basis of the Declaration

Later

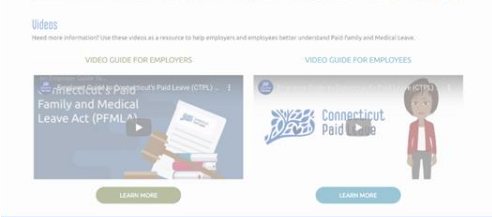
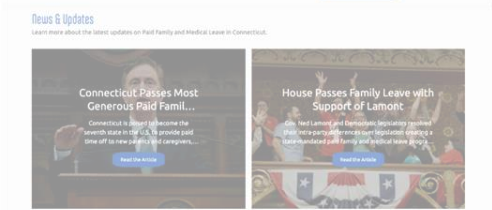
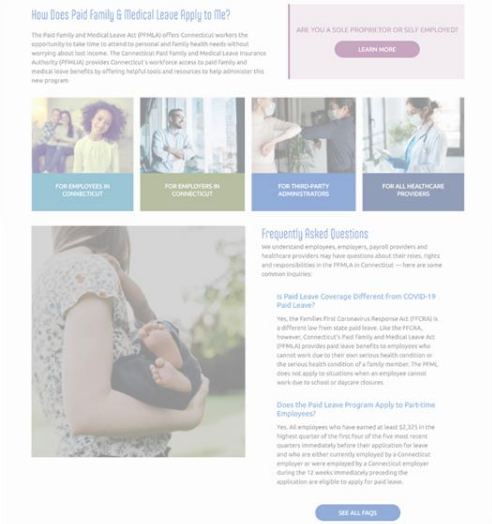
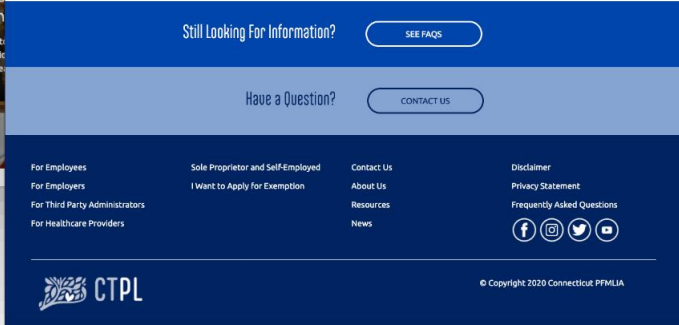
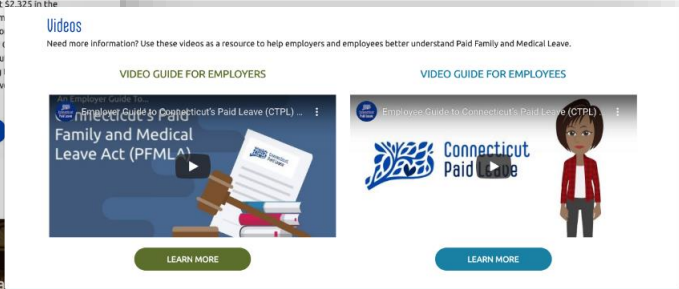
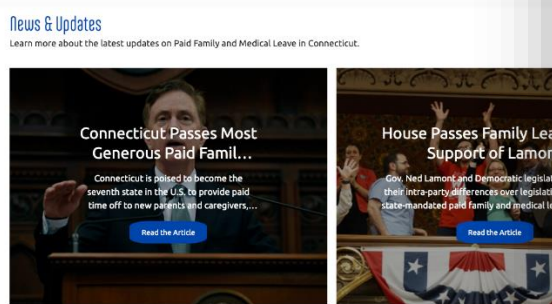
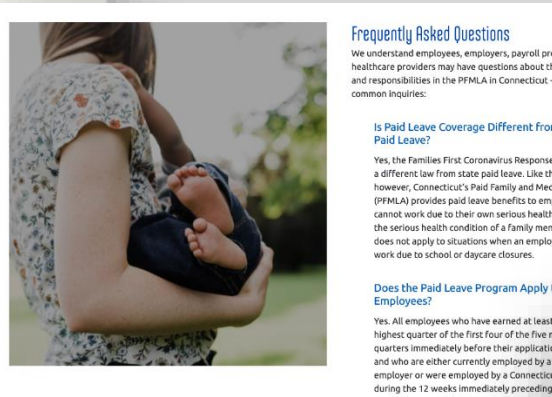
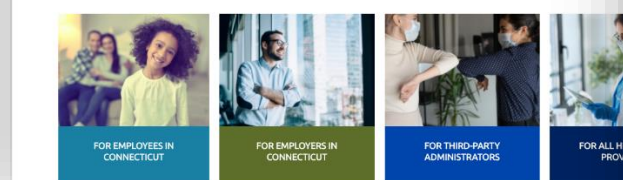
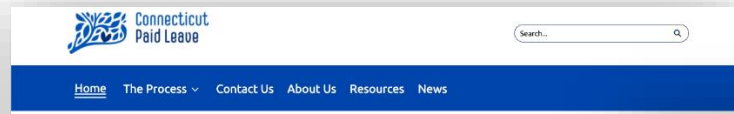
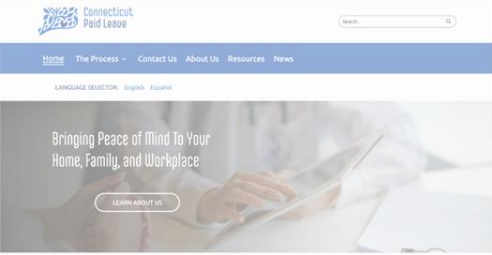
Go back to ctpaidleave.org and upload final plan document

The CT Paid Leave Authority will review your application and notify you of its approval decision.



Website & Registration

CTPaidLeave.org launched on September 4, 2020



Timeline



Registering for CT Paid Leave





Additional Resources

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 lost income while you are away from work.

Key Dates

JANUARY 1, 2021: Employer to begin withholding employee contributions (one-half of 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 employees* with one or more employees are covered under the CTPL program.

Covered employees are eligible for CTPL program benefits if they:

- Earned wages of at least \$2,225** in the highest quarter in the first four of the most recently completed quarters; and
- Are currently employed OR have been employed within the last 12 weeks.

*Unions of employees of the State of Connecticut and employees of the federal government, municipalities, local or regional boards of education, or non-public elementary or secondary schools may not be covered, with some exceptions.

**Wages may include salary or hourly pay, vacation pay, holiday pay, sick, commission, severance pay and the cash value of any "kick" payments.

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 wages 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.

For reference:



- CT minimum wage multiplied by 40 will be equal to \$250 weekly in January 2022, increasing to \$550 on July 1, 2022, and \$650 on June 1, 2023.
- CT minimum wage multiplied by 60 will be equal to \$780 weekly in January 2022, increasing to \$940 on July 1, 2022, and \$980 on June 1, 2023.

*The Paid Family and Medical Leave Act stipulates benefit rates may be reduced if revenue is insufficient.

To the greatest extent possible, please contact the Connecticut Department of Labor 860-319-3300 (toll-free) or 860-319-3300 (toll-free) for updates on the CT Paid Leave program. Email the Paid Family and Medical Leave Insurance Authority website at www.ctpaidleave.org.



Scan with your smart phone camera or QR code reader.

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

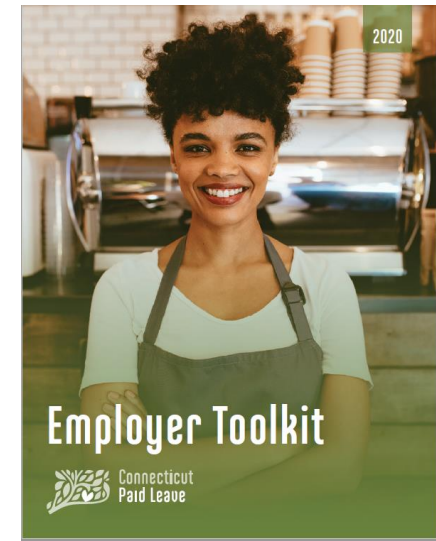
The Paid Family and Medical Leave Act (PFMLA) offers Connecticut workers the family health needs to take time to attend to personal and family health needs without worrying about lost income.

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.
 - Personal or family health needs.
 - Victims of family violence for relocation, court proceedings, support services, and professional care.
 - 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 – Color](#)
[Employee Rack card – B&W](#)




Employer Toolkit

On January 1, 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 of your pre-tax pay 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.

Keep up to date with @CTPaidLeave

[Guide for Employees](#) 

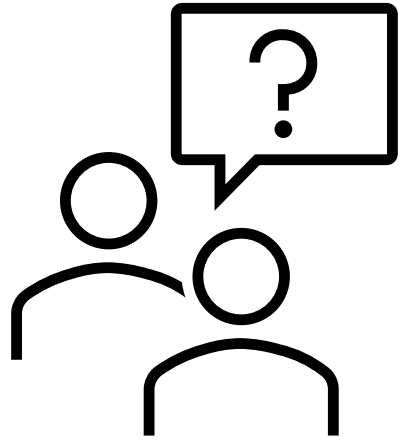
Participation?	<p>Beginning January 1, 2021</p> <ul style="list-style-type: none"> Your employer must participate in the CT Paid Leave Program if they have any activity, enterprise or business in CT with one or more employees (excluding non-unionized state employees). All employees must participate in the Paid Leave Program unless you are specifically excluded by law. (See the "Excluded from participating" section of this guide.) CT residents who are not program or self-employed can choose to opt-in. <ul style="list-style-type: none"> Employees of the federal government. State and municipally employees who are members of a union (unions can bargain to be included in the program). Employees of local and regional members of Board of education. Non-public elementary and secondary school employees.
Who is Excluded From Participating?	<ul style="list-style-type: none"> The CT Paid Leave Authority only offers payment for qualifying events but does NOT offer job protection to employees taking leave. Only employers can determine, in communication with the employee, whether the leave taken is subject to job protection. Federal and state Family & Medical Leave Acts describe the rules for job-protected leave and are NOT paid leave laws.
Is Paid Leave Considered Protected Leave?	<ul style="list-style-type: none"> Upon the birth of a son or daughter of the employee. Upon the placement of a son or daughter with the employee for adoption or foster care. To care for a family member of the employee if such family member has a serious health condition. Because of a serious health condition of the employee. To serve as an organ or bone marrow donor. If an employee is experiencing family violence.
What are the Qualifying Events?	<ul style="list-style-type: none"> For any qualifying employee, arising out of the fact that the 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 forces. To care for a family member who is injured during active duty.
Military Specific	<ul style="list-style-type: none"> \$2,225 in wages in the first four of the most recent quarters. Fit into one of the following categories: <ul style="list-style-type: none"> Currently employed and working in CT. Currently unemployed but had been employed and working in CT in the past 12 weeks. Active Proprietor or Self-employed individual, and a resident of CT who chooses to participate - they must remain in the program for three years.
What Makes You Eligible to Receive Benefits?	<ul style="list-style-type: none"> Employees (as opposed to sole proprietors and self-employed individuals) do not need to be a resident of CT.
Employee Contribution Amounts	<p>Beginning January 1, 2021:</p> <ul style="list-style-type: none"> Employees will have contributions of 1/2 of 1% of their wages deducted for each pay period. Deductions are made from wages up to the defined Social Security wage base (using the same calculation for determining total wages as are used to calculate FICA) and done so through payroll deduction, to coincide with each paycheck. Total wages for an employee includes the gross earnings (net of medical employment safety or health taxes, unemployment benefits pay, sick, commission, severance pay, etc.)

Employee Fact Sheet

[Employee Rights Poster – Color](#)
[Employee Rights Poster – B&W](#)

[Paycheck Mailer – Color](#)
[Paycheck Mailer – B&W](#)





We're Here For You!

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- Helpful Resources
 - [Frequently Asked Questions](#)
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Thank you!

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