

# PAID FAMILY AND MEDICAL LEAVE:

## A WIN FOR CONNECTICUT WOMEN, FAMILIES, AND BUSINESSES

### FREQUENTLY ASKED QUESTIONS



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# PAID FAMILY AND MEDICAL LEAVE:

## A WIN FOR CONNECTICUT WOMEN, FAMILIES, AND BUSINESS

### FREQUENTLY ASKED QUESTIONS

Connecticut became the eighth state (including Washington D.C.) to pass paid family and medical leave in 2019. Public Act No. 19-25: *An Act Concerning Paid Family and Medical Leave* creates a statewide system of job protected paid leave to workers who need to take time off to care for themselves or a loved one, or welcome a new child.

Paid family medical leave is a win for Connecticut's women, families and businesses. Paid family and medical leave:

- Attracts and retains a talented workforce our economy needs to thrive and removes the financial burden from small businesses when workers have a major health or family event and need to take time off from work.
- Improves health outcomes for workers, caregivers, and children, and leads to lower mortality rates and emergency health care spending. Without paid leave, workers often spiral into debt, are forced to quit their jobs, and are unable to pay medical bills or other household expenses.
- Is a critical racial justice issue: workers of color are overrepresented in low-wage jobs that do not provide paid leave and, due to racial wealth and wage gaps, have fewer resources to absorb the financial impact of a family or personal medical emergency.

The Campaign for Paid Family Leave is a coalition of more than 75 organizations and 100 small businesses that fought for the passage of real paid leave that is accessible to and inclusive of all workers - no matter where they work, what they earn, or who they care for. CWEALF leads the Campaign for Paid Family Leave and continues to advocate for a transparent and successful implementation of our state's paid family and medical leave program.

*Keep reading to learn more about P.A. 19-25 and how the law impacts you, your family, or your business.*

**PUBLIC ACT NO. 19-25:**  
***AN ACT CONCERNING PAID FAMILY & MEDICAL LEAVE***  
**FREQUENTLY ASKED QUESTIONS**

**WHY CAN I TAKE PAID FAMILY AND MEDICAL LEAVE?**

Paid family and medical leave is available if you need to recover from a serious health condition; welcome a new child by birth, adoption, or foster care placement; provide care to a family member with a serious illness; serve as an organ or bone marrow donor; or to care for an injured service member.

Family members who need to take leave connected to active duty or call to military service, or to care for a family member injured while serving in the military, are also eligible.

The law also provides up to 12 days of paid time off if you have been impacted by family violence and seek medical or psychological care or care from a victim services organization. You may also use family violence leave to relocate, or participate in any civil or criminal proceeding relating to family violence.

**WHEN CAN I BEGIN TO TAKE PAID FAMILY AND MEDICAL LEAVE?**

Applications to submit a paid family and medical leave claim will begin on December 1, 2021 for events happening on or after January 1, 2022. Eligible workers will begin to receive benefits on January 1, 2022. Changes to Connecticut's Family and Medical Leave Act (FMLA) will also take effect on January 1, 2022.

**HOW DO I APPLY FOR CT PAID LEAVE?**

Beginning on December 1, 2021 you can submit a paid leave claim for events happening on or after January 1, 2022. To prepare to submit a claim, check out the CT Paid Leave Authority's website [here](#) for the step by step process and documentation needed for each qualifying reason for leave.

## **DO I NEED TO ALREADY BE A CUSTOMER OF AFLAC INSURANCE IN ORDER TO USE CT'S PAID LEAVE PROGRAM?**

No, you do not need to have Aflac insurance to apply for and receive CT's paid leave program. Aflac administers paid leave benefits, but the program is open to all eligible Connecticut workers regardless of any private insurance they may already have. Learn more about how to apply for paid leave through the CT Paid Leave Authority's website [here](#).

## **AFTER I SUBMIT MY CLAIM, HOW LONG UNTIL I WILL KNOW IF I WILL RECEIVE PAID LEAVE?**

A decision will be made on your claim within 5 business days of receipt of all completed information and will be communicated to you based on your preference (telephone call, email, letter, portal). For information on the documentation needed for each reason for leave, visit the CT Paid Leave Authority's website [here](#).

## **HOW IS THE PROGRAM FUNDED?**

Paid family and medical leave is entirely employee funded by small payroll deductions. Workers began to contribute 0.5% of their weekly earnings up to \$142,800 on January 1, 2021. This is the same amount of taxable income workers can contribute to social security.

Research from the Institute for Women's Policy Research indicates this program (both paid leave compensation and the administrative costs) is self-sustaining and does not require annual appropriation from the state budget.

## **HOW DO I KNOW IF I'VE BEEN CONTRIBUTING TO CT'S PAID LEAVE PROGRAM?**

To know if you've contributed to CT's paid leave program, check your paycheck and look for a deduction of 0.5% taken out with other taxes. Contributions are deducted in accordance with your employer's normal payroll frequency.

## **HOW MANY WEEKS OF LEAVE CAN I TAKE?**

If you are eligible for paid leave, you can take up to 12 weeks of leave in a 12 month period depending on what is medically recommended, plus an extra 2 weeks if you experience pregnancy complications.

## **HOW CAN I QUALIFY FOR AN EXTRA 2 WEEKS OF LEAVE UNDER THE LAW?**

Under the law, 2 additional weeks are available for incapacity and treatment during pregnancy, including labor and delivery, or prenatal care. The additional 2 weeks are not available for the period of time after delivery.

## **HOW MUCH OF MY WEEKLY EARNINGS WILL I RECEIVE WHILE OUT ON LEAVE?**

How much you will receive while out on leave is dependent on how much you make per week. To estimate your weekly benefit, [click here](#).

Workers will receive 95% of their weekly earnings up to 40 times the minimum wage; plus 60% of earnings above 40 times the minimum wage. The total weekly compensation will be capped at 60 times the minimum wage.

By 2022 (when benefits will begin), the minimum wage in Connecticut will be \$14 per hour. That means, if you are earning minimum wage, you will receive \$532 per week. If you earn \$22 per hour, you will receive about \$725 per week.

This means if you make \$35,000 per year, you will receive \$585.85 per week. If you make \$65,000 per year, you will receive \$780.00 per week.

## **WHO IS COVERED BY PAID FAMILY AND MEDICAL LEAVE?**

If you work for an employer of one or more, you are covered by paid family and medical leave.

## **I AM A STATE EMPLOYEE. AM I COVERED BY PAID FAMILY AND MEDICAL LEAVE?**

State employees not covered by a collective bargaining agreement (CBA) are automatically included in CT's paid leave program. State employees covered by a CBA can bargain through their unions to be included in the program.

## **I AM A MUNICIPAL EMPLOYEE. AM I COVERED BY PAID FAMILY AND MEDICAL LEAVE?**

Municipal employees covered by a collective bargaining agreement (CBA) can bargain through their unions to be included in the program. Municipal employees not covered by a CBA are included based on the decision of the local bargaining unit.

## **IF I AM A MUNICIPAL EMPLOYEE NOT COVERED BY A CBA, HOW DO I CONNECT WITH THE LOCAL BARGAINING UNIT ABOUT CT'S PAID FAMILY AND MEDICAL LEAVE PROGRAM?**

Most municipalities and boards of education publish collective bargaining agreements online. You can also contact the Paid Family Leave Authority to determine if your employer has become covered as a result of a union bargaining into the program.

## **HOW DO I BECOME ELIGIBLE FOR PAID FAMILY AND MEDICAL LEAVE?**

You must earn at least \$2325 in the highest earning quarter within the base period (four of the five most recently completed quarters). Earnings can be with one or multiple employers.

## **I LIVE IN CONNECTICUT BUT WORK OUT OF STATE. AM I ELIGIBLE FOR PAID FAMILY AND MEDICAL LEAVE?**

If you reside in Connecticut but work elsewhere, you are NOT eligible for CT paid leave. Because the program is paid for entirely by employee payroll tax contributions, residents of the state who work elsewhere are not eligible.

Connecticut's paid leave law requirements are similar to the state's unemployment requirements. If you are working and employed in Connecticut you are eligible for paid leave, including if you work part-time or are self-employed, regardless of the size of your employer (with some exceptions).

To be eligible for paid leave, you must earn at least \$2325 in the highest earning quarter within the base period (four of the five most recently completed quarters). Earnings can be with one or multiple employers.

### **ARE MEN ELIGIBLE FOR PAID FAMILY AND MEDICAL LEAVE?**

Yes, absolutely. People of any sex or gender identity are eligible for leave. In other states,  $\frac{3}{4}$  of paid leave use has been for the employee's own medical crisis.

### **WHAT CONSTITUTES A "SERIOUS HEALTH CONDITION"?**

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

### **CAN I TAKE PAID LEAVE IF I'M UNEMPLOYED?**

You must be currently employed or have been employed within the previous 12 weeks to be eligible for paid family and medical leave.

### **CAN I TAKE PAID LEAVE IF I'M SELF-EMPLOYED?**

If you are self-employed, you may enroll in the program for an initial period of three years. After the initial 3 year period, you will be automatically re-enrolled yearly in the program for one year at a time unless you opt-out. For more information and how to opt-in, visit the CT Paid Leave Authority's website [here](#).

## **IS MY JOB PROTECTED WHILE I AM OUT ON PAID FAMILY AND MEDICAL LEAVE?**

Yes. Under changes to Connecticut's Family and Medical Leave Act (FMLA), you are eligible for job protection (regardless of the size of your employer) after working at your employer for 3 months.

## **WHAT IS THE DIFFERENCE BETWEEN CT PAID LEAVE AND THE FAMILY AND MEDICAL LEAVE ACT (FMLA)?**

P.A. 19-25 creates the CT Paid Leave Authority and also makes significant changes to the state's existing Family and Medical Leave Act (FMLA).

The CT Paid Leave Authority provides payment for eligible workers who apply to take leave for any of the qualifying events listed above. Beginning January 1, 2022, the FMLA provides job protection to all workers, regardless of the size of their employer, after working at their employer for 3 months. Workers should communicate with their employer or human resources to determine whether they are eligible for job protection through FMLA. For more information on the differences between paid leave and FMLA, check out the CT Paid Leave Authority's [short video](#) or [webinar](#).

## **WHAT FAMILY MEMBERS ARE COVERED BY PAID FAMILY AND MEDICAL LEAVE?**

You can take leave to care for a parent, spouse, child of any age, sibling, grandchild, grandparent, and any other individual related by blood or affinity whose close association with the employee is the equivalent of those family relationships.

Examples of a "blood or affinity" relationship include: a foster child in the same home in which the employee was a foster child for several years and with whom the employee has maintained a sibling-like relationship, despite the lack of a biological or legal tie; a friend of the family in whose home the employee lived while in high school and whom the employee therefore considers family; an elderly neighbor to whom the employee has provided unpaid care and whom the employee considers to be like family; or a person with whom the employee lived for several years, sharing financial responsibilities of the household and one another's common welfare, despite not sharing a romantic, legal or blood relationship.

## **WHAT IF MY EMPLOYER ALREADY OFFERS PAID LEAVE?**

If your employer already offers a paid family and medical leave benefit equal to or better than the state's plan, they may apply for approval to meet their obligations through a private plan. Private plans must provide all of the same rights, protections and benefits provided to employees as the state plan, including at least the same number of weeks of benefits, at least the same level of wage replacement for each of those weeks and benefits in each circumstance for needing to take leave. Private plans must also be approved by a majority of the employer's employees, cost employees no more than the state premium (which will not exceed 0.5%), and provide coverage for all employees throughout their period of employment.

Private plans must be approved by the CT Paid Leave Authority through their process. For more information, visit the CT Paid Leave Authority's website [here](#).

## **HOW DOES PAID LEAVE INTERACT WITH OTHER BENEFITS (PTO, VACATION, SICK DAYS, ETC.)?**

Your employer may require or you may elect to use any accrued paid vacation, personal leave or family leave before taking paid family and medical leave. Employers must allow you to retain at least two weeks of such leave for other purposes.

## **CAN I TAKE LEAVE INTERMITTENTLY?**

Yes, you can take nonconsecutive hours of leave. You may take leave intermittently or on a reduced leave schedule for a serious health condition or to care for an ill family member, and must agree with your employer to take leave intermittently for the birth or placement of a child. If you need to take leave intermittently based on planned medical treatment, your employer may transfer you temporarily to an available alternative position that offers equivalent pay and benefits and better accommodates recurring periods of leave.

## **HOW DOES THE PROGRAM PROTECT AGAINST FRAUD?**

Your employer may request medical certification issued by your healthcare provider for you or your family member's illness. If there are doubts about the validity, your employer may require additional information by a different health care provider, at their expense. If the

second opinion differs from the first, your employer may request a third certification at their expense, with a health care provider designated or approved jointly by you and your employer. Any person who makes a false statement or misrepresentation may be disqualified from the program for two years and pay a penalty. If compensation is paid as a result of misrepresentation by a healthcare provider, that healthcare provider will also pay a penalty.

## **WHO ADMINISTERS PAID FAMILY AND MEDICAL LEAVE?**

The Connecticut Paid Family and Medical Leave Insurance Authority (“Authority”), a quasi-public agency, administers paid family and medical leave. The Authority’s Board of Directors consists of 13 voting members, including the Labor Commissioner, Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Economic and Community Development, and appointments by House and Senate leadership. The State Comptroller and State Treasurer serve as non-voting members of the Board.

In 2021, the CT Paid Leave Authority contracted with Aflac to manage the benefits administration of paid family and medical leave. When you need to take paid leave, you will apply through Aflac to receive paid family and medical leave benefits.

## **CAN MY EMPLOYER DENY MY CLAIM FOR PAID LEAVE?**

The Department of Labor (DOL) is responsible for hearing grievances related to claims. The CT Paid Leave Authority is responsible for managing claims. The CT Paid Leave Authority administers the Paid Leave program and, with its Claims Administrator, will determine your eligibility for benefits as well as the amount of benefits you may receive. Your employer does not make this determination. Your employer will be informed when you apply for benefits through the Connecticut Paid Leave program; however there is no official process for an employer to contest a claim.

## **WHAT HAPPENS IF THE PAID LEAVE FUND BECOMES INSOLVENT?**

According to the Institute for Women's Policy Research (IWPR) and evidence from other states, the program will remain solvent. If employee contributions are the maximum percentage allowed (0.5%) and the Authority determines that employee contributions are not sufficient to ensure solvency of the program, the Authority will reduce the benefit for covered employees by the minimum amount necessary.

## **WHY DID I HAVE TO PAY INTO THE PROGRAM A YEAR BEFORE I'M ABLE TO USE IT?**

There must be a one-year waiting period to collect payroll deductions in order for the fund to be solvent before it begins to pay out benefits. This model is similar to programs successfully implemented in other states. When social security began, deductions were collected for several years before people were able to receive benefits.

## **IF I DON'T USE PAID LEAVE, CAN I GET REIMBURSED FOR MY CONTRIBUTIONS?**

No. The program operates much like an insurance fund. You may not ever need to use the program, but it will be there when you need it. In the meantime, contributions go toward those who need paid leave that year, and toward the administration of the program.

**CONTACT:** Maddie Granato, CWEALF | [mgranato@cwealf.org](mailto:mgranato@cwealf.org)

Learn more: [www.paidfamilyleavect.org](http://www.paidfamilyleavect.org)

Stay informed about paid leave: <http://bit.ly/ActionAlertsPFML>

Keep up the fight for women's economic security: <https://cwealf.org/>



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