



# Connecticut Paid Leave

Presentation to the  
Vita Collaborative

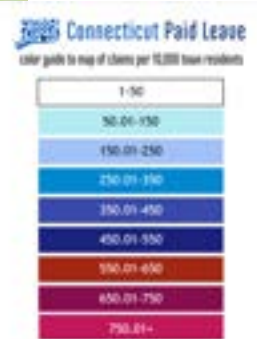
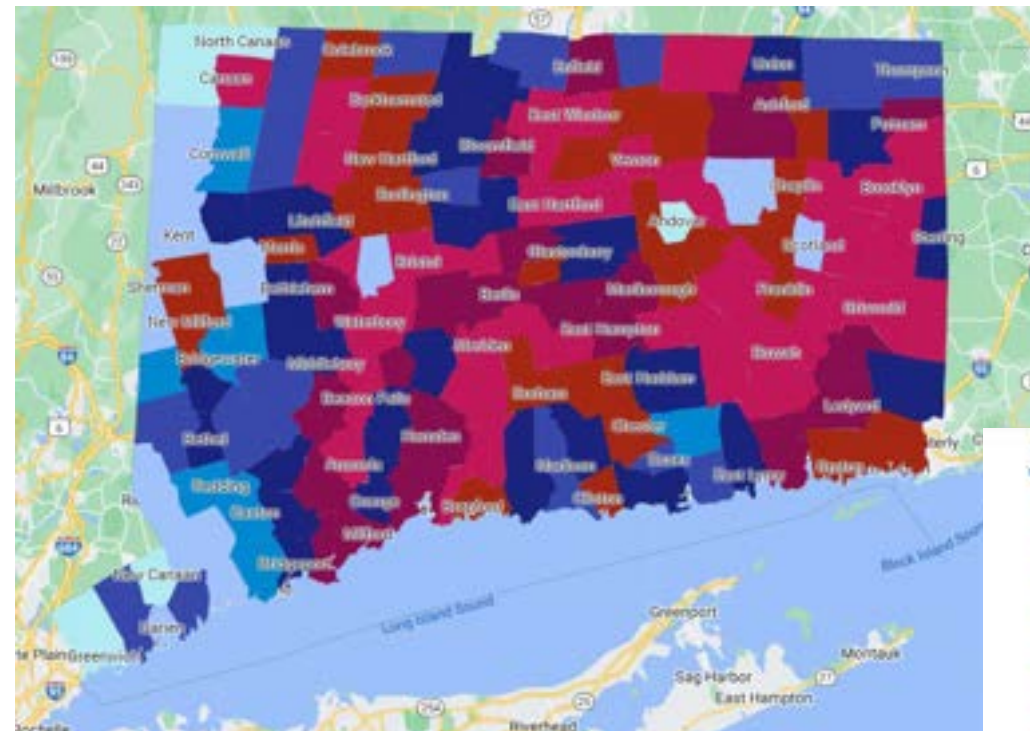
July 24, 2024

# What is CT Paid Leave?

An Act Concerning Paid Family and Medical Leave (Public Act 19-25) was signed into law by Governor Lamont in 2019. It creates a source of income replacement benefits for eligible workers who need to take time away from their jobs for qualifying health or family reasons.

Since CT Paid Leave took effect on 1/1/22:

- CT Paid Leave has provided more than **\$789 million** in income replacement benefits to over **117,000 workers**.
- The majority of CT Paid Leave claims are for a **worker's own serious health condition**.
- Claims have come from **every** city and town in the state.



# How Does CT Paid Leave Work?

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- CT Paid Leave is employee funded. Covered employers deduct 0.5% from their worker's paychecks. These are called **CONTRIBUTIONS**.
- Employers remit these contributions quarterly to the **CT PAID LEAVE AUTHORITY**.
- Contributions are pooled into the Paid Leave Trust Fund.
- When a worker needs time away from work for a qualifying reason, they will apply to the CT Paid Leave Authority for **INCOME REPLACEMENT BENEFITS** while they are away from work.
- The worker will also apply to their **EMPLOYER** for job protected leave under FMLA.

# Reminder: FMLA and CT Paid Leave are not the same.

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FMLA provides JOB PROTECTED LEAVE for qualifying health and family reasons.

- **FMLA = Family and Medical Leave Act**
- There are two laws - federal and State of CT - both have been around since the 1990s.
- These laws allow workers to take unpaid, job-protected time away from work.
- These laws are implemented by employers and regulated by the state and federal Departments of Labor.
- FMLA does NOT provide income replacement.

CT Paid Leave provides INCOME REPLACEMENT for qualifying health and family reasons.

- CT Paid Leave creates a **source of income-replacement benefits** for eligible employees who cannot work for the same reasons as FMLA.
- Provides income replacement, but NOT job-protected leave.
- The CT Paid Leave Act is implemented by the **CT Paid Leave Authority** – a Quasi-Public Agency of the State of Connecticut



# Qualifying Reasons For Leave/Benefits



### MEDICAL LEAVE

For treatment of one's own serious health condition.

This includes serving as an organ or bone marrow donor and pregnancy.

*Nearly 50% of all claims we receive are for one's own serious health condition.*



### BONDING LEAVE

To bond with a newborn(s) or a newly placed child, or for the time needed to process adoption or foster care placement.

- Can be used by both parents
- Can be used anytime during the 12 months after the birth/placement
- Applies to birth, adoption, or foster care



### CAREGIVER LEAVE

To provide physical or psychological care or comfort to a family member experiencing their own serious health condition.



### MILITARY CAREGIVER LEAVE

To care for a family member in the military who has experienced a serious injury or illness that occurred in the line of active duty in the Armed Forces.

### QUALIFYING EXIGENCY LEAVE

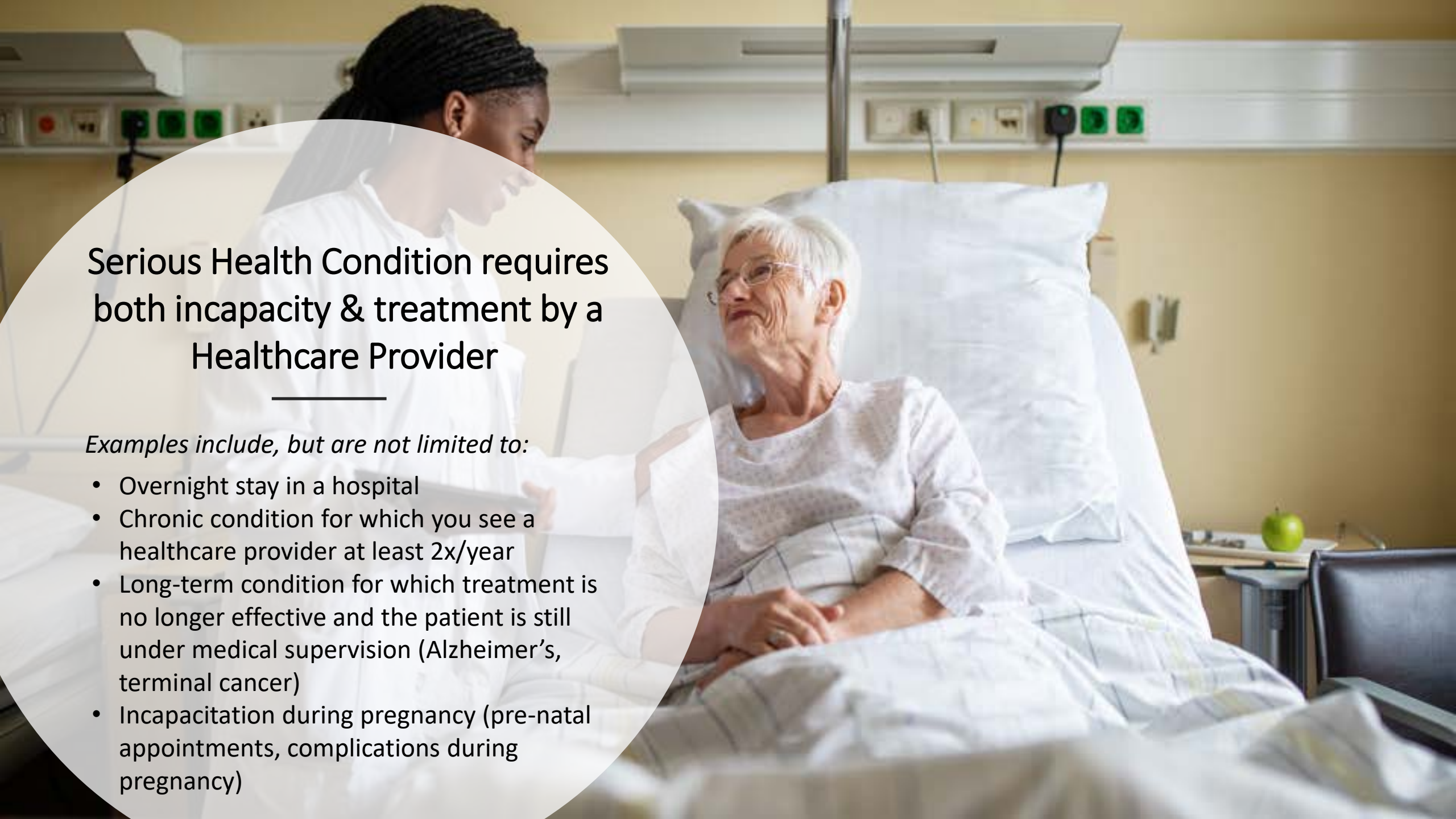
To engage in certain activities arising from the fact that a spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Services.

### FAMILY VIOLENCE LEAVE ACT

Job-protected time off can be taken by a worker who is a victim of family violence to:

- seek medical/psychological care or counseling for physical or psychological injury or disability;
- obtain services from a victim services organization;
- relocate due to such family violence; or
- participate in any civil or criminal proceeding related to or resulting from such family violence.

(Up to 12 days in a calendar year)

A healthcare provider in a white coat is standing and talking to an elderly patient with white hair and glasses who is sitting up in a hospital bed. The patient is wearing a white hospital gown. The background shows a hospital room with medical equipment on the wall and a bedside table with a green apple.

## Serious Health Condition requires both incapacity & treatment by a Healthcare Provider

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*Examples include, but are not limited to:*

- Overnight stay in a hospital
- Chronic condition for which you see a healthcare provider at least 2x/year
- Long-term condition for which treatment is no longer effective and the patient is still under medical supervision (Alzheimer's, terminal cancer)
- Incapacitation during pregnancy (pre-natal appointments, complications during pregnancy)



# Who is a family member under CT FMLA & CT Paid Leave?

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- The primary difference between caregiver 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 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**



# What does “Related by Affinity” mean?

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

- This is situation specific and depends upon the circumstances of the individuals involved.
- Examples of such relationships by affinity include, but are not limited to:
  - An aunt or uncle who relies on the worker for unpaid care and has maintained as strong and enduring a relationship with the worker as typically seen between parents and their children or siblings;
  - An unmarried, significant other of the employee with whom the worker maintains a familial, spouse-like relationship, despite their lack of legal relationship to each other.



**Eligibility**

# Who is a covered employer under CT Paid Leave?

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- Almost all employers with 1 or more people working in CT
- The State of CT, as to non-unionized employees

## ***Who is not a covered employer?***

- Federal government
- Governments of other states
- Sovereign nations
- Railroads
- Non-public elementary and secondary schools
- Boards of Education, unless their unionized employees collectively bargain to participate
- Municipalities, unless their unionized employees collectively bargain to participate\*\*

*\*\*PA 24-5 adopts a new definition of municipality that will result in newly covered employers effective 10/1/24. [Learn more here.](#)*

Sole proprietors or self-employed individuals may opt-in to participate in CT Paid Leave, but they are not required to do so by law.

Employees for whom an employer is paying CT unemployment insurance and CT payroll taxes are considered to be working in CT.

# Eligibility for CT Paid Leave

1. Worker must earn at least \$2,325 in highest earning quarter of the first 4 of the 5 most recently completed quarters (from 1 or more covered employers in CT), and
2. Worker must be:
  - (a) An enrolled sole proprietor/self-employed individual; or
  - (b) Currently employed by covered employer; or
  - (c) Have been employed by a covered employer in the 12 weeks immediately preceding the claim for benefits

For example:

1st completed quarter	2nd completed quarter	3rd completed quarter	4th completed quarter	5 <sup>th</sup> completed quarter	Current quarter (quarter in which claim for benefits is made)
April - June 2023	July – Sept 2023	Oct – Dec 2023	Jan – Mar 2024	April-June 2024	July – Sept 2024
\$2,305	\$2,325	\$2,200	\$2,000	N/A	N/A
In base period	In base period	In base period	In base period	Not in base period	Not in base period

Note: CT Paid Leave makes the eligibility determination, not the employer





# Types and Length of Leave

# Types of Leave

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## Block Leave

You aren't working at all for a continuous period of time for a single qualifying reason. For example, you are having surgery and need to be out of work for 6 weeks for recovery.

## Reduced Schedule

You are working some of the time but not as much as usual. For example, you normally work 9-5 Monday – Friday but you are working a reduced schedule of 9-2.

## Intermittent

You are absent from work sporadically for relatively small amounts of time. For example, you suffer from migraines and need to take time off when one occurs.

## Length of Benefits

- Up to 12 weeks in a 12-month period for most leave reasons.
- An additional 2 weeks may be available for incapacitation during pregnancy, including pre-natal appointments.
- Up to 12 days of the 12 weeks may be used for family violence leave.



# Applying For CT Paid Leave Benefits



# How to Apply for CT Paid Leave Benefits:

- To start a claim for benefits, go to the CT Paid Leave online portal ([www.ctpaidleave.org](http://www.ctpaidleave.org))
- Applications are also accepted via telephone at 877-499-8606
- When a worker begins their application and specifies the leave reason, they'll receive a notice with all of the documentation that will be required



The screenshot displays the Connecticut Paid Leave website. At the top, the logo for Connecticut Paid Leave is visible, along with navigation links for 'CREATE AN ACCOUNT WITH CT.GOV', 'REGISTER YOUR BUSINESS', and 'SIGN IN'. The main navigation bar includes 'How CT Paid Leave Works', 'Claims', 'For Businesses and Employers', 'Revisit Contributions', 'Resources and Guides', 'About Us', and 'Contact Us'. The 'How to Apply' section features a large image of two people in an office setting, with a text box stating: 'How to Apply. If you are ready to start your CT Paid Leave application, you may begin by following the Step-by-Step Instructions or by calling Aflac directly at (877) 499-8606.' Below this, a breadcrumb trail reads 'Home > Claims > How to Apply'. The 'Process Overview' section is a horizontal flowchart with five steps: Step 1: Sign in to your CT.gov account; Step 2: Set up your CT Paid Leave Aflac Account; Step 3: Start new claim; Step 4: Download and review Notice of Application; Step 5: Upload documents to CT Paid Leave Aflac portal.

# Timeline: Case Creation to Decision

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1

Worker starts their application.

2

Worker submits required docs



1. Identity verification
2. Employment Verification Form
3. Documents supporting the leave reason

3

Claims administrator reviews documentation

4

Claim decision is made

5

If approved, benefits are issued.

# What Members of the Vita Collaborative Can Do

- **Health Care Providers**
  - Share CT Paid Leave information with staff, patients and their caregivers
  - PA 24-5 requires health care providers to display CT Paid Leave information in a way that is accessible to patients beginning 10/1/24
  - Informational poster will be easy to print and available on CT Paid Leave's website to download within the next few months
- **Human/Social Service Providers**
  - Share CT Paid Leave information with staff, clients and their caregivers
  - Schedule a training/webinar for your staff and/or community
  - Invite CT Paid Leave to table at an event
- **Public Schools**
  - Share information with parents and families and with school-based health centers
  - Talk to union about bargaining to participate in our program

# Questions?

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- **Questions about the CT Paid Leave program:**

- [ctpaidleave.org](http://ctpaidleave.org)

- **Questions about *already-filed* CT Paid Leave claims:**

- Log in to account through the CT Paid Leave portal or
- Call Aflac at 877-499-8606

- **Questions about CT FMLA:**

- CT DOL [newfmlguidance \(ct.gov\)](http://newfmlguidance.ct.gov)
- (860) 263-6400 or [DOL.CTFMLA@ct.gov](mailto:DOL.CTFMLA@ct.gov)

- **Question about Federal FMLA:**

- [Family and Medical Leave Act | U.S. Department of Labor \(dol.gov\)](http://FamilyandMedicalLeaveAct|U.S.DepartmentofLabor.dol.gov)



[CTPAIDLEAVE.ORG](https://CTPAIDLEAVE.ORG)



# Appendix

# How CT Paid Leave Benefits are Calculated

- Actual benefit payments vary based on several factors, including: work schedule, wages earned, other income replacement benefits such as PTO or short-term disability, length of leave

How to calculate the benefit amount:

**1. Calculate average weekly wage**

First, calculate the average weekly wage by adding together the 2 highest quarters in the base period and dividing by 26. Then round that result to the next lower whole dollar.

**2. Calculate weekly benefit**

*If average weekly wage is less than or equal to the Connecticut Minimum Wage multiplied by 40 (i.e. \$627.60 as of 1/1/2024), the weekly benefit rate will be 95%. If average weekly wage is more than CT minimum wage multiplied by 40, weekly benefit rate will be 95% of the CT minimum wage multiplied by 40 plus 60% of amount that average weekly wage exceeds the CT minimum wage multiplied by 40.*

**3. Apply weekly benefit cap to the calculation described in step 2**

In all cases, the weekly benefit is capped at 60 times the CT minimum wage (i.e. \$941.40 as of 1/1/2024).

# Example of Benefits Calculation

1st completed quarter	2nd completed quarter	3rd completed quarter	4th completed quarter	5 <sup>th</sup> completed quarter	Current quarter (quarter in which claim for benefits is made)
April - June 2023	July – Sept 2023	Oct – Dec 2023	Jan – Mar 2024	April-June 2024	July – Sept 2024
\$2,305	\$2,325	\$2,200	\$2,000	N/A	N/A
In base period	In base period	In base period	In base period	Not in base period	Not in base period

- Add together \$2,305 (quarter 1) and \$2,325 (quarter 2) to get \$4,630. Then divide \$4,630 by 26 to get an average weekly wage of \$178.07. Round that number to the next lower whole dollar, or \$178.
- Using the CT minimum wage of \$15.69, the average weekly wage of \$178 is less than 40 times the CT minimum wage, so the worker would receive 95% of their average weekly wage.

Weekly benefit = 0.95(\$178) = \$169.10





# Example of Benefits Calculation

1 <sup>st</sup> completed quarter	2 <sup>nd</sup> completed quarter	3 <sup>rd</sup> completed quarter	4 <sup>th</sup> completed quarter	5 <sup>th</sup> completed quarter	Current quarter (quarter in which claim for benefits is made)
April – June 2023	July – Sept 2023	Oct – Dec 2023	Jan – March 2024	April – June 2024	July – Sept 2024
\$13,000	\$15,000	\$17,500	\$14,000	N/A	N/A
In base period	In base period	In base period	In base period	Not in base period	Not in base period

- Add together \$15,000 (quarter 2) and \$17,500 (quarter 3) to get \$32,500. Then divide \$32,500 by 26 to get an average weekly wage of \$1,250. Because that result is already a whole dollar amount, there is no need to round it down.
- Using the Connecticut minimum wage of \$15.69 in our example, average weekly wage of \$1,250.00 is more than the \$627.60 calculation threshold. Therefore, the worker would receive 95% of \$627.60 plus 60% of \$1,250.00 minus \$627.60.

$$\text{Weekly benefit} = .95(\$627.60) + .6(\$1,250.00 - \$627.60) = \$596.22 + \$373.44 = \$969.66$$

The worker's weekly benefit calculation is \$969.66.

- In this example, the weekly benefit amount of \$969.66 is more than 60 times the Connecticut minimum wage (\$941.40). Therefore, the weekly benefit is capped at \$941.40.



# FMLA: Coverage

## Covered under Federal FMLA

- Employers who have 50 or more employees within a 75-mile radius
- Governmental entities of any size, including
  - Federal government
  - State agencies
  - Towns
  - Schools
  - Railroads
  - Governments of other states

## Covered under CT FMLA

- *Almost* all employers who have one or more people working in CT
- The State of Connecticut, as to all State employees

### *Not Covered under CT FMLA*

- The federal government
- Municipalities
- Local or regional boards of education
- Non-public elementary or secondary schools
- Railroads
- Governments of other states

# FMLA: Eligibility

## Federal FMLA

- Worker has been employed by their company for at least 12 months

and

- has worked at least 1,250 hours in the 12 months immediately preceding the leave

## CT FMLA

- Worker has been employed by my company for at least the 3 months immediately preceding the leave
- No hours worked requirement

The employer makes these eligibility determinations.

# Length of Job Protected Leave

## Federal FMLA

Up to 12 weeks of leave in a 12-month period for all FMLA leave reasons

Except: up to 26 weeks of leave in a 12-month period for military caregiver leave

## CT FMLA

Up to 12 weeks of leave in a 12-month period for all FMLA leave reasons

### EXCEPT:

Up to 26 weeks of leave in a 12-month period for military caregiver leave

&

An employee may receive an additional two weeks of FMLA for a serious health condition resulting in incapacitation during pregnancy

## CT Family Violence Leave Act

Up to 12 days in a calendar year