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Connecticut FMLA Notice Requirement Takes Effect July 1

Amid the flurry of recent changes to Connecticut's Family and Medical Leave Act (CT FMLA), one more requirement is approaching. Starting July 1, Connecticut employers must notify their employees of certain rights under CT FMLA. The law requires employers to provide notices to new employees beginning on July 1, and employers should distribute the notices to existing employees as well in the coming months. Effective July 1, Connecticut employers must provide written notice to their employees addressing:

1. the entitlement to job-protected family and medical leave and the terms under which such leave may be used;
2. the opportunity to file a claim for compensation under the Connecticut paid leave program;
3. that retaliation for requesting, applying for or using family and medical leave is prohibited; and
4. that the employee has a right to file a complaint with the labor commissioner for any violation of CT FMLA.

The notice must be provided to each new employee upon hiring and annually after that. Under the Connecticut Department of Labor's proposed regulations, employers will also be required to provide the same notice to their existing employees. The Connecticut Department of Labor and Connecticut Paid Leave Authority have published a template notice here that employers can use to satisfy the CT FMLA's notice requirement. Notice may be provided via a group email to all employees or through a posting on the employer's intranet. As we previously discussed here and here, CT FMLA expanded considerably as of January 1. It now applies to all Connecticut employers with at least one employee, and it provides for up to 12 weeks of job-protected leave in a 12-month period, plus an additional two weeks for a serious health condition resulting in incapacitation that occurs during pregnancy. Employees are eligible for CT FMLA leave if they have worked for their employer for at least three months prior to seeking leave. Employers may require employees to use accrued paid time off during CT FMLA leave, but employees must be permitted to retain at least two weeks of such paid time off. The reasons for which eligible employees may take leave now include caring for their siblings, grandparents or grandchildren with a serious health condition, as well as for "any person related by blood or whose close relationship with the employee is the equivalent of a family member." The same statute that amended the CT FMLA also made paid family and medical leave (PFML) benefits available as of January 1. PFML provides income replacement (with weekly benefits not to exceed 60 times the minimum wage) for leave taken for generally the same reasons as under CT FMLA. PFML benefits are administered by the Connecticut Paid Leave Authority, whose website may be found here. Employees submit applications for paid leave benefits directly to the Paid Leave Authority. In addition to making sure they comply with the upcoming notice requirement, Connecticut employers should review their FMLA policies and reach out to counsel to ensure that they are up to date.

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