September 18, 2012

# CT Supreme Court Rules on Applicability of CTFMLA

The Connecticut Supreme Court issued its decision in *Velez v. Commissioner of Labor et al.*, SC 18683 & 18684, holding the Connecticut Family and Medical Leave Act ("CTFMLA") applies only to employers with 75 or more employees in Connecticut. Day Pitney LLP represented one of the two defendants in the appeal.

The CTFMLA requires employers with 75 or more employees to provide their eligible employees with a total of 16 workweeks of unpaid family and medical leave during any 24-month period. An eligible employee under the CTFMLA is one who has been employed for at least 12 months and for at least 1,000 hours during the prior 12 months. In *Velez*, the Connecticut Supreme Court confirmed the CTFMLA applies only to employers with 75 or more employees *in Connecticut*. Accordingly, employers with 74 or fewer employees in Connecticut are not required to provide their Connecticut employees with any unpaid leave under the CTFMLA. Nor are they required to comply with any other provisions of the CTFMLA. The decision is a victory for employers, and one that makes sense in light of the difficulties Connecticut employers may face in redistributing to other employees the work of those on leave.

Connecticut employers, of course, may still be subject to the federal Family and Medical Leave Act ("FMLA"). The FMLA requires employers with 50 or more employees within a 75-mile radius to provide their eligible employees with 12 workweeks of unpaid family and medical leave during any 12-month period. An eligible employee under the FMLA is one who has been employed for at least 12 months and for at least 1,250 hours during the prior 12 months.

Employers with any questions about either the FMLA or the CTFMLA can contact the attorneys listed in this Alert.