

Connecticut Family and Medical Leave Act Regulations in Final Review; Notices Required as of July 1

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Over six months after the [Connecticut Family and Medical Leave Act](#) (Connecticut FMLA) took effect, proposed regulations are slated for consideration and approval by the Connecticut Legislative Regulation Review Committee (LRRRC). With the exception of nonpublic elementary or secondary schools, all private employers with at least one employee in Connecticut are covered by the Connecticut FMLA as of January 1, 2022.

Key provisions of the proposed regulations include:

- Confirmation that employees need only provide a “simple written statement” to take leave to care for “an individual related to the employee by blood or affinity whose close association is equivalent to the family relationships”;
- Clarification that employers may continue to impose fitness-for-duty requirements on similarly situated employees and do not have to have a “one-size-fits-all” policy applicable to all employees regardless of circumstances; and
- Explanation of the complaint process before the Connecticut Department of Labor or in court for employees who believe their rights under the Connecticut FMLA have been violated.

If there are no further amendments to the proposed regulations, the LRRRC is scheduled to issue its decision by July 7, 2022.

Notice to Employees

Beginning July 1, 2022, employers must provide notice to employees regarding:

1. Employee entitlement to Connecticut FMLA and how it can be used;
2. Employee opportunities to file for compensation with the Connecticut Paid Leave Authority;
3. The prohibition on retaliation for interfering with or denying rights under the Connecticut FMLA; and
4. Employee rights to file a complaint.

The notice must be provided to new employees on their date of hire. All existing employees must receive a copy of the notice on or before July 1, 2023. Then, the notice must be distributed to all employees annually.

Retaliation Prohibited

The Connecticut Legislature has amended the Connecticut FMLA to prohibit retaliation against an employee for seeking to obtain benefits from the Connecticut Paid Leave Authority.

There are circumstances in which an employee may seek paid leave benefits, despite being ineligible for Connecticut FMLA, or otherwise seek only paid leave benefits. Nearly all employees in Connecticut became eligible for paid leave benefits through the Connecticut Paid Leave Authority beginning January 1, 2022. This is a separate monetary benefit from the job-protected leave under the Connecticut FMLA.

Given the complexities involved, employers should consult with counsel and plan to evaluate any personnel decision concerning an individual who has applied for Connecticut paid leave benefits as if the employee requested job-protected leave.

Jackson Lewis attorneys are available to answer inquiries and assist employers in their compliance efforts.

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