

Frequently Asked Questions

✓ Claim Determination

CAN EMPLOYERS CONTEST AN EMPLOYEE'S PAID LEAVE CLAIM SIMILAR TO HOW UNEMPLOYMENT CLAIMS MAY BE CONTESTED?

Employees meeting the eligibility requirements are entitled to paid leave benefits when used for qualifying reasons. Employers will be informed when an employee applies for the Connecticut Paid Leave program.

HOW DOES THE CT PAID LEAVE AUTHORITY DETERMINE THE ELIGIBILITY OF A CLAIM?

Employees may apply for claims benefits, but must meet the criteria for paid leave, such as a serious health condition or caring for a loved one with a serious health condition, bonding with new family member, organ donation, family violence, or military family leave.

✓ Claim Pay

WILL THE CONNECTICUT PAID LEAVE PROGRAM REPLACE MY SALARY DOLLAR FOR DOLLAR OVER THE PERIOD OF LEAVE?

No, the Connecticut Paid Leave (CTPL) program is not dollar for dollar wage replacement. If an employee's wages are less than or equal to the Connecticut minimum wage multiplied by 40, the weekly benefit rate under CTPL will be 95% of the employee's average weekly wage. If an employee's wages exceed the Connecticut minimum wage multiplied by 40, your weekly benefit rate will be 95% of the Connecticut minimum wage multiplied by 40 plus 60% of the amount the employee's average weekly wage exceeds the Connecticut minimum wage multiplied by 40. The benefit rate is capped at 60 times the Connecticut minimum wage.

Note: 40 times the minimum wage will be equal to \$520 weekly in January 2022, increasing to \$560 on July 1, 2022, and \$600 on June 1, 2023. 60 times the minimum wage will be equal to \$780 weekly in January 2022, increasing to \$840 on July 1, 2022, and \$900 on June 1, 2023.

✓ Communications

WILL THE CT PAID LEAVE AUTHORITY BE ISSUING ANY LITERATURE TO DISTRIBUTE TO EMPLOYEES EXPLAINING THE PAYROLL DEDUCTION AND FUTURE BENEFITS?

Yes. The CT Paid Leave Authority will publish fact sheets, videos, and other literature to help employees and employers to understand all aspects of the Connecticut Paid Leave program, including payroll deductions and program benefits.

✓ Contributions

ARE EMPLOYERS RESPONSIBLE FOR CONTRIBUTIONS TO THE TRUST FUND?

Employers do not make any contributions to the Trust Fund. The fund is completely employee-funded.

WHAT ABOUT EMPLOYEES WHO ARE CLOSE TO RETIREMENT? WILL THEY BE REIMBURSED?

There is no reimbursement for employees close to retirement. Employees who participate in the plan make contributions that become a permanent part of the Trust Fund.

SINCE IT IS LIKELY THAT EMPLOYEES WITH HIGHER WAGES WILL BE UNABLE TO REPLACE THEIR INCOME WITH THE CONNECTICUT PAID LEAVE PROGRAM, BUT THEY WILL BE CONTRIBUTING MORE TO THE TRUST FUND. HOW SHOULD THIS BE EXPLAINED TO EMPLOYEES?

The Trust Fund is not a full income-replacement fund. The Connecticut Paid Leave program is designed to offer some income to those who contribute to the fund. All employee wage contributions are capped at the Social Security contribution limit, currently approximately \$137,000.

WHAT HAPPENS TO THE FUNDS CONTRIBUTED BY INDIVIDUAL EMPLOYEES WHO NEVER UTILIZE THE CONNECTICUT PAID LEAVE PROGRAM? DOES THE MONEY FOLLOW THE EMPLOYEE INTO RETIREMENT OR ANOTHER INDIVIDUALIZED BENEFIT?

Contributions to the fund are paid into a pool and are not assigned to an individual. There are no individualized benefits under the plan.

✓ **Coverage**

IF AN EMPLOYER DOES NOT PROVIDE TIME OFF, DO THEY HAVE TO PAY FOR THE FIRST TWO WEEKS OF LEAVE?

The Connecticut Paid Family and Medical Leave Act (PFMLA), unlike the FFCRA, does not require employers to provide paid time off to their employees. Employees who do not have employer-provided paid time off can apply to the CT Paid Leave Authority if the reason for the leave qualifies under the PFMLA.

IS FAMILY AND MEDICAL LEAVE PAID OR UNPAID? IF IT IS UNPAID, DO I NEED TO CONTINUE TO PROVIDE BENEFITS TO THE EMPLOYEE?

Under federal and state family and medical leave laws, an eligible employee has a right to job-protected leave and the employer can decide by policy whether to pay the employee during that leave. Whether the leave is paid or unpaid, the employer must maintain the employee on its benefit plan during the leave. If an employee does not receive wages (or receives only partial wages) during the leave, the employee can request paid leave benefits from the CT Paid Leave Authority.

WILL THE CONNECTICUT PAID LEAVE PROGRAM REPLACE SHORT-TERM DISABILITY POLICIES, OR DOES AN ORGANIZATION NEED BOTH?

This leave does not take the place of short-term disability and is not intended to change any leave or benefits programs employers already offer to their employees.

IS PAID LEAVE COVERAGE DIFFERENT FROM COVID-19 LEAVE?

Yes, the Families First Coronavirus Response Act (FFCRA) is a different law from the Connecticut Paid Leave (CTPL) program. Like the FFCRA, however, the Paid Family and Medical Leave Act (PFMLA) provides paid leave benefits to employees who cannot work due to their own serious health condition or the serious health condition of a family member. The CTPL does not apply to situations when an employee cannot work due to school or daycare closures.

✓ **Eligibility**

FOR THE PURPOSES OF REQUESTING PAID LEAVE BENEFITS IN ORDER TO CARE FOR A FAMILY MEMBER, WHO IS CONSIDERED TO BE A FAMILY MEMBER?

A family member means a spouse, sibling, daughter or son, grandparent, grandchild or parent; or, an individual related to the employee by blood or affinity, and whose close association with the employee shows to be the equivalent of those family relationships.

WHAT INFORMATION WILL THE CT PAID LEAVE AUTHORITY REQUEST TO DETERMINE AN EMPLOYEE'S ELIGIBILITY FOR PAID LEAVE BENEFITS?

The CT Paid Leave Authority will request for medical certification, wage information, work history and other information needed to verify an employee's request for leave.

WHEN AM I ELIGIBLE FOR PAID LEAVE BENEFITS?

Beginning January 1, 2022, Connecticut employees are eligible to apply for Connecticut Paid Leave benefits and approved claims may receive payment at that time.

WHAT ARE THE REQUIREMENTS FOR ELIGIBILITY FOR PAID LEAVE BENEFITS?

An employee becomes eligible for Connecticut Paid Leave (CTPL) benefits if they have earned wages of at least \$2,325 in the highest-earning quarter of the first four of the five most recently completed quarters (the "base period") and they are currently employed with a covered Connecticut employer. Those not employed, but had been employed by a covered Connecticut employer within the last 12 weeks preceding their application, or those in Connecticut who are self-employed/sole proprietor and has enrolled in the CTPL program, are also eligible to receive benefits.

WHO DETERMINES ELIGIBILITY FOR WAGE REPLACEMENT BENEFIT?

The CT Paid Leave Authority administers the Paid Leave program. Appointed individuals representing a variety of community interests and subject matter expertise comprise the CT Paid Leave Authority's 15-member board.

CAN MORE THAN ONE FAMILY MEMBER ACCESS PAID LEAVE BENEFITS AT THE SAME TIME? HOW IS THIS TRACKED IF THE EMPLOYEES WORK FOR DIFFERENT EMPLOYERS?

More than one family member may access the Connecticut Paid Leave (CTPL) program at the same time, but if spouses work for the same employer, there are limits to the amount of time off each spouse may be eligible for. If family members work for different employers, each is entitled to CTPL benefits if they meet the eligibility criteria according to their work and wage history at their own employer.

DO SOLE PROPRIETORS/SELF-EMPLOYED INDIVIDUALS QUALIFY FOR PAID LEAVE BENEFITS?

Sole proprietors and self-employed individuals qualify for leave and may opt-in to make contributions to the fund. Sole proprietors and self-employed individuals who choose to participate in the Connecticut paid Leave program must remain in the plan for a minimum of three years.

DOES THE ELIGIBILITY PERIOD HAVE TO BE WITH ONE EMPLOYER OR DOES IT APPLY TO EMPLOYEES WITH MULTIPLE EMPLOYERS?

An employee may be eligible for paid leave benefits based on the money he or she has earned at multiple employers, but an employee only has job protected-leave if he or she has worked at the same employer for three months or more.

I'M A BUSINESS OWNER AND I RECEIVE A REGULAR PAYCHECK. AM I ELIGIBLE FOR PAID LEAVE?

If you are a sole proprietor, you may be eligible to participate in the Connecticut Paid Leave program if you meet the eligibility criteria and you make contributions to the fund.

HOW DOES THE CONNECTICUT PAID LEAVE PROGRAM APPLY TO A SMALL BUSINESS WITH ONLY ONE EMPLOYEE?

The Paid Family and Medical Leave Act applies to all Connecticut employers with one or more employees. Employers may register and pay for the single employee directly through the CT Paid Leave Authority. Payments into the fund may be made electronically.

HOW OFTEN CAN SOMEONE TAKE LEAVE? IS THERE A LIMIT?

Generally, leave under the federal and Connecticut FMLA — and Connecticut Paid Leave benefits from the CT Paid Leave Authority — are limited to twelve weeks in a twelve-month period, with the possibility of two additional weeks of leave for incapacity due to pregnancy. Individuals caring for a family member who was injured while on active duty in the military can take up to 26 weeks of leave, but only 12 weeks of that leave is eligible for paid benefits from the CT Paid Leave Authority.

CAN PAID LEAVE BENEFITS BE ACCESSED BY EMPLOYEES WHO NEED CHILD CARE FOR THEIR OWN CHILD?

Lack of child care alone is not considered a qualifying reason for paid leave under the Paid Family and Medical Leave Act. An employee may, however, take leave to care for a child who has a serious health condition. In addition, an employee whose parent, spouse or child has been called to active military duty may access Connecticut Paid Leave (CTPL) benefits to arrange for emergency child care for the servicemembers child or children. In either of these situations, CTPL benefits are accessible.

DOES THE CONNECTICUT PAID LEAVE PROGRAM APPLY TO PART-TIME EMPLOYEES?

Yes. All employees who have earned at least \$2,325 in the highest quarter of the first four of the five most recent quarters immediately before their application for leave and who are either currently employed by a Connecticut employer or were employed by a Connecticut employer during the 12 weeks immediately preceding the application are eligible to apply for the Connecticut Paid Leave program.

WHAT ARE THE QUALIFYING REASONS FOR LEAVE?

Employees, sole proprietors and the self-employed can submit requests for leave for several events. These include: Creating or expanding their family, either by birth, adoption or foster care; To serve as a bone marrow or organ donor; If during pregnancy or after childbirth, a healthcare provider determines that an individual may need a bit more time for recovery, individuals may apply for an extra 2 weeks of leave; To care for their own medical or psychological health condition, including injuries; To care for a family member suffering from a medical or psychological health condition; If an employee is experiencing family violence, they can apply to take up to 12 days of leave.

✓ **Employer Benefits**

ARE EMPLOYERS RESPONSIBLE FOR CARRYING MEDICAL INSURANCE FOR AN EMPLOYEE TAKING LEAVE, AND IF SO, WILL EMPLOYEES BE REQUIRED TO CONTINUE MAKING CONTRIBUTIONS TO THE SAME?

Yes, if an employee is taking job-protected leave under the state or federal Family and Medical Leave Act, the employer must continue paying non-wage benefits and the employee also must continue contributions. If the employee is not taking job-protected leave, then there is no statutory obligation to maintain benefits.

WILL THERE BE COMMUNICATION BETWEEN THE EMPLOYER AND THE CT PAID LEAVE AUTHORITY IF AN EMPLOYEE SUBMITS A CLAIM?

Yes. The CT Paid Leave Authority will establish a process to inform employers of leave requests submitted by their employees. Information shared with employers will follow confidentiality requirements.

✓ **Fraud and Abuse**

HOW WILL THE CT PAID LEAVE AUTHORITY GUARD AGAINST FRAUD AND ABUSE OF BENEFITS?

Every claim will be closely reviewed as a safeguard against potential fraud and abuse.

✓ **Implementation Deferral**

WILL THE THE CT PAID LEAVE AUTHORITY POSTPONE THE DEPLOYMENT OF THIS PROGRAM, AS SOME EMPLOYERS ARE OVERWHELMED BY COVID-19 ISSUES?

The statutory deadlines to begin to collect contributions in 2021 remains intact. The CT Paid Leave Authority will continue to assess the feasibility of maintaining the established statutory deadlines for plan implementation.

✓ **PFMLIA 101**

WHAT IS THE CONNECTICUT PAID LEAVE PROGRAM?

Connecticut Paid Leave is a program administered by the CT Paid Leave Authority that offers Connecticut employees access to paid time off for qualifying life events, including childbirth and seeking treatment for serious health conditions for themselves or their families.

WHO IS ELIGIBLE TO PARTICIPATE IN THE CONNECTICUT PAID LEAVE (CTPL) PROGRAM?

All Connecticut employers with one or more employees must participate in the CTPL program. Sole proprietors and self-employed individuals are able to opt-in to the program, but must remain enrolled for a minimum of 3 years. Unionized employees of the State of Connecticut and employees of the federal government, a municipality, a local or regional board of education, or a non-public elementary or secondary school, generally are not covered under the Paid Family and Medical Leave program, but coverage may be collectively bargained.

✓ Job Protection

IS MY JOB PROTECTED IF I UTILIZE THE CONNECTICUT PAID LEAVE PROGRAM?

The CT Paid Leave Authority only offers payment for people who take leave for qualifying events, but does not offer job protection to employees taking leave. Only employers can determine, in communication with the employee, whether the leave taken is subject to job protection under state or federal leave laws.

✓ Law / Amendment

ARE THERE PROVISIONS IN THE PAID FAMILY AND MEDICAL LEAVE ACT LIMITING HOW CONTRIBUTIONS CAN BE USED?

According to the statute, funds may be used for benefits payments primarily, to administer the plan, and to conduct education and outreach. All costs are included in CT Paid Leave Authority's board-approved budget.

✓ Leave Authority

HOW WILL EMPLOYEE COMPLAINTS BE HANDLED?

The Department of Labor (DOL) is responsible for hearing grievances related to claims. The CT Paid Leave Authority is responsible for managing claims.

✓ Participation

WHAT IF AN EMPLOYEE HAS WORKED FOR THEIR EMPLOYER FOR THREE MONTHS, BUT HAS NOT MADE THE \$2,325. CAN THEY STILL PARTICIPATE?

No. A person must meet every eligibility criteria in order to access the Connecticut Paid Leave program.

WHAT IF EMPLOYEES DO NOT WISH TO PARTICIPATE IN THE CONNECTICUT PAID LEAVE (CTPL) PROGRAM?

Employees are not allowed to opt-out of making mandatory contributions. The CTPL does exempt some employees, and also creates a process for employers to apply for permission to provide paid leave benefits through a private plan. Employees who are exempt from making contributions are not eligible to apply for CTPL benefits through the CT Paid Leave Authority.

IF AN EMPLOYER HAS BENEFITS SUCH AS VACATION, SICK, PERSONAL TIME, AVAILABLE TO EMPLOYEES UNDER AN EMPLOYER'S CURRENT POLICY, WHEN AN EMPLOYEE IS OUT ON LEAVE, BENEFITS DO NOT ACCRUE. UNDER THE NEW LAW, WOULD THIS POLICY HAVE TO CHANGE OR IS IT UP TO THE EMPLOYER?

No, an employer's accrual rules do not have to change under this new law.

CAN AN EMPLOYEE OPT-OUT OF PAYROLL DEDUCTIONS?

Employees are not allowed to opt out of mandatory contributions, though the Connecticut Paid Family and Medical Leave Act (PFMLA) does list some categories of employees who are exempt from the program. The PFMLA also creates a process for employers, with the approval of the employees, to apply for permission to provide benefits through a private plan. Employees who are exempt from making contributions are not eligible to apply for Connecticut Paid Leave benefits from the CT Paid Leave Authority.

DOES THE CONNECTICUT PAID LEAVE PROGRAM APPLY TO DAYCARE CENTERS?

Every employer with one or more employees must participate in the plan by collecting 0.5% of each employees wages and remit them as a contribution to the Trust Fund.

✓ Payroll Companies

IF MY COMPANY'S PAYROLL PROVIDER CURRENTLY WITHHOLDS AND FILES TAXES FROM EMPLOYEE PAYCHECKS, WILL IT BE SAME PROCESS UNDER THE PAID FAMILY AND MEDICAL LEAVE ACT?

Payroll companies are now working in partnership with the CT Paid Leave Authority to define the process by which deductions and payments will be remitted.

✓ Private Plan

WHAT ARE THE THINGS EMPLOYERS SHOULD CONSIDER IN EVALUATING A PRIVATE PLAN VERSUS THE STATE PLAN?

A private plan must offer the same benefits as the state plan, may not cost any more than the state plan, and must administer benefits to employees to ensure the benefits are as accessible as they would be under the state plan. Employers should consider cost, access to benefits, customer service, or benefits offered to their employees.

WHAT IF MY EMPLOYER OFFERS PAID FAMILY AND MEDICAL LEAVE?

If your employer offers a private paid leave program, they may apply to the CT Paid Leave Authority for an exemption from the program. If the private plan is found to be comparable to the Connecticut Paid Leave program AND a majority of the employees have agreed to the private plan, the employer may receive an exemption from participating with the state's plan.

IF AN EMPLOYER INTRODUCES AN APPROVED PRIVATE PLAN, WILL ALL EMPLOYEES HAVE TO PARTICIPATE?

Yes. A private plan must cover all employees.

IF AN EMPLOYER IMPLEMENTS AN APPROVED PRIVATE INSURANCE PLAN FOR PAID LEAVE BENEFITS, DOES THE EMPLOYER HAVE TO DEDUCT CONTRIBUTIONS FOR THEIR OWN FUND?

An employer who has an approved private plan is not required to remit the employee contributions to the CT Paid Leave Authority. The employer may deduct up to 0.5% of the employees' wages to fund the private plan, but employers are not required to do so.

IF AN EMPLOYER PURCHASES A PRIVATE PLAN, DOES THE MONEY COLLECTED GO TO THE PRIVATE PLAN OR TO THE TRUST FUND? HOW IS THE PRIVATE PLAN PAID?

The money collected for a private plan does not go into the state's Trust Fund. The contributions go to an account or accounts established by the employer and can only be used by the employer to administer that private plan.

✓ Process / Support

WHO IS RESPONSIBLE FOR SUBMITTING EMPLOYEE BENEFIT INFORMATION FOR YEAR END TAX REPORTING PURPOSES?

Employees are responsible for reporting the Paid Leave benefits payments they received. The CT Paid Leave Authority will issue 1099 statements to employees.

WILL THERE BE AN UPDATE ON QUICKBOOKS FOR SMALL EMPLOYERS?

The employee contribution can be entered as an additional tax withholding within QuickBooks to be paid to the Trust Fund.

IS THERE SUPPORT AVAILABLE FOR SMALL BUSINESSES WHO MANAGE THEIR OWN PAYROLL?

The CT Paid Leave Authority will offer training for small businesses to learn more about the basics of family and medical leave and the paid leave law.

✓ **Solvency**

HOW WILL THE TRUST FUND'S SOLVENCY BE MANAGED?

Solvency will be very carefully managed through the State Treasurer. An updated actuarial study has been commissioned to assess factors that may affect contributions and claims, particularly in the midst of COVID-19. The Paid Family and Medical Leave Act allows the CT Paid Leave Authority to adjust benefits payments to assure fund solvency.

✓ **Staffing / Backfill**

WHAT IF AN EMPLOYER CANNOT APPROVE LEAVE AT THE TIME THE EMPLOYEE REQUESTS TO TAKE IT BECAUSE THEY DON'T HAVE ANYONE TO REPLACE THEM AND HAVE PRODUCTIVITY METRICS TO REACH?

Employers may not deny leave because they do not have an employee to replace them. If the employee is eligible for job-protected leave and has a qualifying reason, employers must approve the leave request.

IF AN EMPLOYEE IS OUT ON PAID LEAVE FOR 12 WEEKS AND THEIR EMPLOYER HIRES A REPLACEMENT, WILL THE REPLACEMENT EMPLOYEE BE ELIGIBLE FOR UNEMPLOYMENT COMPENSATION WHEN THE ORIGINAL EMPLOYEE RETURNS TO WORK?

The replacement employee may be eligible for unemployment compensation if he or she otherwise meets all of the criteria for this benefit. The Paid Family and Medical Leave Act creates a "non-charge" against an employer's unemployment tax experience rate, allowing an employer to lay off a temporary employee filling the job of an employee on leave without increasing the employer's unemployment taxes.

✓ **Tax**

DO EMPLOYERS RECEIVE A WRITE-OFF OR TAX CREDITS?

No. Employers deduct one-half of one percent of wages from all employees and pay that amount on behalf of their staff members. Employers do not make any direct contributions to the Trust fund and have no basis for tax write-offs or credits.

✓ **Timing**

WHEN WILL EMPLOYERS RECEIVE COMMUNICATIONS ABOUT THE FILE SPECIFICATIONS TO SUBMIT EMPLOYEE CONTRIBUTIONS?

Employers will be informed by Fall 2020 which file types are accepted by the CT Paid Leave Authority to accept fund contributions. At a minimum, ACH files will be accepted.

✓ **Wages**

HOW CAN SOLE PROPRIETORS AND SELF-EMPLOYED MAKE CONTRIBUTIONS TO THE TRUST FUND IF THEY ARE NOT ON PAYROLL?

Sole proprietors and self-employed individuals may make ACH electronic payments through the CT Paid Leave Authority website.

HOW WILL AN EMPLOYER KNOW HOW MUCH AN EMPLOYEE HAS EARNED WITH ANOTHER EMPLOYER?

Employers are not required to determine how much an employee has made at other employers because eligibility for job-protected leave does not require wage information. Eligibility for job-protected leave depends on how long the employee worked for that employer. Although eligibility for the Connecticut Paid Leave program involves wage requirements, the CT Paid Leave Authority will be able to obtain wage information from multiple employers through the Department of Labor.



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