

The Connecticut Conference of Independent Colleges: Preparing for the Connecticut Paid Family Medical Leave Insurance Program



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- The Connecticut Paid Leave program is administered by the CT Paid Leave Authority.
 - ◆ Within Department of Administrative Services, not Department of Labor
 - However, DOL will hear grievances related to claims
- Chief Executive Officer: Andrea Barton Reeves
- PFMLI is not the CTFMLA. PFMLI offers wage replacement; CTFMLA offers job protection.
- **Employees** contribute to the Family and Medical Leave Trust Fund – not employer.

Who is Covered by PFMLA?

- **Employers**

- ◆ Private employers in Connecticut with one or more employees, including colleges and universities.
- ◆ Does not cover non-public elementary or secondary schools.

- **Employees**

- ◆ Must have earned wages of at least \$2,325 in the highest quarter of the first four of the last five quarters.
- ◆ Must be currently employed or have been employed in the last 12 weeks by a covered employer.
- ◆ Also covers sole proprietors/self employed individuals.

What about Student Workers?

- **Student Workers are Covered if:**
 - ◆ They are working for taxable wages, as opposed to working solely for academic credit or otherwise working by not receiving taxable wages.

If Employers have Employees that are Working Remotely in Other States, Does the Employer Withhold from those Employees?

- The general rule here is that if the employer lists the employee as working in CT for purposes of Unemployment Insurance and payroll taxes, then the employee is considered to be working in CT for purposes of the CT Paid Leave Act and the employer should withhold the .5% and remit the funds to the Authority.

Does Leave Under PFMLA Provide Full Wage Replacement to an Employee?

- **No. The Connecticut Paid Leave program is not a dollar-for-dollar wage replacement.**
 - ◆ If an employee's weekly wages are less than or equal to the CT minimum wage multiplied by 40 (\$520 as of 1/1/22), the weekly benefit rate is 95% of the employee's average weekly wage.
 - ◆ If an employee's weekly wages exceed the CT minimum wage multiplied by 40, the weekly benefit rate is 95% of the CT minimum wage multiplied by 40 (\$494 as of 1/1/22), plus 60% of the amount by which the employee's average weekly wage exceeds the CT minimum wage multiplied by 40.
 - ◆ The weekly benefit rate is capped at 60 times the CT minimum wage (\$780 as of 1/1/22).
- **Employees may take employer-offered paid time off to supplement to their full wage amount.**
 - ◆ Can an employer require an employee to do so?

I Plan to Hire an Employee on January 1, 2022. Is That Employee Immediately Eligible for Paid Leave Under the PFMLA?

- Yes, if the employee:
 - ◆ Earned wages of at least \$2,325 in the highest quarter in the first four of the five most recently completed quarters, AND
 - ◆ Is currently employed or was employed within the last 12 weeks.

Would that Employee Have Job Protection (or Benefit Continuation) while on Leave?

- Under PFMLA itself, no.
- However, consider whether the employee's reason for leave constitutes a disability or chronic impairment under anti-discrimination laws, which have no waiting period.
- PFMLA could run concurrently with FMLA or CTFMLA (once the employee is eligible for those).

For What Reasons May an Employee Take Paid Leave, and How Much Leave May an Employee Take?

- Up to 12 weeks available for:
 - ◆ Birth, adoption, foster care
 - ◆ Bone marrow or organ donation
 - ◆ Pregnancy or childbirth
 - ◆ Caring for own medical or psychological health condition
 - ◆ Caring for family member's medical or psychological health condition
- Up to 2 additional weeks during pregnancy or after childbirth
- Family violence leave – 12 days
- May PFMLA be taken on an intermittent basis?

Is it Possible for an Employee to Take 12 Paid Weeks Under PFMLA and then take 12 Weeks Under FMLA or CTFMLA?

- They generally will run concurrently.
- But it may be possible to take both, depending on date of hire, date leave is requested, qualifying reasons, and so on.

Is PFMLA the Same as Paid Leave Under FFCRA or FMLA+?

- No, unless COVID-19 is still around in 2022 and constitutes a serious health condition.
 - ◆ In other words, we can hope not!

What is an Employer's Role with Respect to PFMLA?

- Employers must deduct ½ of 1% (0.5%) of employees' wages and provide that to the CT Paid Leave Authority.
- CT Paid Leave Authority will notify employers when an employer submits a leave request. But, Employers may be involved in making determination about leave in the first instance.
- CT Paid Leave Authority will determine employee eligibility for paid leave.
- Employers will continue to address requests for FMLA or CTFMLA.
- An employer may hire a temporary replacement for an employee on PFMLA. The replacement worker will be eligible for unemployment compensation when the employee returns, but the employer's tax experience rate will not be charged.

What Are the Key Dates to Keep in Mind?

- **November 1, 2020:** Employers began registering their businesses with the PFMLIA.
- **January 1, 2021:** Employee payroll withholdings begin.
- **March 31, 2021:** First quarter payments of payroll deductions are due.
- **June 30, 2021:** Second quarter payments of payroll deductions are due.
- **September 31, 2021:** Third quarter payments of payroll deductions are due.
- **Fall 2021:** Qualifying employees can apply for paid leave benefits.
- **December 31, 2021:** Fourth quarter payments of payroll deductions are due.
- **January 1, 2022:** Benefits payments to eligible employees begin.

Courtesy of PFMLI website.

How do Private Plans Fit in?

- Employers may offer may offer a private paid FMLA plan if:
 - ◆ Benefits are the same as PFMLA
 - ◆ Private plan does not cost employees more than PFMLA (0.5%)
 - ◆ Majority of employees have agreed to the private plan
- CT Paid Leave Authority must grant exemption for private plans
- Employer will still deduct up to 0.5% of employees' pay

Questions?



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