

Legislator Toolkit



▶ Updated Fall 2024

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About this Toolkit

The CT Paid Leave Authority's focus is on continuing awareness of and education about the CT Paid Leave program and providing resources and support for businesses and workers alike.

The **Legislator's Toolkit** provides legislators and their staff with important information about Connecticut Paid Leave to share with constituents and stakeholders in your community.

<u>Use this Toolkit to:</u> learn the basics of CT Paid Leave and educate your constituents; share information; and assist with the Authority's outreach and education efforts.

Awareness

Education

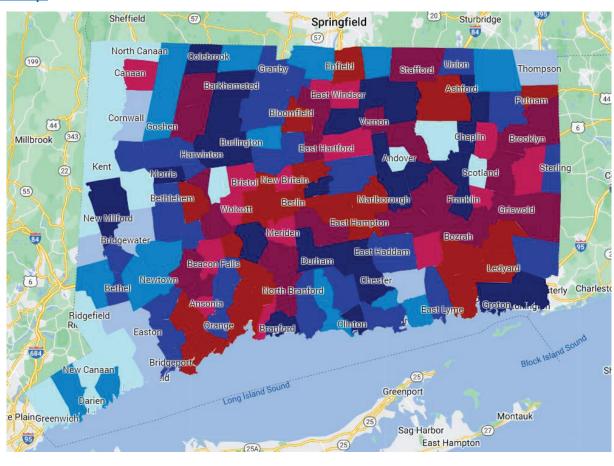
Support

CT Paid Leave Usage by Town

Click Here for the Complete Interactive Map



1-250
250.01-350
350.01-450
450.01-550
550.01-650
650.01-750
750.01-850
850.01+







What is CT Paid Leave?

For Connecticut workers, CT Paid Leave offers income replacement benefits to workers who need to take leave to address qualifying family or medical needs. For employers, CT Paid Leave provides tools and resources to promote healthy, vibrant, and inclusive workplaces and comply with state law.

What is the CT Paid Leave Authority?

The Connecticut Paid Leave Authority is a quasipublic state agency that administers the CT Paid Leave program. The CT Paid Leave Authority is governed by a Board of Directors appointed by the Governor, constitutional officers and legislative leadership.

CT Paid Leave vs. FMLA

What is CT Paid Leave?	What is FMLA?
	FMLA stands for Family and Medical Leave Act.
CT Paid Leave provides income-replacement during certain qualifying family and health leaves.	FMLA provides job-protected leave for certain qualifying family and health conditions.
 The CT Paid Leave Act is a Connecticut law that: Creates a source of income-replacement benefits for eligible employees who cannot work for the same reasons as FMLA It does not provide job-protected leave. The CT Paid Leave Act is implemented by the CT Paid Leave Authority – a Quasi-Public Agency of the State of Connecticut. 	 There is a federal FMLA & a CT FMLA. Both have been around since the 1990's. Both laws allow eligible employees to take job-protected time away from work for certain family and medical reasons. The Family Medical Leave Act is implemented by employers & regulated by the State & Federal Departments of Labor FMLA does NOT provide income replacement. Employers may choose to: adopt policies to provide for income replacement during the leave, but they are not required to. continue to pay their employees their regular pay while they are out on parental leave. require or permit employees to use their earned accruals (sick leave, vacation leave, other PTO) while they are out on leave. For more information on CT Paid Leave, visit newfmlaguidance (ct.gov)

CT Paid Leave vs. FMLA: Bottom Line



Does not provide job protection

Does provide \$\$\$

Eligibility based on a minimum earnings requirement and employment status MEDICAL

Applies to most businesses with 1+ workers in

CT

Provides job protection

Does not provide \$\$\$

Eligibility after 3 months of consecutive employment before the leave

CT Paid Leave Implementation Timeline



Covered vs. Non-Covered Employers

Covered Employers Non-Covered Employers Almost all employers who The federal government have one or more people Municipalities, unless their working in CT unionized employees The State of Connecticut, as collectively bargain to participate** to non-union employees Local or regional boards of education, unless their unionized employees collectively bargain to participate Non-public elementary or secondary schools Railroads Governments of other states Other sovereign nations

Are CT residents who work out of state covered by CT Paid Leave?

Only employees who work in Connecticut can participate in CT Paid Leave. If an employer is paying unemployment insurance for an employee to the CT Department of Labor, that is evidence the employee works in Connecticut.

Other Non-Covered Individuals

- Interstate truck drivers who work in CT but live in another state and thus don't pay income tax in CT
- Spouses of active-duty military members who have opted to continue to pay their taxes in their home state instead of where they are currently deployed

^{**}PA 24-5 adopts a new definition of municipality that results in additional employers covered under CT Paid Leave and CT FMLA. For more information, click here.

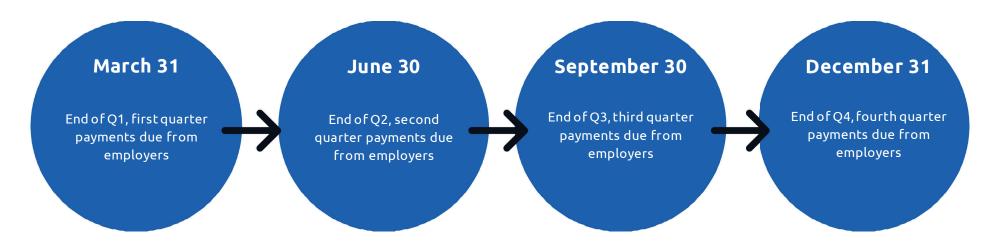
Sole Proprietors/Self-Employed Individuals

Sole proprietors and/or self-employed individuals may *choose* to opt-in to CT Paid Leave for themselves:

The individual must reside in CT in order to participate Coverage will begin on the first day of the month following 3 full calendar months after the person enrolls with the Authority If they opt-in, they must remain in the program for a minimum of three years They contribute 0.5% of "self-employment income" (as defined by the IRS) A sole-proprietor who has employees may choose not to opt-in for themselves, but they must withhold and remit their workers' contributions If an individual receives a W-2, they are considered an employee under the law, and must participate in CT Paid Leave. This is true even if they are also the owner or officer of the company.

CT Paid Leave **Contribution** Timeline

- CT Paid Leave is an **employee-funded** program. Covered employers deduct 0.5% from employees via payroll deduction and remit these contributions to the CT Paid Leave Authority on a quarterly basis. Contributions are capped at the Social Security contribution limit.
- CT Paid Leave provides a one-month grace period following the end of the quarter for employers to remit the employees' contributions. For example, first quarter payments submitted by April 30 will not incur penalties or interest. However, first quarter payments submitted after April 30 will incur penalties and interest.
- Employers may not deduct more than the statutory 0.5% from employee paychecks for CT Paid Leave contributions, and employers may not use employee contributions to pay interest and/or penalties.



Fund Recovery

- While the CT Paid Leave program is entirely employee funded, employers or their payroll processors must deduct the 0.5% contributions from their employees' wages and remit those funds to the CT Paid Leave Authority on a quarterly basis.
- Employers that failed to fulfill their statutory obligation to deduct the 0.5% contributions from their employees' wages are required to pay the owed amount themselves.
- Additionally, failure to remit the owed contributions by the quarterly deadlines will result in the imposition of interest and penalties on the employers.

If your constituent receives a notice stating that they owe past due contributions and penalties/interest, please direct them to submit a <u>Contact Us</u> inquiry on ctpaidleave.org and select "Notice of CTPL Contributions Due" from the dropdown list as the contact reason.

Due to a high volume of Contact Us inquiries, please allow 5 business days for a response.

Who Is Eligible for Benefits Under CT Paid Leave

- Worker must earn at least \$2,325 in highest earning quarter of the first 4 of the 5 most recently completed quarters (from 1 or more covered employers in CT), and
- Worker must be
 - (a) An enrolled sole proprietor/self-employed individual; or
 - (b) Currently employed by covered employer; or
 - (c) Have been employed by a covered employer in the 12 weeks immediately preceding the claim for benefits

Example if a claim is filed in August 2024:

1st completed quarter	2nd completed quarter	3rd completed quarter	4th completed quarter	5th completed quarter	Current quarter (quarter in which claim for benefits is made)
April – June 2023	July – Sept 2023	Oct – Dec 2023	Jan – March 2024	April – June 2024	July - Sept 2024
\$2,000	\$ <mark>2,325</mark>	\$2,300	\$2,200	\$2,000	N/A
In base period	In base period	In base period	In base period	Not in base period	Not in base period

Note: CT Paid Leave makes the eligibility determination, not the employer

CT Paid Leave Benefits Eligibility (continued)



Wages from multiple employers may be combined. Seasonal, part time, or per diem workers may be eligible if they meet the minimum earning and employment requirements.







Wages may include salary or hourly pay, vacation pay, holiday pay, tips, commissions, severance pay, and the cash value of any "in-kind" payments.

CT Paid Leave benefits are calculated in the following ways:

- Benefits are calculated based on earnings in the base period. Average weekly wage is calculated by adding the two highest earning quarters during the base period and dividing that number by 26.
- If a worker's wages are less than or equal to the Connecticut minimum wage multiplied by 40, their weekly benefit rate under the PFMLA will be 95% of their average weekly wage.
- If a worker's wages exceed the Connecticut minimum wage multiplied by 40, their weekly benefit rate will be 95% of the Connecticut minimum wage multiplied by 40, plus 60% of the amount their average weekly wage exceeds the Connecticut minimum wage multiplied by 40. The benefit rate is capped at 60 times the Connecticut minimum wage.

Qualifying Reasons for CT Paid Leave



MEDICAL LEAVE

For treatment of one's own serious health condition.

This includes serving as an organ or bone marrow donor and pregnancy.



BONDING LEAVE

To bond with a newborn(s) or a newly placed child, or for the time needed to process adoption or foster care placement.

- Applies to both parents
- Can be used anytime during the 12 months after the birth/placement
- Applies to birth, adoption, or foster care



CAREGIVER LEAVE

To provide physical or psychological care or comfort to a family member experiencing their own serious health condition.

Qualifying Reasons for CT Paid Leave (continued)







Military Caregiver Leave

To care for a family member in the military who has experienced a serious injury or illness that occurred in the line of active duty in the Armed Forces.

Qualifying Exigency Leave

To engage in certain activities arising from the fact that a spouse, child, or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Services.

CT Family Violence Leave Act

A worker who is the victim of family violence or sexual assault may take job-protected safe leave to:

- seek medical/psychological care or counseling for physical or psychological injury or disability;
- obtain services from a victim services organization;
- relocate due to such family violence or sexual assault; or
- participate in any civil or criminal proceeding related to or resulting from such family violence or sexual assault.

(up to 12 days in a calendar year)

Types of Leave

Block Leave

Not working at all for a continuous period of time for a single qualifying reason.

For example, an employee is having surgery and need to be out of work for 6 weeks for recovery.

Reduced Schedule

Working some of the time but not as much as usual. For example, an employee's normal schedule is 9-5 Monday – Friday but they are working a reduced schedule of 9-2.

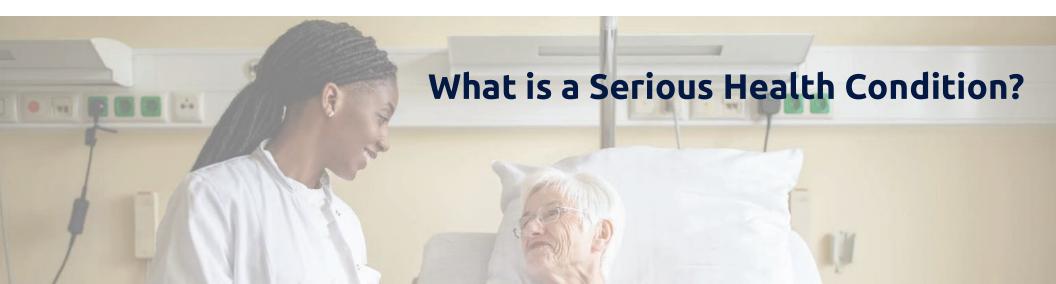
Intermittent

Absent from work sporadically for relatively small amounts of time.

For example, an employee is diagnosed with cancer and needs paid leave to attend weekly chemotherapy.

Length of Benefits

- Up to 12 weeks in a 12-month period for most leave reasons.
- An additional 2 weeks may be available for incapacitation during pregnancy, including pre-natal appointments.
- Up to 12 days of the 12 weeks may be used for safe leave.



Serious Health Condition requires both incapacity <u>and</u> treatment by a Health Care Provider.

Examples:

- Overnight stay in a hospital
- Chronic condition for which you see a healthcare provider for treatment at least 2x/year
- Long-term condition for which patient is under the supervision of a healthcare provider even though treatment is no longer effective (Alzheimer's, terminal cancer)
- Incapacitation during pregnancy (pre-natal appointments, complications during pregnancy)

Simply being exposed to or diagnosed with Covid, Flu or a similar illness is not necessarily considered a serious health condition, because frequently there is no treatment associated with a diagnosis with one of these conditions.

If an individual needs to quarantine, rest, or take OTC medication but there is no actual treatment from a healthcare provider then it does not meet the legal definition of a serious health condition.

Defining Family: Who Can An Eligible Employee Care For Under CT Paid Leave?

Spouse

Person to whom one is legally married



Sibling

Biological, Step-sibling, halfsibling, Adopted, Foster, or brother/sister-in-law



Child

Biological, adopted, foster, step-child, legal ward, person to whom the worker stands in loco parentis



Grandparent

Related by blood, marriage, adoption of a minor child to a child of the grandparent, or foster care by a child of the grandparent



Grandchild

Related by blood, marriage, adoption to a child of the grandparent, or foster care by a child of the grandparent



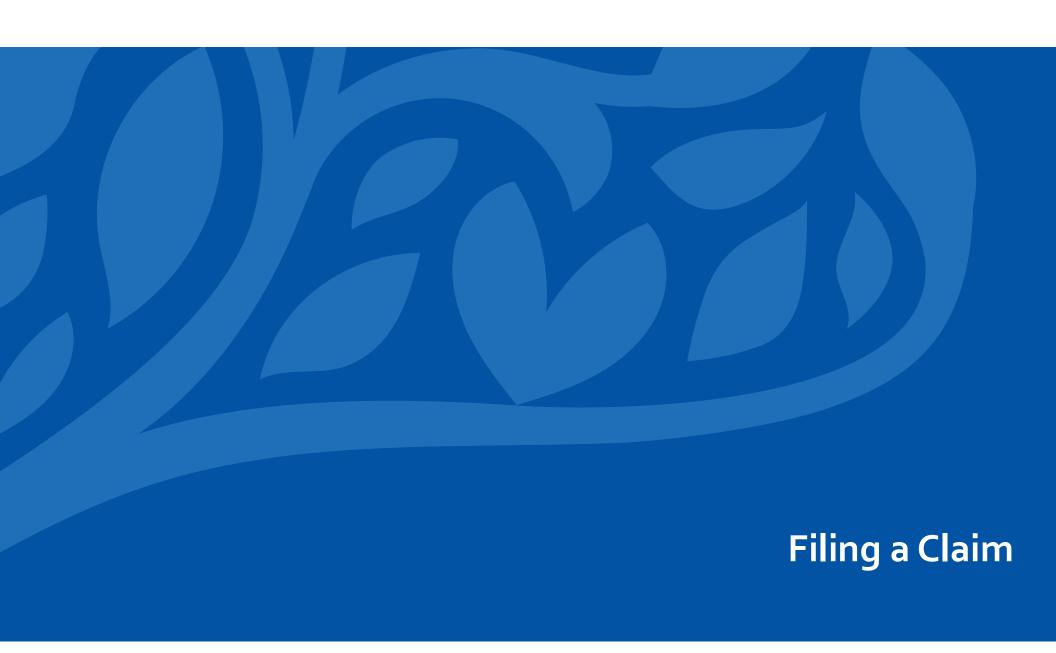
Parent

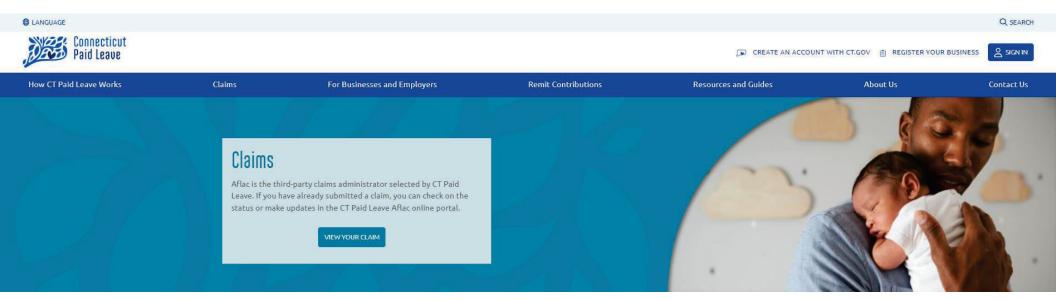
Biological, adopted, foster, stepparent, person standing in loco parentis or who has legal guardianship or custody of a child



Individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships







How Employees Can Apply for CT Paid Leave Benefits:

- To start their claim for benefits, they should go to our online portal (www.ctpaidleave.org)
- Applications are also accepted via telephone at 877-499-8606
- They will need to provide documentation to support their claim.
- Remember:
 - o They must notify their employer if they apply for CT Paid Leave benefits
 - They will likely need job-protected leave under FMLA and will need to apply directly to the employer for FMLA

The Claims Process: Employee Responsibilities

Notify

Employee notifies their employer that they will be applying for CT Paid Leave.

Employees should also talk to their employer about FMLA.

Apply

Employee begins application at ctpaidleave.org or by calling CT Paid Leave's claims administrator at (877) 499-8606

Submit All Documents

Employees will receive notification of what documents are needed for their case to be complete and ready for review

1

Required documentation includes:

- ☐ Identity verification documents
- Employment Verification FormSpecific documents supporting the
- Specific documents supporting the leave reason

Receive Decision

If approved, employees will receive benefits via direct deposit or Debit card. If denied, they can file a reconsideration with CT paid Leave or appeal with the CT Dept of Labor.



Usually within 5 business days of all documentation being submitted.

Insufficient, inconsistent, incomplete or illegible documentation may delay the review process.

Receive CT Paid Leave Benefits

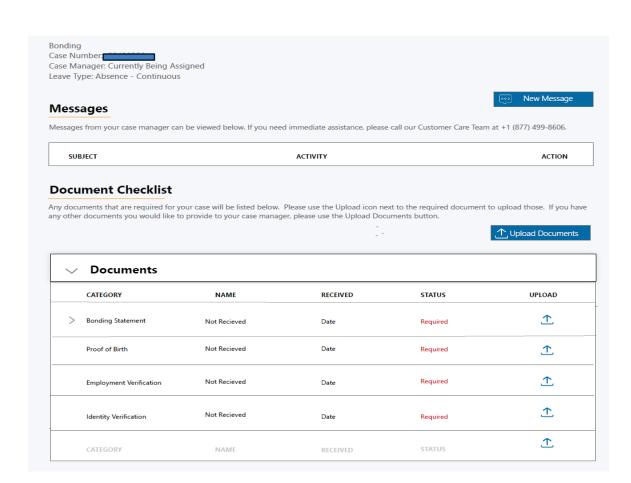


Receive payments through direct deposit or Debit Card. Payments are issued on Tuesdays.

Employee must notify CT Paid Leave if circumstances change (ex: extension needed or return to work sooner than anticipated).

Document Dashboard

- The Document Dashboard aims to create a better user experience in the claims portal.
- From the dashboard, workers can keep track of and upload necessary documents.
- For more information, <u>read Aflac's</u> <u>User Guide here</u>.



What can a worker do if their claim is denied?

Submit a Request for Reconsideration

- This is the quickest way to have the case reconsidered, especially if the denial was due to lack of paperwork.
- Most reconsideration decisions are issued within 15 calendars of receipt.

File an Appeal with CT Department of Labor (CTDOL)

- A worker can submit an appeal if their reconsideration was denied or immediately upon receiving a denial notice.
- For more information, read: <u>The</u>
 <u>Connecticut Family & Medical Leave Act</u>
 <u>and CT Paid Leave Appeals</u>

Complete & submit employment verification form

The Claims
Process:
Employer
Responsibilities

Notify worker about its PTO policies (including STD policies)

Refrain from discriminating and/or retaliating against worker for filing a CT PL claim

Provide employees with <u>Notice of Employee Rights Under</u> the CT Family and Medical Leave Act (CTFMLA) & CT Paid <u>Leave Act</u> on hire and annually thereafter

Top 5 Things to Keep in Mind When Applying

- 1. An application is not complete until **all** requested documentation is submitted.
- 2. There is a due date by which the required documentation must be submitted. This date can be found in the Notice of Application.
- If a claimant is having difficulty obtaining the required documents, they can request an extension by calling or messaging Aflac directly.
- 4. Not all illnesses qualify as a serious health condition.
- 5. Claimants should notify CT Paid Leave of any changes as soon as possible returning to work earlier than anticipated, needing additional time away from work, or receiving any payment from their employer.





CT Paid Leave website: ctpaidleave.org

CT Paid Leave's website is a comprehensive resource to support workers and employers to navigate the program, including:

- · Comparison page explaining differences between CT Paid Leave and FMLA
- Application document checklist page
- Resources page organized by role (worker, employer, etc.) with pdf's, videos, related internal site pages, and useful external sites all in one place
- Testimonial videos from workers who have utilized CT Paid Leave

Additional CT Paid Leave Resources

Follow the links below to print each resource or contact CT Paid Leave for hard copies.









HR Toolkit



Notice of Employee Rights

Employee Fact Sheet

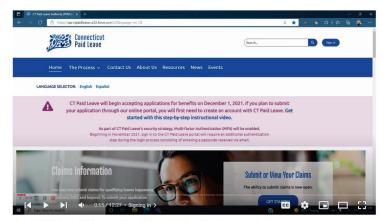
ter <u>Employee Rack Card</u>

Employee Rights Poster

Informational Videos for Employers and Workers



Ten Tips for Managing Worker Leaves of Absence



How to Submit a CT Paid Leave Claim Using the Online Portal



CT Paid Leave vs. CT FMLA

All videos can be found on the CT Paid Leave YouTube Page

How to Submit a Claim Using the Online Portal

Paid Leave Podcast

Tune in via <u>Buzzsprout</u>, Apple Podcasts, Spotify or CT Paid Leave's <u>YouTube</u> Channel.



How to Support CT Paid Leave in Your District:

Raise awareness of what paid leave is and educate your constituents on how it works.

- Invite CT Paid Leave to community events to share information and educate the public
- Share CT Paid Leave resources on social media and with traditional and digital media
- Create partnerships with community organizations and state agencies to promote CT Paid Leave

Provide tools and resources to aid employers and workers to access paid leave benefits.

- Share CT Paid Leave's webinars and upcoming events with businesses and workers
- Encourage employers to subscribe to CT Paid Leave's employer newsletter
- Encourage HR Professionals to subscribe to CT Paid Leave's HR newsletter
- Share additional CT Paid Leave employer and worker resources available on ctpaidleave.org.

Talking with the Media

Suggestions for talking with the press or media about CT Paid Leave:

1. Make it personal to you or your district:

- Use CT Paid Leave's <u>Claims Map</u> to find the numbers of claims in your district
- Highlight your own experience needing paid leave or the experience of a constituent or small business owner in your district who have benefitted from CT Paid Leave

2. Focus on the basics:

• News stories about CT Paid Leave helps us reach new audiences who might not know about the program. Stress the basics of the law and where to find more information (ctpaidleave.org)

3. Contact the Authority for assistance:

• If you are contacted by a news outlet about CT Paid Leave and are looking for additional talking points or information, contact madeline.Granato@ct.gov.



What to do if a constituent needs help with CT Paid Leave

- Most claimants' questions about already-filed CT Paid Leave claims can be addressed by:
 - Logging in to their account through the CT Paid Leave portal, or
 - Calling Aflac at 877-499-8606
- For general questions about the CT Paid Leave program: <u>www.ctpaidleave.orq</u>
 - Contact Us: Contact Us | Contact the CT Paid Leave Authority
- Email Madeline.Granato@ct.gov about any issues that need personal attention

{Questions about CT FMLA: CT DOL <u>newfmlaguidance (ct.gov)</u>}



Resources & Social Media











CT Paid Leave Glossary

Frequently
Asked
Questions



<u>LinkedIn</u>



<u>Facebook</u>



Medium



<u>Instagram</u>