

EMPLOYER RESOURCES: DETERMINING ELIGIBILITY FOR JOB-PROTECTED LEAVE

Federal FMLA: Eligibility Requirements

- To be eligible for **federal FMLA leave**, the employee must meet **BOTH** of the following requirements:
 - The employee has worked at least **12 months** of total service for the employer
 - The employee has worked at least **1,250 hours** in the **12 months** immediately preceding the beginning of the leave.
- Each of these requirements has its own calculation method and rules - they are not the same:

Federal FMLA: Rules for calculating the 12 months of total service

- The 12 months are cumulative, not consecutive.
- *Example:*
 - Patty works as a summer worker for Acme Industries for 3 months in 2024.
 - Patty works as a temporary employee for Acme for 6 months in 2025.
 - Patty takes a new job with Acme on February 1, 2026.
 - Patty has 12 months of total service with Acme as of May 1, 2026.
 - 3 months + 6 months + 3 months = 12 months
- If an employee has 7-year break in service, the time before the 7-year break in service is not counted, unless the break was due to National Guard or Reserve military service.
- If an employee is maintained on payroll for **any part** of a week, including any periods of paid or unpaid leave during which other benefits or compensation are provided by the employer (such as workers' compensation, group health plan benefits, etc.), the **whole week** counts as a week of employment.

Federal FMLA: Rules for calculating the 1,250 hours

- *What Is Included:*
 - **All** hours actually worked by the employee, including overtime, compensatory time, and any other hours that an employee works – even if he or she is not paid for that time – are counted toward the 1,250-hour requirement.
 - *Example:* Time spent before or after school hours by a teacher preparing lesson plans and correcting homework counts toward the 1,250 hours.
 - Courts generally accept an employee's claims about time worked unless the employer can prove otherwise.
 - If the employee works for one employer in two or more positions, the combined total of all the hours worked for all the jobs counts toward the 1,250 hours.

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- If the employer is giving the employee paid time off to receive training, that time is also counted toward the 1,250 hours.
- Sabbaticals need to be reviewed on a case-by-case basis to determine if the time counts toward the 1,250 hours.
- “Hours worked” includes time that **would have been worked** by an employee who has been out on military leave.
- **What Is Not Included:**
 - Time spent away from work **does not count** as hours worked:
 - Sick leave
 - Vacation
 - Personal leave
 - Administrative leave
 - Unpaid leave
 - Jury duty
 - Weather-related absences or building closures due to emergency conditions
 - Furlough days
 - Worker’s Compensation absences

CT FMLA: Eligibility Requirements

To be eligible for **CT FMLA leave**, the employee must have worked for the employer for at least the **3 consecutive months immediately preceding the date the FMLA leave will start**.

If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employer (e.g., workers’ compensation or group health plan benefits), the week counts as a week of employment.

For purposes of determining whether employment qualifies as “at least three (3) consecutive months,” CT DOL has stated that thirteen (13) weeks is deemed to be equal to three (3) consecutive months.

There is no hours worked requirement.

BECOMING ELIGIBLE FOR FEDERAL WHILE ON CT FMLA LEAVE

An employee can become eligible for leave under federal FMLA while on CT FMLA leave.

Example:

- Steve started working on January 2, 2025.
- Steve breaks his leg on December 1, 2025 and needs to be out of work for approximately 8 weeks, returning on February 1, 2026.

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- As of December 1, 2025, Steve has worked for the employer for at least 3 months, so he is eligible for CT FMLA leave.
- As of December 1st, Steve has worked more than 1250 hours, but he has not yet worked for the employer for 12 months, so he is not yet eligible for federal FMLA leave.
- On January 2, 2026, Steve will meet his 12-month requirement and will become eligible for federal FMLA leave.
- THEREFORE, Steve will use approximately 8 weeks of his CT FMLA entitlement but only 4 weeks of his federal FMLA entitlement in connection with his broken leg.

Pregnancy Disability Leave: Eligibility Requirements

For purposes of the pregnancy disability leave under C.G.S. §46a-60(b)(7), an “employee” means any person employed by the state, a political subdivision of the state or an entity that employs three or more people.

There is no length of service or hours worked requirement.

Family Violence Leave / Safe Leave: Eligibility Requirements

For purposes of the family violence leave / safe leave under C.G.S. §31-51ss, an “employee” means any person engaged in service to an employer in the business of the employer. “Employer” means a person engaged in business who has three or more employees, including the state and any political subdivision of the state.

There is no length of service or hours worked requirement.

REMINDER:

Even if the employee is not eligible for leave under one of the laws described in this document, the employee may be entitled to take time away from work under other state or federal laws (including, but not limited to the Americans with Disabilities Act), collective bargaining agreements, or employer policy.