

EMPLOYER RESOURCES: HOW IS THE LEAVE YEAR CALCULATED?

Both the federal and CT FMLA allow the employer the right to select one of four methods for determining the 12-month period in which the employee may take leave ("the leave year") and must apply it uniformly and consistently to all employees. This document explains the four methods of calculating the leave year under federal FMLA and CT FMLA.

REMINDER: The leave year for Family Violence leave / Safe leave entitlement is set by statute as a calendar year. The Family Violence leave / Safe leave is in addition to leave under federal FMLA or CT FMLA.

THE FOUR POSSIBLE METHODS TO CALCULATE THE LEAVE YEAR UNDER FEDERAL FMLA AND CT FMLA

- Calendar Year
- Fixed Date
- Measure Forward
- Rolling or "Look back"

CALENDAR YEAR

- All employees get a new allotment of 12 weeks of leave each January 1st.
- This method is easy to track but could result in "stacking." Stacking occurs when an employee uses their leave entitlements consecutively (i.e., stacking one leave entitlement on top of another.) For example, with the calendar method an employee can use their 2025 12-week leave entitlement from October through the end of December and then continue to stay out on job-protected leave through March of 2026 because they received a brand-new 12-week leave entitlement on January 1, 2026.

FIXED DATE

- The employer establishes a standard 12-month period based on a fixed date, such as the beginning of the fiscal year or each employee's date of hire.
- This method is also relatively easy to track but, like the calendar year method, is likely to result in stacking.

MEASURE FORWARD

- With the "measure forward" method, the "leave year" for each entitlement begins on the *first day* the employee takes leave under that entitlement.
- The leave year ends 365 days after that first day the employee takes leave. (366 days in a leap year.)

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- The first day the employee can access the new allotment of 12 weeks of leave would be the anniversary of the first day the employee took leave.
- For example:
 - Lee takes 1 day of leave on April 12, 2025, and then 3 weeks of leave from May 1st through May 21st, 3 weeks of leave from June 1st through June 21st, 3 more weeks of leave in July, and the remainder of the leave starting on August 1st.
 - Lee will not be able to take leave under federal or CT FMLA again until at least April 12, 2026.
 - As of April 12, 2026, however, Lee will have all 12 weeks of leave available for use.
- Under this method, the risk of stacking is reduced but not eliminated.
- Both federal FMLA and CT FMLA require employers to use this method for calculating an employee's leave year in connection with military caregiver leave.

ROLLING OR LOOK BACK

- With the rolling or "look back" method, the "leave year" for each entitlement begins on the first day the employee takes leave under that entitlement; however, the time is earned back on a day-by-day basis.
- The risk of stacking is eliminated with this calculation method because the employee can only regain each day on the anniversary of the date they took them in the prior year, not all at once.
- For example:
 - Lee takes 1 day of leave on April 12, 2025, and then 3 weeks of leave from May 1st through May 21st, 3 weeks of leave from June 1st through June 21st, 3 more weeks of leave in July, and the remainder of the leave starting on August 1st.
 - Lee would regain 1 day of leave on April 12, 2026, one day back for each leave day in May 2026, one day back for each leave day in June 2026, and so on.