Client Alert: Connecticut Paid Leave Act and Family Medical Leave Act Notice Requirements as of July 1, 2022

BY TRACY THOMAS BOLAND • JUNE 24, 2022

While the Connecticut Paid Leave Act ("CTPL") and expanded Connecticut Family and Medical Leave Act ("CTFMLA") went into effect January 1, 2022, the notice requirements of both statutes have an effective date of July 1, 2022. On March 22, 2022, the Connecticut Department of Labor ("CT DOL") issued its final proposed amended CTFMLA regulations, which are still under review by the Connecticut Legislative Regulation Review Committee ("LRRC"). Assuming there are no amendments to the proposed regulations, the LLRC is expected to issue its decision by July 7, 2022.

Pursuant to the proposed regulations, effective July 1, 2022, employers must provide written notice to employees of: (1) their entitlement to leave, (2) the right to file a CTPL benefit claim, (3) the non-retaliation provisions of the CTFMLA, and (4) employees' entitlement to file a complaint with the Connecticut Labor Commissioner for any violations of the CTFMLA. This notice must be provided to new employees at the time of hire and to all employees on an annual basis thereafter. While employers are free to draft their own forms, the CT DOL has provided a prototype of an employer's written notice to employees of rights under the CTPL and CTFMLA. Subject to the LRRC's approval of the proposed regulations, employers can satisfy this notice requirement by providing the required information in an employee handbook or policy.

Employers must also notify employees of their eligibility to take CTFMLA within five business days after the employer receives an employee's request to take such leave or upon learning that an employee is taking leave for a qualifying reason. If the employer requires a fitness for duty certification prior to an employee's return to work, the employer must provide the employee with such notification at the time it provides the employee with the eligibility notice. Employers may draft their own eligibility notice or use the CT DOL provided form.

Bowditch will closely monitor any developments on this issue and update you promptly. Employers with questions should consult with their Bowditch Employment & Labor attorney.

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