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2024 Edition

Employment Law and the Family

A Guide to Resources in the Law Library

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See Also:

Connecticut Department of Labor — Laws and Legislation
https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_31/

Connecticut Department of Labor — CTFMLA and Connecticut Paid Leave Appeals
<https://portal.ct.gov/DOLUI/newfmlaguidance>

Connecticut Department of Labor — Paid Sick Leave to Employees
<https://www.ctdol.state.ct.us/wgwkstnd/SickLeave.htm>

Connecticut Department of Labor — Employment of Minors
<https://www.ctdol.state.ct.us/wgwkstnd/employminors.htm>

Connecticut Law about Family Medical Leave
<https://www.jud.ct.gov/lawlib/law/fmla.htm>

Connecticut Law about Labor Law
<https://www.jud.ct.gov/lawlib/law/laborlaw.htm>

Connecticut Law about Rights of Minors
<https://www.jud.ct.gov/lawlib/law/minors.htm>

Connecticut Law about Wrongful Discharge from Employment
<https://jud.ct.gov/lawlib/Law/discharge.htm>

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This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar and Harvard's Case Law Access Project. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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Section 1: Employment of Minors

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources concerning issues involving employment of minors in Connecticut

SEE ALSO: • [Section 2. Rights of parents to the wages and services of their children](#)

STATUTES: • Conn. Gen. Stat. (2023)
You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)
[Chapter 168](#). School Attendance and Employment of Children
 - [§ 10-193](#). Certificate of age for minors in certain occupations. ([2024 Supplement](#))
 - [§ 10-194](#). Penalty.
 - [§ 10-195](#). Evidence of age.
 - [§ 10-197](#). Penalty for employment of child under fourteen.

[Chapter 319](#). Department of Children and Families
§ [17a-16](#)(f). (Formerly Sec. 17-440). Rights of children and youths under the supervision of the Commissioner of Children and Families.

[Chapter 422](#). Department of Agriculture
§ [22-13](#). Employment of minors in agriculture.
§ [22-14](#). Birth certificate or agricultural work permit required.
§ [22-16](#). Employer of more than fifteen affected.

[Chapter 545](#). Liquor Control Act
Part VII. Prohibited Acts, Penalties, and Procedures
§ [30-81](#). Unsuitable persons prohibited from having financial interest in permit businesses. Employment of minors restricted.
§ [30-90a](#). Employment of minors.

[Chapter 557](#). Employment Regulation
Part I. Hours of labor
§ [31-12](#). Hours of labor of minor, elderly and handicapped persons in manufacturing or mechanical establishments.
§ [31-13](#). Hours of labor of minors in mercantile establishments.
§ [31-14](#). Night work of minors regulated.
§ [31-15](#). Penalty.

§ [31-15a](#). Criminal penalty.

§ [31-16](#). Night work in messenger service.

§ [31-18](#). Hours of labor of minors in certain other establishments.

Part II. Protection of Employees

§ [31-23](#). Employment of minors prohibited in certain occupations. Exceptions. ([2024 Supplement](#))

§ [31-23a](#). Minors employed on or after October 1, 2007, deemed to have been lawfully employed.

§ [31-24](#). Hazardous employment of children forbidden.

§ [31-25](#). Operation of elevators by minors.

[Chapter 558](#). Wages

Part I. Minimum wages

§ [31-58a](#). Minimum wage for minors in government or agricultural employment.

- United States Code (2023)
Title 29 Labor
 - §§ [201-219](#). Fair Labor Standards Act
 - § 203(l). "Oppressive child labor" defined.
 - § 211. Collection of data.
 - (a) Investigations and inspections
 - § 212. Child labor provisions.
- Regulations of Connecticut State Agencies (2023)
Title 31. Labor
 - § [31-23-1](#). Employment of minors.
- Code of Federal Regulations (2024)
Title 29 Labor
 - [Part 570](#). Child Labor Regulations, Orders and Statements of Interpretation.
 - Subpart B—Certificates of age.
 - Subpart C—Employment of minors between 14 and 16 years of age (Child Labor Reg. 3).
 - Subpart E—Occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.
 - Subpart G—General statements of interpretation of the child labor provisions of the Fair Labor Standards Act of 1938, as amended.
 - [Part 575](#). Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops.

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

REGULATIONS:

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

You can visit your local law library or search the most recent C.F.R. on the [e-CFR website](#) to confirm that you are accessing the most up-to-date regulations.

Part 579. Child Labor Violations—Civil Money Penalties.

AGENCY INFORMATION:

- Connecticut Department of Labor, [Employment of Minors](#), Wage & Workplace Standards Division

[Employers' Checklist for Employment of Minors in the State of Connecticut](#)

[Employment of Minors Frequently Asked Questions](#)

[Prohibited Occupations and Places of Employment for All Minors Under the Age of 18 years](#)

[Permitted Occupations for 14 & 15 Year-Olds, Connecticut Department of Labor](#)

[Time & Hour Restrictions for 16 & 17 Year-old Minors \(By Industry\)](#)

- U.S. Department of Labor, [Child Labor Protections \(Nonagricultural Work\)](#), Employment Law Guide
- *Minimum Wage Exceptions for Seasonal Employees and Employees Entering the Workforce*, Lee Hansen, Office of Legislative Research Report No. [2018-R-0288](#) (November 29, 2018).
- *Employment of 14- and 15- Year Olds in Connecticut Compared to Federal Law*, John Moran, Office of Legislative Research Report No. [2008-R-0330](#) (May 30, 2008).
- *Legislative History of State Law Permitting 15 Year Olds to Work*, John Moran, Office of Legislative Research Report No. [2007-R-0629](#) (November 23, 2007).
- *Work Restrictions for 16- and 17-Year-Olds*, John Moran, Office of Legislative Research Report No. [2004-R-0814](#) (November 1, 2004).
- Lynn Marx, *Employing Foreign Minors*, Connecticut General Assembly, Office of Legislative Research, Report No. [2001-R-0271](#) (Mar. 15, 2001).

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

CASES:

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

- *Kwiatkowski v. Beatty*, Superior Court, Judicial District of Waterbury at Waterbury, No. UWYCV16-6033094 (June 16, 2017) (2017 Conn. Super. LEXIS 3602). "Connecticut has addressed the employment of minors in a number of ways and in a number of statutes that protect the minor from harm in employment for certain occupations such as manufacturing, mechanical, mercantile or theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-shining establishment or barber shop, except the Labor Commissioner may authorize employment between 14

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

and 16 under certain circumstances. C.G.S. § 31-23. There are no employment statutes or regulations which speak to an additional duty to supervise the minors as a result of their age. There are no parental approvals needed for work. In *Dupont v. Aavid Thermal Technologies, Inc.*, 147 N.H. 706, 798 A.2d 587 (2002), the court 'explicitly disavowed attempts to liken the employer-employee relationship to the school-student relationship.' It specifically stated, '[e]mployees are not children and employers do not play the role of parental proxy. Employment unlike school, is not compulsory. Employees are generally free to terminate their employment relationship at any time and for any reason.'"

- *Saccente v. LaFlamme*, Superior Court, Judicial District of Tolland at Rockville, No. CV01-00756730 (Jul. 11, 2003) (35 Conn. L. Rptr 174). "Similarly, in *Blancato v. Feldspar Corporation*, 203 Conn. 34, 522 A.2d 1235 (1987), cited by the plaintiff the court allowed a minor to avoid an employment contract but only where he had been illegally employed in violation of the child labor laws."
- *Goodrow v. Bates*, Superior Court, Judicial District of Danbury, No. 295634 (May 8, 1992) (6 CLR 778) (1992 WL 108080). "The clear import of Blancato is that the plaintiff has an election of remedies, either to affirm the illegal employment contract and accept workers' compensation benefits, or to reject it and bring a common law tort action This is a clear situation of election of remedies and ratification of the illegal employment contract."
- *Blancato v. Feldspar Corporation*, 203 Conn. 34, 40, 522 A.2d 1235 (1987). "We agree with the view set forth by the Supreme Court of Alaska in *Whitney-Fidalgo Seafoods, Inc. v. Beukers*, 554 P.2d 250, 253 (Alaska 1976), that '[t]he child labor laws . . . are premised in part on the notion that a child is not competent to assess the risks of personal injury and exploitation attendant in the performance of hazardous activities. Where one party to an agreement possesses a legal disability of this type, we will not permit the other, who occupies a superior bargaining position, to raise the agreement as a shield against the child's common law suit.'"

WEST KEY NUMBERS:

- *Infants*
 - (D) Child Labor
 - IX. Child Protection
 - #1491. In General
 - #1492. Dangerous or hazardous employment in general
 - #1493. Particular kinds or conditions of employment
 - #1494. Wages and hours
- *Labor & Employment*

(B) Minimum Wages and Overtime Pay

1. In General
 #2218(8). Validity - Women and minors
2. Persons and Employments within Regulations
 #2245. Women and minors

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 30 C.J.S. Employers' Liability, Thomson West, 2017 (Also available on Westlaw).
 - D. Care Required of Employer; Delegation of Duties
 - § 50. As to inexperienced or minor employees
 - F. Injury During Unlawful Act or Employment
 - § 63. Liability for injuries to unlawfully employed minors
 - § 64. Right or cause of action
 - § 65. Defenses
- 42 Am Jur 2d Infants, Thomson West, 2020 (Also available on Westlaw).
 - III. Capacities, Disabilities, and Privileges, in General
 - B. Particular Disabilities, Capacities, or Privileges
 - § 34. Capacity of infants regarding employment and recreation
 - IV. Contracts and Conveyances
 - A. Validity and Binding Effect
 - § 53. Validity and effect of contracts for labor or services of infants, generally
 - § 54. Validity and effect of contracts of infants for sports or entertainment services
 - § 55. Validity and effect of employment contract of infant
- Annotation, *Workers' Compensation Statute as Barring Illegally Employed Minor's Tort Action*, 77 A.L.R. 4th 844 (1990).
- Allan L. Schwatz, Annotation, *Validity, Construction, Application, and Effect of Child Labor Provisions of Fair Labor Standards Act* (29 United States Code § 212 and Related Sections), 21 A.L.R. Fed. 391 (1974).
- Michael Lepp, Annotation, *Infant's Liability for Services of an Employment Agency*, 41 A.L.R. 3d 1075 (1972).
- R.F. Chase, Annotation, *Enforceability of Covenant Not to Compete in Infant's Employment Contract*, 17 A.L.R. 3d 863 (1968).

TEXTS & TREATISES:

- 1 *Labor and Employment in Connecticut: A Guide to Employment Laws, Regulations and Practices*, 2d, by Jeffrey L. Hirsch, Matthew Bender & Company, 2024.
 - Chapter 1. Hiring
 - § 1-8. Hiring of Minors – Child Labor
 - (a). Coverage

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

(b). Permissible employment
(c). Hours
(d). Employment forms
(e). Penalties

- *Connecticut Employment Law*, 6th ed., by Pamela J. Moore, Connecticut Law Tribune, 2023.
 Chapter 10. Health and Safety
 § 10-6. Hazardous Employment for Minors
 § 10-6:1. Introduction
 § 10-6:2. Minors Prohibited From Working in Certain Industries
 § 10-6:2.1. Children Under 18
 Table 10-1. Hazardous Industries for Children Under 18
 Table 10-2. Hazardous Occupations for Children Under 18
 § 10-6:2.2 Children Under 16
 Table 10-3. Prohibited Industries for Children Under 16
 Table 10-4. Prohibited Hazardous Activities for Children Under 16
 § 10-6:3. Certificate of Age
- 14 Connecticut Practice Series, *Connecticut Employment Law*, by Stephen B. Harris, 2005, Thomson West, with 2023 supplement (also available on Westlaw).
 § 5:10. Child labor laws
 1. Federal law
 2. Connecticut law
- *Littler on Connecticut Employment Law*, by Littler Mendelson, P.C., LexisNexis, 2017.
 Chapter 3. During Employment
 § 3.6. Child Labor
 § 3.6(a). Federal Guidelines on Child Labor
 § 3.6(b). State Guidelines on Child Labor
 § 3.6(b)(i). State Restrictions on Type of Employment for Minors
 § 3.6(b)(ii). State Limits on Hours of Work for Minors
 § 3.6(b)(iii). State Child Labor Exceptions
 § 3.6(b)(iv). State Work Permit or Waiver Requirements
 § 3.6(b)(v). State Enforcement, Remedies and Penalties
- 1 *Legal Rights of Children*, 3d, by Thomas R. Young, Thomson West, 2023-2024 (also available on Westlaw).
 Chapter 14. Child Labor Laws
 § 14:1. Origins of child labor laws
 § 14:2. Federal child labor laws—Historical perspective and purpose

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- § 14:3. Ages of employment under federal child labor laws—Generally
- § 14:4. —Certificates of age
- § 14:5. —Federal exemptions to age limits
- § 14:6. —Federal age limits relating to hazardous employment
- § 14:7. Employment of children under special certificates in jobs paying less than the minimum wage
- § 14:8. Student employment training and education
- § 14:9. Hours of employment
- § 14:11 Child labor and multinational corporations
- § 14:13. Penalties and remedies
- § 14:15. State laws—Minimum age provisions
- § 14:16. Maximum hours provisions
- § 14:17. Hazardous employment restrictions
- § 14:18. Defenses and arguments made by violators
- § 14:19. Child labor and the family

- 2 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs, Thomson West, 2024 (also available on Westlaw).
 - Chapter 11. General Considerations
 - III. Rights, Privileges and Liabilities of Child
 - § 11:19. Employment
 - § 11:20. – Age limitations
 - § 11:21. – Hour restriction
 - § 11:22. – Occupation restriction
 - § 11:23. – Licensing of child
 - § 11:24. – Licensing of child – Driver's licenses

FORMS:

Am Jur legal form sets are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 9B *Am. Jur. Legal Forms* 2d, Thomson West, 2020 (Also available on Westlaw).
 - Chapter 144. Infants.
 - § 144:12. Parent's consent to employment of minor and relinquishment of right to earnings.
- 13C *Am. Jur. Legal Forms* 2d, Thomson West, 2022 (Also available on Westlaw).
 - Chapter 191. Parent & Child
 - IV. Services of Minor Employment
 - A. In General
 - § 191:57. Scope of division
 - § 191:58. Introductory comments
 - § 191:59. Form drafting guide
 - § 191:60. Consent to employment of minor
 - § 191:61. – Provision – Release of claims for damages
 - § 191:62. Guaranty by parents – Performance of minor's obligations under employment contract
- 14A *Am. Jur. Pleading & Practice Forms Annotated Infants*, 2013 (Also available on Westlaw).
 - III. Actions Involving Infants
 - C. Contracts and Conveyances

4. Ex Parte Matters

§ 82. Petition or application – For court approval of minor's contract for labor, professional or athletic services – By employment agency

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Shannon Kate McGrath, *Hollywood at Home: Applying Federal Child Labor Laws to Traditional and Modern Child Performers*, 29 Washington and Lee Journal of Civil Rights and Social Justice 3 (Winter 2023).
- Neyza Guzman, *The Children of YouTube: How an Entertainment Industry Goes Around Child Labor Laws*, Child and Family Law Journal: Vol. 8: Iss. 1, Article 4 (2020).
- Michael Schuman, *History of Child Labor in the United States—Part 1: Little Children Working*, Monthly Labor Review, U.S. Bureau of Labor Statistics (2017).
- Michael Schuman, *History of Child Labor in the United States—Part 2: The Reform Movement*, Monthly Labor Review, U.S. Bureau of Labor Statistics (2017).
- Liana M. Nobile, *The Kids Are Not Alright: An Open Call for Reforming the Protections Afforded to Reality Television's Child Participants*, 17 U.C. Davis J. Juv. L. & Pol'y 41 (2013).
- Jeremy S. Sosin, *The Price Of Killing A Child: Is The Fair Labor Standards Act Strong Enough To Protect Children In Today's Workplace?*, 31 Val. U.L. Rev. 1181 (1997).

Section 2: Rights of Parents to the Wages and Services of Their Children

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to parents' rights to the services and wages of their minor children including voluntary relinquishment or assignment.

SEE ALSO:

- [Rights of Minors in Connecticut](#), Section 1: Emancipation of Minors.

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Broker v. Kolynos Co.](#), 14 Conn. Supp. 331, 333-334 (1946). "Plaintiff as the surviving parent of her deceased minor son sustained the legal obligation of supporting and caring for him and, correlative, was entitled to all of his earnings. The 'odd sums' which she gave him 'as he needed them,' in the absence of anything to the contrary in the finding, are referable to plaintiff's performance of her duty to maintain him. *Draus v. International Silver Co.*, 105 Conn. 415, 422. The test of the measure of dependency, as well as that of the fact of dependency, upon a minor child by a parent is not the net financial benefit to him or her arrived at by deducting from the earnings turned over the cost of maintaining him and furnishing him with reasonable amounts of spending money, but the average weekly sum from or constituting his earnings actually paid over to the parent by the child. *Draus v. International Silver Co.*, supra. Here, as in all cases of dependency, the test is whether the earnings contributed were relied on, and there was a reasonable expectation that they would be continued to be, as affording or contributing to plaintiff's means of support according to her class and condition in life. *O'Shea v. Remington-Rand, Inc.*, 120 Conn. 35, 38, and cases cited."
- [Draus v. International Silver Co.](#), 105 Conn. 415, 419-420, 135 A. 437 (1926). "The obligations of a minor to his parents are obedience and subjection, and his earnings, if any; while those of the parents are protection, education and support. This was true at common law, so far as the father was concerned, and these obligations are strictly reciprocal. . . . As between the minor son, and his father, in the present case, the abandonment had the effect of emancipating the son and the father lost his right to the wages of the boy."
- [McDonald v. Great Atlantic & Pacific Tea Co.](#), 95 Conn. 160, 166, 111 A. 65 (1920). "The father is entitled to the earnings of his minor son so long as the son continues as a member of his family and so long as the father fulfills the parental obligation toward his son."

- [Kenure v. Brainerd & Armstrong Co.](#), 88 Conn. 265, 267, 91 A. 185 (1914). "It is true, as claimed by the defendant, that the plaintiff's time and services during her minority belonged to her father, unless she had been emancipated by him. But the father, by emancipating her, could permit her to appropriate her time and services to herself, or might waive his right to payment for such services or to damages for being deprived of them by the defendant's negligence. It does not appear that he had in fact emancipated her prior to her injuries complained of. But he brings this action as next friend of the plaintiff. Among the damages sought to be recovered are loss of earning capacity and inability to work for a year following her injury, and moneys expended in being cured. The right to recover for these, the plaintiff being a minor, was in the father and not in her. Unless she had been emancipated he was liable for the expenses of her cure, and was entitled to the damages if her injuries incapacitated her for work and lessened her earning capacity."

**WEST KEY
NUMBERS:**

- *Parent & Child*
 - VI. Rights, Duties, and Liabilities Concerning Relation.
 - (B) Services and earnings of child.
 - #311. In general
 - #312. Notice or demand to child's employer
 - #313. Voluntary relinquishment or assignment of right
 - #314. Termination, loss or forfeiture of right
 - #315. Contracts for service
 - #316. Actions for services or wages of child

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am Jur 2d Parent and Child*, Thomson West, 2023 (Also available on Westlaw).
 - III. Parental rights and duties in general
 - C. Services and earnings of child
 - § 44. Entitlement of parent to child's services
- 67A *C.J.S. Parent and Child*, Thomson West, 2023 (Also available on Westlaw).
 - IV. Services and earnings of child
 - A. In general
 - § 272. Rights of parents, generally
 - § 273. Specific rights of mother and father
 - § 274. Relinquishment of parents' right
 - § 275. Termination, loss, or forfeiture of parents' right
 - § 276. Right of child to compensation for services to parent
 - B. Action for services
 - § 277. -or earnings of minor child
 - § 278. Evidence in action for services or earnings of minor child
 - § 279. Trial of action for services or earnings of minor child; amount of recovery

TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- *Incapacity, Powers of Attorney and Adoption in Connecticut*, by Ralph Folsom, Thomson West, 2024 (also available on Westlaw).

§ 3:7. Parent and child—Right to services and earnings, effects of emancipation

FORMS:

Am Jur legal form sets are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 9B *Am. Jur. Legal Forms* 2d Thomson West, 2020 (Also available on Westlaw).

Chapter 144. Infants

II. Agreements and Related Instruments

C. Related Instruments by Parents, Guarantors, etc.

§ 144.12. Parent's consent to employment of minor and relinquishment of right to earnings

- 13C *Am. Jur. Legal Forms* 2d, Thomson West, 2022 (Also available on Westlaw).

Chapter 191. Parent & Child

IV. Services of Minor Employment

B. Earnings of Minor

§ 191:63. Notice to employer of minor – Parents' claim of wages due minor

§ 191:64. – Parents' relinquishment of right to wages due minor

§ 191:65. Parents' assignment of right to minor's wages to guardian of estate

§ 191:66. Parent's agreement to relinquish control of minor child and right to child's earnings

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Shannon Kate McGrath, *Hollywood at Home: Applying Federal Child Labor Laws to Traditional and Modern Child Performers*, 29 Washington and Lee Journal of Civil Rights and Social Justice 3 (Winter 2023).
- Neyza Guzman, *The Children of YouTube: How an Entertainment Industry Goes Around Child Labor Laws*, Child and Family Law Journal: Vol. 8: Iss. 1, Article 4 (2020).
- Liana M. Nobile, *The Kids Are Not Alright: An Open Call for Reforming the Protections Afforded to Reality Television's Child Participants*, 17 U.C. Davis J. Juv. L. & Pol'y 41 (2013).
- Jessica Kreig, *There's No Business Like Show Business: Child Entertainers and the Law*, 6 U. Pa. Journal of Labor and Employment Law 429 (2004).

Section 3: Family Medical Leave and Paid Leave

A Guide to Resources in the Law Library

SCOPE: Bibliographic references related to Connecticut employers' policies on family leave including Connecticut and federal Family and Medical Leave laws and the Connecticut Paid Family and Medical Leave law.

OVERVIEW & DEFINITIONS:

- **Brief Overview:** "Because we previously have not addressed the state and federal leave laws in detail, we begin with a brief overview of their history and framework. The Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq. (FMLA), is a federal statute that was enacted in response to 'serious problems with the discretionary nature of family leave. . . .' *Nevada Dept. of Human Resources v. Hibbs*, 538 U.S. 721, 732, 123 S.Ct. 1972, 155 L.Ed.2d 953 (2003). Specifically, Congress was concerned that, 'when the authority to grant leave and to arrange the length of that leave rests with individual supervisors, it leaves employees open to [discretionary and possibly unequal treatment].' (Internal quotation marks omitted.) Id. Accordingly, to avoid forcing employees to choose between their family responsibilities and job security, and to help employees 'balance the demands of the workplace with the needs of families,' FMLA entitles eligible employees to a certain amount of unpaid leave to attend to family responsibilities. 29 U.S.C. § 2601 (b) (1)." *Cendant Corp. v. Commissioner of Labor*, 276 Conn. 16, 22-23, 883 A.2d 789 (2005).
- **Public Act 19-25. An Act Concerning Paid Family and Medical Leave:** "This act creates the Family and Medical Leave Insurance (FMLI) program to provide wage replacement benefits to certain employees taking leave for reasons allowed under the state's (1) Family and Medical Leave Act (FMLA), which the act also amends, or (2) family violence leave law. It provides them with up to 12 weeks of FMLI benefits over a 12-month period. The program also provides two additional weeks of benefits for a serious health condition that results in incapacitation during pregnancy." [Summary of Public Act 19-25](#) (See [Statute](#) section below for amendments to the public act.)
- **Eligible employee:** "means an employee who has been employed for at least three months immediately preceding his or her request for leave by the employer with respect to whom leave is requested;" Conn. Gen. Stat. § [31-51kk\(1\)](#) (2023).

- **Employer:** “means a person engaged in any activity, enterprise or business who employs one or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer. ‘Employer’ does not include a municipality, a local or regional board of education, or a nonpublic elementary or secondary school;” Conn. Gen. Stat. § [31-51kk\(4\)](#) (2023).
- **Family member:** “means a spouse, sibling, son or daughter, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships;” Conn. Gen. Stat. § [31-51kk\(6\)](#) (2023).
- **Grandchild:** “means a grandchild related to a person by (A) blood, (B) marriage, (C) adoption by a child of the grandparent, or (D) foster care by a child of the grandparent;” Conn. Gen. Stat. § [31-51kk\(7\)](#) (2023).
- **Grandparent:** “means a grandparent related to a person by (A) blood, (B) marriage, (C) adoption of a minor child by a child of the grandparent, or (D) foster care by a child of the grandparent;” Conn. Gen. Stat. § [31-51kk\(8\)](#) (2023).
- **Parent:** “means a biological parent, foster parent, adoptive parent, stepparent, parent-in-law or legal guardian of an eligible employee or an eligible employee's spouse, an individual standing in loco parentis to an eligible employee, or an individual who stood in loco parentis to the eligible employee when the employee was a child;” Conn. Gen. Stat. § [31-51kk\(10\)](#) (2023).
- **Sibling:** “means a brother or sister related to a person by (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D) foster care placement;” Conn. Gen. Stat. § [31-51kk\(14\)](#) (2023).
- **Son or daughter:** “means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a child;” Conn. Gen. Stat. § [31-51kk\(15\)](#) (2023).
- **Spouse:** “means a person to whom one is legally married.” Conn. Gen. Stat. § [31-51kk\(16\)](#) (2023).

For other related definitions, see Conn. Gen. Stat. § [31-49e](#) and § [31-51kk](#).

See Also: [Glossary of Terms](#) - Connecticut Paid Family and Medical Leave (CT PFML) (accessed on September 18, 2024).

Source: Paid Family and Medical Leave Insurance Authority

FAQ's

- Connecticut Family and Medical Leave Act [FAQs](#)
Note: Applies to Connecticut Family and Medical Leave Act (CTFMLA) as of January 1, 2022.
- Conn. Gen. Stat. (2023)
[Chapter 557](#). Employment Regulation
 - § [31-49e](#). Paid family and medical leave. Definitions.
 - § [31-49f](#). Paid Family and Medical Leave Insurance Authority established.
 - § [31-49g](#). Establishment and administration of Paid Family and Medical Leave Insurance Program. Employee contributions. Authority duties. Payments. Compensation. Spouses. Concurrent compensation. Reimbursement to General Fund.
 - § [31-49h](#). Implementation of Paid Family and Medical Leave Insurance Program. Written procedures. Paid Family and Medical Leave Authority. Board of directors. Requests for proposals.
 - § [31-49i](#). Family and Medical Leave Insurance Trust Fund established.
 - § [31-49j](#). Duties of State Treasurer.
 - § [31-49k](#). State Treasurer. Investments.
 - § [31-49l](#). Board of directors. Responsibilities.
 - § [31-49m](#). Enrollment in program by self-employed individual or sole proprietor. Withdrawal from program.
 - § [31-49n](#). Public education campaign. Web site, web-based form, application or digital service.
 - § [31-49o](#). Private plans. Approval of. Conditions.
 - § [31-49p](#). Covered employees. Denial of compensation. Penalty. Appeals filed with the Labor Commissioner. Court Appeals.
 - § [31-49q](#). Written notice required of employer.
 - § [31-49r](#). Disqualification from program. Repayment of benefits. Willful misrepresentation. Financial penalties. Health care providers. Medical certifications.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

§ [31-49s](#). Employer providing more expansive benefits.

§ [31-49t](#). Authority's annual report.

§ [31-51kk](#). Family and medical leave: Definitions.

§ [31-51ll](#). Family and medical leave: Length of leave; eligibility; intermittent or reduced leave schedules; substitution of accrued paid leave; notice to employer.

§ [31-51mm](#). Family and medical leave: Certification.

§ [31-51nn](#). Family and medical leave: Employment and benefits protection.

§ [31-51oo](#). Family and medical leave: Confidentiality of medical records and documents.

§ [31-51pp](#). Family and medical leave: Prohibited acts, complaints, rights and remedies.

§ [31-51qq](#). Family and medical leave: Regulations.

§ [31-51rr](#). Family and medical leave benefits for employees of political subdivisions.

§ [31-51ss](#). Leave from employment for victims of family violence. Action for damages and reinstatement.

You can visit your local law library or [search the most recent U.S. Code](#) on the U.S. Code website to confirm that you are accessing the most up-to-date laws.

PUBLIC ACTS:

- United States Code (2024)
Title 29 – Labor
Chapter 28
§§ [2601-2654](#) – Family and Medical Leave
- [Public Act No. 21-2](#) (June Special Session). *An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023.*
- [Public Act 19-25](#). *An Act Concerning Paid Family and Medical Leave*
(Provisions that affect the terms of the current FMLA are effective January 1, 2022.)

[Summary of Public Act 19-25](#)

- [Public Act 19-117](#). *An Act Concerning the State Budget...*
Secs. 232-235, amending Public Act 19-25

REGULATIONS:

- Regulations of Connecticut State Agencies (2023)
Title 31. Labor
The Family and Medical Leave Act
§§ [31-51qq-1 to 31-51qq-52](#)
Family and Medical Leave for School Paraprofessionals
§§ [31-51rr-1 to 31-51rr-47](#)

You can visit your local law library or browse the [Connecticut eRegulations System](#) on the Secretary of the State website to check if a regulation has been updated.

You can visit your local law library or search the most recent C.F.R. on the [e-CFR website](#) to confirm that you are accessing the most up-to-date regulations.

AGENCY INFORMATION:

- Code of Federal Regulations (2024)
Title 29 - Labor
Subtitle B—Regulations Relating to Labor,
Chapter V—Wage and Hour Division, DOL
Subchapter C—Other Laws
[Part 825—The Family And Medical Leave Act Of 1993](#)
§§ 825.100 – 825.803
- Connecticut Department of Labor. [The Connecticut Family and Medical Leave Act and Connecticut Paid Leave Appeals](#)

[FAQs](#)

[Overview](#)

[Eligibility](#)

[Forms](#)

[Resources](#)

[Laws and Regulation](#)

[Complaints](#)

- Connecticut [Paid Leave Authority](#), (ctpaidleave.org)
[Resources](#)
- Connecticut [Medical Leave/FMLA](#) (DAS website)
[Resources](#)
- [Family and Medical Leave Act](#), U.S. Dept. of Labor
- [Family and Medical Leave Act Advisor](#), U.S. Dept. of Labor
- [Essential Protections During the COVID-19 Pandemic](#), U.S. Dept. of Labor

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- Find recent Office of Legislative Research (OLR) reports on the [Law about Family and Medical Leave](#) subject page.

- Lee Hansen, *State Paid Sick Leave Laws*, Office of Legislative Research Report No. [2024-R-0077](#) (April 16, 2024).

"This report compares states' paid sick leave laws, particularly their provisions on covered employers, employees, and family members; leave accrual; and qualifying reasons for using the leave."

- *Issue Brief: Connecticut's Paid Family and Medical Leave*, Office of Legislative Research Report No. [2020-R-0325](#) (December 11, 2020).

- John Moran, *Family and Medical Leave and Workers' Compensation*. Office of Legislative Research Report No. [2005-R-0925](#) (December 22, 2005).

"You asked if an employer can make an employee's time out on workers' compensation count as family and medical leave."

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- Arizmendi v. Rich Products Corporation, United States District Court Docket No. 3:21-CV-00371 (JCH) (D. Conn. August 10, 2022) (2022 U.S. Dist. LEXIS 68928) (2022 WL 41119127). "The FMLA gives eligible employees twelve workweeks per year of unpaid leave in order to, *inter alia*, recover from 'a serious health condition that makes the employee unable to perform the functions of the position of such employee.' See 29 U.S.C. § 2612(a)(1)(D). Put simply, a 'serious health condition', as it applies to the evidence with which Arizmendi has come forward on the record before this court, is one that renders an individual unable to work, or perform other daily activities, for more than three consecutive, full calendar days. See 29 C.F.R. § 825.113(a) (defining a 'serious health condition' as an 'illness ... that involves inpatient care ... or continuing treatment by a health care provider'); 29 C.F.R. § 825.115(a) ('A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: ... A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment'); 29 C.F.R. § 825.113(b) (defining 'incapacity' as an 'inability to work, attend school or perform other regular daily activities').

District courts within this Circuit regularly dismiss FMLA cases where a plaintiff is unable to establish that she was incapacitated for more than three days. See, e.g., *Banks v. McGlynn, Hays & Co.*, No. 21-CV-679 (JPO), 2022 WL 845752, at (S.D.N.Y. Mar. 22, 2022)."

"In the absence of a formal doctor's letter, the exact contours of what does and does not constitute an 'inability to work' are not clearly established in the Regulations."

"The doctor's note she provided covers ONLY three days, whereas threshold requirement for a 'serious health condition' under these facts in the FMLA is a period of incapacity spanning 'more than three consecutive, full calendar days[.]' 29 C.F.R. § 825.115(a) . . . Assuming that Arizmendi was truly unable to work or perform daily activities on February 21—a dubious assumption given that

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she admits that she 'was able to work' on February 21 and 'was intending to punch in' before she was fired . . . the most that the record supports is that Arizmendi was 'incapacitated' for three consecutive days, not more."

"[W]here absences are not attributable to a "serious health condition," [the] FMLA is not implicated and does not protect an employee against disciplinary action based upon such absences.' *Brown v. Omega Moulding Co.*, No. 13-CV-5397 SJF ARL, 2014 WL 4439530, at (E.D.N.Y. Sept. 9, 2014) (citing *Rankin v. Seagate Techs., Inc.*, 246 F.3d 1145, 1147-48 (8th Cir. 2001)). The Eighth Circuit convincingly explained that '[g]iving notice of unqualified leave does not trigger the FMLA's protection. Otherwise, the FMLA would apply to every leave request.' *Hurley v. Kent of Naples, Inc.*, 746 F.3d 1161, 1167 (8th Cir. 2014)."

- [Dapkus v. Arthur Gallagher Service Company, LLC](#), United States District Court, Docket No. 3:19-CV-01583 (KAD) (D. Conn. April 14, 2022) (2022 U.S. Dist. LEXIS 68928) (April 14, 2022) (2022 WL 1115406). "The law is clear that an employee may be terminated while on medical leave, as long as the taking of the FMLA leave was not the cause for the termination." *Geromanos*, 322 F. Supp. 2d at 428 (citations omitted). There is no evidence in the record from which a reasonable factfinder could conclude that Plaintiff was denied any benefit to which she was entitled or even that she was discouraged from exercising her rights under the FMLA."
- [Monts v. Board of Education of the City of Hartford](#), 206 Conn. App. 106, 112-113, 259 A.3d 1256 (2021). "With regard to claims of FMLA interference, our Supreme Court has 'endorse[d] the framework employed by the majority of federal courts' *Cendant Corp. v. Commissioner of Labor*, 276 Conn. 16, 31, 883 A.2d 789 (2005). Under this burden-shifting framework, 'the employee [must] make an initial showing that she has been denied a right under FMLA and that the denial of that right was caused in part by her leave. ... Once an employee has made this showing, liability attaches to the employer for a violation of FMLA.... [A]n employee alleging a claim of interference under FMLA does not need to prove the employer's intent for liability to attach to the employer. ... To underscore the immateriality of the employer's intent, some courts have described this attachment of liability to the employer absent a showing of intent as "strict liability." ... [T]he use of the term "strict liability" signifies only that an employee need not prove the employer's intent when claiming that the employer interfered with her rights under FMLA.... An employer may overcome the attachment of so-called strict liability by

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demonstrating, by way of affirmative defense, that an employee would have been terminated even if she had not taken leave. ... Accordingly, the framework ... places on the employer the ultimate burden of proving that the employee would have been terminated even if she had not taken leave.”

- [Scaplen v. United Services, Inc.](#), Superior Court, Judicial District of Windham at Putnam, No. WWMCV18-6014673S, (Jan. 29, 2020) (2020 WL 1030775). “[A]n FMLA retaliation claim is analyzed under the McDonnell Douglas burden shifting framework, requiring the [p]laintiff first to establish a prima facie case ... In order to make out a prima facie case, [the Plaintiff] must establish that: 1) [she] exercised rights protected under the FMLA; 2) [she] was qualified for [her] position; 3) [she] suffered an adverse employment action; and 4) the adverse employment action occurred under circumstances giving rise to an inference of retaliatory intent.... *Colon v. Fashion Inst. of Tech. (State Univ. of New York)*, 983 F. Supp. 2d 277, 287 (S.D.N.Y. 2013); see *Evarts v. Quinnipiac University*, *supra* (retaliation claim requires plaintiff to show that employer retaliated ... for plaintiff's exercise of FMLA rights); *Woods v. START Treatment & Recovery Centers, Inc.*, 864 F.3d 158, 166 (2d Cir. 2017).” (Internal quotation marks omitted.)
- [Colagiovanni v. Valenti Motors, Inc.](#), Superior Court, Judicial District of Hartford, No. HHD-CV13-6046276-S, (April 12, 2016) (62 Conn. L. Rptr. 101). “The plaintiff . . . admits that he never referenced his intention to use medical leave pursuant to FMLA. He argues, however, that the ‘defendant reasonably understood that the requested leave would be taken more than four months in the future’ thereby occurring when he would have been qualified for FMLA leave.

From these facts, the plaintiff argues that a trier of fact could conclude that he gave advance notice of his need for qualifying leave and that the defendant preemptively terminated him, in violation of the FMLA. In advancing this theory of preemptive termination, the plaintiff cites to [Pereda v. Brookdale Senior Living Communities, Inc.](#), 666 F.3d 1269, 1273 (11th Cir. 2012), for the proposition that the FMLA protects pre-eligible employees pursuant to 29 C.F.R. §825.110(d), and by the time he would have taken leave, he would have been eligible.

First of all, the court cannot conclude, even in the light most favorable to the plaintiff, a trier of fact could conclude that the ‘defendant reasonably understood that the plaintiff would be taking FMLA leave’ sometime more than four months in the future. Moreover, even if it was a plausible conclusion from these facts, the claim is so inherently

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speculative that it does not amount to advance notice as required by the FMLA.

Moreover, this court is not persuaded that Pereda is an appropriate interpretation of FMLA's eligibility requirements and in any event, is persuaded that the Second Circuit decision in *Woodford v. Community Action of Greene County, Inc.*, 268 F.3d 51 (2d Cir. 2001), is dispositive. In *Woodford v. Community Action of Greene County, Inc.*, the court made clear that until an employee has been employed for one year and at least 1,250 hours of service, he or she is not eligible for the protections afforded by the FMLA. *Id.*, 57. . . .

The Second Circuit invalidated 29 C.F.R. §825.110(d) on the ground that it 'impermissibly expands the scope of eligibility . . . because it compels employers to treat as eligible employees who have not met the twelve month/1,250 hours requirement based on the regulation's additional set of notice requirements. Because 29 C.F.R. §825.110(d) would permit, under certain circumstances, employees who have not worked the statutorily defined minimum hours to become eligible for the Act's benefits, it contradicts the expressed intent of Congress and therefore is invalid.' *Id.*, 55. The court explained that '[t]he regulation exceeds agency rulemaking powers by making eligible under the FMLA employees who do not meet the statute's clear eligibility requirements . . . [T]he regulation makes it possible for employees who have worked a negligible number of hours in the twelve months preceding the requested leave to become eligible employees under the Act, negating the statute's minimum hours requirement.' *Id.*, 57.

In holding that the regulation was invalid because it had the potential to force employers to deem employees eligible for FMLA leave *before* they met the minimum length of employment and hours requirements, the Second Circuit made clear that an employee is not eligible *until* such time as he meets those requirements. Because this court concludes that the decision of *Woodford v. Community Action of Greene County, Inc.* is dispositive, the court finds that the plaintiff not only failed to give advance notice of his request for leave, but even if he had given notice of his request for leave, he was not eligible for FMLA leave at the time he theoretically requested it."

- Colagiovanni v. Valenti Motors, Inc., Superior Court, Judicial District of Hartford, No. HHD-CV13-6046276-S, (April 12, 2016) (62 Conn. L. Rptr. 101). " 'The FMLA creates a series of substantive rights or entitlements for eligible employees . . . To ensure the availability of these rights, [29 U.S.C. §2615(a)(1)] makes it unlawful for an employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this subchapter . . .' (Citations omitted; internal quotation

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marks omitted.) *Wanamaker v. Board of Education*, 11 F.Supp.3d 51, 68 (D.Conn. 2014). 'The Second Circuit has recognized two distinct FMLA causes of action – interference claims based upon §2615(a)(1), and retaliation claims based upon §2615(a)(2) and §2615(b)... With interference claims, the issue is simply whether the employer provided the employee with the entitlements set forth in the FMLA.' (Citations omitted; internal quotation marks omitted.) *Id.*, 68-69.

'[U]nder 29 U.S.C. §2651(a)(1), a plaintiff must establish five elements; (1) that she is an eligible employee under the FMLA; (2) that the defendant is an employer as defined by the FMLA; (3) that she was entitled to leave under the FMLA; (4) that she gave notice to the defendant of her intention to take leave; and (5) that she was denied benefits to which she was entitled under the FMLA.' *Id.*, 69. 'In order to be eligible for protection under the FMLA, an employee must work 1250 hours in the twelve months prior to the beginning of his or her medical leave.' *Kosakow v. New Rochelle Radiology Associates*, P.C., 274 F.3d 706, 715 (2d Cir. 2001). See also 29 U.S.C. §2611(2)(A); 29 C.F.R. §825.110(a)."

- [Cendant Corp. v. Commissioner of Labor](#), 276 Conn. 16, 18, 883 A.2d 789 (2005). "In this appeal, we are asked to determine the proper framework for analyzing a claim of interference with an employee's right to reinstatement under the Connecticut Family and Medical Leave Law, General Statutes § 31-51kk et seq. (leave statute)."
- [Cendant Corp. v. Commissioner of Labor](#), Superior Court, Judicial District of New Britain, No. CV 03-0520241S (Mar. 9, 2004) (2004 WL 574880). "The commissioner recognized that '[c]ourts construing the FMLA have noted that an employee may bring two types of claims under the FMLA . . . First, an employee can bring a claim that her employer refused to provide her with an FMLA benefit to which she was entitled, such as reinstatement to her former position or an equivalent position upon her return from FMLA leave. The employee can also bring a claim that her employer discriminated against her because she took FMLA leave under the FMLA's anti-discrimination provision.' (Final Decision, Record at 78, pp. 22-23.)"
- [Daley v. Aetna Life & Casualty Co.](#), 249 Conn. 766, 804, 734 A.2d 112 (1999). "We recognize the important public policy embodied in the express provisions of the Connecticut Family and Medical Leave Law, the federal Family and Medical Leave Act of 1993, and §§ 46a-60 (a) (7) and 17a-101 (a), and underscore every employer's duty to comply with those provisions. None of these statutes, however, expressly obligates an employer to accommodate an employee's work-at-home requests, or to

refrain from taking adverse action against an employee who persists in her efforts to secure such an arrangement. In declining to recognize an important public policy to that effect, we are mindful that we should not ignore the statement of public policy that is represented by a relevant statute. *Sheets v. Teddy's Frosted Foods, Inc.*, *supra*, 179 Conn. 480. Nor should we impute a statement of public policy beyond that which is represented. To do so would subject the employer who maintains compliance with express statutory obligations to unwarranted litigation for failure to comply with a heretofore unrecognized public policy mandate. See *Antinorella v. Rioux*, 229 Conn. [479] 492, [642 A.2d 699 (1994)] (absent clear breach of public policy, '[t]he employer must be allowed to make personnel decisions without fear of incurring civil liability'). Accordingly, we affirm the judgment in favor of the defendants on the claim of wrongful discharge."

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Please note that online databases are available for in-library use. Remote access is not available.

- Jay M. Zitter, Annotation, *Rights of Employees with Bipolar Disorder Under Americans with Disabilities Act, Rehabilitation Act, and Family and Medical Leave Act*, 17 A.L.R. Fed. 3d (2016).
- Ann K. Wooster, Annotation, *Employees' Entitlement to Reinstatement Under § 104(a), (b) of Family and Medical Leave Act* (29 U.S.C.A. § 2614(a), (b)), 175 A.L.R. Fed. 1 (2002). (Superseded in Part by *Denial of Reinstatement to "Key Employee" Under s104(b) of Family and Medical Leave Act*, 29 U.S.C.A. s2614(b), 84 A.L.R. Fed. 2d 163 (2014)).
- John A. Bourdeau, Annotation, *Establishing Employer's Discriminatory Motive in Action to Recover for Employer's Retaliation for Employee's Exercise of Rights Under Family and Medical Leave Act , In Violation of § 105(a) of Act* (29 U.S.C.A. § 2615(a)), 190 A.L.R. Fed. 491 (2003).
- Shauna Cully Wagner, Annotation, *Discrimination Against Pregnant Employee as Violation of State Fair Employment Laws*, 99 ALR5th 1 (2002).
- Kurtis A. Kemper, Annotation, *Immunity of States in Private Actions for Damages Under Family and Medical Leave Act* (29 U.S.C.A. §§ 2601 et seq.), 180 A.L.R. Fed. 579 (2002).
- Deborah F. Buckman, Annotation, *Award of Damages Under Family and Medical Leave Act* (29 U.S.C.A. §§ 2601 et seq.), 176 A.L.R. Fed. 591 (2002).
- Ann K. Wooster, Annotation, *Individual Liability Under Family and Medical Leave Act* (29 U.S.C.A. §§ 2601 et seq.), 170 A.L.R. Fed. 561 (2001).
- Paula F. Wolff, Annotation, *What Constitutes "Serious Health Condition" Under § 101(11) Or § 102(a)(1)(D) of*

Family and Medical Leave Act (29 U.S.C.A. §§ 2611(11), 29 U.S.C.A. § 2612(a)(1)(D), 169 A.L.R. Fed. 369 (2001).

- William D. Goren, Annotation, *Who Is Eligible Employee Under § 101(2) of Family and Medical Leave Act (29 U.S.C.A. § 2611(2))*, 166 A.L.R. Fed. 569 (2000).
- Jennifer K. Wilson, Annotation, *Validity, Construction, and Application of State Family- Parental- or Medical -Leave Acts*, 57 A.L.R. 5th 477 (1998).

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *2 Labor and Employment in Connecticut: A Guide to Employment Laws, Regulations and Practices*, 2d, by Jeffrey L. Hirsch, Matthew Bender & Company, 2024.
 - Chapter 13. Family and Medical Leave
 - § 13-1. Introduction
 - § 13-2. Federal Family and Medical Leave Act of 1993 - Introduction
 - § 13-3. The FMLA Regulations
 - § 13-4. Reasons an Employee Can Take FMLA Leave
 - § 13-5. Serious Health Condition Defined For FMLA Purposes
 - § 13-6. Qualifying Exigency Leave
 - § 13-7. Military Caregiver Leave
 - § 13-8. Amount of Leave Available to Employees - Calculating Leave
 - § 13-9. Employer Notice Obligations
 - § 13-10. Employee Notice Obligations
 - § 13-11. Medical Certifications
 - § 13-12. Compensation and Benefits During Leave
 - § 13-13. Intermittent Leave
 - § 13-14. Returning to Work
 - § 13-15. Enforcement and Protection
 - § 13-16. Record-Keeping Requirements
 - § 13-17. Special Provisions Applicable to Schools
 - § 13-18. Interaction with Policies and Other Laws
 - § 13-19. Workers Compensation-Related Provisions
 - § 13-20. Comparison of the State and Federal FMLA Acts
 - § 13-21. Connecticut Paid Sick Leave Law
- *Connecticut Employment Law*, 6th ed., by Pamela J. Moore, Connecticut Law Tribune, 2023.
 - Chapter 7. Connecticut Leave Laws
 - § 7-2. Federal Family and Medical Leave
 - § 7-2:1. Overview
 - § 7-2:2. Covered Employers
 - § 7-2:3. Eligible Employees
 - § 7-2:4. Entitlement to FMLA Leave
 - § 7-2:5. Pay and Benefits During Leave
 - § 7-2:6. Required Notices

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- § 7-2:6.1. Employee Notice of Need for Leave
- § 7-2:6.2. Employer Notices to the Employee
- § 7-2:6.3. Triggering Events
- § 7-2:6.4. Medical Certification
- § 7-2:7. Intermittent or Reduced Schedule Leave
- § 7-2:8. Return From Leave and Benefits
- § 7-2:9. Enforcement of the FMLA
- § 7-3. Connecticut Family and Medical Leave Act (CT FMLA)
 - § 7-3:1. Overview
 - § 7-3:2. Employers Covered Under the CT FMLA
 - § 7-3:2.1. Covered Employees and Self-Employed Individuals Eligible for Paid Leave Benefits
 - § 7-3:2.2. Successors in Interest to a Covered Employer
 - § 7-3:2.3. Integrated Entities and Joint Employers
 - § 7-3:3. Qualifying Reasons for CT FMLA Leave
 - § 7-3:3.1. Serious Health Condition
 - § 7-3:4. Length of Leave
 - § 7-3:4.1 Limits on Leave Taken for the Birth Placement of a Child With the Employee
 - § 7-3:4.2. Limitations on Leave When Two Parents Work for the Same Employer
 - § 7-3:4.3. Intermittent and Reduced Schedule Leave
 - § 7-3:5. Employee Notice to the Employer of the Need for Leave
 - § 7-3:6. Employer Notice to an Employee Requesting CT FMLA Leave
 - § 7-3:6.1. Contents of the Notice to Employees And Medical Certifications
 - § 7-3:6.2. Retroactive Designation of CT FMLA Leave
 - § 7-3:7. Pay and Benefits During CT FMLA Leave
 - § 7-3:7.1. Substitution of Paid Leave
 - § 7-3:7.2. Health Benefits
 - § 7-3:7.3. Other Benefits
 - § 7-3:8. Employee Rights Upon Return From CT FMLA Leave
 - § 7-3:8.1. Fitness for Duty
 - § 7-3:8.2. Benefits Upon Return From Leave FMLA Leave
 - § 7-3:9. Recordkeeping Under the CT FMLA
 - § 7-3:10. Enforcement and Prohibited Acts
 - § 7-3:10.1. Penalties for Wilful Misrepresentations Regarding Paid Family Leave Benefits
 - § 7-4. Interaction Between Federal and State Law
 - § 7-4:1. FMLA and CT FMLA
 - § 7-5. Connecticut Paid Sick Leave Act
 - § 7-5:1 Overview
 - § 7-5:2 Covered Employers

§ 7-5:2.1 Employees Eligible for Paid Leave
§ 7-5:2.2 Accrual of Paid Sick Leave
§ 7-5:3 Circumstances for Using Paid Sick Leave
 § 7-5:3.1 Reasons for Using Paid Sick Leave
 § 7-5:3.2 Request for Paid Sick Leave and Medical Documentation
 § 7-5:3.3 Compliance of Existing Paid Leave Policies

- 14 Connecticut Practice Series, *Connecticut Employment Law*, by Stephen B. Harris, 2005, Thomson West, with 2023 supplement (also available on Westlaw).
 Chapter 6. Leaves of absence/time off.
 § 6:1. Connecticut FMLA
 § 6:2. Relation to federal FMLA
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2024 ed., Thomson West (also available on Westlaw).
 Chapter 12. Protecting Rights and Identifying and Remedyng Situations of Abuse, Fraud and Discrimination.
 § 12:36. Family and Medical Leave Act

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Allison Noteware, *Worker Rights in the Only Industrialized Country Without Federal Paid Family and Medical Leave: Comparing Connecticut's Paid FMLA and Insurance Program at the State-Level and Beyond*, 41 *Quinnipiac L. Rev.* 269 (2023).
- Shannon Kate McGrath, *Hollywood at Home: Applying Federal Child Labor Laws to Traditional and Modern Child Performers*, 29 *Washington and Lee Journal of Civil Rights and Social Justice* 3 (Winter 2023).
- Erin O'Brien Choquette, *The New Year Brings New Leave Entitlements and Benefits to Employees*, 32 *Connecticut Lawyer* 18, no. 4, (March/April 2022).
- Deborah A. Widiss, *Chosen Family, Care, and the Workplace*, 131 *Yale L.J. Forum* 215 (November 5, 2021).
- Molly Weston Williamson, *The Meaning of Leave: Understanding Workplace Leave Rights*, 22 *N.Y.U.J. Legis. & Pub. Pol'y* 197 (2019-2020).
- Alan I. Scheer, *Reconciling the Differences: Understanding the State and Federal Family and Medical Leave Act*, 5 *Connecticut Lawyer* 18 (November 1994).
- Michael N. Lavelle, *Family and Medical Leave: State and Federal Laws Raise Significant New Obligations for Connecticut Employers*, 19 *Connecticut Law Tribune*, no.

46 (November 22, 1993), Corporate Counsel Supplement: "Labor and Employment Focus", p. 30.

- Cheryl L. Cooper, *Family Leave and Family Law*, 27 Family Law Quarterly 461 (Fall 1993).
- Mastroianni & Fram, *The Family And Medical Leave Act And The Americans With Disabilities Act: Areas Of Contrast And Overlap*, 9 Labor Lawyer 553 (Fall 1993).
- Alan Scheer, *Family and Medical Leave Act: A New Dawn in Employee Rights*, 2 Connecticut Lawyer 6 (January 1992).

Table 1: Emergency Phone Calls to Family Member at Work

Conn. Gen. Stats. § 31-51ji (2023) Notice to employees of incoming emergency telephone calls
<p>(a) For purposes of this section:</p> <p>(1) "Emergency" means a situation in which a member of the employee's family or a person designated by the employee in accordance with section 1-56r has died, has experienced a serious physical injury or is ill and in need of medical attention; and</p> <p>(2) "Member of the employee's family" means a mother, father, husband, wife, son, daughter, sister or brother of the employee.</p> <p>(b) An employer shall notify an employee of an incoming emergency telephone call for the employee if the caller states that the emergency involves a member of the employee's family or a person designated by the employee in accordance with section 1-56r. It shall not be a violation of this section if the employer proves, by a preponderance of the evidence, that he or she made reasonable efforts to notify the employee of the emergency telephone call.</p> <p>(c) The failure of an employer to comply with any provision of this section shall be an infraction.</p>
<p>See <i>Also</i>: Conn. Gen. Stats. § 1-1m. Applicability of marriage terms.</p>
Conn. Gen. Stats. § 1-56r (2023) Designation of person for decision-making and certain rights and obligations
<p>(a) Any person eighteen years of age or older may execute a document that designates another person eighteen years of age or older to make certain decisions on behalf of the maker of such document and have certain rights and obligations with respect to the maker of such document under section 1-1k, subsection (b) of section 14-16, subsection (b) of section 17a-543, subsection (a) of section 19a-289h, section 19a-550, subsection (a) of section 19a-571, section 19a-580, subsection (b) of section 19a-578, sections 31-51jj, 46b-127, 54-85d, 54-91c and 54-126a, or chapter 968.</p> <p>(b) Such document shall be signed, dated and acknowledged by the maker before a notary public or other person authorized to take acknowledgments, and be witnessed by at least two persons. Such document may be revoked at any time by the maker, or by a person in the maker's presence and at the maker's direction, burning, canceling, tearing or obliterating such document or by the execution of a subsequent document by the maker in accordance with subsection (a) of this section.</p> <p>(c) Any person who is presented with a document executed in accordance with this section shall honor and give effect to such document for the purposes indicated in such document.</p>
<p>You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.</p>

Table 2: Legislative History in the Courts - CT Family & Medical Leave Act

Connecticut Family & Medical Leave Act	
<u>Cendant Corp. v. Commissioner of Labor</u> , 276 Conn. 16, 23, 883 A.2d 789 (2005).	<p>"The Connecticut leave statute is our state analogue to FMLA. Although this state originally had passed family leave legislation prior to the passage of FMLA, the legislature made a concerted effort to harmonize the state and federal leave provisions following the passage of FMLA in 1993. 39 H.R. Proc., Pt. 11, 1996 Sess., p. 3752. The legislature's initiative is reflected in an explicit statutory directive in the leave statute that ensures that its provisions will be interpreted to be consistent with FMLA. General Statutes § 31-51qq directs the commissioner to adopt regulations implementing the leave statute, and, in doing so, '[to] make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal [FMLA] and the regulations promulgated pursuant to said act.' The statute's legislative history underscores the importance of harmonizing the state and federal leave provisions. During floor debate in the House of Representatives on the underlying bill, Representative Michael Lawlor noted that the bill would 'merge the standards of both the federal and state family leave laws so as to reduce confusion to employers and employees in Connecticut who are affected by either of these two laws.' (Emphasis added.) 39 H.R. Proc., Pt. 11, 1996 Sess., pp. 3752-53. Accordingly, FMLA jurisprudence guides our interpretation of the provisions of the leave statute."</p>
<p>Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.</p>	