



## EQUITABLE

# Connecticut Paid Family and Medical Leave FAQ

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## OVERVIEW

**What is Connecticut Paid Family and Medical Leave?** Connecticut Paid Family & Medical Leave (“CT PFML”) provides paid leave benefits and health plan continuation for a number of reasons for those employees that work in Connecticut.

### **When does the law go into effect?**

**June 25, 2019** – the date the law was passed

**January 1, 2021** – the date employers needed to start deducting CT PFML premium contributions from employee payroll if they did not seek a private plan exemption.

**January 1, 2022** – the date benefits begin for the employee’s own serious health condition, bonding, military exigency, and care for an injured service member.

### **What are the covered leave reasons?**

- Employee’s own serious health condition, including acting as an organ or bone marrow donor
- Bonding with the employee’s newborn, newly adopted or newly placed foster child
- To care for a covered family member with a serious health condition
- For a qualifying exigency when the employee’s family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces
- To care for a family member who is injured while on active military duty
- To address issues if the employee or family member is a victim of domestic violence

### **Is job protection included?**

No, CT PFML is a wage replacement benefit only. The job protection is included in the Connecticut Family and Medical Leave Act (“CT FMLA”), which is a separate and distinct law.

### **How is family member defined?**

Family Member means the spouse, sibling, child, parent, grandparent, grandchild and any individual related to the employee by blood or affinity whose close association to the employee shows to be the equivalent of a family relationship.



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#### How is serious health condition defined?

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves:

- A. inpatient care in a hospital, hospice, nursing home or residential medical care facility; or
- B. continuing treatment, including outpatient treatment, by a health care provider.

#### How much leave can an employee take?

- Employee’s own serious health condition – 12 weeks (an additional 2 weeks if incapacitated due to complications of pregnancy)
- Bonding with the employee’s newborn, newly adopted or newly placed foster child – 12 weeks
- To care for a covered family member with a serious health condition – 12 weeks
- For a qualifying exigency when the employee’s family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces – 12 weeks
- To care for a family member who is injured while on active military duty – 12 weeks
- To address issues if the employee or family member is a victim of domestic violence – 12 days

The maximum combined allotment for all leaves is 12 weeks in a benefit year.

#### What is a benefit year?

The legislation provides for four (4) different ways to calculate a year:

1. Calendar year
2. Any fixed 12-month period, such as a fiscal year or a 12-month period measured forward from an employee’s first date of employment
3. A 12-month period measured forward from an employee’s first day of leave
4. A rolling 12-month period measured backward from an employee’s first date of leave

All EQH private plans will utilize option #4 – employers will not have the option to utilize any of the other options.



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### What is the amount of the benefit?

The benefit is calculated as follows:

The employee's average weekly wage up to 40 times the state minimum wage will be replaced at 95%; PLUS

The employee's average weekly wage in excess of 40 times the state minimum wage will be replaced at 60%

The maximum weekly benefit is set at 60 times the state minimum wage.

	1/1/22	7/1/22	6/1/23	1/1/24
<b>CT Minimum Wage</b>	\$13.00	\$14.00	\$15.00	\$15.69
<b>CT PFML Max Benefit</b>	\$780	\$840	\$900	\$941.40

Based on this benefit calculation, an employee that earns \$1,202.90 or more per week (or \$62,550.80 per year) will hit the \$941.40 maximum weekly benefit.

### Benefit Calculation Examples

Employee Annual Salary : \$26,000  
 Employee Weekly Salary : \$500.00  
 Weekly Benefit Calculation :  $.95 \times \$500.00 = \$475.00$   
 Weekly Benefit Payable : \$475.00

Employee Annual Salary : \$50,000  
 Employee Weekly Salary : \$961.54  
 Weekly Benefit Calculation :  $(.95 \times \$627.60) + (.60 \times \$333.94) = \$796.58$   
 Weekly Benefit Payable : \$796.58

Employee Annual Salary : \$75,000  
 Employee Weekly Salary : \$1,442.31  
 Weekly Benefit Calculation :  $(.95 \times \$627.60) + (.60 \times \$814.71) = \$1,085.05$   
 Weekly Benefit Payable : \$941.4



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In this last example, the employee earns more than \$1,202.90 per week, therefore they cap out at the \$941.40 maximum weekly benefit.

The Connecticut Paid Leave Authority (CT PLA) has a benefit calculator that employees can use to estimate their weekly benefit. This calculator can be found [here](#).

**Is there a waiting period (aka elimination period) that must be satisfied before benefits become payable?**

No, there is benefit waiting period (aka elimination period) that must be satisfied before benefits become payable.

**If an employee has multiple births, adoptions, or foster care placements in the same year do they get 12 weeks for each?**

No, the annual 12-week maximum leave for bonding stays the same even if the employee has multiple childbirths, adoptions, or foster care placements in the same year.

**Is leave available on an intermittent or reduced schedule?**

Yes, leave can be taken on an intermittent basis.

**How is the benefit impacted by intermittent leave?**

The benefit payable will be prorated based on how much leave is taken.

**Is there approval required to take leave intermittently?**

Maybe, it depends on the type of leave. Intermittent leaves for the employee's own serious health condition, to care for a family member with a serious health condition, or to care for an injured service member must be medically necessary.

Intermittent leaves due to family violence or military exigency are allowed.

Intermittent leaves to bond with a new child are only allowed if agreed to by both the employee and the employer.

### EMPLOYER OBLIGATIONS

**Which private employers are required to provide CT PFML benefits?**



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Generally speaking all private employers that have at least one employee working in the state of Connecticut are required to provide these benefits.

#### **What if an employer already has a short-term disability (STD) plan with a higher benefit – can this satisfy the CT PFML requirement?**

No, STD insurance policies will not satisfy the requirements of the CT PFML law. There are a number of differences between a traditional STD plan and the requirements under the CT PFML law. Some of those include:

- **Eligibility** – a typical STD policy only covers employees working a certain number of hours per week (most often 30+) and the CT PFML benefits are available to all full-time, part-time, temporary, and seasonal employees who meet the financial eligibility test.
- **Family Leave** – STD policies do not provide benefits for family leaves
- **Definition of Disability** – STD policies have definitions of disability that generally also require a minimum level of earnings loss, which contrasts with the CT PFML which only requires the employee to have a serious health condition.
- **Benefit Amounts** – STD policies typically pay a benefit up to 66%, and the CT PFML benefit is 95% of an employee’s earnings up to 40 times the state minimum wage plus 60% of the employee’s earnings in excess of 40 times the state minimum wage.
- **Exclusions & Limitations** – STD policies include exclusions and limitations that are not permitted under the CT PFML law.

#### **What options does an employer have to meet their CT PFML requirements?**

Employers can utilize the state plan to meet their requirements or can choose to establish a private plan. The private-plan can be fully-insured with a carrier or can be self-insured. If an employer utilizes a private plan, they are not required to submit CT PFML contributions to the state fund.

#### **How does an employer opt out of the state plan?**

The employer must submit an exemption application via the [ctpaidleave.org](http://ctpaidleave.org) . The CT PLA has put together step by step instructions on how employers can file for a private plan exemption. That information can be found [here](#).

#### **Can an employer apply for a private plan exemption at any time?**



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Yes, however the approval dates are based on the calendar quarter. For example if an employer applies for and receives approval of their exemption application in November, it will be effective the following January 1.

#### **Do the covered employees need to approve the private plan?**

Yes, the employer is required to hold an anonymous vote. At least 50%+1 of employees in CT must approve the private plan. Note, this is not 50%+1 of the employees that actually cast a vote, it's 50%+1 of all employees working in CT. For example, if an employer has 100 employees working in CT, then at least 51 must vote in favor of the private plan, regardless of the number of employees that actually vote.

#### **Is there a new private plan vote required if the employer decides to change the private plan?**

Yes. The Connecticut Paid Leave Authority (CT PLA) has indicated that any changes to a private plan, including moving from one private plan insurance carrier to another, requires a new employee vote, with at least 50%+1 of the CT employees approving the new plan.

#### **Is there a private plan exemption renewal process?**

Yes. The Connecticut Paid Leave Authority (CT PLA) has indicated that exemptions will be valid for 3 years from the date of approval. The renewal process has not been defined yet.

#### **What happens if an employer has a private plan for 2022 but then wants to go to the state plan as of 1/1/23?**

Private plans are expected to remain in force for the full period of time that is approved. In order to ensure the Paid Leave Trust Fund is able to support additional covered employees, a fee may be charged for employers who are moving from the private plan to the public plan. If the transition occurs prior to the end of the approved period for a private plan, notice should be provided as soon as possible. In addition:

- A. Reasonable Effort Made to remain under a private plan: If alternative private plan coverage was reasonably sought, but unable to be acquired, for example, due to denial of coverage from insurance carriers or the failure to receive a majority of employee votes in favor of a replacement plan, coverage under the public plan will begin immediately following the last day that coverage is in force under the private plan. The Authority shall be the sole determiner as to whether attempts to obtain coverage were reasonable.



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- i. The Authority shall have the right to assess a penalty up to an amount equal to 200% of the cost of the first full calendar quarter of contributions its employees must pay to the Authority pursuant to Conn. Gen. Stat. § 31-49g.
- ii. The penalty must be paid by the employer by the end of the first full calendar quarter that coverage is in force under the public plan, and the employer may not deduct from employees' earnings in order to pay the penalty.
- B. Reasonable Effort not made to remain under a private plan: If alternative private plan coverage was not sought, or the employer is unable to provide evidence that the Authority finds to be reasonable of an attempt to acquire alternative coverage, coverage under the public plan will begin immediately following the last day that coverage is in force under the private plan.
  - i. The Authority shall have the right to assess a penalty up to an amount equal to 300% of the cost of the first full calendar quarter of contributions its employees must pay to the Authority pursuant to Conn. Gen. Stat. § 31-49g.
  - ii. The penalty must be paid by the employer by the end of the first full calendar quarter that coverage is in force under the public plan, and the employer may not deduct from employees' earnings in order to pay the penalty.

*Penalties are in Addition to Regular Contributions.* Any penalties assessed will be independent of contributions employees must pay to the Authority pursuant to Conn. Gen. Stat. § 31-49g related to on-going coverage under the public plan and amounts remitted to the Authority that were collected from employees while the private plan was in force.

*Reconsideration of Penalties.* If the Authority assesses a penalty to the employer, the employer shall be allowed to request reconsideration from the Authority. The employer may provide any evidence in support of a waiver or reduction in the penalty amount. The Authority may waive, in whole or in part, the amount of such penalty if such payment would be against equity and good conscience.

#### **Are there requirements a private plan must meet in order to be approved?**

Yes. The benefits provided via a private plan must meet or exceed the benefits provided via the state plan.

#### **Can an employer provide benefits that are greater than those required by the CT PFML law through a private plan?**



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Yes.

### **Can an employer utilize a private plan for only a portion (e.g. class) of its workforce and use the state plan for the other portion?**

No. An employer must utilize the same provider (either the state or a private plan) for its entire covered employee population working in CT.

### **Can an employer utilize a private plan for only a portion of the required leave types (e.g. only for employee's own serious health condition) and use the state plan for the other portion?**

No. An employer must utilize the same provider (either the state or a private plan) for all leave types.

### **Does Equitable offer CT PFML plans?**

Yes. Equitable offers fully-insured CT PFML plans.

### **Are there any requirements for Equitable to offer a private CT PFML plan?**

Yes. There must be at least 10 employees working in CT and covered by the plan and the CT PFML must be packaged with another fully-insured Equitable product.

### **What are the benefits of using a private plan insured by Equitable?**

Equitable believes that the employee and employer experience will be enhanced as compared to using the state plan for CT PFML via:

- **Single claims intake** – employees can file both STD and CT PFML claims utilizing a single phone call
- **Single claims management resource** – Equitable will utilize a single claims specialist to manage both the STD and CT PFML claims for the same claimant
- **Claims expertise** – Equitable will utilize all claims management tools and resources available for CT PFML claims
- **Single account management** – the employer will have a single Regional Account Manager assigned to them to assist them with any questions regarding all of the coverages with Equitable





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### **What type of plan documents will employers that choose Equitable for their CT PFML plan receive?**

Policyholders will receive a CT PFML policy document.

### **If there are multiple classes with different benefits under the Equitable STD plan do I need the same class structure on the CT PFML plan?**

No. If all employees are receiving the same CT PFML coverage, then only a single class is required.

### **How do employers notify employees of their rights under CT PFML?**

Starting in July 2022, every employer is required to provide its employees with written notice describing job-protected leave provided under the Connecticut Family & Medical Leave Act; the opportunity to apply for income-replacement benefits from the CT Paid Leave Authority; the retaliation protections provided by the CT Family & Medical Leave Act; and the employee's right to file a complaint with the Labor Commissioner. Although there is no legal requirement to provide any notices or post posters at this time, the CT Paid Leave Authority encourages employers to share the CT Paid Leave employee factsheet found at [www.ctpaidleave.org](http://www.ctpaidleave.org) with their employees. The employee factsheet may be downloaded from the bottom of the "For Employees" page on the website.

## **EMPLOYEE ELIGIBILITY**

### **Which employees are covered under the CT PFML law?**

The CT Paid Leave Act has a broad definition of employee: "'Employee" means an individual engaged in service to an employer in this state in the business of the employer." If an individual receives a W2 from their employer, they are considered to be a employee, even if they are not required to pay FICA or unemployment insurance taxes.

Student workers, corporate officers, visa holders, part-time employees, and seasonal workers are all considered to be employees under the CT Paid Leave Act.



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#### Are certain types of employment excluded from the CT PFML law?

Yes. There are five categories of individuals who are **not** considered to be employees under the CT Paid Leave Act:

- 1) Individuals who work for employers that are excluded from the definition of "employer" in the CT Paid Leave Act (e.g., the federal government, the state, a municipality, a local or regional board of education or a nonpublic elementary or secondary school, except that the state, a municipal employer or local or regional board of education is an employer with respect to each of its 'covered public employees.' Note: for purposes of the CT Paid Leave Act, employees of a public charter school are treated as the equivalent of employees of a local or regional board of education;
- 2) employees of a separate sovereign entity, specifically, a tribal nation or the government of another state or country;
- 3) individuals who are not subject to state or local payroll taxes as a result of explicit federal laws, such as the Railroad Unemployment Insurance Act or the Military Spouses Residency Relief Act;
- 4) individuals who work for subminimum wage pursuant to a 14C certificate; and
- 5) individuals who are self-employed, including members of a LLC, sole proprietors, members of a partnership or joint venture, independent contractors and other self-employed individuals. NOTE: You are not self-employed if you are an employee of a company that you own.

#### What about union employees, municipal employees, and school employees?

- **Non-union Municipal employee** – not covered unless the union(s) in that municipality collectively bargain for coverage, in which case the non-union municipal employees will be covered too.
- **Union Municipal employee** – not covered unless the union(s) in that municipality collectively bargain for coverage.
- **Non-union State employee** – Yes, they are covered. They must contribute and may apply for benefits.
- **Union State employee** - not covered unless the employee's union collectively bargains for coverage.
- **Non-union employee of a local or regional board of education** – not covered unless the union(s) for the employees who work in that Board of education collectively bargain for coverage, in which case the non-union Board of Ed employees will be covered too.



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- **Union employee of a local or regional board of education** – not covered unless the union(s) for the employees who work in that Board of education collectively bargain for coverage.
- **Employee of private elementary or secondary school** – not covered.
- **Employee of the federal government** – not covered.
- **Union employee (non-state, non-municipal)** – Yes, they are covered.

#### **How many hours does an employee have to work to be eligible for benefits?**

There is no specific number of hours an employee must meet to be eligible for benefits, rather they must meet an earnings test. All employees, whether the employee is working full-time or part-time and is salaried or earning an hourly wage may become eligible for CTPL benefits if they have earned wages of at least \$2,325 in the highest-earning quarter of the first four of the five most recently completed quarters (the "base period") and they are currently employed in Connecticut with a covered employer or had been employed in Connecticut with a covered employer in the 12 weeks immediately prior to filing a claim for benefits.

In addition, a Connecticut resident who is self-employed or is the sole proprietor of a business who has enrolled in the CT Paid Leave Program is eligible for benefits if they earned at least \$2325 in self-employment income in the highest-earning quarter of the first four of the five most recently completed quarters.

An employee does not need to live in Connecticut in order to be eligible for benefits; however, only Connecticut residents can enroll in the CT Paid Leave program as a self-employed individual or a sole proprietor.

#### **What if an employee works for multiple covered employers?**

If an employee works for multiple covered employers in CT, then the employee would be covered by each employer's CT PFML plan.

#### **What if an employee lives in an adjacent state but works in CT?**

All employees of a covered business entity working in CT are required to be covered. It does not matter where the employee lives.



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#### **What if an employee is temporarily working from home outside CT due to the pandemic?**

If the employee normally works at a location in CT and is temporarily working outside CT due to the pandemic, they should be included in the plan. If in the future their work location outside of CT becomes permanent, then they would no longer be eligible for CT PFML coverage.

#### **What if I'm a CT based employer and I have employees working in other states?**

If the employee normally works at a location outside CT then they should not be included in the plan.

#### **What if an employee leaves the employer?**

Former employees of a covered employer continue to be eligible for CT PFML benefits under their prior employer's plan for up to 12 weeks following their separation from employment. If the employee becomes employed by another CT covered employer, then they would no longer be eligible for benefits under their prior employer as a former employee, rather they would be covered under their new employer's CT PFML plan.

#### **Can self-employed individuals be covered under the CT PFML plan?**

Yes, self-employed individuals can elect to be covered under the state plan.

### CT PFML PLAN FUNDING

#### **How is the CT PFML program funded?**

The CT PFML program is funded fully through employee contributions; there are no employer contributions required. The statute has set the maximum employee contribution rate at 0.500% (one-half of one percent) of covered wages. This rate cannot change unless the actual law is amended. If the CT PLA determines that the rate is insufficient to fund the plan, their only option is to adjust the benefits.

For those employers that utilize the state plan, contributions began on 1/1/21. For employer's that filed an exemption from the state plan and will utilize a private plan, they do not begin paying premium until the private plan becomes effective, which is no earlier than 1/1/22.

#### **Do the state rates change on an annual basis?**

Perhaps. The interesting and unique approach to funding is that the rate of 0.500% is part of the actual legislation and statute. The legislation indicates that the cost cannot be higher than



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this, so the only way the state could charge more is if the legislation was amended. This is unique as most other states with a PFML program allow the agency responsible for running the program to adjust the rates on an annual basis based on the experience of the plan.

If the CT PLA determines that the rate of 0.500% of covered wages is insufficient to fund the program moving forward, their only option is to adjust the benefits payable (e.g. reduce the duration, reduce the benefit percentage, include an elimination period, etc.).

#### How do the rates translate into premium or costs?

The rates are all based as a percentage of covered wages. The CT PFML regulations indicate that the covered wages are equal to the old-age, survivors, and disability insurance (OASDI) wage base set by the Social Security Administration (the same wage base used for FICA). This means that the premiums paid for CT PFML coverage are not related to the benefits a covered individual would receive, which makes it unique.

For 2024, the OASDI wage base cap is set at \$168,600 and this cap can change annually. This means that premium is calculated based on a covered individual's salary up to \$168,600, any salary in excess of this value is not included in the premium calculation. Assuming the rate of 0.500%, the costs would be calculated as follows:

Annual Salary	Total Annual Cost
\$30,000	\$150.00
\$50,000	\$250.00
\$75,000	\$375.00
\$100,000	\$500.00
\$168,600	\$843.00
\$175,000	\$843.00

#### Are the employee contributions done on a pre-tax or post-tax basis?

The contributions to the CT PFML are **after-tax**. Unlike payroll deductions for FSA and health insurance payments, the contributions to the CT PFML do not reduce an employee's taxable wages. To calculate the employees' contribution obligation, you will need to first calculate each



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employee's total wages the way you calculate their FICA obligation and then take the 0.5% from that FICA number.

### **Can an employer choose to pay the cost?**

Under Connecticut law, employees are obligated to pay the contributions to the Paid Leave Trust Fund. If the employer's goal is to ensure that the new obligation on the employee does not change the employee's current take-home wages, the employer must increase the employee's wages to cover both the one-half of one percent (0.500%) contribution obligation and the tax implications of increasing the employee's wages. An employer that chooses to do this is giving the employee a taxable benefit, effectively a bonus, which will have an impact on the employee and employer's obligations under state and federal tax laws as well as wage and hour laws. Because a decision to provide this kind of benefit to some, but not all, of its employees may give rise to disparate impact discrimination claims, employers are strongly encouraged to consult with their tax advisor and employment and benefits attorneys about the potential consequences of that decision.

### **Are the rates the same for private plans?**

Perhaps. Licensed insurance carriers that offer fully-insured private CT PFML plans have the ability to charge rates that are different than those required by the state plan.

### **If my private plan rate is higher than the state rate, can the employee still contribute the full cost?**

No, the employee cost cannot be more under a private plan than it would be under the state plan. For example, if the private plan rate is 0.600%, then the maximum the employee can contribute would be 0.500% and the employer would be responsible for the remainder, 0.100%.

### **For plans insured with Equitable how will the billing work?**

The billing will be done on a monthly in arrears basis.

### **For plans insured with Equitable can the billing be list billed or self-administered?**

No, self-administration will be the only option available due to premium being paid in arrears.



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### **For plans insured with Equitable what salary should I use?**

For the purposes of paying premium, the salary used to determine the covered payroll for a particular month should be the full wages paid to the employee for the prior month, the same wages used to calculate the FICA.

### **What if I have employees whose pay fluctuates from month to month?**

As the premium payment is in arrears, there should be no issue with earnings fluctuating from month to month.

## CT PFML INTERACTION WITH OTHER BENEFITS AND LAWS

### **If an employer is required to provide CT PFML benefits, should they cancel their STD plan?**

No. There are a number of reasons why retaining an STD plan makes sense:

- **Coverage for higher income employees** – the current CT PFML maximum weekly benefit is \$941.40 per week, which may not be enough coverage for certain employees. An employee that earns \$62,550.80 per year will cap out at the \$941.40 per week CT PFML benefit.
- **Leave allotments** – the CT PFML plan has a combined leave allotment of 12 weeks in a benefit year. If an employee utilizes 12 weeks of family leave, they will not be eligible for any further leave in the same benefit year. For example, a parent that takes 12 weeks of leave to bond with a new child and then later in the same 12-month period becomes disabled would not have any benefits available to them.
- **Multiple claims** – if an employee uses their full allotment of 12 weeks of medical leave and has another serious health condition within the same benefit year, they would not be eligible for CT PFML benefits.
- **Additional benefits** – carriers will typically provide additional services to STD claimants, including rehabilitation and return to work services.

### **How will STD benefits from Equitable be impacted by CT PFML benefits?**

The STD benefits will be offset, or reduced by, any CT PFML benefits paid during the same period of disability. The actual impact on a particular STD claim will be determined by the STD plan design parameters, the employee's salary, and the employee's CT PFML benefit.



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### **Will an employer's STD plan cost less as a result of this offset?**

Yes. Equitable has adjusted the pricing of our STD plans to reflect that we will pay less out in STD benefits due to the CT PFML benefit offset. The actual impact to a particular policyholder is dependent upon the STD plan design and the demographic makeup of their covered employee population.

### **Does Equitable have new LTD elimination period options to coordinate with CT PFML benefits?**

Yes, Equitable now offers an 84-day LTD elimination periods.

### **Can an employee use any type of PTO time to "top off" their CT PFML benefit?**

Under a plan insured by Equitable, it depends on the employer. The Equitable policy does allow an employee to supplement their CT PFML benefit with PTO or accrued paid leave, however there is no requirement that the employer allow this. If an employer chooses to allow the "top off", an employee cannot receive more than their regular earnings between the CT PFML benefit and PTO/accrued paid leave.

### **Can an employer require their employees use PTO concurrently with CT PFML ?**

An employer may require their employees (or may allow their employees to choose) to use their accrued paid time off concurrently with Connecticut Paid Leave, provided that the total compensation received by the employee cannot exceed the employee's regular rate of compensation.

The Connecticut Family and Medical Leave Act ("CT FMLA") statute also states that an employer may require an employee to use accrued vacation time while they are out of work on CT FMLA leave (whether or not the employee seeks benefits from the CT PFML) provided that the employer must allow the employee to retain at least two weeks of vacation leave or equivalent paid time off.

### **Are there changes being made to the CT FMLA statutes as a result of the implementation of the CT PFML?**

Yes. Here is a summary of the changes to CT FMLA





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	<b>Prior to 1/1/22</b>	<b>On or After 1/1/22</b>
Employer Requirement	Applies to employers with 75 or more employees	Applies to all employers who employ 1 or more CT employees
Employee Eligibility	Employees become eligible after 12 months of service with the employer and having worked 1000 hours in the 12 months preceding the first day of leave	Employees become eligible after 3 months of service with the employer
Covered Relationships	Employee's spouse, minor or disabled child, and parent	Employee's spouse, child (regardless of age or disability status), parent (including in-laws), grandparent, grandchild, sibling, and any other individual related to the employee by blood or affinity whose close association shows to be the equivalent of those family relationships
Leave Entitlement	16 weeks in a 24-month period; 26 weeks to care for an ill or injured service member	12 weeks in a 12-month period with an additional 2 weeks available for incapacity during pregnancy; 26 weeks to care for an ill or injured service member
Shared Leave Entitlement	Co-employed spouses must share leave entitlement for bonding with a new child or care of a parent with a serious health condition	Co-employed spouses must share leave entitlement for bonding with a new child or care any covered family member with a serious health condition



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### **Can an employee receive CT unemployment benefits as well as CT PFML benefits at the same time?**

No. Employees may not receive benefits under the plan concurrently with Unemployment Insurance, Workers Compensation, or any other federal or state program that provides wage replacement.

Income shall be deemed to be received concurrently with paid leave benefits if it is payable due to the same period of time that the Covered Employee is receiving paid leave benefits.

### **Can an employee receive CT worker's compensation benefits as well as CT PFML benefits at the same time?**

No. Employees may not receive benefits under the plan concurrently with Unemployment Insurance, Workers Compensation, or any other federal or state program that provides wage replacement.

Income shall be deemed to be received concurrently with paid leave benefits if it is payable due to the same period of time that the Covered Employee is receiving paid leave benefits.

### **If an employer has a paid family leave policy does that run concurrently with the CT PFML?**

Yes. The leave's would run concurrently and CT PFL benefits will not be payable if the employee is receiving their full salary via the employer provided family leave policy. Once those employer provided family leave benefits cease, an employee may be eligible for CT PFML benefits if they have not exhausted their full leave compliment.

If the employer provided family leave benefits are less than the employee's full salary, then the employee would be eligible for CT PFML benefits to the extent that the combination of those benefits and the employer provided benefits do not exceed their full salary.

## CLAIMS

### **Will Equitable automatically initiate a CT PFML claim for employees in CT receiving STD from Equitable?**



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Yes, only if Equitable is also providing the CT PFML coverage to the employer.

### **How does an employee submit a claim for CT PFML benefits to Equitable?**

Equitable supports telephonic, fax, and mail options for employees to submit CT PFML claims with telephonic submission being the preferred method. Employers should provide employees with an Equitable CT PFML claim form. In addition, the claim form can be found [here](#).

### **Does an employee need to submit separate claims for CT PFML and STD if it's for their own serious health condition?**

If both coverages are provided by Equitable, then no. An employee will only need to submit one claim form (the CT PFML claim form) which will initiate both the CT PFML and STD claims. If Equitable only provides the STD or CT PFML coverage, then a coverage specific claim form will need to be submitted to Equitable and the employee will need to file the other claim with the other provider.

### **How often will claim payments be made?**

Equitable will issue benefit checks on a weekly in arrears basis for both medical and family leaves.

### **Will the claim payment frequency vary for intermittent leaves?**

No, Equitable will still issue benefit checks on a weekly basis, however the benefit payable will be based on the total amount of leave taken in the prior week.

### **How does Equitable know how much time was taken for intermittent leaves?**

The employee is responsible for notifying Equitable within 24 hours of taking leave. This information may also be verified with the policyholder.

### **Is direct deposit available for CT PFML benefits?**

Yes, and Equitable encourages it as it eliminates the lag time associated with mailed paper checks.

### **Is there a form that employees need to fill out for direct deposit?**

No. The Equitable benefit analyst can secure all the required information and necessary authorization right over the phone.



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### **Will CT PFML benefits be taxable?**

The IRS has not provided any guidance at this time as it relates to how the family and medical benefits should be taxed. Equitable is taking the position that both family and medical leave benefits are taxable. The medical leave benefits will be treated as third party sick pay and will be taxed based on the contribution structure of the plan and whether the employee contributions are on a pre-tax or post-tax basis, similar to how STD works. If the employee contributions are on a pre-tax basis, then the entire medical leave benefit will be taxable. If the employee contributions towards the coverage are on a post-tax basis, then the taxability will be dependent upon the percentages of premium paid for by the employer and employee. The family leave benefits will be fully taxable as ordinary income, regardless of who is paying the premium for the coverage and whether any employee contributions are on a pre-tax or post-tax basis. The Equitable approach may change as additional guidance is received from the CT PLA and the IRS.

### **If the benefits are taxable, how will they be reported?**

We are still awaiting guidance from the IRS on the tax treatment of these benefits. Based on what we know now, the medical leave benefits will be reported as third party sick pay via a W-2 and family leave benefits will be reported as ordinary income via a W-2. This may change depending upon additional guidance provided by the IRS and the state.

### **Will Equitable provide W-2's for those employees that receive CT PFML benefits under an Equitable plan?**

Yes, provided the policyholder elects Equitable's W-2 service. If the policyholder does not elect this service from Equitable, they would be responsible for creation of the W-2's.

### **Is there a charge for Equitable's W-2 service?**

No

### **If Equitable is providing the W-2 service and an employee receives Short-Term Disability (STD) benefits, CT medical leave benefits, and CT family leave benefits in the same year will they receive three W-2's?**

No, they will receive two W-2's. One will be for the STD and paid medical leave benefits paid reported as third-party sick pay and one will be for the paid family leave benefits reported as ordinary income.

### **What types of reports will Equitable make available to policyholders?**



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On a quarterly and annual basis, reports will be mailed to all policyholders that outline all the benefits paid for each individual, including any taxes withheld. These reports will also be available on our portal, EB360.

### **Will employers and employees be able to see the status of claims online?**

Yes, through our EB360 portal employers and employees will be able to see the status of CT PFML claims as well as claims history. This information is updated daily.

### **Is Equitable offering employer FICA match services on CT PFML plans?**

Yes, the employer FICA match service is available.

### **What if an employee does not return to work following an approved CT PFML leave?**

The employee may be subject to discipline from the employer if they fail to return to work following the expiration of an approved leave period.

## **ADDITIONAL RESOURCES**

### **What if there are questions that are not addressed in this document?**

The CT PLA has set up a [website](#) that has additional information on the CT PFML program and also has a specific page dedicated to frequently asked questions that can be found [here](#). You can also contact your Equitable Sales Representative or Regional Account Manager.

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