

Some Little-Known Leave of Absence Requirements

Working Together

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Connecticut employers are generally familiar with the chief leave of absence requirements, such as family and medical leave (starting with employers of 50 or more employees who are covered by federal FMLA) or leave for military personnel called to active duty. But there are some other requirements, more rarely encountered, that create other leave obligations. Our continuing review of the Connecticut labor statutes will discuss some of these little-known leave laws.

Section 31-51l of the Connecticut General Statutes requires municipalities, and private employers of more than 25 persons, to grant a personal leave of absence to any employee elected to state or municipal office, for not more than two consecutive terms. Upon application for re-employment, the employee must be reinstated to his original or an equivalent position unless the employer's circumstances have so changed as to make it unreasonable or impossible to do so.

This is the same reinstatement obligation language used in Connecticut General Statutes Section 46a-60(7), which grants a "reasonable" leave of absence for disability due to pregnancy even when FMLA is not applicable. This requirement is imposed on all employers with three or more employees, and for all employees, even new hires or low-hours part-time employees.

Then there is Section 31-51rr, a candidate for the most obscure leave of absence law. State and municipal employees who have worked for twelve months and for at least 1250 hours in the previous year may request leave in order to serve as an organ or blood marrow donor. The leave is for the probable duration of the employee's recovery from the donation, as certified by a physician, but not longer than the 12 weeks provided by the federal FMLA law (which applies to public employees).

Section 31-51ss provides leave for victims of family violence. Employers of three or more employees are required to provide leave to any employee who qualifies under one of the several listed situations: to seek medical care or psychological or other counseling, to obtain services from a victim services organization, to relocate, or to participate in civil or criminal proceedings.

An employee may have family violence leave of up to twelve days in a calendar year, in addition to any situation which might also qualify for family and medical leave. The leave is unpaid, but as with FMLA, an employee may apply paid leave such as vacation or personal days. The employer may request corroboration such as a police or court record, or a statement from a victim services organization, but such records must be kept confidential.

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