



June 1, 2010

LABOR & EMPLOYMENT UPDATE

COURT EXPANDS CONNECTICUT FMLA COVERAGE

A recent decision of the Connecticut Superior Court significantly expands the reach of the Connecticut Family Medical Leave Act to protect Connecticut employees working for companies with more than 75 employees nationally, but less than that number in Connecticut.

The federal FMLA applies to employers with 50 or more employees, but does not apply to a particular employee unless at least 50 employees work within a 75 mile radius of the employee's worksite. Thus, a company that employed 100 employees in California and 10 employees in Connecticut would not be obligated to provide federal FMLA leave to its Connecticut employees.

The Connecticut version of the FMLA, which pre-dates the federal law by several years, applies to employers with 75 or more employees. The Connecticut FMLA does not have any exception for employees in remote worksites. For more than a decade, the Connecticut Department of Labor has interpreted the Connecticut FMLA to require 75 or more employees in Connecticut for the law to apply. So the company with 100 California employees and 10 Connecticut employees would not have to provide Connecticut FMLA to its Connecticut employees.

That interpretation has now been called into question by a May 14, 2010 decision of a Superior Court that overturned a decision of the Connecticut Department of Labor. In Valez v. Mayfield, the Court held that the Department of Labor was obligated to consider out of state employees of an employer when determining the 75 employee threshold.

The Department of Labor, and the employer that had been accused of violating the Connecticut FMLA, are apparently going to appeal this decision. But unless and until the decision is overturned, prudent employers in Connecticut will consider all their employees in determining whether their employees are eligible for FMLA leave.

The interactions between state and federal FMLA and other sources of leave are complex and often frustrating. Murtha Cullina is presenting a Seminar on June 18, 2010 that will explore these topics in depth. For more information on this event, click [here](#) or contact Jacqueline Rowe at 860.240.6140 or jrowe@murthalaw.com.



If you have any questions about the issues addressed here, or any other matters involving Labor & Employment law issues, please feel free to contact:

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