September 18, 2012 **Labor & Employment Update**

CONNECTICUT FMLA APPLIES ONLY TO EMPLOYERS WITH 75 OR MORE EMPLOYEES LOCATED IN CONNECTICUT

The Connecticut Family and Medical Leave Act pre-dates the federal FMLA by several years. Despite attempts by the Connecticut legislature and Department of Labor to interpret the two acts as consistently as possible, substantial differences between the laws remain. Connecticut employers covered by both FMLAs know that the practical difficulties in administering the two Acts can be very burdensome.

A decision on Monday, September 17, 2012 by the Connecticut Supreme Court relieves one category of employers from the burdens of the Connecticut FMLA. The Connecticut law applies to employers with "75 or more employees." A Superior Court had held that those 75 employees need not all be located in the State of Connecticut for the Act to apply. Therefore, an employer with 100 employees in California and two employees in Connecticut, would, for the Connecticut-based employees at least, have to comply with the Connecticut FMLA.

Reversing, the Supreme Court held that the 75 employees all must be located in Connecticut for the state FMLA to apply. Out of state employers with small workforces in Connecticut will no longer have to wonder whether the Connecticut FMLA applies to their Connecticut employees.

The interaction between state and federal FMLAs, state and federal disability accommodation laws, workers compensation and other legal requirements remains complex, and employers must be sure that they consider all sources of leave rights when addressing an employee with attendance difficulties.

If you would like further information about these issues, please contact Hugh F. Murray at 860.240.6077 / hmurray@murthalaw.com, or Lissa J. Paris at 860.240.6032 / lparis@murthalaw.com.

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