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2018 Edition

Labor 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://www.ctdol.state.ct.us/wgwkstnd/laws-regs/legislation.htm>

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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<http://www.jud.ct.gov/policies.htm>

Section 1: Employment of Minors

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources concerning issues involving child labor in Connecticut

SEE ALSO:

- [Section 2. Rights of parents to the wages and services of their children](#)

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.

- Conn. Gen. Stat. (2017)
[Chapter 168](#). School Attendance and Employment of Children

§ [10-193](#). Certificate of age for minors in certain occupations.

§ [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-8](#). Custody of children and youths committed to commissioner as delinquent. Term, escape, violation of parole, return to custody. Vocational parole.

[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, elderly and handicapped persons 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, elderly and handicapped persons in certain other establishments.

Part II. Protection of Employees

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

occupations. Exceptions.
§ [31-32a](#). 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 (2018).
Title 29 Labor
[§§ 201-262](#). 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 (2017).
Title 31. Labor
§ [31-23-1](#). Employment of minors.
- Code of Federal Regulations (2018).
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.
[Part 579](#). Child Labor Violations—Civil Money Penalties.

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.

AGENCY INFORMATION:

- [Employment of Minors](#), Connecticut Department of Labor
- [Child Labor Protections \(Nonagricultural Work\)](#), U.S. Department of Labor

LEGISLATIVE:

- *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).
- *Employment of 14- and 15- Year Olds in Connecticut*

[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.

FORMS:

- Compared to Federal Law*, John Moran, Office of Legislative Research Report No. [2008-R-0330](#) (May 30, 2008).
- *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).
 - 9B [Am. Jur. Legal Forms](#) 2d (2012).
Chapter 144. Infants.
§ 144.12. Parent's consent to employment of minor and relinquishment of right to earnings.
 - 13C [Am. Jur. Legal Forms](#) 2d (2013).
Chapter 191. Parent & Child
IV. Services of Minor Employment
A. In General
§ 191:52. Scope of division
§ 191:53. Introductory comments
§ 191:54. Form drafting guide
§ 191:55. Consent to employment of minor
§ 191:56. – Provision – Release of claims for damages
§ 191:57. Guaranty by parents – Performance of **minor's obligations under employment contract**
§ 191:58. Agreement between parents and minor – **Minor to manage parents' business**

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.

- *Saccante 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."
- *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.'"
- *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."

WEST KEY NUMBERS:

- Infant #1491-#1494. Child Labor
 - 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
 - (D) Hours of Service
 - 2495(4). Validity - Minors

DIGESTS:

- U.S. Supreme Court Digest L.Ed 2d:
 - Labor §3. Labor law generally—women and children.

INDICES:

- ALR: Child labor

ENCYCLOPEDIAS:

- 30 [C.J.S.](#) *Employers' Liability* (2017).
 - 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* (2010).
 - 3. Disability as to Particular Types of Contracts or Transactions
 - b. Contracts for Labor or Services
 - § 54. Generally
 - § 55. Sports or entertainment services
 - § 56. Employment of others by infant
- Annotation, *Workers' Compensation Statute as Barring Illegally Employed Minor's Tort Action*, 77 [ALR4th](#) 844 (1990).
- Frank D. Wagner, Annotation, *Lawn Mowing by Minors as Violation of Child Labor Statutes*, 56 [ALR3d](#) 1166 (1974).
- 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 [ALR Federal](#) 391 (1974).

- Michael Lepp, Annotation, *Infant's Liability For Services Of An Employment Agency*, 41 [ALR3d](#) 1075 (1972).
- R.F. Chase, Annotation, *Enforceability Of Covenant Not To Compete In Infant's Employment Contract*, 17 [ALR3d](#) 863 (1968).

PAMPHLETS:

- **Employers' Checklist for Employment of Minors in the State of Connecticut**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wgchklst.htm>
- **Checklist for Minors Applying for Statement of Age/Working Papers**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wgwrkpap.htm>
- **Prohibited Occupations and Places of Employment for All Minors Under the Age of 18 years**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wg18yrs.htm>
- **Prohibited Places of Employment for 14 & 15 Year-Olds**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wg14no.htm>
- **Permitted Occupations for 14 & 15 Year-Olds**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wg14yes.htm>
- **Time & Hour Restrictions for 16 & 17 Year-old Minors (By Industry)**, Connecticut Department of Labor, Wage & Workplace Standards Division.
<https://www.ctdol.state.ct.us/wgwkstnd/minors/wgtime.htm>
- [Labor & Employment in Connecticut: a Guide to Employment Laws, Regulations and Practices](#), Jeffrey L. Hirsch (2d ed. 2000).

TEXTS & TREATISES:

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Chapter 1. Hiring
 - § 1-8. Hiring of minors—Child Labor
 - (a). Coverage
 - (b). Permissible employment
 - (c). Hours
 - (d). Employment forms
 - (e). Penalties
- [Connecticut Employment Law](#), Pamela J. Moore (3rd ed., 2016)
 - Chapter 10. Health and Safety
 - § 10-5. Hazardous Employment for Minors
 - § 10-5:1. Introduction
 - § 10-5:2. Minors Prohibited From Working in

Certain Industries

§ 10-5:2.1. Children Under 18

Table 10-1. Hazardous Industries for Children Under 18

Table 10-2. Hazardous Occupations for Children Under 18

§ 10-5:2.2 Children Under 16

Table 10-3. Prohibited Industries for Children Under 16

Table 10-4. Prohibited Hazardous Activities for Children Under 16

§ 10-5:3. Certificate of Age

- [Connecticut Labor & Employment Law](#), Jay S. Seigel et al. (3rd ed. 2004 with 2010 supplement).
Chapter 2. Wage and hour provisions by Shawn P. Coyne
Part V. Child Labor Laws, pp. 108-114
 - A. Introduction, p. 108
 - B. Prohibited occupations, pp. 108-111
 - C. Prohibited activities, p. 111
 - D. Restrictions on hours of work, pp. 111-114
 - E. Exemption from child labor laws, p. 114
 - F. Proof of age, p. 114
 - G. Violations, p. 114
- [Connecticut Practice Series, Connecticut Employment Law](#), Stephen B. Harris [Vol. 14] (2005).
§ 5:10. Child labor laws
 - 1. Federal law
 - 2. Connecticut law
- [Legal Rights of Children](#), Thomas R. Young [Vol. 1] (3rd edition, 2017-2018).
Chapter 14. Child Labor Laws
 - § 14:1. Origins of child labor laws
 - § 14:2. Federal child labor laws—Historical perspective and purpose
 - § 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. —Hours of employment
 - § 14:9. Child labor and multinational corporations
 - § 14:10. —Penalties and remedies
 - § 14:11. State laws—Minimum age provisions
 - § 14:12. —Maximum hours provisions
 - § 14:13. —Hazardous employment restrictions
 - § 14:14. Defenses and arguments made by violators

- [Children and the Law: Rights & Obligations](#), Thomas A. Jacobs [Vol. 2] (2018 edition).
 - 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
 - § 22: 24. – Licensing of child – **Driver’s licenses**

LAW REVIEWS:

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

- 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).
- Constitutionality Of Laws Regulating Hours Of Labor Of Minors And Women, 17 [Yale Law Journal](#) 536 (1908).

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.

FORMS:

- 9B [Am. Jur. Legal Forms](#) 2d (2012).
Chapter 144. Infants.
§ 144.12. **Parent's consent to employment of minor and relinquishment of right to earnings**
- 13C [Am. Jur. Legal Forms](#) 2d (2013).
Chapter 191. Parent & Child.
IV. Services of Minor Employment
B. Earnings of Minor
§ 191:59. Notice to employer of minor – **Parents' claim of wages due minor**
§ 191:60. – **Parents' relinquishment of right to wages due minor**
§ 191:61. **Parents'** assignment of right to **minor's** wages to guardian of estate
§ 191:62. **Parent's agreement to relinquish control of minor child and right to child's earnings**

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, correlatively, 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 fulfils 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

DIGESTS:

- ALR Digest *Parent and child* (2015).
 - § 5. Services and earnings of child

ENCYCLOPEDIAS:

- 59 [Am Jur 2d](#) Parent and Child (2012).
III. Parental rights and duties in general
C. Services and earnings of child
§ 39. Generally
- 67A [C.J.S. Parent and Child](#) (2013).
IV. Services and earnings of child
A. In general
§ 282. Rights of parents, generally
§ 283. Specific rights of mother and father
§ 284. Relinquishment of parents' right
§ 285. Termination, loss, or forfeiture of parents' right
§ 286. Right of child to compensation for services to parent
B. Action for services
§ 287. Generally
§ 288. Evidence
§ 289. Trial; Amount of recovery
- Alice M. Wright, Annotation, *What Voluntary Acts Of Child, Other Than Marriage Or Entry Into Service, Terminate Parent's Obligation To Support*, 55 [ALR5th](#) 557 (1998).
- Gary D. Spivey, Annotation, *Income Of Child From Other Source As Excusing Parent's Compliance With Support Provisions Of Divorce Decree*, 39 [ALR3d](#) 1292 (1971).

TREATISE:

- [Incapacity, Powers of Attorney and Adoption in Connecticut](#), Ralph Folsom (2018).
§ 3:6. Parent and child—Right to services and earnings, effects of emancipation

LAW REVIEWS:

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

- [There's No Business Like Show Business: Child Entertainers and the Law](#), Jessica Krieg, 6 U. Pa. Journal of Labor and Employment Law 429 (2004).

Section 3: Family Medical 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 Acts.

DEFINITION:

- **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).
- "To varying degrees, each of these statutes regulates workplace conduct. Specifically, the **Connecticut Family and Medical Leave Law** allows employees up to sixteen weeks of unpaid leave for the birth of a child and proscribes retaliation for requesting leave. See General Statutes §§ 31-51nn through 31-51pp. The **Federal Family and Medical Leave Act of 1993**, which is intended 'to balance the demands of the workplace with the needs of families,' provides for similar benefits. See 29 U.S.C. § 2601 (b) (1). Section 46a-60 (a) (7) provides a wide range of protections for pregnant women who wish to continue working during pregnancy and maintain their jobs and benefits thereafter. That statute prohibits an employer from terminating a woman's employment 'because of her pregnancy' or from refusing to grant a 'reasonable leave of absence for disability resulting from her pregnancy. . . .' General Statutes § 46a-60 (a) (7). Finally, § 17a-101 (a) establishes an important public policy to 'protect children whose health and welfare may be adversely affected through injury and neglect,' and sets forth the child abuse reporting and investigation obligations of certain health care professionals. None of these statutes requires that an employer accommodate

employee requests for flexible work schedules.” [Daley v. Aetna life & Casualty Co.](#), 249 Conn. 766, 802, 734 A.2d 112 (1999). (Emphasis added)

- **Eligible employee:** “means an employee who has been employed (A) for at least twelve months by the employer with respect to whom leave is requested; and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the leave” Conn. Gen. Stat. § [31-51kk\(1\)](#) (2017).
- **Employer:** “means a person engaged in any activity, enterprise or business who employs seventy-five 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, but shall not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school. The number of employees of an employer shall be determined on October first annually” Conn. Gen. Stat. § [31-51kk\(4\)](#) (2017).
- **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, who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability” Conn. Gen. Stat. § [31-51kk\(11\)](#) (2017).
- **Spouse:** “means a husband or wife, as the case may be.” Conn. Gen. Stats. § [31-51kk\(12\)](#) (2017).

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.

- Conn. Gen. Stat. (2017)
 - Chapter 557. Employment Regulation
 - § [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.
 - § [31-51ss](#). Leave from employment for victims of family violence. Action for damages and reinstatement.

REGULATIONS:

- Regulations of Connecticut State Agencies (2017).
Title 31. Labor
The Family and Medical Leave Act
§§ [31-51qq-1 to 31-51qq-48](#)

AGENCY INFORMATION:

- [Family and Medical Leave Act \(FMLA\)](#), Connecticut Department of Labor.
- [Family and Medical Leave Act](#), U.S. Department 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.

- Janet L. Kaminski, *Paid Family Medical Leave or Mandated Disability Benefits*. Office of Legislative Research Report No. [2005-R-0587](#) (August 4, 2005).
- 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."
- Benjamin H. Hardy, *Family and Medical Leave*, Office of Legislative Research Report No. [99-R-0722](#) (June 29, 1999).
"which states mandate paid leave under family and medical leave acts (FMLAs) how FMLA leave works in Connecticut, and how many people have used it here."
- Laura Jordan, *Pros And Cons Of Expanding State's Family And Medical Leave Laws*, Office of Legislative Research Report No. [98-R-1404](#) (December 14, 1998).
"what arguments could be made for and against a proposal to expand the state's Family and Medical Leave (FML) law to include employers with 25 or more employees."

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.

- [Colagiovanni v. Valenti Motors, Inc.](#), Superior Court, Judicial District of Hartford, No. HDD-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 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. HDD-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 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](#), 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 *Antinerella 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."

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TEXTS & TREATISES:

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 - § 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
- [Connecticut Employment Law](#), Pamela J. Moore (3rd ed., 2016)
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 - § 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
 - § 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. The 75-Employee Threshold
§ 7-3:2.2. Successors in Interest to a Covered Employer
§ 7-3:2.3. Joint Employers
§ 7-3:3. Eligibility Requirements for Employees
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§ 7-3:4.1. Serious Health Condition
§ 7-3:5. Length of Leave
§ 7-3:5.1. Limits on Leave Taken for the Birth or Placement of a Child With the Employee
§ 7-3:5.2. Limitations on Leave When Two Parents Work for the Same Employer
§ 7-3:5.3. Intermittent and Reduced Schedule Leave
§ 7-3:6. Employee Notice to the Employer of the Need for Leave
§ 7-3:7. Employer Notice to an Employee Requesting CT FMLA Leave
§ 7-3:7.1. Contents of the Notice to Employees and Medical Certifications
§ 7-3:7.2. Retroactive Designation of CT FMLA Leave Is Generally Not Permissible
§ 7-3:8. Pay and Benefits During CT FMLA Leave
§ 7-3:8.1. Substitution of Paid Leave
§ 7-3:8.2. Health Benefits
§ 7-3:8.3. Other Benefits
§ 7-3:9. Employee Rights Upon Return From CT FMLA Leave
§ 7-3:9.1. Fitness for Duty
§ 7-3:9.2. Benefits Upon Return From Leave
§ 7-3:10. Recordkeeping and Posted Notices Under the CT FMLA
§ 7-3:11. Enforcement and Prohibited Acts
§ 7-4. Interaction Between Federal and State Law
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- II. Family leave provisions, p. 256
 - A. Overview of the Federal Family and Medical Leave Act of 1993, pp. 257-264
 - B. Enforcement of the Federal FMLA, p. 264
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 - D. Interaction of the Federal FMLA with the Connecticut FMLA, p. 267
- III. The Connecticut Family and Medical Leave Act
- IV. Additional Laws that may Impact Employers' Leave Policies**

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

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- Zachary D. Schurin, *Employment and Immigration Law: School Paraprofessionals May Soon Qualify for FMLA*, 40 [Connecticut Law Tribune](#), no.4 (January 27, 2014), Employment & Immigration Section, p. 25.
- Robert Storace, *Former Wells Fargo Manager Claims He Was Fired for Doing the Right Thing*, 43 [Connecticut Law Tribune](#), no.30 (July 24, 2017), p. 15.

Table 1: Emergency Phone Calls to Family Member at Work

Conn. Gen. Stats. § 31-51jj (2017) 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. <i>See also:</i></p>
Conn. Gen. Stats. § 1-56r (2017) 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, section 31-51jj, section 54-85d, section 54-91c, section 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 therein indicated.</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.

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

Connecticut Family & Medical Leave Act	
<p>Cendant Corp. v. Commissioner of Labor, 276 Conn. 16, 23, 883 A.2d 789 (2005)</p>	<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 <i>as to reduce confusion to employers and employees in Connecticut who are affected by either of these two laws.</i>’ (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>	