Employment 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/gendocs/legislation.html

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

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

Prepared by Connecticut Judicial Branch, Superior Court Operations,
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Section 1: Employment of Minors
A Guide to Resources in the Law Library

SCOPE: Bibliographic resources concerning issues involving employment of minors in Connecticut

SEE ALSO:
- Section 2. Rights of parents to the wages and services of their children

STATUTES:
  - § 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
  - § 22-14. 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.

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.
§ 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


§ 31-32a. Minors employed on or after October 1, 2007, deemed to have been lawfully employed.


§ 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 (2020).
  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 (2020).
  Title 31. Labor
  § 31-23-1. Employment of minors.

  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.


**AGENCY INFORMATION:**
- Connecticut Department of Labor, Employment of Minors, Wage & Workplace Standards Division.
  - Employers’ Checklist for Employment of Minors in the State of Connecticut
  - Checklist for Minors Applying for Statement of Age/Working Papers
  - Prohibited Occupations and Places of Employment for All Minors Under the Age of 18 years
  - Prohibited Places of Employment for 14 & 15 Year-Olds, Connecticut Department of Labor
  - Permitted Occupations for 14 & 15 Year-Olds, Connecticut Department of Labor
  - Time & Hour Restrictions for 16 & 17 Year-old Minors (By Industry)

**LEGISLATIVE:**

**CASES:**
- Kwiatkowski v. Beatty, Superior Court, Judicial District of Waterbury at Waterbury, No. UWYCV16-6033094 (June 16, 2017) (2017 Conn. Super. LEXIS 3602). “Connecticut has addressed the employment of minors in a number of ways and in a number of statutes that protect the minor from harm in employment for certain occupations such as manufacturing, mechanical, mercantile or theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-shining establishment or barber shop, except the
Labor Commissioner may authorize employment between 14 and 16 under certain circumstances. C.G.S. § 31-23. There are no employment statutes or regulations which speak to an additional duty to supervise the minors as a result of their age. There are no parental approvals needed for work. In *Dupont v. Aavid Thermal Technologies, Inc.*, 147 N.H 706, 798 A.2d 587 (2002), the court ‘explicitly disavowed attempts to liken the employer-employee relationship to the school-student relationship.’ It specifically stated, ‘[e]mployees are not children and employers do not play the role of parental proxy. Employment unlike school, is not compulsory. Employees are generally free to terminate their employment relationship at any time and for any reason.”

- **Saccente 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.”

- **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.”

- **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.”"

- **Infants**
  - (D) Child Labor
    - IX. Child Protection
      - #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

**ENCYCLOPEDIAS:**  
  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 (2020).  
  III. Capacities, Disabilities, and Privileges, in General  
     B. Particular Disabilities, Capacities, or Privileges  
        § 34. Capacity of infants regarding employment and recreation  
  IV. Contracts and Conveyances  
     A. Validity and Binding Effect  
        § 53. Validity and effect of contracts for labor or services of infants, generally  
        § 54. Validity and effect of contracts of infants for sports or entertainment services  
        § 55. Validity and effect of employment contract of infant


**TEXTS & TREATISES:**  
  Chapter 1. Hiring  
     § 1-8. Hiring of Minors – Child Labor  
        (a). Coverage  
        (b). Permissible employment
  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

  § 5:10. Child labor laws
  1. Federal law
  2. Connecticut law

  Chapter 3. During Employment
  § 3.6. Child Labor
  § 3.6(a). Federal Guidelines on Child Labor
  § 3.6(b). State Guidelines on Child Labor
  § 3.6(b)(i). State Restrictions on Type of Employment for Minors
  § 3.6(b)(ii). State Limits on Hours of Work for Minors
  § 3.6(b)(iii). State Child Labor Exceptions
  § 3.6(b)(iv). State Work Permit or Waiver Requirements
  § 3.6(b)(v). State Enforcement, Remedies and Penalties

● 1 *Legal Rights of Children*, 3d, by Thomas R. Young, Thomson West, 2019 (also available on Westlaw).
  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
§ 14:11. —Penalties and remedies
§ 14:13. State laws—Minimum age provisions
§ 14:14. —Maximum hours provisions
§ 14:15. —Hazardous employment restrictions
§ 14:16. Defenses and arguments made by violators
§ 14:17. Child labor and the family

  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

FORMS:
  Chapter 144. Infants.
  § 144.12. Parent’s consent to employment of minor and relinquishment of right to earnings.

  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

LAW REVIEWS:


Section 2: Rights of Parents to the Wages and Services of Their Children

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.

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, correlativelly, 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

ENCYCLOPEDIAS:

  III. Parental rights and duties in general
  C. Services and earnings of child
    § 39. Generally

  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

**TREATISE:**

  - § 3:7. Parent and child—Right to services and earnings, effects of emancipation

**FORMS:**

  - Chapter 144. Infants.
    - II. Agreements and Related Instruments
      - C. Related Instruments by Parents, Guarantors, etc.
        - § 144.12. Parent’s consent to employment of minor and relinquishment of right to earnings

    - 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

**LAW REVIEWS:**


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
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- **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) (2019).

- **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) (2019).

- **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) (2019).

- **Spouse:** “means a husband or wife, as the case may be.” Conn. Gen. Stat. § 31-51kk(12) (2019).

- **Applicability of marriage terms.** “Wherever in the general statutes or the public acts the term ‘husband’ [or] ‘wife’...is used, such term shall be deemed to include one party to a marriage between two persons of the same sex.” Conn. Gen. Stat. § 1-1m (2019).

**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.

Chapter 557. Employment Regulation (2020 Supplement)

§ 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.

  Title 29 – Labor
  Chapter 28
  §§ 2601-2654 – Family and Medical Leave

PUBLIC ACTS:

- **Public Act 19-25. An Act Concerning Paid Family and Medical Leave**
  (Provisions that affect the terms of the current FMLA are effective January 1, 2022.)
  Summary of Public Act 19-25

- **Public Act 19-117. An Act Concerning the State Budget...**
  Secs. 232-235, amending Public Act 19-25

REGULATIONS:

  Title 31. Labor
  The Family and Medical Leave Act
  §§ 31-51qq-1 to 31-51qq-48

  Title 29 - Labor
  Subtitle B—Regulations Relating to Labor,
  Chapter V—Wage and Hour Division, DOL
  Subchapter C—Other Laws
  Part 825—The Family And Medical Leave Act Of 1993
  §§ 825.100 – 825.803

- Temporary Regulation: [Paid Leave Under the Families First Coronavirus Response Act](https://www.federalregister.gov) (Federal Register)

AGENCY INFORMATION:

- Connecticut Department of Labor. [Family and Medical Leave Act (FMLA)](https://www.ct.gov/labor), Wage and Workplace Standards Division.
  [FMLA Guidance: Interaction between new federal FMLA regulations and the CT FMLA Regulations](https://www.ct.gov/labor)

- Connecticut [Paid Leave Authority](https://ctpaidleave.org), (ctpaidleave.org)
  Resources

- Connecticut [Paid Leave Authority](https://www.ct.gov) (DAS website)
  Resources
- **Family and Medical Leave Act**, U.S. Dept. of Labor
- **Family and Medical Leave Act Advisor**, U.S. Dept. of Labor
- **Temporary Rule: Paid Leave under the Families First Coronavirus Response Act**, U.S. Dept. of Labor

**LEGISLATIVE:**

- Find recent Office of Legislative Research (OLR) reports on the [Law about Family and Medical Leave](#) subject page.

  “You asked if an employer can make an employee’s time out on workers’ compensation count as family and medical leave.”

**CASES:**

- **Scaplen v. United Services, Inc.**, Superior Court, Judicial District of Windham at Putnam, No. WVMCV18-6014673S, (Jan. 29, 2020) (2020 WL 1030775). “[A]n FMLA retaliation claim is analyzed under the McDonnell Douglas burden shifting framework, requiring the [p]laintiff first to establish a prima facie case ... In order to make out a prima facie case, [the Plaintiff] must establish that: 1) [she] exercised rights protected under the FMLA; 2) [she] was qualified for [her] position; 3) [she] suffered an adverse employment action; and 4) the adverse employment action occurred under circumstances giving rise to an inference of retaliatory intent.... *Colon v. Fashion Inst. of Tech. (State Univ. of New York)*, 983 F. Supp. 2d 277, 287 (S.D.N.Y. 2013); see *Evarts v. Quinnipiac University*, supra (retaliation claim requires plaintiff to show that employer retaliated ... for plaintiff's exercise of FMLA rights); *Woods v. START Treatment & Recovery Centers, Inc.*, 864 F.3d 158, 166 (2d Cir. 2017).” (Internal quotation marks omitted.)

- **Colagiovanni v. Valenti Motors, Inc.**, Superior Court, Judicial District of Hartford, No. HHD-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.”
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.Sup.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, 276 Conn. 16, 18, 883 A.2d 789 (2005). “In this appeal, we are asked to determine the proper framework for analyzing a claim of interference with an employee’s right to reinstatement under the Connecticut Family and Medical Leave Law, General Statutes § 31–51kk et seq. (leave statute).”

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.)”

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.
• 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.”

ENCyclopediaS:


• Shauna Cully Wagner, Annotation, Discrimination Against Pregnant Employee as Violation of State Fair Employment Laws, 99 ALR5th 1 (2002).


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  § 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
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  Chapter 7. Connecticut Leave Laws
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  Chapter 6. Leaves of absence/time off.
  § 6:1. Connecticut FMLA
  § 6:2. Relation to federal FMLA

**LAW REVIEWS:**

Table 1: Emergency Phone Calls to Family Member at Work

<table>
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<tbody>
<tr>
<td>(a) For purposes of this section:</td>
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<tr>
<td>(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</td>
</tr>
<tr>
<td>(2) “Member of the employee's family” means a mother, father, husband, wife, son, daughter, sister or brother of the employee.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(c) The failure of an employer to comply with any provision of this section shall be an infraction.</td>
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</table>

See Also: Conn. Gen. Stats. § 1-1m. Applicability of marriage terms.

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<tr>
<th>Conn. Gen. Stats. § 1-56r (2019) Designation of person for decision-making and certain rights and obligations</th>
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<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
<tr>
<td>(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.</td>
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Table 2: Legislative History in the Courts - CT Family & Medical Leave Act

<table>
<thead>
<tr>
<th>Connecticut Family &amp; Medical Leave Act</th>
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<tr>
<td>“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, &quot;[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.&quot; 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 &quot;merge the standards of both the federal and state family leave laws so as to reduce confusion to employers and employees in Connecticut who are affected by either of these two laws.&quot; (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.”</td>
</tr>
</tbody>
</table>

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