Sec. 31-51qq-11. How much leave may an employee take?

(a) An eligible employee is limited to a total of twelve (12) workweeks of leave during any twelve (12)-month period for any one or more of the following reasons, except that the employee may take up to two (2) additional workweeks of leave during such twelve (12)-month period for a serious health condition resulting in incapacitation that occurs during pregnancy:

(1) Upon the birth of a son or daughter of the employee, and to care for the newborn child;

(2) Upon the placement of a son or daughter with the employee for adoption or foster care, and to care for the newly placed child;

(3) In order to care for a family member of the employee, if such family member has a serious health condition;

(4) Because of a serious health condition of the employee;

(5) In order to serve as an organ or bone marrow donor; or

(6) Because of any qualifying exigency, as described in section 31-51qq-49 of the Regulations of Connecticut State Agencies, arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty in the Armed Forces.

However, an eligible employee may be entitled to a total of twenty-six (26) workweeks of leave during any twelve (12)-month period for leave to care for a covered servicemember's, as defined by section 31-51qq-50(a)(1) of the Regulations of Connecticut State Agencies, serious injury or illness pursuant to section 31-51qq-50 of the Regulations of Connecticut State Agencies.

(b) An employee shall be entitled to take up to two (2) additional workweeks of leave during the applicable twelve (12)-month period, if the employee has a serious health condition while the employee is pregnant and that serious health condition results in a period of incapacity. These additional two (2) weeks are only available during pregnancy. If a pregnant employee uses the additional two (2) weeks during the pregnancy, the employee would still have the full twelve (12) weeks available for any qualifying reason for leave.

(1) In this situation, the employee's incapacity does not have to be due to the employee's pregnancy; rather, it can be due to any serious health condition that the employee experiences during her pregnancy. For example, an employee shall be entitled to take up to two (2) additional workweeks of leave where she is unable to work during her pregnancy due to her recovery from appendicitis.

(2) Should an employee require more than two (2) weeks of leave for a serious health condition during her pregnancy, the amount of available leave for other qualifying reasons would be reduced accordingly. For example, if an employee takes three (3) weeks of bed rest for preeclampsia prior to the birth of her child, she would have eleven (11) weeks available for any qualifying reason for leave remaining during the applicable twelve (12)-month period.

(3) If an employee has not yet notified her employer of her pregnancy and experiences any other serious health condition requiring leave during pregnancy, the employee is still entitled to the additional two (2) weeks of leave for a serious health condition during her pregnancy. However, if, for example, the employee experiences morning sickness, prior to

notifying her employer as soon as practicable, as defined in section 31-51qq-27(a) of the Regulations of Connecticut State Agencies, after the absence that she was pregnant, the employer may, in its discretion, designate up to two (2) weeks of such leave as FMLA when notified of the pregnancy.

(c) The twelve (12)-month period during which the eligible employee is entitled to use FMLA leave shall be determined using any one of the following methods:

(1) A calendar year;

(2) Any fixed twelve (12)-month period, such as a fiscal year or a twelve (12)-month period measured forward from an employee's first date of employment;

(3) A twelve (12)-month period measured forward from an employee's first day of FMLA leave taken under Act; or

(4) A rolling twelve (12)-month period measured backward from an employee's first day of FMLA leave taken under the Act.

(d) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the employer's business activity has temporarily ceased and employees generally are not expected to report for work for one (1) or more weeks (*e.g.*, a Christmas or New Year holiday, the summer vacation or an employer closing the plant for retooling or repairs), the days the employer's activities have ceased do not count against the employee's FMLA leave entitlement.

(Adopted effective March 9, 1999; Amended August 3, 2022)