



General Assembly

January Session, 2003

Amendment

LCO No. 6931

HB0615106931HR0

Offered by:

REP. WINKLER, 41st Dist.
REP. RYAN, 139th Dist.
REP. OLSON, 46th Dist.
REP. ORANGE, 48th Dist.
REP. DONOVAN, 84th Dist.

SEN. PRAGUE, 19th Dist.
REP. CARON, 44th Dist.
REP. URBAN, 43rd Dist.
REP. TERCYAK, 26th Dist.
REP. COLLINS, 117th Dist.

To: Subst. House Bill No. 6151

File No. 560

Cal. No. 74

"AN ACT CONCERNING THE USE OF SICK TIME FOR FAMILY AND MEDICAL LEAVE."

1 Strike everything after the enacting clause and insert the following
2 in lieu thereof:

3 "Section 1. Section 31-51pp of the general statutes is amended by
4 adding subsection (c) as follows (*Effective October 1, 2003*):

5 (NEW) (c) (1) It shall be a violation of sections 31-51kk to 31-51qq,
6 inclusive, for any employer to deny an employee the right to use up to
7 two weeks of accumulated sick leave or to discharge, threaten to
8 discharge, demote, suspend or in any manner discriminate against an
9 employee for using, or attempting to exercise the right to use, up to
10 two weeks of accumulated sick leave to attend to a serious health
11 condition of a son or daughter, spouse or parent of the employee, or

12 for the birth or adoption of a son or daughter of the employee. For
13 purposes of this subsection, "sick leave" means an absence from work
14 for which compensation is provided through an employer's bona fide
15 written policy providing compensation for loss of wages occasioned by
16 illness, but does not include absences from work for which
17 compensation is provided through an employer's short or long-term
18 disability plan, whether or not such plan is self-insured.

19 (2) Any employee aggrieved by a violation of this subsection may
20 file a complaint with the Labor Commissioner alleging violation of the
21 provisions of this subsection. Upon receipt of any such complaint, the
22 commissioner shall hold a hearing. After the hearing, the
23 commissioner shall send each party a written copy of the
24 commissioner's decision. The commissioner may award the employee
25 all appropriate relief, including rehiring or reinstatement to the
26 employee's previous job, payment of back wages and reestablishment
27 of employee benefits to which the employee otherwise would have
28 been eligible if a violation of this subsection had not occurred. Any
29 party aggrieved by the decision of the commissioner may appeal the
30 decision to the Superior Court in accordance with the provisions of
31 chapter 54.

32 (3) The rights and remedies specified in this subsection are
33 cumulative and nonexclusive and are in addition to any other rights or
34 remedies afforded by contract or under other provisions of law.

35 Sec. 2. Subsection (a) of section 31-51ll of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective*
37 *October 1, 2003*):

38 (a) Subject to section 31-51mm, an eligible employee shall be entitled
39 to a total of sixteen workweeks of leave during any twenty-four-month
40 period, such twenty-four-month period to [begin with the first day of
41 leave taken,] be determined utilizing any one of the following
42 methods: (1) Consecutive calendar years; (2) any fixed twenty-four-
43 month period, such as two consecutive fiscal years or a twenty-four-

44 month period measured forward from an employee's first date of
 45 employment; (3) a twenty-four-month period measured forward from
 46 an employee's first day of leave taken under sections 31-51kk to 31-
 47 51qq, inclusive; or (4) a rolling twenty-four-month period measured
 48 backward from an employee's first day of leave taken under sections
 49 31-51kk to 31-51qq, inclusive, for one or more of the following:

- 50 (1) Upon the birth of a son or daughter of the employee;
- 51 (2) Upon the placement of a son or daughter with the employee for
52 adoption or foster care;
- 53 (3) In order to care for the spouse, or a son, daughter or parent of
54 the employee, if such spouse, son, daughter or parent has a serious
55 health condition; or
- 56 (4) Because of a serious health condition of the employee."

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>