



General Assembly

January Session, 2003

Amendment

LCO No. 7041

HB0615107041HR0

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 or other similar plan, whether or not such plan is self-
19 insured.

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

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

36 Sec. 2. Subsection (a) of section 31-511l of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *October 1, 2003*):

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

44 month period, such as two consecutive fiscal years or a twenty-four-
 45 month period measured forward from an employee's first date of
 46 employment; (3) a twenty-four-month period measured forward from
 47 an employee's first day of leave taken under sections 31-51kk to 31-
 48 51qq, inclusive; or (4) a rolling twenty-four-month period measured
 49 backward from the date an employee uses leave under sections 31-
 50 51kk to 31-51qq, inclusive, for one or more of the following:

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

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