



# Senate

General Assembly

**File No. 155**

February Session, 2006

Substitute Senate Bill No. 22

*Senate, March 28, 2006*

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR EMPLOYEES OF MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2006*) Each municipality shall  
2 grant any employee of such municipality the same family and medical  
3 leave as is provided for state employees under section 5-248a of the  
4 general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2006</i>	New section
-----------	------------------------	-------------

**LAB** Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 07 \$	FY 08 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

**Explanation**

This bill requires municipalities to provide their employees with the same Family and Medical Leave (FML) benefits the state provides to its employees. Municipalities are currently covered under the federal FML law, which provides workers with up to 12 weeks of unpaid leave in a one-year period. This bill would allow municipal employees to also benefit from the state FML law, which provides up to 24 weeks of unpaid leave in a two-year period.

Allowing a municipal employee to use unpaid leave, may in some cases, increase personnel costs to the municipality. Municipal workers would be able to exhaust their accrued time first and then the remainder of the leave would be unpaid. In order for the employing municipality to meet minimum staffing levels, especially in the areas of public safety, it may be necessary to have employees work overtime, or call in employees that normally had the time off.

However, any increase in personnel costs, either through overtime costs or the hiring of temporary employees, would be mitigated by the fact that permanent employees taking leave would not be compensated. It should be noted that for many of the municipalities the workload of employees taking unpaid leave would be divided among co-workers.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR BILL ANALYSIS**  
**sSB 22*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR EMPLOYEES OF MUNICIPALITIES.*****SUMMARY:**

This bill requires municipalities to provide their employees with the same Family and Medical Leave Act (FMLA) benefits the state provides to its employees. Since municipalities are currently under the federal FMLA, this bill makes municipal employees eligible for the federal or state provision that grants the greater benefit. This makes municipal employees eligible for up to 36 weeks of unpaid leave over a two-year period rather than the current 24 weeks of leave under the federal law alone.

EFFECTIVE DATE: October 1, 2006

**STATE EMPLOYEE AND FEDERAL FMLAS**

Most provisions of the two laws are similar. They both give an employee leave for (1) the birth or adoption of a child; (2) the serious illness of a child, spouse, or parent of the employee; or (3) the employee's own serious illness. But (1) there are differences in the amount of leave (especially when the two laws are taken together); (2) the state employee law permits leave to serve as an organ or bone marrow donor; and (3) job reinstatement rights are stronger under the state law for a returning employee no longer able to perform his original job. One federal provision is broader; it allows leave due to the placement of a foster child, and the state law does not. This benefit would still be available to employees under the federal law.

The federal law provides workers with up to 12 weeks of unpaid leave in a one-year period; the state law provides up to 24 weeks in a two-year period. Under the bill, a municipal employee could take 12

weeks of leave under the federal law in one year and take 24 weeks under the state law in the next year. This provides a combined benefit of 36 weeks over two years.

Table 1 shows the differences and similarities in the two laws.

**TABLE 1: FEDERAL AND STATE PUBLIC SECTOR FMLA PROVISIONS**

	<i>Federal Law (as applied to municipalities)</i>	<i>Bill (current state employees law)</i>
<b>Municipalities covered</b>	All	All
<b>Employees eligible</b>	Those who have worked (1) at least 12 months for the employer and (2) at least 1,250 hours	All permanent employees (existing law covers permanent employees as defined in State Personnel Act)
<b>Leave amount</b>	Up to 12 weeks in one year	Up to 24 weeks in two years
<b>Types of leave</b>	For birth, placement of child for adoption or foster care, to provide care for employee's own parent, child, or spouse with serious health condition, or employee's own serious health condition	Similar, except it also covers leave to serve as an organ or bone marrow donor and does not cover leave due to a foster care child placement
<b>Serous health condition/illness</b>	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or residential medical-care facility; or continuing treatment by a health care provider	Similar to federal provision.
<b>Health benefits</b>	Employee health	Similar to federal

<b>during leave</b>	insurance must be continued under same conditions as prior to leave, including any employee contribution required	provision
<b>Job reinstatement rights</b>	Must be restored to same position or one equivalent to it in all benefits and other terms and conditions of employment	Similar to federal in all respects except if upon return from leave, the employee is medically unable to perform his original job, he must be transferred to work suitable to his physical condition if such work is available (federal law does not require this if the employee is unable to perform his old duties)

### **ELIGIBLE EMPLOYEE DEFINITION**

The state FMLA refers to state employees in permanent positions as defined in the State Personnel Act. To apply the bill, a municipality would have to determine who qualifies as a permanent employee under its own personnel or civil service policies.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10 Nay 3 (03/14/2006)