



Senate

General Assembly

File No. 24

February Session, 2006

Senate Bill No. 23

Senate, March 20, 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 bill ought to pass.

AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR STATE EMPLOYEES.

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

1 Section 1. Subsection (a) of section 5-247 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2006*):

4 (a) (1) Each appointing authority shall grant, on account of illness or
5 injury, to each full-time employee in a permanent position in the state
6 service who has furnished satisfactory proof of such illness or injury,
7 such sick leave with pay as has accrued to [his] such employee's credit
8 at the rate of one and one-quarter working days for each completed
9 calendar month of continuous full-time service which may be
10 computed on an hourly basis. Hourly computation of sick leave shall
11 not diminish benefit entitlement.

12 (2) Each appointing authority shall grant to each full-time employee
13 in a permanent position in the state service who has furnished

14 satisfactory proof of (A) the birth or adoption of a child of the
15 employee, or (B) a serious illness of a child, spouse or parent of the
16 employee, up to two weeks of such sick leave with pay as has accrued
17 to the employee's credit pursuant to subdivision (1) of this subsection.

18 (3) On or before [October 1, 1980] January 1, 2007, the Commissioner
19 of Administrative Services shall adopt regulations, in accordance with
20 chapter 54, concerning the accrual, prorating and granting of sick leave
21 with pay to other employees in the state service and extending sick
22 leave with pay or with part pay for longer periods to full-time
23 permanent employees disabled through illness or injury. Such
24 regulations shall specify that such other employees are entitled to use
25 up to two weeks of accumulated sick leave upon the birth or adoption
26 of a child of such employee, or upon the serious illness of a child,
27 spouse or parent of such employee.

28 (4) Each such employee who retires under the provisions of chapter
29 66 shall be compensated, effective as of the date of [his] retirement, at
30 the rate of one-fourth of such employee's salary for sick leave accrued
31 to [his] such employee's credit as of [his] such employee's last day on
32 the active payroll up to a maximum payment equivalent to sixty days'
33 pay. Such payment for accumulated sick leave shall not be included in
34 computing retirement income and shall be charged by the State
35 Comptroller to the department, agency or institution in which the
36 employee worked.

37 (5) For purposes of this subsection, "serious illness" means an
38 illness, injury, impairment or physical or mental condition that
39 involves (A) inpatient care in a hospital, hospice or residential care
40 facility, or (B) continuing treatment or continuing supervision by a
41 health care provider.

42 Sec. 2. Subsection (a) of section 5-248a of the general statutes is
43 repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2006*):

45 (a) (1) Each permanent employee, as defined in subdivision [(21)]

46 (20) of section 5-196, shall be entitled to the following: [(1)] (A) A
 47 maximum of twenty-four weeks of family leave of absence within any
 48 two-year period upon the birth or adoption of a child of such
 49 employee, or upon the serious illness of a child, spouse or parent of
 50 such employee; and [(2)] (B) a maximum of twenty-four weeks of
 51 medical leave of absence within any two-year period upon the serious
 52 illness of such employee or in order for such employee to serve as an
 53 organ or bone marrow donor. Any such leave of absence shall be
 54 without pay. Upon the expiration of any such leave of absence, the
 55 employee shall be entitled [(A)] (i) to return to the employee's original
 56 job from which the leave of absence was provided or, if not available,
 57 to an equivalent position with equivalent pay, except that in the case of
 58 a medical leave, if the employee is medically unable to perform the
 59 employee's original job upon the expiration of such leave, the
 60 Personnel Division of the Department of Administrative Services shall
 61 endeavor to find other suitable work for such employee in state
 62 service, and [(B)] (ii) to all accumulated seniority, retirement, fringe
 63 benefit and other service credits the employee had at the
 64 commencement of such leave. Such service credits shall not accrue
 65 during the period of the leave of absence.

66 (2) Each appointing authority shall grant to each permanent
 67 employee who has furnished satisfactory proof of (A) the birth or
 68 adoption of a child of the employee, or (B) a serious illness of a child,
 69 spouse or parent of the employee, up to two weeks of sick leave with
 70 pay in accordance with subdivision (1) of subsection (a) of section 5-
 71 247, as amended by this act, or other applicable law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	5-247(a)
Sec. 2	October 1, 2006	5-248a(a)

LAB *Joint Favorable*

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:

Agency Affected	Fund-Effect	FY 07 \$	FY 08 \$
Various State Agencies	All Funds - Cost	See Below	See Below

Note: All Funds=All Funds

Municipal Impact: None

Explanation

This bill will result in additional costs to some state agencies. The bill allows state employees to use up to two weeks of accrued paid sick leave for the birth or adoption of a child, or upon the serious illness of a child, spouse or parent of such state employee.

Certain state agencies, such as the Department of Correction (DOC) and the Department of Public Safety, will incur overtime costs to cover shifts for those employees taking sick leave under the bill’s provisions. For example, if one correction officer uses 10 accrued sick days for the birth of his child, DOC may incur overtime costs as high as \$2,650 to cover the 10 day period.¹

For the majority of agencies the workload of employees on leave will be absorbed among co-workers and would not have a fiscal impact on the state.

The Out Years

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

¹ On average, the cost to DOC for a correction officer to work a 10 day period is \$1,900.

OLR Bill Analysis**SB 23*****AN ACT CONCERNING FAMILY AND MEDICAL LEAVE FOR STATE EMPLOYEES.*****SUMMARY:**

This bill requires state agencies, commissions, and other appointing authorities to allow full-time state employees to use up to two weeks of their accrued paid sick leave for (a) the birth or adoption of a child or (b) the serious illness of the employee's child, spouse, or parent. Under the current state Family and Medical Leave Act (FMLA) law, only private-sector, non-school employers must allow their employees to use up to two weeks of paid sick time for such purposes.

Under the bill, state employees must provide satisfactory proof of (1) the birth or adoption of a child or (2) a serious illness of the employee's child, spouse, or parent (the same requirement that exists for FMLA unpaid leave) to be eligible for the paid leave.

It requires the administrative services commissioner to adopt regulations by January 1, 2007 that specify how those employed on a part-time basis are entitled to use up to two weeks of sick time for the same purposes.

The bill expands the state employee sick leave statute to allow use of sick time for the FMLA purposes and adds conforming language to the state employee FMLA statute. It also makes a technical change.

EFFECTIVE DATE: October 1, 2006

SERIOUS ILLNESS

The bill adds the definition of "serious illness," as it applies to an

employee's spouse, child, or parent, to the state sick leave statute. Serious illness is an illness, injury, impairment, or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential care facility or (2) continuing treatment or continuing supervision by a health care provider. This conforms to the definition in the state FMLA.

BACKGROUND

Connecticut FMLAs

The state has enacted two FMLAs: one for the private sector and one for state employees.

1. The state employee FMLA is part of the State Personnel Act and gives state employees up to 24 weeks of unpaid leave during a two-year period.
2. The private-sector FMLA applies to all private-sector employers with 75 or more employees and gives them up to 16 weeks of leave in a two-year period. It excludes the state, municipalities, local and regional boards of education and private and parochial schools.

Federal FMLA

The federal leave law does not provide paid leave.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 3 (03/07/2006)