



General Assembly

Substitute Bill No. 486

February Session, 2008

* SB00486LAB 031308 *

**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, 2008*) (a) For purposes of this
2 section, "child" means a biological, adopted or foster child, stepchild,
3 child of whom a person has legal guardianship or custody, or, in the
4 alternative, a child of a person standing in loco parentis who is (1)
5 under eighteen years of age, or (2) eighteen years of age or older and
6 incapable of self-care because of a mental or physical disability,
7 "employee" means any person holding a position in municipal service
8 subject to appointment by the appointing authority, and "permanent
9 employee" means an employee holding a position in service to the
10 municipality under a permanent appointment except employees in
11 positions funded in whole or in part by the federal government as part
12 of a public service employment program, on-the-job training program
13 or work experience program. Each permanent employee shall be
14 entitled to a family leave of absence upon the birth or adoption of a
15 child of such employee, or upon the serious illness of a child, spouse or
16 parent of such employee, and a medical leave of absence upon the
17 serious illness of such employee or in order for such employee to serve
18 as an organ or bone marrow donor. The total amount of time that an
19 employee is entitled to leaves of absence pursuant to this section shall
20 be twenty-four weeks within any two-year period. Any such leave of

21 absence shall be without pay. Upon the expiration of any such leave of
22 absence, the employee shall be entitled to (A) return to the employee's
23 original job from which the leave of absence was provided or, if not
24 available, to an equivalent position with equivalent pay, except that in
25 the case of a medical leave, if the employee is medically unable to
26 perform the employee's original job upon the expiration of such leave,
27 the municipality shall endeavor to find other suitable work for such
28 employee in municipal service, and (B) all accumulated seniority,
29 retirement, fringe benefits and other service credits the employee had
30 at the commencement of such leave. Such service credits shall not
31 accrue during the period of the leave of absence.

32 (b) The leave of absence benefits granted by this section shall be in
33 addition to any other paid leave benefits and benefits provided under
34 subdivision (7) of subsection (a) of section 46a-60 of the general
35 statutes which are otherwise available to the employee.

36 (c) Any permanent employee who requests a medical leave of
37 absence due to the employee's serious illness or a family leave of
38 absence due to the serious illness of a child, spouse or parent pursuant
39 to subsection (a) of this section shall be required by the employee's
40 appointing authority, prior to the inception of such leave, to provide
41 sufficient written certification from the physician of such employee,
42 child, spouse or parent of the nature of such illness and its probable
43 duration. For the purposes of this section, "serious illness" means an
44 illness, injury, impairment or physical or mental condition that
45 involves (1) inpatient care in a hospital, hospice or residential care
46 facility, or (2) continuing treatment or continuing supervision by a
47 health care provider.

48 (d) Any permanent employee who requests a medical leave of
49 absence in order to serve as an organ or bone marrow donor pursuant
50 to subsection (a) of this section shall be required by the employee's
51 appointing authority, prior to the inception of such leave, to provide
52 sufficient written certification from the physician of such employee of
53 the proposed organ or bone marrow donation and the probable

54 duration of the employee's recovery period from such donation.

55 (e) Any permanent employee who requests a family leave of
56 absence pursuant to subsection (a) of this section shall submit to the
57 employee's appointing authority, prior to the inception of such leave, a
58 signed statement of the employee's intent to return to the employee's
59 position in state service upon the termination of such leave.

60 (f) Notwithstanding the provisions of this section, the municipality
61 shall pay for the continuation of health insurance benefits for the
62 employee during any leave of absence taken pursuant to this section.
63 In order to continue any other health insurance coverages during such
64 leave, the employee shall contribute that portion of the premium the
65 employee would have been required to contribute had the employee
66 remained an active employee during the leave period.

67 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) (1) It shall be a violation
68 of section 1 of this act for any employer to interfere with, restrain or
69 deny the exercise of, or the attempt to exercise, any right provided
70 under said section.

71 (2) It shall be a violation of section 1 of this act for any employer to
72 discharge or cause to be discharged, or in any other manner
73 discriminate, against any individual for opposing any practice made
74 unlawful by said section or because such employee has exercised the
75 rights afforded to such employee under said section.

76 (b) It shall be a violation of section 1 of this act for any person to
77 discharge or cause to be discharged, or in any other manner
78 discriminate, against any individual because such individual:

79 (1) Has filed any charge, or has instituted or caused to be instituted
80 any proceeding, under or related to section 1 of this act;

81 (2) Has given, or is about to give, any information in connection
82 with any inquiry or proceeding relating to any right provided under
83 section 1 of this act; or

84 (3) Has testified, or is about to testify, in any inquiry or proceeding
85 relating to any right provided under section 1 of this act.

86 (c) (1) It shall be a violation of section 1 of this act for any employer
87 to deny an employee the right to use up to two weeks of accumulated
88 sick leave or to discharge, threaten to discharge, demote, suspend or in
89 any manner discriminate against an employee for using, or attempting
90 to exercise the right to use, up to two weeks of accumulated sick leave
91 to attend to a serious health condition of a child, spouse or parent of
92 the employee, or for the birth or adoption of a child of the employee.
93 For purposes of this subsection, "sick leave" means an absence from
94 work for which compensation is provided through an employer's bona
95 fide written policy providing compensation for loss of wages
96 occasioned by illness, but does not include absences from work for
97 which compensation is provided through an employer's plan,
98 including, but not limited to, a short or long-term disability plan,
99 whether or not such plan is self-insured.

100 (2) Any employee aggrieved by a violation of section 1 of this act
101 may file a complaint with the Labor Commissioner alleging such
102 violation. Upon receipt of any such complaint, the commissioner shall
103 hold a hearing. After the hearing, the commissioner shall send each
104 party a written copy of the commissioner's decision. The commissioner
105 may award the employee all appropriate relief, including rehiring or
106 reinstatement to the employee's previous position, payment of back
107 wages and reestablishment of employee benefits to which the
108 employee otherwise would have been eligible if a violation of section 1
109 of this act had not occurred. Any party aggrieved by the decision of the
110 commissioner may appeal the decision to the Superior Court in
111 accordance with the provisions of chapter 54 of the general statutes.

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

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

Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section

LAB *Joint Favorable Subst.*