



Senate

General Assembly

File No. 37

February Session, 2010

Senate Bill No. 62

Senate, March 16, 2010

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 THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES.

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

1 Section 1. Subsection (a) of section 31-69a of the 2010 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (a) In addition to the penalties provided in this chapter and chapter
5 568, any employer, officer, agent or other person who violates any
6 provision of this chapter, chapter 563a, chapter 557 or subsection (g) of
7 section 31-288 [,] shall be liable to the Labor Department for a civil
8 penalty of three hundred dollars for each violation of said chapters
9 and for each violation of subsection (g) of section 31-288, except that
10 any person who violates (1) a stop work order issued pursuant to
11 subsection (c) of section 31-76a [,] shall be liable to the Labor
12 Department for a civil penalty of one thousand dollars and each day of
13 such violation shall constitute a separate offense, and (2) any provision

14 of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or
15 section 31-18, 31-23 or 31-24 shall be liable to the Labor Department for
16 a civil penalty of six hundred dollars for each violation of said sections.

17 Sec. 2. Subsection (a) of section 31-57f of the 2010 supplement to the
18 general statutes is repealed and the following is substituted in lieu
19 thereof (*Effective from passage*):

20 (a) As used in this section: (1) "Required employer" means any
21 provider of food, building, property or equipment services or
22 maintenance listed in this subdivision whose rate of reimbursement or
23 compensation is determined by contract or agreement with the state or
24 any state agent: (A) Building, property or equipment service
25 companies; (B) management companies providing property
26 management services; and (C) companies providing food preparation
27 or service, or both; (2) "state agent" means any state official, state
28 employee or other person authorized to enter into a contract or
29 agreement on behalf of the state; (3) "person" means one or more
30 individuals, partnerships, associations, corporations, business trusts,
31 legal representatives or organized groups of persons; (4) "building,
32 property or equipment service" means any janitorial, cleaning,
33 maintenance or related service; (5) "prevailing rate of wages" means
34 the hourly wages paid for work performed within the city of Hartford
35 under the collective bargaining agreement covering the largest number
36 of hourly nonsupervisory employees employed within Hartford
37 County in each classification established by the Labor Commissioner
38 under subsection (e) of this section, provided the collective bargaining
39 agreement covers no less than five hundred employees in the
40 classification; (6) "prevailing rate of benefits" means the total cost to the
41 employer on an hourly basis for work performed within the city of
42 Hartford, under a collective bargaining agreement that establishes the
43 prevailing rate of wages, of providing health, welfare and retirement
44 benefits, including, but not limited to, (A) medical, surgical or hospital
45 care benefits; (B) disability or death benefits; (C) benefits in the event
46 of unemployment; (D) pension benefits; (E) vacation, holiday and
47 personal leave; (F) training benefits; and (G) legal [services] service

48 benefits, and may include payment made directly to employees,
49 payments to purchase insurance and the amount of payment or
50 contributions paid or payable by the employer on behalf of each
51 employee to any employee [benefits] benefit fund; (7) "employee
52 benefit fund" means any trust fund established by one or more
53 employers and one or more labor organizations or one or more other
54 third parties not affiliated with such employers to provide, whether
55 through the purchase of insurance or annuity contracts or otherwise,
56 benefits under an employee health, welfare or retirement plan, but
57 does not include any such fund where the trustee or trustees are
58 subject to supervision by the Banking Commissioner of this state or of
59 any other state, or the Comptroller of the Currency of the United States
60 or the Board of Governors of the Federal Reserve System; and (8)
61 "benefits under an employee health, welfare or retirement plan" means
62 one or more benefits or services under any plan established or
63 maintained for employees or their families or dependents, or for both,
64 including, but not limited to, medical, surgical or hospital care
65 benefits, benefits in the event of sickness, accident, disability or death,
66 benefits in the event of unemployment, retirement benefits, vacation
67 and paid holiday benefits, legal service benefits or training benefits.

68 Sec. 3. Subdivision (4) of subsection (b) of section 31-51mm of the
69 2010 supplement to the general statutes is repealed and the following
70 is substituted in lieu thereof (*Effective from passage*):

71 (4) (A) For purposes of leave under subparagraph (C) of subdivision
72 (2) of subsection (a) of section 31-51ll, a statement that the eligible
73 employee is needed to care for the son, daughter, spouse, [or] parent or
74 next of kin and an estimate of the amount of time that such employee
75 needs to care for the son, daughter, spouse, parent or next of kin; and
76 (B) for purposes of leave under subparagraph (D) of subdivision (2) of
77 subsection (a) of section 31-51ll, a statement that the employee is
78 unable to perform the functions of the position of the employee;

79 Sec. 4. Subdivision (2) of subsection (f) of section 31-51ll of the 2010
80 supplement to the general statutes is repealed and the following is

81 substituted in lieu thereof (*Effective from passage*):

82 (2) In any case in which the necessity for leave under subparagraph
83 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection
84 (i) of this section is foreseeable based on planned medical treatment,
85 the employee (A) shall make a reasonable effort to schedule the
86 treatment so as not to disrupt unduly the operations of the employer,
87 subject to the approval of the health care provider of the employee or
88 the health care provider of the son, daughter, spouse or parent of the
89 employee, as appropriate; and (B) shall provide the employer with not
90 less than thirty days' notice, before the date the leave is to begin, of the
91 employee's intention to take leave under said subparagraph (C), (D) or
92 (E) or said subsection (i), except that if the date of the treatment
93 requires leave to begin in less than thirty days, the employee shall
94 provide such notice as is practicable.

95 Sec. 5. Subsection (i) of section 31-51ll of the 2010 supplement to the
96 general statutes is repealed and the following is substituted in lieu
97 thereof (*Effective from passage*):

98 (i) Subject to section 31-51mm, an eligible employee who is the
99 spouse, son or daughter, parent [] or next of kin of a current member
100 of the armed forces, as defined in section 27-103, who is undergoing
101 medical treatment, recuperation or therapy, is otherwise in outpatient
102 status or is on the temporary disability retired list for a serious injury
103 or illness incurred in the line of duty [] shall be entitled to a one-time
104 benefit of twenty-six workweeks of leave during any twelve-month
105 period for each armed forces member per serious injury or illness
106 incurred in the line of duty. Such twelve-month period shall
107 commence on an employee's first day of leave taken to care for a
108 covered armed forces member and end on the date twelve months
109 after such first day of leave. For the purposes of this subsection, (1)
110 "next of kin" means the armed forces member's nearest blood relative,
111 other than the covered armed forces member's spouse, parent, son or
112 daughter, in the following order of priority: Blood relatives who have
113 been granted legal custody of the armed forces member by court

114 decree or statutory provisions, brothers and sisters, grandparents,
 115 aunts and uncles, and first cousins, unless the covered armed forces
 116 member has specifically designated in writing another blood relative
 117 as his or her nearest blood relative for purposes of military caregiver
 118 leave, in which case the designated individual shall be deemed to be
 119 the covered armed forces member's next of kin; and (2) "son or
 120 daughter" means a biological, adopted [,] or foster child, stepchild,
 121 legal ward or [a] child for whom the eligible employee or armed forces
 122 member stood in loco parentis and who is any age.

123 Sec. 6. Subsection (j) of section 31-51ll of the 2010 supplement to the
 124 general statutes is repealed and the following is substituted in lieu
 125 thereof (*Effective from passage*):

126 (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive,
 127 shall not run [concurrent] concurrently with the provisions of section
 128 31-313.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-69a(a)
Sec. 2	<i>from passage</i>	31-57f(a)
Sec. 3	<i>from passage</i>	31-51mm(b)(4)
Sec. 4	<i>from passage</i>	31-51ll(f)(2)
Sec. 5	<i>from passage</i>	31-51ll(i)
Sec. 6	<i>from passage</i>	31-51ll(j)

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill makes a number of clarifying technical changes that do not result in any fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 62*****AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES.*****SUMMARY:**

This bill requires a private sector employee requesting military caregiver leave under the family and medical leave act (FMLA) to notify the employer at least 30 days before leave begins or provide notice as practicable if a treatment date is sooner. The notice requirement currently applies to employees requesting family and medical leave (1) due to their own serious health condition or that of a spouse, child, or parent or (2) to donate an organ or bone marrow.

The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

BACKGROUND***Military Caregiver Leave***

The law permits an employee to take unpaid family and medical leave to care for an immediate family member or next of kin who is a current member of the U.S. military, National Guard, or the reserves with a serious illness or injury received in the line of duty. The employee may take up to 26 weeks of unpaid leave during a 12-month period if the family member is:

1. undergoing medical treatment, recuperation, or therapy;
2. otherwise in outpatient status; or
3. on the temporary disability retired list for a serious injury or illness.

The law applies to an employer with at least 75 employees.

Military caregivers are treated, for the most part, like other employees taking unpaid leave under the private-sector FMLA.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/04/2010)