

**Legislative Regulation
Review Committee**

2010-036

Department of Labor

**PERTAINING TO UNEMPLOYMENT
COMPENSATION**

**REGULATIONS OF CONNECTICUT STATE AGENCIES
DEPARTMENT OF LABOR
UNEMPLOYMENT COMPENSATION**

Section One. Section 31-236-17 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 31-236-17. Voluntary leaving-general

(a) Except as provided in section 31-236-58 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, an individual shall be ineligible for benefits until he has earned at least ten times his benefit rate if the Administrator finds that he has left suitable work voluntarily, as defined in section 31-236-18 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, and without good cause attributable to the employer, as defined in section 31-236-19 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(b) No individual shall be ineligible for benefits as a result of a voluntary leaving of work under any of the following circumstances:

(1) where he leaves suitable work for good cause attributable to the employer, including leaving as a result of changes in conditions created by his employer;

(2) where he leaves work to care for [a seriously ill] THE INDIVIDUAL'S spouse, [or] child, or parent [domiciled with the individual, provided such illness is documented by a licensed physician] WITH AN ILLNESS OR DISABILITY, AS DEFINED IN SECTION 31-236(a)(16) OF THE CONNECTICUT GENERAL STATUTES AND 31-236-23 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES;

(3) where he leaves work due to the discontinuance of transportation, other than his personally owned vehicle, used to get to and from work, provided no reasonable alternative transportation is available;

(4) where while on layoff from his regular work he accepts other employment and leaves such other employment when recalled by his former employer;

(5) where he leaves work which is outside his regular apprenticeable trade to return to work in his regular apprenticeable trade;

(6) where he leaves work solely by reason of governmental regulation or statute;

(7) where he leaves part-time work to accept full-time work; [and]

(8) Where the individual leaves work to protect the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT from becoming or remaining a victim of domestic violence, as defined in section 17b-112a of the Connecticut General Statutes, provided such individual has made reasonable efforts to preserve the employment[.]; AND

(9) WHERE THE INDIVIDUAL LEAVES WORK TO ACCOMPANY THE INDIVIDUAL'S SPOUSE TO A PLACE FROM WHICH IT IS IMPRACTICAL FOR SUCH INDIVIDUAL TO COMMUTE DUE TO A CHANGE IN LOCATION OF THE SPOUSE'S EMPLOYMENT.

Sec. 2. Section 31-236-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 31-236-23. Voluntary leaving to care for seriously ill child, spouse or parent

[(a) In order to be found eligible for benefits, an individual who has left suitable work to care for a seriously ill spouse or child, or parent domiciled with the individual must provide

documentation, on a form prescribed by the Administrator and signed by a licensed physician, that the spouse, child or parent is seriously ill.]

(a) [(b)] For the purposes of this section, the following definitions shall apply:

(1) ["Seriously ill" means suffering from an illness or medical condition requiring continuing daily care] "ILLNESS OR DISABILITY" MEANS AN ILLNESS OR DISABILITY DIAGNOSED BY A HEALTH CARE PROVIDER THAT NECESSITATES CARE FOR THE ILL OR DISABLED PERSON FOR A PERIOD OF TIME LONGER THAN THE EMPLOYER IS WILLING TO GRANT LEAVE, PAID OR OTHERWISE.

(2) "Spouse" means the individual's [wife or husband] PARTNER [through] IN a marriage OR CIVIL UNION legally recognized by the state of Connecticut.

(3) "Child" means natural child, adopted child, stepchild, legal ward of the individual, or any child found to be a dependent under section 31-234 of the Connecticut General Statutes.

(4) "Parent" means the individual's natural parent, adoptive parent, stepparent, parent-in-law or any person who served as the individual's legal guardian through the age of majority.

(5) ["Domiciled with the individual" means that the individual and his parent have established or are about to establish a mutual residence] "HEALTH CARE PROVIDER" MEANS (A) A DOCTOR OF MEDICINE OR OSTEOPATHY WHO IS AUTHORIZED TO PRACTICE MEDICINE OR SURGERY BY THE STATE IN WHICH THE DOCTOR PRACTICES; (B) A PODIATRIST, DENTIST, PSYCHOLOGIST, OPTOMETRIST OR CHIROPRACTOR AUTHORIZED TO PRACTICE BY THE STATE IN WHICH SUCH PERSON PRACTICES AND PERFORMS WITHIN THE SCOPE OF THE AUTHORIZED PRACTICE; (C) AN ADVANCED PRACTICE REGISTERED NURSE, NURSE PRACTITIONER, NURSE MIDWIFE OR CLINICAL SOCIAL WORKER AUTHORIZED TO PRACTICE BY THE STATE IN WHICH SUCH PERSON PRACTICES AND PERFORMS WITHIN THE SCOPE OF THE AUTHORIZED PRACTICE; (D) CHRISTIAN SCIENCE PRACTITIONERS LISTED WITH THE FIRST CHURCH OF CHRIST, SCIENTIST IN BOSTON, MASSACHUSETTS; (E) ANY MEDICAL PRACTITIONER FROM WHOM AN EMPLOYER OR A GROUP HEALTH PLAN'S BENEFITS MANAGER WILL ACCEPT CERTIFICATION OF THE EXISTENCE OF A SERIOUS HEALTH CONDITION TO SUBSTANTIATE A CLAIM FOR BENEFITS; (F) A MEDICAL PRACTITIONER, IN A PRACTICE ENUMERATED IN SUBPARAGRAPHS (A) TO (E), INCLUSIVE, OF THIS SUBDIVISION, WHO PRACTICES IN A COUNTRY OTHER THAN THE UNITED STATES, WHO IS LICENSED TO PRACTICE IN ACCORDANCE WITH THE LAWS AND REGULATIONS OF THAT COUNTRY; OR (G) SUCH OTHER HEALTH CARE PROVIDER AS THE LABOR COMMISSIONER APPROVES, PERFORMING WITHIN THE SCOPE OF THE AUTHORIZED PRACTICE.

(b) IN ORDER TO DETERMINE THAT AN INDIVIDUAL IS ELIGIBLE FOR BENEFITS UNDER THIS SECTION, THE ADMINISTRATOR SHALL FIND THAT:

(1) THE INDIVIDUAL, PRIOR TO SEPARATING FROM EMPLOYMENT, INFORMED THE EMPLOYER OF THE ILLNESS OR DISABILITY OF THE CLAIMANT'S CHILD, SPOUSE OR PARENT AND OF THE NEED TO LEAVE WORK IN ORDER TO PROVIDE CARE;

(2) THE EMPLOYER DID NOT COMMUNICATE AN OFFER OF LEAVE, PAID OR OTHERWISE, TO THE INDIVIDUAL FOR THE PERIOD OF TIME NEEDED TO CARE FOR THE INDIVIDUAL'S SPOUSE, CHILD, OR PARENT; AND

(3) THE INDIVIDUAL HAS PROVIDED TO THE ADMINISTRATOR DOCUMENTATION, SIGNED BY A HEALTH CARE PROVIDER, VERIFYING THE ILLNESS OR DISABILITY AND THE PERIOD OF TIME FOR WHICH CARE IS NECESSARY.

(c) THE ADMINISTRATOR SHALL PRESCRIBE A FORM FOR THE PURPOSE OF SATISFYING SUBSECTION (b)(3) OF THIS SECTION BUT MAY ACCEPT OTHER DOCUMENTATION FROM A HEALTH CARE PROVIDER SO LONG AS IT INCLUDES THE INFORMATION NECESSARY UNDER THIS SECTION.

Sec. 3. Section 31-236-23a of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 31-236-23a. Voluntary leaving to escape domestic violence.

(a) For purposes of this section, the following definitions shall apply:

(1) "Abuser" means a family or household member or a current or former sexual partner who engages in the domestic violence, which includes the forms of conduct described in subsection (2) of this section;

(2) "Victim of domestic violence," as defined in section 17b-112a(1) of the Connecticut General Statutes, as amended from time to time, means a person who has been battered or subjected to extreme cruelty by (A) physical acts that resulted in or were threatened to result in physical injury, (B) sexual abuse, (C) sexually activity involving a child in the home, (D) being forced to participate in nonconsensual sexual acts or activities, (E) threats of or attempts at physical or sexual abuse, (F) mental abuse, or (G) neglect or deprivation of medical care; and

(3) "Family or household member" means an individual who falls within any of the categories, as defined in section 46b-38a(2) of the Connecticut General Statutes, as amended from time to time: (A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subdivision (C) of this subsection presently residing together or who have resided together; (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and (F) persons in, or who have recently been in, a dating relationship.

(4) "CHILD" MEANS NATURAL CHILD, ADOPTED CHILD, STEPCHILD, LEGAL WARD OF THE INDIVIDUAL, OR ANY CHILD FOUND TO BE A DEPENDENT UNDER SECTION 31-234 OF THE CONNECTICUT GENERAL STATUTES.

(5) "PARENT" MEANS THE INDIVIDUAL'S NATURAL PARENT, ADOPTIVE PARENT, STEPPARENT, PARENT-IN-LAW OR ANY PERSON WHO SERVED AS THE INDIVIDUAL'S LEGAL GUARDIAN THROUGH THE AGE OF MAJORITY.

(6) "SPOUSE" MEANS THE INDIVIDUAL'S PARTNER IN A MARRIAGE OR CIVIL UNION LEGALLY RECOGNIZED BY THE STATE OF CONNECTICUT.

(b) The Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to protect the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT from becoming or remaining a victim of domestic violence, as defined in subsection (a) of this section, provided such individual has made reasonable efforts to preserve the employment.

(c)(1) The Administrator shall consider the specific facts and circumstances of the individual, the employment, and the domestic violence involved in determining eligibility under this section. The individual shall provide the Administrator with available evidence necessary to support the individual's claim that he or she left the employment in order to protect the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT from becoming or remaining a victim of domestic violence. Evidence of domestic violence may include, but is not limited to: (A) police, government agency or court records; (B) documentation from a shelter worker, legal, medical, clerical or other professional from whom the individual has sought assistance in dealing with domestic violence; or (C) a statement from an individual with knowledge of the circumstances which provide the basis for the claim of domestic violence.

(2) An individual's allegations of domestic violence, if found credible by the Administrator or trier of fact, may be sufficient to make an affirmative determination of the fact of domestic violence.

(3) The filing of a civil or criminal complaint against the alleged abuser shall not be required as a prerequisite in order to establish the fact of domestic violence. Nor shall such complaint be required to establish reasonable efforts to preserve the employment.

(4) Upon an affirmative determination of the fact of domestic violence, the Administrator shall determine whether or not the reason the individual left employment was to protect the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT from becoming or remaining a victim of domestic violence.

(d) In assessing whether the individual made reasonable efforts to preserve employment, the Administrator shall consider:

(1) Whether it was feasible under the circumstances for the individual to inform the employer of the domestic violence or threat of domestic violence; and

(2) If so, whether the employer was actually informed; and

(3) Whether the employer responded by offering the individual continuing employment which would not compromise the safety of the individual [or the child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT.

(e) When the individual reasonably believed that preserving employment would, itself, expose the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT to a safety risk, the Administrator may conclude that no efforts to preserve employment would be reasonable.

(f) When the individual reasonably believed that relocation was necessary to ensure the safety of the individual [or a child domiciled with the individual], THE INDIVIDUAL'S CHILD, THE INDIVIDUAL'S SPOUSE OR THE INDIVIDUAL'S PARENT and such relocation interfered with the individual's ability to preserve employment, the Administrator may conclude that no efforts to preserve employment would be reasonable.

(g) A finding of nondisqualification under this Section does not relieve the individual of the responsibility to comply with the eligibility requirements enumerated in section 31-235 of the Connecticut General Statutes during any week for which benefits are claimed.

Section 4. The Regulations of Connecticut State Agencies are amended by adding section 31-236-23b as follows:

("NEW") 31-236-23b. Voluntary leaving to follow spouse

(a) The Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to accompany such individual's spouse (1) to a place from which it is impractical for the individual to commute (2) due to a change in location of the spouse's employment.

(b) For purposes of this section, "spouse" means the individual's partner in a marriage or civil union legally recognized in the State of Connecticut.

(c) In determining whether it is impractical for an individual to commute from the new place of residence to the individual's place of employment, the Administrator shall consider:

- (1) Availability of public transportation;
- (2) Personal means of transportation available to the individual;
- (3) Common commuting patterns for individuals similarly situated;

- (4) The individual's physical condition; and
- (5) Actual distance in miles between the individual's new residence and the place of employment.

(d) The individual shall provide the Administrator with available evidence necessary to support the individual's claim that he or she left the employment in order to accompany the individual's spouse to the place of the spouse's new employment. Such evidence may include, but is not limited to:

- (1) A letter of offer provided to the spouse by the new employer or a letter from the spouse's current employer referencing a transfer to a new location;
- (2) A paycheck receipt from the spouse's new employer;
- (3) Workforce agency wage records, or similar records from other government records; or
- (4) Any written communication between the spouse's employer and the spouse verifying the employment.

(e) The Administrator may request the spouse's Social Security number for verification of employment.

(f) In the case of military spouses, the Administrator shall not disqualify an individual from receiving benefits because the individual left suitable work to accompany such individual's spouse who is on active duty with the armed forces of the United States and is required to relocate by the armed forces. Such individual, however, shall provide the Administrator with available evidence necessary to support the individual's claim, such as a documentation verifying the spouse's mandatory military transfer.

STATEMENT OF PURPOSE: These proposed regulations are intended to implement the provisions of Section 3 of Public Act 09-3, An Act Concerning Certain State Programs And the American Recovery and Reinvestment Act of 2009.

Section One of the proposed regulations amends section 31-236-17 of the Regulations of Connecticut State Agencies to reflect the language of the Public Act.

Section 2 of the proposed regulations amends section 31-236-23 of the Regulations of Connecticut State Agencies to incorporate the language provided in the Public Act pertaining to a voluntary leaving to quit-to-care-for a family member.

Section 3 of the proposed regulations amends section 31-236-23a of the Regulations of Connecticut State Agencies to incorporate the language provided in the Public Act pertaining to a voluntary leaving to escape domestic violence (to protect the individual or a family member).

Section 4 of the proposed regulations adds new section 31-236-23b to implement the provisions of the Public Act pertaining to an individual's voluntary leaving to follow his or her spouse (1) to a place from which it is impractical for the individual to commute (2) due to a change in location of the spouse's employment and also includes a provision pertaining to an individual's voluntary leaving to accompany a military spouse who is on active duty and is required to relocate.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Section 31-372 of the General Statutes.

Section 31-250 of the General Statutes, as amended by Public Act No. of the Public Acts.

Public Act No. 09-3

After publication in the Connecticut Law Journal on January 12, 2010 of the notice of the proposal to:

Adopt Amend Repeal such regulations

(If applicable): And the holding of an advertised public hearing on February 2, 2010.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.

(OR)

_____ the _____ day of _____ 2008.

In Witness Whereof: | Date | Signed (Head of Board, Agency or Commissioner) | Official Title,
Duly Authorized

5-19-10 *Linda J. Brown, Acting CSR.*

Approved by the Attorney General as to legal sufficiency (Signed | Official Title, Duly in
accordance with Sec. 4-169, as amended, C.G.S. | Authorized

Will B. Al 5/27/10 **ASSOC. ATTY GENERAL**

_____ Approved

_____ Disapproved

_____ Disapproved in part, (Indicate Section Numbers disapproved only)

_____ Rejected without prejudice

By the Legislative Regulation Review Committee in accordance | Date | Signed (Clerk of the Legislative
with Sec. 4-170, as amended, of the General Statutes
Regulation Review Committee)

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal
Publications in accordance with Section 4-172, as amended, of the General Statutes.

Date | Signed (Secretary of the State) | By

Instructions

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulation must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.