



**Public Hearing Written Testimony of  
Dennis C. Murphy, Acting Labor Commissioner**

**Labor and Public Employees Committee  
February 10, 2011**

Good Afternoon Senator Prague, Representative Zalaski and members of the Labor and Public Employees Committee. Thank you for the opportunity to provide you with written testimony regarding **H.B. #5465 An Act Concerning Family and Medical Leave Benefits for Certain Municipal Employees**. My name is Dennis Murphy and I am the Acting Commissioner of the Department of Labor.

H.B. #5465 amends C.G.S. § 31-51rr, which was originally passed in 2007 to provide family and medical leave rights, as are provided by the federal Family and Medical Leave Act ("FMLA"), to municipal employees who are parties to a civil union. The House Bill seeks to extend similar family and medical leave rights to paraprofessionals who have been employed for at least 12 months by an employer and have worked 700 hours in the year immediately preceding the leave. Since the Connecticut FMLA statute specifically excludes municipalities from coverage, and the federal FMLA only applies to employees who have worked 1,250 hours in the year immediately preceding the leave, H.B. #5465 would seek to provide an FMLA type of right to the thousands of paraprofessionals that are presently ineligible for FMLA leave.

H.B. #5465 provides that qualifying paraprofessionals would be entitled to the same benefits as the federal FMLA without having the benefit of any federal enforcement or a private right of action. Rather, H.B. #5465 charges the Department of Labor with enforcing compliance with the law. H.B. #5465 does not mandate a complaint process for paraprofessionals seeking to enforce any rights that would be provided if the law were to pass. The statutory authority granted to the Department of Labor to hold a hearing on any complaint filed pursuant to the Connecticut FMLA currently does not apply to C.G.S. § 31-51rr and it is not extended in H.B. #5465 to cover that statute. The Department of Labor would have the authority to impose a \$300.00 civil penalty, pursuant to C.G.S. § 31-69a. However, even with this limited ability to enforce the statute, staff will need to understand each provision of the federal FMLA.

Until now, the Department interpreted and enforced only the Connecticut FMLA. Under this bill, the Department will be responsible for enforcing the provisions of the federal FMLA as well.

There has never been a complaint filed under C.G.S. § 31-51rr since its enactment in 2007. At that time, the law was limited to civil union partners. However, this bill opens up the population of potential complainants to the approximately 25,000 paraprofessionals who will be entitled to a federal FMLA type of leave. With the potential of many complaints, the Department may need additional staff, which may include an attorney and an investigator.

As a final note, C.G.S. § 31-51rr(a)(1) should change the language referring to a "party to a civil union" to a "party to a same-sex marriage."

Thank you for the opportunity to provide this testimony. Please feel free to contact me or my staff if you need additional information.