



General Assembly

January Session, 2011

**Raised Bill No. 6347**

LCO No. 3101

\*03101\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING THE ENFORCEMENT OF THE FAMILY AND  
MEDICAL LEAVE ACT FOR STATE EMPLOYEES.**

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

1 Section 1. Section 5-248a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) For purposes of this section, "child" means a biological, adopted  
4 or foster child, stepchild, child of whom a person has legal  
5 guardianship or custody, or, in the alternative, a child of a person  
6 standing in loco parentis, who is (1) under eighteen years of age, or (2)  
7 eighteen years of age or older and incapable of self-care because of a  
8 mental or physical disability. Each permanent employee, as defined in  
9 subdivision (20) of section 5-196, shall be entitled to a family leave of  
10 absence upon the birth or adoption of a child of such employee, or  
11 upon the serious illness of a child, spouse or parent of such employee;  
12 and a medical leave of absence upon the serious illness of such  
13 employee or in order for such employee to serve as an organ or bone  
14 marrow donor. The total amount of time that an employee is entitled  
15 to for leaves of absence pursuant to this section shall be twenty-four  
16 weeks within any two-year period. Any such leave of absence shall be

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

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

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

46 (d) Any permanent employee who requests a medical leave of  
47 absence in order to serve as an organ or bone marrow donor pursuant  
48 to subsection (a) of this section shall be required by the employee's

49 appointing authority, prior to the inception of such leave, to provide  
50 sufficient written certification from the physician of such employee of  
51 the proposed organ or bone marrow donation and the probable  
52 duration of the employee's recovery period from such donation.

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

60 (f) Notwithstanding the provisions of subsection (b) of section 38a-  
61 554, the state shall pay for the continuation of health insurance benefits  
62 for the employee during any leave of absence taken pursuant to this  
63 section. In order to continue any other health insurance coverages  
64 during such leave, the employee shall contribute that portion of the  
65 premium the employee would have been required to contribute had  
66 the employee remained an active employee during the leave period.

67 (g) Each permanent employee, as defined in subdivision (20) of  
68 section 5-196, who is the spouse, son or daughter, parent or next of kin  
69 of a current member of the armed forces, as defined in section 27-103,  
70 who is undergoing medical treatment, recuperation or therapy, is  
71 otherwise in outpatient status or is on the temporary disability retired  
72 list for a serious injury or illness incurred in the line of duty, shall be  
73 entitled to a one-time benefit of twenty-six workweeks of leave within  
74 a single two-year period for each armed forces member per serious  
75 injury or illness incurred in the line of duty.

76 (h) Any permanent employee aggrieved by a violation of subsection  
77 (a) of this section or subsection (a) or (b) of section 31-51pp may file a  
78 complaint with the Labor Commissioner alleging violation of the  
79 provisions of subsection (a) or (b) of section 31-51pp. Upon receipt of  
80 any such complaint, the commissioner shall hold a hearing. After the

81 hearing, the commissioner shall send each party a written copy of the  
82 commissioner's decision. The commissioner may award such employee  
83 all appropriate relief, including rehiring or reinstatement to the  
84 employee's previous job, payment of back wages and reestablishment  
85 of employee benefits to which such employee otherwise would have  
86 been eligible if a violation of this subsection had not occurred. Any  
87 party aggrieved by the decision of the commissioner may appeal the  
88 decision to the Superior Court in accordance with the provisions of  
89 chapter 53.

90 [(h)] (i) For purposes of subsection (g) of this section, (1) "next of  
91 kin" means the armed forces member's nearest blood relative, other  
92 than the covered armed forces member's spouse, parent, son or  
93 daughter, in the following order of priority: Blood relatives who have  
94 been granted legal custody of the armed forces member by court  
95 decree or statutory provisions, brothers and sisters, grandparents,  
96 aunts and uncles, and first cousins, unless the covered armed forces  
97 member has specifically designated in writing another blood relative  
98 as his or her nearest blood relative for purposes of military caregiver  
99 leave, in which case the designated individual shall be deemed to be  
100 the covered armed forces member's next of kin; and (2) "son or  
101 daughter" means a biological, adopted, foster child, stepchild, legal  
102 ward or a child for whom the eligible employee or armed forces  
103 member stood in loco parentis and who is any age.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	5-248a

**Statement of Purpose:**

To allow permanent employees of the state to enforce their family and medical leave benefits through filing a claim with the Labor Commissioner.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*