



House of Representatives

File No. 851

General Assembly

January Session, 2011

(Reprint of File No. 66)

Substitute House Bill No. 5465
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 27, 2011

**AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS
FOR CERTAIN MUNICIPAL EMPLOYEES.**

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

1 Section 1. Section 31-51rr of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Each political subdivision of the state shall grant any employee
4 of such political subdivision who is (1) a party to a civil union, as
5 defined in section 46b-38aa, and who has been employed for at least
6 twelve months by such employer and for at least one thousand two
7 hundred fifty hours of service with such employer during the previous
8 twelve-month period the same family and medical leave benefits
9 under the federal Family and Medical Leave Act, [Public Law] P.L.
10 103-3, and 29 CFR 825.112, as are provided to an employee who is a
11 party to a marriage, or (2) on or after the date regulations are adopted
12 pursuant to subsection (f) of this section, a school paraprofessional in
13 an educational setting who has been employed for at least twelve
14 months by such employer and for at least nine hundred fifty hours of
15 service with such employer during the previous twelve-month period

16 the same family and medical leave benefits under the federal Family
17 and Medical Leave Act, P.L. 103-3, and 29 CFR 825.112 as are provided
18 to an employee who has been employed for at least twelve months by
19 such employer and for at least one thousand two hundred fifty hours
20 of service with such employer during the previous twelve-month
21 period.

22 (b) (1) Any employee of a political subdivision of the state who has
23 worked at least twelve months and one thousand two hundred fifty
24 hours for such employer during the previous twelve-month period, or
25 (2) on or after the date regulations are adopted pursuant to subsection
26 (f) of this section, a school paraprofessional in an educational setting
27 who has been employed for at least twelve months by such employer
28 and for at least nine hundred fifty hours of service with such employer
29 during the previous twelve-month period may request leave in order
30 to serve as an organ or bone marrow donor, provided such employee
31 may be required, prior to the inception of such leave, to provide
32 sufficient written certification from the physician of such employee of
33 the proposed organ or bone marrow donation and the probable
34 duration of the employee's recovery from such donation.

35 (c) Nothing in this section shall be construed as authorizing leave in
36 addition to the total of twelve workweeks of leave during any twelve-
37 month period provided under the federal Family and Medical Leave
38 Act, [Public Law] P.L. 103-3.

39 (d) The Labor Department shall enforce compliance with the
40 provisions of this section.

41 (e) For the purposes of subdivision (2) of subsections (a) and (b) of
42 this section, no hours of service worked by a paraprofessional prior to
43 the date regulations are adopted pursuant to subsection (f) of this
44 section shall be included in the requisite nine hundred fifty hours of
45 service.

46 (f) The Labor Commissioner shall promulgate regulations for the
47 provision of family and medical leave benefits to school

48 paraprofessionals in an educational setting pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-51rr

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:

Municipalities	Effect	Uncertain Future Years
Various Municipalities	STATE MANDATE - Potential Cost	Minimal

Explanation

The bill provides Family and Medical Leave Act (FMLA) benefits to school paraprofessionals in an educational setting who work 950 hours. This results in a potential minimal cost to municipalities. It is uncertain when these costs will begin to be incurred, as the benefits to eligible employees are not effective until the Department of Labor promulgates regulations.

It is estimated there are 37,000 school paraprofessionals currently working in Connecticut. Of that number, approximately 12,000 are already eligible for FMLA benefits, leaving approximately 25,000 school paraprofessionals affected by the bill.¹ To the extent that any of these school paraprofessionals experience qualifying FMLA events, there is a potential cost to municipalities to provide coverage for those shifts, these costs are anticipated to be minimal.

There is no cost to the Department of Labor to promulgate

¹ Based on data from a study by the Office of Program Review and Investigations, it is estimated that paraprofessionals earn approximately \$10 to \$12 per hour in wages.

regulations as required by the bill.

House "A" strikes the underlying bill and its associated fiscal impact. The amendment becomes the bill, and its fiscal impact is discussed above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5465 (as amended by House "A")******AN ACT CONCERNING FAMILY AND MEDICAL LEAVE BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.*****SUMMARY:**

Beginning when the labor commissioner adopts implementing regulations, this bill lowers the number of work hours school paraprofessionals in educational settings need to qualify for family and medical leave benefits. Under current law, all municipal employees, including these paraprofessionals, must be employed for at least 12 months and work at least 1,250 hours in the previous 12 months in order to qualify for the benefits provided by the federal Family and Medical Leave Act (FMLA) (see "BACKGROUND").

This bill requires boards of education to grant the paraprofessionals benefits equal to those provided by the federal FMLA if the paraprofessional has (1) been employed by the board for at least 12 months and (2) worked at least 950 hours for the board during the 12 months prior to taking the benefit. The paraprofessionals cannot begin to accrue the necessary 950 hours until the labor commissioner adopts the implementing regulations required by the bill.

The bill also allows paraprofessionals to use the leave to serve as an organ or bone marrow donor.

*House Amendment "A" (1) increases the work hours required to qualify from 850 to 950, (2) delays implementation of the bill and accrual of the required hours until after regulations are adopted, and (3) removes the deadline for the labor commissioner to adopt implementing regulations.

EFFECTIVE DATE: Upon passage

BACKGROUND

Federal FMLA Provisions

The federal FMLA provides up to 12 weeks of unpaid leave to employees of all political subdivisions. Table 1 shows the law's provisions.

Table 1: Federal FMLA Provisions

	<i>Federal Law (as applied to political subdivisions)</i>
Political subdivisions covered	All
Employees eligible	Those who have worked (1) at least 12 months for the employer and (2) at least 1,250 hours in the previous 12 months
Leave amount	Up to 12 weeks in one year
Types of leave	For birth; adoption or foster care; to provide care for employee's own parent, child, or spouse with serious health condition; or employee's own serious health condition
Serious health condition or illness	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility; or continuing treatment by a health care provider
Health benefits during leave	Employee health insurance must be continued under same conditions as prior to leave, including any required employee contribution
Job reinstatement rights	Must be restored to same position or equivalent in all benefits and other terms and conditions of employment

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 2 (03/01/2011)

Planning and Development Committee

Joint Favorable

Yea 13 Nay 6 (04/04/2011)

Appropriations Committee

Joint Favorable

Yea 35 Nay 17 (05/09/2011)