



Senate

General Assembly

File No. 67

February Session, 2012

Substitute Senate Bill No. 150

Senate, March 21, 2012

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 substitute bill ought to pass.

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 Section 31-51rr of the general statutes is repealed and the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] marriage in which the other party is of the
6 same sex as the employee, and who has been employed for at least
7 twelve months by such employer and for at least one thousand two
8 hundred fifty hours of service with such employer during the previous
9 twelve-month period the same family and medical leave benefits
10 under the federal Family and Medical Leave Act, [Public Law] P.L.
11 103-3, and 29 CFR 825.112, as are provided to an employee who is a
12 party to a marriage in which the other party is of the opposite sex of
13 such employee, or (2) on or after the date regulations are adopted

14 pursuant to subsection (f) of this section, a school paraprofessional in
15 an educational setting who has been employed for at least twelve
16 months by such employer and for at least nine hundred fifty hours of
17 service with such employer during the previous twelve-month period
18 the same family and medical leave benefits provided under
19 subdivision (1) of this subsection to an employee who has been
20 employed for at least twelve months by such employer and for at least
21 one thousand two hundred fifty hours of service with such employer
22 during the previous twelve-month period.

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

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

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

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

47 (f) The Labor Commissioner shall promulgate regulations for the
 48 provision of family and medical leave benefits to school
 49 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

Statement of Legislative Commissioners:

In subsection (a) of section 1, deleted "the federal Family and Medical Leave Act, P.L. 103-3, and 29 CFR 825.112 as the" and inserted "subdivision (1) of this subsection" for clarity and to conform with the intent of the committee.

LAB *Joint Favorable Subst.-LCO*

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
All 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 have worked 12 months and at least 950 hours during that 12-month period. 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 bill¹. 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.

¹Based 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.

The Department of Labor is required to enforce compliance with this bill. The agency receives approximately 100 complaints per year relating to the state's FMLA law covering private sector employees. As such, the number of potential complaints resulting from an additional pool of 25,000 school paraprofessionals is not expected to have a fiscal impact on the agency.

The Out Years

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

OLR Bill Analysis

SB 150

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

SUMMARY:

Beginning when the labor commissioner adopts implementing regulations, this bill reduces the number of work hours school paraprofessionals in educational settings need to qualify for family and medical leave benefits.

Under federal law, all municipal employees, including these paraprofessionals, qualify for benefits under the Family and Medical Leave Act (FMLA) if they have been employed by the municipality for at least 12 months and worked at least 1,250 hours in the previous 12 months. The bill requires boards of education to grant these 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 board during the 12 months prior to taking the benefit. The bill requires the labor commissioner to adopt implementing regulations and the paraprofessionals cannot begin to accrue the necessary 950 hours until the commissioner does so.

The bill similarly reduces the work requirement under the state's FMLA, from 1,250 to 950 hours, for the paraprofessionals to use the leave to serve as an organ or bone marrow donor. It also makes technical changes to the law that provides FMLA benefits to same sex spouses of municipal employees.

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, including towns, cities, boroughs, and school districts. Table 1 shows the law's provisions.

Table 1: Federal FMLA Provisions

	<i>Federal Law Applicable 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

Yea 10 Nay 0 (03/06/2012)