



# House of Representatives

General Assembly

**File No. 225**

January Session, 2013

Substitute House Bill No. 6501

*House of Representatives, March 27, 2013*

The Committee on Children reported through REP. URBAN of the 43rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING PARENTAL ENGAGEMENT.***

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

1 Section 1. (NEW) (*Effective January 1, 2014*) (a) For the purposes of  
2 this section and section 2 of this act:

3 (1) "Employer" means any person who directly or indirectly owns,  
4 operates or has a controlling interest in an activity, enterprise or  
5 business employing ten or more employees as determined on July first  
6 annually;

7 (2) "Employee" means any individual engaged in service to an  
8 employer in the business of the employer;

9 (3) "Eligible employee" means an employee who is a parent,  
10 guardian or grandparent having custody of one or more children in  
11 kindergarten to grade twelve, inclusive, or one or more children  
12 attending a facility providing child day care services, as defined in  
13 section 19a-77 of the general statutes;

14 (4) "Parental leave" means an employer-approved absence from  
15 work for the purpose of attending a qualified school-related activity;

16 (5) "Spouse" means a husband or wife, as the case may be;

17 (6) "School" means a public or private school providing instruction  
18 to students in kindergarten to grade twelve, inclusive, or a facility  
19 providing child day care services, as defined in section 19a-77 of the  
20 general statutes;

21 (7) "School year" means the twelve months ending on June thirtieth  
22 of each year; and

23 (8) "Qualified school-related activity" means a school-related  
24 activity or event organized to include parental involvement, including,  
25 but not limited to: (A) A parent-teacher conference, a back-to-school  
26 night or a curriculum night involving an eligible employee's child; (B)  
27 a meeting of a school governance council organized pursuant to  
28 section 10-223j of the general statutes, a turnaround committee  
29 organized pursuant to section 10-223h of the general statutes or any  
30 other school or district sanctioned advisory body that serves the  
31 educational interests of an eligible employee's child; (C) a planning  
32 and placement team meeting; and (D) a school visit to attend to the  
33 immediate needs or well-being of an eligible employee's child, a  
34 meeting with teaching staff or pupil personnel staff or a school-  
35 sponsored meeting that involves the educational interests of an eligible  
36 employee's child. "Qualified school-related activity" does not include  
37 any extracurricular activity, including, but not limited to, a sporting  
38 event, musical or dramatic performance or field trip.

39 (b) (1) Subject to the provisions of this section and section 2 of this  
40 act, beginning July 1, 2014, and each July first thereafter, an employer  
41 shall grant an eligible employee eight hours of parental leave during a  
42 school year to participate in qualified school-related activities.

43 (2) Nothing in this section shall be construed to preclude an  
44 employer from granting more than eight hours of parental leave at

45 such employer's discretion or subject to the employee's collective  
46 bargaining agreements.

47 (3) An eligible employee shall utilize existing vacation, personal  
48 leave, compensatory time off or unpaid leave for purposes of the  
49 parental leave authorized by this section, unless otherwise provided  
50 by a collective bargaining agreement entered into before the effective  
51 date of this section. The entitlement of any eligible employee under  
52 this section shall not be diminished by any collective bargaining  
53 agreement term or condition that is agreed to on or after the effective  
54 date of this section.

55 (4) Notwithstanding subdivision (3) of this subsection, in the event  
56 that all permanent, full-time employees of an employer are accorded  
57 vacation during the same period of time in a calendar year, an eligible  
58 employee of that employer may not utilize that accrued vacation  
59 benefit at any other time for purposes of the parental leave authorized  
60 by this section.

61 (5) If requested by an employer, an eligible employee shall provide  
62 documentation that he or she used or plans to use parental leave to  
63 participate in a qualified school-related activity on a specific date and  
64 at a particular time. For purposes of this subdivision, "documentation"  
65 means whatever written verification of parental participation the  
66 school deems appropriate and reasonable.

67 (6) If an individual and his or her spouse are employed by the same  
68 employer and both are eligible employees, such employer may grant  
69 parental leave to only one of such eligible employees and may limit the  
70 total leave for both such eligible employees to eight hours.

71 (7) An employer may require an eligible employee to take a  
72 minimum of two hours of parental leave per qualified school-related  
73 activity.

74 (c) The Labor Department shall enforce compliance with the  
75 provisions of this section.

76       Sec. 2. (NEW) (*Effective January 1, 2014*) (a) (1) No employer shall  
77 interfere with, restrain or deny the exercise of, or the attempt to  
78 exercise, any right provided under section 1 of this act.

79       (2) No employer shall discharge or cause to be discharged, or in any  
80 other manner discriminate against, any employee for opposing any  
81 practice made unlawful by subdivision (1) of this subsection or  
82 because such employee has exercised the rights afforded to such  
83 employee under section 1 of this act.

84       (b) No person shall discharge or discipline or cause to be discharged  
85 or disciplined, or in any other manner discriminate, intimidate or  
86 make threats against any individual because such individual: (1) Has  
87 filed any charge, or has instituted or caused to be instituted any  
88 proceeding, under or related to section 1 of this act; (2) has given, or is  
89 about to give, any information in connection with any inquiry or  
90 proceeding relating to any right provided under section 1 of this act; or  
91 (3) has testified, or is about to testify, in any inquiry or proceeding  
92 relating to any right provided under section 1 of this act.

93       (c) (1) No employer shall deny a qualified employee his or her right  
94 to use up to eight hours of parental leave or, if such employee and his  
95 or her spouse are employed by the same employer as described in  
96 subdivision (6) of subsection (b) of section 1 of this act, up to eight  
97 hours total of parental leave, for qualified school-related activities or to  
98 discharge, threaten to discharge, demote, suspend or in any manner  
99 discriminate against an employee for using or attempting to use such  
100 parental leave to attend to a qualified school-related activity.

101       (2) Any employee aggrieved by a violation of this subsection may  
102 file a complaint with the Labor Commissioner alleging violation of the  
103 provisions of subdivision (1) of this subsection. Upon receipt of any  
104 such complaint, the commissioner shall hold a hearing. After the  
105 hearing, the commissioner shall send each party a written copy of the  
106 commissioner's decision. The commissioner may award the employee  
107 all appropriate relief, including rehiring or reinstatement to the  
108 employee's previous job, payment of back wages and reestablishment

109 of employee benefits to which the employee otherwise would have  
 110 been eligible if a violation of subdivision (1) of this subsection had not  
 111 occurred. Any party aggrieved by the decision of the commissioner  
 112 may appeal the decision to the Superior Court in accordance with the  
 113 provisions of chapter 54 of the general statutes.

114 (3) The rights and remedies specified in this subsection are  
 115 cumulative and nonexclusive and are in addition to any other rights or  
 116 remedies afforded by contract or under other provisions of law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2014	New section
Sec. 2	January 1, 2014	New section

**Statement of Legislative Commissioners:**

In section 1(a)(6), "child care services" was changed to "child day care services" for accuracy and consistency; in section 1(b)(6), "both" was added and "total" was removed for clarity; in section 2(a)(2), "individual" was changed to "employee" for clarity and consistency; in section 2(c)(1), "or, if such employee and his or her spouse are employed by the same employer as described in subdivision (6) of subsection (b) of section 1 of this act, up to eight hours total of parental leave," was added for clarity and accuracy; and technical revisions were made for clarity and consistency.

**KID**      *Joint Favorable Subst.*

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Various State Agencies	GF - Cost	Potential	Potential
Labor Dept.	GF - Potential Cost	Up to \$40,440	Up to \$80,881
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	Up to \$13,968	Up to \$27,936

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Various Municipalities	STATE MANDATE - Cost	Potential	Potential

**Explanation**

The bill requires employers to allow employees to use up to eight hours of accrued personal time or unpaid leave for certain school-related activities. The bill applies to all employers with ten or more employees.

Allowing state or municipal employees to take leave for certain school-related activities may increase personnel costs. For example, the state or a municipality may incur increased costs if an employee on certain school-related leave had their shift covered by another employee. Under state statute, the state currently offers all full-time permanent employees 24 hours of personal leave benefits.

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<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

The Department of Labor (DOL) may incur personnel costs associated with enforcing the bill's provisions. Actual staff costs will depend on the number of businesses impacted by the bill, and the number of complaints received. If there are a significant number of complaints, DOL may need a half-time investigator and half-time attorney. As the bill is effective January 1, 2014, the total cost of these positions would be \$40,440 in FY 14 and \$80,881 in FY 15, plus fringe benefits (\$13,968 in FY 14 and \$27,936 in FY 15).

***The Out Years***

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

**OLR Bill Analysis****sHB 6501*****AN ACT CONCERNING PARENTAL ENGAGEMENT.*****SUMMARY:**

Beginning July 1, 2014, this bill requires certain employers to grant their employees eight hours of parental leave each year to participate in “qualified school-related activities,” including activities at licensed child day care facilities. Employers may grant additional hours of parental leave, subject to the employee’s collective bargaining agreements. Generally, the employees must use accrued personal time or unpaid leave when taking such leave. The bill prohibits employers from interfering with, restraining, or denying employees the ability to take this leave or taking adverse actions against those who exercise their right to take it. The bill requires the Department of Labor to enforce compliance with the leave provisions.

EFFECTIVE DATE: January 1, 2014

**PARENTAL LEAVE FOR SCHOOL-RELATED ACTIVITIES**

Unless a collective bargaining agreement entered into before January 1, 2014 provides otherwise, the bill requires employers of 10 or more people to permit their employees to use accrued personal time or unpaid leave to participate in “qualified school-related activities.” An employer is anyone who directly or indirectly owns, operates, or has a controlling interest in an activity, enterprise, or business. It is unclear how someone “indirectly” owns a business.

An employee is eligible to take this leave if he or she is a parent, guardian, or grandparent with custody of at least one child in kindergarten, grades one to 12, or a licensed child day care facility.

***Qualified School-Related Activities***

A qualified school activity is a school-related activity or event organized to include parents, such as:

1. parent-teacher conferences, back-to-school nights, or curriculum nights involving the employee's child;
2. meetings of (a) school governance councils (required in school districts identified as "in need of improvement"), (b) "turnaround committees" (in schools located in a SDE commissioner-chosen low-performing school "network"), (c) any other school- or district-sanctioned advisory boards that serve the child's educational interests; or (d) planning and placement teams; and
3. school visits to attend to the child's immediate needs or well-being, meetings with teaching staff or pupil personnel staff or other school-sponsored meetings involving the child's educational interests.

Such activities do not include extracurricular activities, such as sporting events, musical or dramatic performances, or field trips.

A school is any (1) public or private school providing instruction to children in grades K-12 and (2) licensed child care facility (i.e., child day care center, group day care home, family day care home).

### ***Use of Personal Time to Take Parental Leave***

Under the bill, employees taking parental leave for school activities must use existing vacation, personal leave, compensatory time, or unpaid leave.

If all of an employer's permanent, full-time employees must take vacation during the same period in a calendar year, no employee may use his or her accrued vacation time at any other time to take the parental leave.

Employers are allowed to require an employee to take a minimum of two hours of parental leave for each school activity even if the

activity requires a shorter amount of time away from the workplace.

**Documentation**

The bill requires the employee, if his or her employer requests it, to provide documentation that he or she used, or plans to use, parental leave to participate in a school activity on a specific date and at a specific time. Documentation is whatever written verification the school deems appropriate and reasonable.

**Spousal Exception**

If spouses are eligible employees working for the same employer, the bill allows the employer to grant parental leave to only one of them (presumably for a single activity) for up to a maximum of eight hours.

**EMPLOYEE PROTECTIONS**

***Prohibitions Against Taking Actions Against Employees***

The bill prohibits an employer from:

1. interfering with, restraining, or denying an employee's right to take or attempt to take, parental leave;
2. discharging or causing to be discharged, or in any manner discriminating against, any employee for opposing any unlawful parental leave-related practice or taking parental leave;
3. denying an employee his or her right to take up to the eight hours, or in the case of an employee and his or her spouse working for the same employer, their right to take a total of eight hours; or
4. discharging or threatening to discharge or demoting, suspending, or in any way discriminating against an employee for using or attempting to use the parental leave for a school activity.

The bill prohibits anyone from discharging; disciplining; causing to

be disciplined; or discriminating, intimidating, or making threats against anyone who (1) filed any charge, or instituted or caused to be instituted, any proceeding related to the bill's parental leave provisions; (2) gave, or is about to give, any information in connection with any inquiry or proceeding related to any right to take the leave; or (3) testified or is about to testify in any such inquiry or proceeding.

### ***Appeals***

The bill allows certain qualified employees to file a complaint with the labor commissioner. Covered are employees:

1. denied the use of eight hours of parental leave or
2. discharged or subjected to threats of discharge, demotion, suspension, or acts of discrimination for using or attempting to lawfully use parental leave.

Under the bill, qualified employees do not have the right to file grievances if their employer:

1. interferes with or restrains the employee's exercise or attempt to exercise his or her right to take the leave;
2. wrongfully discharges, disciplines or causes to discipline, or in any other manner intimidates, or makes threats against, anyone who has instituted any proceeding or gives information, including testimony in any proceeding related to an employee exercising the right to take the leave; or
3. discharges or causes the employee to be discharged for opposing an unlawful practice associated with any request for parental leave.

Upon receiving the complaint, the commissioner must hold a hearing. He may award the employee all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages, and re-establishment of employee benefits to which the employee otherwise would have been eligible had the bill's leave

provision not been violated. He must send each party a written copy of his decision.

The bill allows any party aggrieved by the commissioner's decision to appeal to Superior Court.

The bill provides that its rights and remedies are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or any other laws.

**COMMITTEE ACTION**

Children Committee

Joint Favorable Substitute

Yea 8      Nay 4      (03/12/2013)