



CONNECTICUT LEGAL SERVICES

A PRIVATE NONPROFIT CORPORATION
872 MAIN STREET P.O. BOX 258 WILLIMANTIC, CT 06226-258
TELEPHONE (860) 456-1761 OR 1-800-413-7796 (CLIENT TOLL-FREE LINE)
FAX (860) 456-7420
E-MAIL WILLIMANTIC@CONNLEGALESERVICES.ORG

JOELEN J. GATES
MANAGING ATTORNEY
OFFICE

ANNE LOUISE BLANCHARD
LITIGATION DIRECTOR

CATHERINE CUSHMAN
CHERYL DIANE FEUERMAN
BET GAILOR
JILLIAN L. GRISWOLD
REBECCA LOOS
SAMUEL T.D. NEVES, JR.
ROYAL STARK
WENDY W. WANCHAK
ATTORNEYS AT LAW

CAROLE MASTERS
VOLUNTEER ATTORNEY

LAUREL J. FREEMAN
PARALEGAL

THOMAS W. CRATTY, JR.
VOLUNTEER PARALEGAL

HEROILDA RIOS
KENNETH MAISONET TIRADO
LEGAL ASSISTANTS

ADMINISTRATIVE OFFICE
62 WASHINGTON STREET
MIDDLETOWN, CT 06457
(860) 344-0447

RICHARD F. ORR
BOARD CHAIR

STEVEN D. EPPER-EPSTEIN
EXECUTIVE DIRECTOR

LAW OFFICES
211 STATE STREET
BRIDGEPORT, CT 06604

16 MAIN STREET
NEW BRITAIN, CT 06051

153 WILLIAMS STREET
NEW LONDON, CT 06320

20 SUMMER STREET
STAMFORD, CT 06901

85 CENTRAL AVENUE
WATERBURY, CT 06702

872 MAIN STREET
WILLIMANTIC, CT 06226

SATELLITE OFFICES

5 COLONY STREET
MERIDEN, CT 06451

98 SOUTH MAIN STREET
SOUTH NORWALK, CT 06854

29 NAEK ROAD, SUITE 5A
VERNON, CT 06066

**Hearing before Labor and Public Employees Committee
(Regarding Raised Bill No. 6932 An Act Concerning Paid Family Medical
Leave)**

Testimony of Wendy W. Wanchak
(Member, 2014 FMLI Task Force)

March 5, 2015

Recommended Action:
**Support Raised Bill No. 6932 An Act
Concerning Paid Family Medical Leave.**

Connecticut Legal Services assists low income households in Connecticut by providing legal advice and services in civil matters. These households are our vulnerable neighbors most at risk of being unable to afford unpaid leave from their employment. We support Raised Bill No. 6832 as a means of preventing low income families from becoming destabilized through loss of income during family and medical situations which require a member to be absent from work.

From our experience in housing, employment and other areas of civil law, it is all too frequent that low income families lose their housing for want of one or two months' rent when the head of household cannot work due to an illness, or where a family member has a medical condition which requires a caregiver to be absent from work. A paid family medical leave program ("program") could be the difference between having a home and homelessness, between a family's stability and destabilization.

A task force, created by *Special Act 13-13* in 2013, was convened in 2014 to determine the feasibility of an "insurance program to provide short-term benefits to workers who are unable to work due to (1) pregnancy or birth of a child, (2) a non-work related illness or injury, or (3) the need to care for a seriously ill child, spouse or parent."

In November 2014 the task force submitted a written report to this committee identifying the need for such a program in Connecticut. The report made several recommendations as to the function, design and funding of the insurance (benefit) program, many of which are found in Raised Bill No. 6932.



In many respects the proposed legislation and the task force recommendations intersect. Both call for an employee funded program available to all employees in the State.

There are several differences in the Report and the Raised Bill. The ones on which we wish to comment include:

- The opt-in provision;
- The eligibility requirement that an employee be employed with an employer for twelve months;
- One-hundred percent salary replacement up to \$1,000;
- Job protection; and,
- Intermittent leave of eight-hour increments.

Opt-In Provision

Public education will be necessary to advertise both the availability of the program and eligibility for it. There is concern that employees may miss the opportunity to opt-in to the program for want of accurate and timely information. It is anticipated that the program will need a substantial number of participants to ensure that it is adequately funded. The success of the program is greatly enhanced by either requiring all employees to participate, or by providing an opt-out provision only.

Eligibility Dependent on Time With Current Employer

The current proposal requires an employee to have been employed by his/her current employer for at least twelve months prior to making a request for paid family medical leave. There is concern that individuals who may have paid into the program for years may be denied the benefit simply due to a change in employment. When the task force looked at the issue of eligibility, it urged that an employee funded paid family leave benefit be one which travels with the employee regardless of his/her employer, provided he/she meets the other eligibility requirements. We urge the adoption of a portable benefit without the twelve-month employment requirement..

One-hundred Percent Salary Replacement Up to \$1,000

This proposal will benefit low income individuals tremendously. The work hours of many low wage workers are often purposely kept below forty, meaning that these workers are not covered by many employee benefits, including short-term and long-term disability. One-hundred percent salary replacement will allow low and middle wage workers relief from having to prioritize among life necessities in the event of a personal or family medical situation.

Job Protection

We are delighted that the proposed paid family medical leave program would contemplate job protection, particularly since many employees in this state, including many low wage earners, do not currently have job protection under either the State or Federal Family Medical Leave Acts which employees working for larger employers enjoy.

Intermittent Leave of Eight Hour Increments

The Task Force considered the best approach for providing incremental leave for employees under a paid family medical leave program and came up with the recommendation of one-half day increments. This increment was chosen due to the fact that often employees need to leave their jobs during the day due to medical appointments or treatments, but can work at least half-days in those instances. For prolonged treatment of either the employee or a family member, requiring the use of full-day increments can quickly burn through a paid medical leave program. Allowing an employee to work a half-day and take leave a half-day rather than an entire day will also benefit employers. We would therefore encourage that employees be able to use the proposed program in one-half day increments.

Overall this bill is simply a matter of good government and good employment practice. Connecticut does not only need to attract great employers to the state, but great employees as well. With recent winters now a somewhat questionable attraction, employee friendly practices may do more for the State in retaining and attracting a quality work force than ever before. Creating a safety net for employees is one more way to make the State's work force feel empowered and valued which, in turn, is more likely to reduce turn-over, and flight.