



General Assembly

January Session, 2015

Raised Bill No. 6932

LCO No. 4317



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING PAID FAMILY MEDICAL LEAVE.

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

1 Section 1. (NEW) (*Effective from passage*) As used in this section and
2 sections 2 to 14, inclusive, of this act:

3 (1) "Covered employee" means an employee who (A) has earned not
4 less than nine thousand three hundred dollars from one or more
5 employers over twelve consecutive months during the twenty-four
6 months prior to the filing of an application pursuant to section 7 of this
7 act, (B) meets the administrative requirements outlined in section 2 of
8 this act, and (C) submits an application for benefits pursuant to section
9 8 of this act;

10 (2) "Commissioner" means the Labor Commissioner;

11 (3) "Administrator" means the Labor Department;

12 (4) "Employ" means to allow or permit to work;

13 (5) "Employee" means any person engaged in service to an employer

14 in the business of the employer and shall include a self-employed
15 person or sole practitioner who elects coverage under section 8 of this
16 act;

17 (6) "Employer" means a person engaged in any activity, enterprise
18 or business who employs two or more employees, and includes any
19 person who acts, directly or indirectly, in the interest of an employer to
20 any of the employees of such employer and any successor in interest of
21 an employer, and shall include the state and any political subdivisions
22 thereof. The number of employees of an employer shall be determined
23 by the administrator on October first annually;

24 (7) "Family and medical leave compensation" or "compensation"
25 means the paid leave provided to covered employees from the Family
26 and Medical Leave Compensation Trust Fund;

27 (8) "Family and Medical Leave Compensation Trust Fund" or "trust"
28 means the trust fund established pursuant to section 3 of this act;

29 (9) "Family and Medical Leave Compensation Program" or
30 "program" means the program established pursuant to section 2 of this
31 act;

32 (10) "Family member" means a spouse, sibling, son or daughter,
33 grandparent, grandchild, parent or next of kin, when appropriate;

34 (11) "Grandparent" means a grandparent related to a person by (A)
35 blood, (B) marriage, or (C) adoption of a minor child by a child of the
36 grandparent;

37 (12) "Grandchild" means a grandchild related to a person by (A)
38 blood, (B) marriage, or (C) adoption by a child of the grandparent;

39 (13) "Next of kin" means "next of kin" as defined in subsection (i) of
40 section 31-51*ll* of the general statutes, as amended by this act;

41 (14) "Parent" means a biological parent, foster parent, adoptive

42 parent, stepparent, parent-in-law or legal guardian of an individual or
43 an individual's spouse, or a person who stood in loco parentis to an
44 individual when the individual was a son or daughter;

45 (15) "Sibling" means a brother or sister related to a person by (A)
46 blood, (B) marriage, or (C) adoption by a parent of the person;

47 (16) "Son or daughter" means a biological, adopted or foster child,
48 stepchild, legal ward, or, in the alternative, a child of a person standing
49 in loco parentis, who is (A) under eighteen years of age, or (B) eighteen
50 years of age or older and incapable of self-care because of a mental or
51 physical disability; and

52 (17) "Spouse" means a husband or wife, as the case may be.

53 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a
54 Family and Medical Leave Compensation Program. The program shall
55 be administered by the administrator and shall offer up to twelve
56 workweeks of family and medical leave compensation to covered
57 employees during any twelve-month period as described in section 31-
58 51ll of the general statutes, as amended by this act. The administrator
59 shall accept applications for the program on and after October 1, 2015,
60 and shall begin accepting contributions to the Family and Medical
61 Leave Compensation Trust Fund, established pursuant to section 3 of
62 this act, on and after July 1, 2016. For the purposes of this section and
63 sections 3 to 14, inclusive, of this act, the administrator shall have the
64 power to (1) determine whether an individual meets the requirements
65 for compensation under this section; (2) require a covered employee's
66 claim for compensation pursuant to this section be supported by
67 certification pursuant to section 31-51mm of the general statutes, as
68 amended by this act; (3) examine or cause to be produced or examined,
69 any books, records, documents, contracts or other papers relevant to
70 the eligibility of a covered employee; (4) summon and examine under
71 oath such witnesses as may provide information relevant to a covered
72 employee's claim for family and medical leave compensation; (5)

73 establish procedures and forms for the filing of claims for
74 compensation, including the certification required for establishing
75 eligibility for such compensation; and (6) ensure the confidentiality of
76 records and documents relating to medical certifications,
77 recertifications or medical histories of covered employees or covered
78 employees' family members pursuant to section 31-5100 of the general
79 statutes, as amended by this act.

80 (b) Each covered employee participating in the program shall
81 contribute a percentage of his or her weekly earnings to the Family and
82 Medical Leave Compensation Trust Fund, in a manner and form as
83 prescribed by the administrator pursuant to section 6 of this act. Such
84 contributions shall be utilized to provide compensation to covered
85 employees pursuant to subsections (c) to (e), inclusive, of this section.

86 (c) The level of weekly compensation offered to covered employees
87 shall be one hundred per cent of a covered employee's average weekly
88 earnings during the fifty-two calendar weeks immediately preceding
89 the date the leave commences after such earnings have been reduced
90 by any deduction for federal or state taxes, or both, and for the federal
91 Insurance Contributions Act, provided such compensation shall not
92 exceed one thousand dollars per week. If the Internal Revenue Service
93 determines that family and medical leave compensation is subject to
94 federal income tax and a covered employee elects to have federal
95 income tax deducted and withheld from his or her compensation, the
96 administrator shall deduct and withhold the amount specified in the
97 United States Internal Revenue Code in a manner consistent with the
98 state law.

99 (d) A covered employee shall receive compensation under this
100 section for one or more of the reasons listed in subparagraphs (A) to
101 (E), inclusive, of subdivision (2) of subsection (a) of section 31-5111 of
102 the general statutes, as amended by this act, provided: (1) Such
103 covered employee provides notice to the administrator, and such
104 covered employee's employer, if applicable, of the need for such

105 compensation in a form and a manner as prescribed by the
106 administrator, and (2) upon the request of the administrator, provides
107 certification of such covered employee's need for compensation in
108 accordance with the provisions of section 31-51mm of the general
109 statutes, as amended by this act, to the administrator and such
110 employer, if applicable.

111 (e) A covered employee may receive compensation pursuant to
112 subsection (a) of this section for nonconsecutive hours of leave
113 provided such leave shall not amount to less than eight hours of leave
114 in any workweek. If family and medical leave benefits are taken for
115 eight hours or more, but for less than one full week, such hourly
116 compensation shall be determined on a pro rata basis at the discretion
117 of the administrator.

118 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a fund
119 to be known as the "Family and Medical Leave Compensation Trust
120 Fund" the purpose of which shall be to provide compensation to
121 covered employees who take leave from their employment pursuant to
122 sections 5-248a of the general statutes, as amended by this act, 31-51kk
123 to 31-51qq, inclusive, of the general statutes, as amended by this act,
124 and 31-51ss of the general statutes, as amended by this act. The Family
125 and Medical Leave Compensation Trust Fund shall be a nonlapsing
126 fund held by the State Treasurer separate and apart from all other
127 moneys, funds and accounts. Investment earnings credited to the trust
128 shall become part of the trust.

129 (b) The trust shall constitute an instrumentality of the state and shall
130 perform essential governmental functions, in accordance with the
131 provisions of this section. The trust shall receive and hold all payments
132 and deposits or contributions intended for the trust, as well as gifts,
133 bequests, endowments or federal, state or local grants and any other
134 funds from any public or private source and all earnings until
135 disbursed in accordance with the provisions of this section.

136 (c) The amounts on deposit in the trust shall not constitute property
137 of the state and the trust shall not be construed to be a department,
138 institution or agency of the state. Amounts on deposit in the trust shall
139 not be commingled with state funds and the state shall have no claim
140 to or against, or interest in, such funds. Any contract entered into by or
141 any obligation of the trust shall not constitute a debt or obligation of
142 the state and the state shall have no obligation to any designated
143 beneficiary or any other person on account of the trust and all amounts
144 obligated to be paid from the trust shall be limited to amounts
145 available for such obligation on deposit in the trust. The amounts on
146 deposit in the trust may only be disbursed in accordance with the
147 provisions of this section and section 2 of this act. The trust shall
148 continue in existence as long as it holds any deposits or has any
149 obligations and until its existence is terminated by law and upon
150 termination any unclaimed assets shall return to the state. Property of
151 the trust shall be governed by section 3-61a of the general statutes.

152 (d) The State Treasurer shall be responsible for the receipt and
153 investment of moneys held by the trust. The trust shall not receive
154 deposits in any form other than cash. No depositor or designated
155 beneficiary may direct the investment of any contributions or amounts
156 held in the trust other than the specific fund options provided for by
157 the trust.

158 (e) The assets of the trust shall be used for the purpose of
159 distributing family and medical leave compensation to covered
160 employees and paying the operational, administrative and investment
161 costs of the trust, including those described in section 6 of this act.

162 Sec. 4. (NEW) (*Effective from passage*) The State Treasurer, on behalf
163 of the Family and Medical Leave Compensation Trust Fund and for
164 purposes of the trust, shall:

165 (1) Receive and invest moneys in the trust in any instruments,
166 obligations, securities or property in accordance with sections 3 and 5

167 of this act;

168 (2) Procure insurance as the State Treasurer deems necessary to
169 protect the trust's property, assets, activities or deposits or
170 contributions to the trust; and

171 (3) Apply for, accept and expend gifts, grants or donations from
172 public or private sources to carry out the objectives of the trust.

173 Sec. 5. (NEW) (*Effective from passage*) The State Treasurer shall invest
174 the amounts on deposit in the Family and Medical Leave
175 Compensation Trust Fund in a manner reasonable and appropriate to
176 achieve the objectives of the trust, exercising the discretion and care of
177 a prudent person in similar circumstances with similar objectives. The
178 State Treasurer shall give due consideration to rate of return, risk, term
179 or maturity, diversification of the total portfolio within the trust,
180 liquidity, the projected disbursements and expenditures and the
181 expected payments, deposits, contributions and gifts to be received.
182 The State Treasurer shall not require the trust to invest directly in
183 obligations of the state or any political subdivision of the state or in
184 any investment or other fund administered by the State Treasurer. The
185 assets of the trust shall be continuously invested and reinvested in a
186 manner consistent with the objectives of the trust until disbursed upon
187 order of the administrator or expended on expenses incurred by the
188 operations of the trust.

189 Sec. 6. (NEW) (*Effective from passage*) The administrator, in
190 consultation with the State Treasurer, shall establish the procedures
191 necessary to implement the Family and Medical Leave Compensation
192 Program. The administrator shall:

193 (1) Design, establish and operate the program to ensure
194 transparency in the management of the program and the Family and
195 Medical Leave Compensation Trust Fund through oversight and ethics
196 review of plan fiduciaries;

197 (2) Design and establish the process by which a covered employee
198 may enroll in the program and contribute a portion of his or her salary
199 or wages to the trust. This process shall include, but not be limited to,
200 the creation of an information packet including the necessary
201 paperwork for a covered employee to enroll in the program;

202 (3) Evaluate and establish the process by which employers may
203 credit the covered employee's contributions to the trust through
204 payroll deposit;

205 (4) Determine the amount of contributions necessary to ensure
206 solvency of the program;

207 (5) Ensure that contributions to the trust collected from covered
208 employees shall not be used for any purpose other than to provide
209 compensation to such covered employee or to satisfy any expenses,
210 including employee costs, incurred to implement, maintain, advertise
211 and administer the program;

212 (6) Establish and maintain a secure Internet web site that displays all
213 public notices issued by the administrator and such other information
214 as the administrator deems relevant and necessary for the education of
215 the public regarding the program; and

216 (7) Not later than January 1, 2016, submit a report, in accordance
217 with the provisions of section 11-4a of the general statutes, to the
218 General Assembly regarding any recommendations for legislative
219 action that may be necessary for the implementation of the program.

220 Sec. 7. (NEW) (*Effective from passage*) The administrator, in
221 consultation with the State Treasurer, shall conduct a public education
222 campaign to inform individuals and employers about the Family and
223 Medical Leave Compensation Program. Such campaign shall include,
224 but not be limited to, information about the requirements for receiving
225 family and medical leave compensation, how to apply for such
226 compensation and the circumstances for which such compensation

227 may be available. The administrator may use funds contributed to the
228 Family and Medical Leave Compensation Trust Fund established
229 pursuant to section 3 of this act for purposes of the public education
230 campaign. Information distributed or made available under the
231 campaign shall be available in English and Spanish and in any other
232 language as prescribed by the administrator.

233 Sec. 8. (NEW) (*Effective from passage*) (a) Each covered employee
234 shall be enrolled in the Family and Medical Leave Compensation
235 Program upon submitting an application to the administrator in a form
236 and manner as prescribed by the administrator. Upon receiving such
237 application, the administrator shall determine whether such covered
238 employee is, in fact, eligible to participate in such program and shall
239 notify such covered employee of the administrator's determination not
240 less than thirty days after receiving such application.

241 (b) A covered employee shall be eligible for benefits twelve months
242 after the administrator has enrolled such covered employee in the
243 program, or at such other time as the administrator may prescribe by
244 rule.

245 (c) A self-employed person or sole proprietor, upon application to
246 the administrator, may participate in the program, provided the
247 administrator determines that such self-employed person or sole
248 proprietor meets the requirements of a covered employee pursuant to
249 section 1 of this act and such self-employed person or sole proprietor is
250 enrolled in the program for an initial period of not less than three
251 years. Such self-employed person or sole proprietor may reenroll in
252 the program for a subsequent period, or periods, of not less than one
253 year, provided (1) such self-employed person or sole proprietor
254 provides written notice of such reenrollment to the administrator, and
255 (2) such reenrollment begins immediately following a subsequent
256 period of participation in the program.

257 (d) A self-employed person or sole proprietor may withdraw from

258 the program upon submitting written notice to the administrator not
259 less than thirty days prior to the expiration of the initial enrollment
260 period, or at such other times as the administrator may prescribe by
261 rule.

262 (e) A covered employee, or self-employed person or sole proprietor
263 participating in the program, shall be eligible for benefits under the
264 program even if such covered employee is not currently employed.

265 Sec. 9. (NEW) (*Effective from passage*) Any covered employee, or self-
266 employed person or sole proprietor participating in the program,
267 aggrieved by a denial of compensation under the Family and Medical
268 Leave Compensation Program may file a complaint with the Labor
269 Commissioner. Upon receipt of any such complaint, the commissioner
270 may hold a hearing. After the hearing, the commissioner shall send
271 each party a written copy of the commissioner's decision. The
272 commissioner may award the covered employee, or self-employed
273 person or sole proprietor, all appropriate relief, including any
274 compensation or benefits to which the employee otherwise would
275 have been eligible if such denial had not occurred. Any party
276 aggrieved by the decision of the commissioner may appeal the
277 decision to the Superior Court in accordance with the provisions of
278 chapter 54 of the general statutes.

279 Sec. 10. (NEW) (*Effective from passage*) Each employer subject to the
280 provisions of sections 2 to 14, inclusive, of this act, and sections 5-248a
281 of the general statutes, as amended by this act, 31-51kk to 31-51qq,
282 inclusive, of the general statutes, as amended by this act, and 31-51ss of
283 the general statutes, as amended by this act, shall, at the time of hiring,
284 and annually thereafter, provide notice to each employee (1) of the
285 entitlement to family and medical leave under said sections, and the
286 terms under which such leave may be used, (2) that retaliation by the
287 employer against the employee for requesting, applying for or using
288 family and medical leave for which the employee is eligible is
289 prohibited, and (3) that the employee has a right to file a complaint

290 with the Labor Commissioner for any violation of sections 2 to 14,
291 inclusive, of this act and sections 5-248a of the general statutes, as
292 amended by this act, 31-51kk to 31-51qq, inclusive, of the general
293 statutes, as amended by this act, and 31-51ss of the general statutes, as
294 amended by this act. Employers shall comply with the provisions of
295 this section by displaying a poster in a conspicuous place, accessible to
296 employees, at the employer's place of business that contains the
297 information required by this section in both English and Spanish. The
298 Labor Commissioner may adopt regulations, in accordance with
299 chapter 54 of the general statutes, to establish additional requirements
300 concerning the means by which employers shall provide such notice.

301 Sec. 11. (NEW) (*Effective from passage*) Notwithstanding subdivision
302 (2) of subsection (e) of section 31-51ll of the general statutes, as
303 amended by this act, no employer shall require a covered employee to
304 substitute any of his or her accrued paid vacation, personal leave or
305 family leave for family and medical compensation due a covered
306 employee. A covered employee may use any of his or her accrued paid
307 vacation, personal leave or family leave prior to or in lieu of collecting
308 family and medical leave compensation.

309 Sec. 12. (NEW) (*Effective from passage*) (a) Any individual or covered
310 employee who wilfully makes a false statement or misrepresentation
311 regarding a material fact, or wilfully fails to report a material fact, to
312 obtain family and medical leave compensation shall be disqualified
313 from participation in the program for one year.

314 (b) If family and medical leave compensation is paid to an
315 individual or covered employee erroneously or as a result of wilful
316 misrepresentation by such individual or covered employee, or if a
317 claim for family and medical leave compensation is rejected after
318 compensation is paid, the administrator may seek repayment of
319 benefits from the individual or covered employee having received
320 such compensation. The Labor Commissioner may, in his or her
321 discretion, waive, in whole or in part, the amount of any such

322 payments where the recovery would be against equity and good
323 conscience.

324 Sec. 13. (NEW) (*Effective from passage*) The provisions of sections 2 to
325 14, inclusive, of this act are severable and if any provision is
326 determined to contravene state or federal law, the remainder of
327 sections 2 to 14, inclusive, of this act shall remain in full force and
328 effect.

329 Sec. 14. (NEW) (*Effective from passage*) Not later than January 1, 2016,
330 and annually thereafter, the commissioner shall report, in accordance
331 with section 11-4a of the general statutes, to the joint standing
332 committees of the General Assembly having cognizance of matters
333 relating to appropriations and labor, on (1) the projected and actual
334 participation in the program, (2) premium rates and balances in the
335 trust, (3) the size of employers at which covered employees are
336 employed, (4) the reasons covered employees are receiving family and
337 medical leave compensation, (5) the success of the administrator's
338 outreach and education efforts, and (6) demographic information of
339 covered employees, including gender, age, town of residence and
340 income level.

341 Sec. 15. Section 5-248a of the general statutes is repealed and the
342 following is substituted in lieu thereof (*Effective October 1, 2015*):

343 (a) For purposes of this section, "child" means a biological, adopted
344 or foster child, stepchild, child of whom a person has legal
345 guardianship or custody, or, in the alternative, a child of a person
346 standing in loco parentis, who is (1) under eighteen years of age, or (2)
347 eighteen years of age or older and incapable of self-care because of a
348 mental or physical disability; "sibling" means a brother or sister related
349 to a person by blood, marriage or adoption by a parent of the person;
350 "grandparent" means a grandparent related to a person by blood,
351 marriage or adoption of a minor child by a child of the grandparent;
352 "grandchild" means a grandchild related to a person by blood,

353 marriage or adoption by a child of the grandparent; and "spouse"
354 means a husband or wife, as the case may be. Each permanent
355 employee, as defined in section 5-196, shall be entitled to a family leave
356 of absence upon the birth or adoption of a child of such employee, or
357 upon the serious illness of a [child,] spouse, sibling, child, grandparent,
358 grandchild or parent of such employee; and a medical leave of absence
359 upon the serious illness of such employee or in order for such
360 employee to serve as an organ or bone marrow donor. The total
361 amount of time that an employee is entitled to for leaves of absence
362 pursuant to this section shall be [twenty-four] twelve weeks within
363 any [two-year] one-year period. Any such leave of absence [shall be
364 without pay] may be compensated under the Family and Medical
365 Leave Compensation Program established pursuant to section 2 of this
366 act. Upon the expiration of any such leave of absence, the employee
367 shall be entitled (A) to return to the employee's original job from which
368 the leave of absence was provided or, if not available, to an equivalent
369 position with equivalent pay, except that in the case of a medical leave,
370 if the employee is medically unable to perform the employee's original
371 job upon the expiration of such leave, the Department of
372 Administrative Services shall endeavor to find other suitable work for
373 such employee in state service, and (B) to all accumulated seniority,
374 retirement, fringe benefit and other service credits the employee had at
375 the commencement of such leave. Such service credits shall not accrue
376 during the period of the leave of absence.

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

381 (c) Any permanent employee who requests a medical leave of
382 absence due to the employee's serious illness or a family leave of
383 absence due to the serious illness of a [child,] spouse, sibling, child,
384 grandparent, grandchild or parent pursuant to subsection (a) of this
385 section or a military caregiver leave of absence pursuant to subsection

386 (g) of this section shall be required by the employee's appointing
387 authority, prior to the inception of such leave, to provide sufficient
388 written certification from the physician of such employee, [child,
389 spouse, sibling, child, grandparent, grandchild, parent or next of kin of
390 the employee, as appropriate, of the nature of such illness and its
391 probable duration. For the purposes of this section, "serious illness"
392 means an illness, injury, impairment or physical or mental condition
393 that involves (1) inpatient care in a hospital, hospice or residential care
394 facility, or (2) continuing treatment or continuing supervision by a
395 health care provider.

396 (d) Any permanent employee who requests a medical leave of
397 absence in order to serve as an organ or bone marrow donor pursuant
398 to subsection (a) of this section shall be required by the employee's
399 appointing authority, prior to the inception of such leave, to provide
400 sufficient written certification from the physician of such employee of
401 the proposed organ or bone marrow donation and the probable
402 duration of the employee's recovery period from such donation.

403 (e) Any permanent employee who requests a family leave of
404 absence pursuant to subsection (a) of this section or a military
405 caregiver leave of absence pursuant to subsection (g) of this section
406 shall submit to the employee's appointing authority, prior to the
407 inception of such leave, a signed statement of the employee's intent to
408 return to the employee's position in state service upon the termination
409 of such leave.

410 (f) Notwithstanding the provisions of subsection (b) of section 38a-
411 554, the state shall pay for the continuation of health insurance benefits
412 for the employee during any leave of absence taken pursuant to this
413 section. In order to continue any other health insurance coverages
414 during such leave, the employee shall contribute that portion of the
415 premium the employee would have been required to contribute had
416 the employee remained an active employee during the leave period.

417 (g) Each permanent employee, as defined in section 5-196, who is
418 the spouse, sibling, son or daughter, child, grandparent, grandchild,
419 parent or next of kin of a current member of the armed forces, as
420 defined in section 27-103, who is undergoing medical treatment,
421 recuperation or therapy, is otherwise in outpatient status or is on the
422 temporary disability retired list for a serious injury or illness incurred
423 in the line of duty, shall be entitled to a one-time benefit of twenty-six
424 workweeks of leave, up to twenty-four workweeks of which may be
425 compensated under the Family and Medical Leave Compensation
426 Program established pursuant to section 2 of this act, within a single
427 two-year period for each armed forces member per serious injury or
428 illness incurred in the line of duty.

429 (h) For purposes of subsection (g) of this section, (1) "next of kin"
430 means the armed forces member's nearest blood relative, other than
431 the covered armed forces member's spouse, [parent] sibling, son or
432 daughter, grandparent, grandchild or parent, in the following order of
433 priority: Blood relatives who have been granted legal custody of the
434 armed forces member by court decree or statutory provisions,
435 [brothers and sisters, grandparents,] aunts and uncles, and first
436 cousins, unless the covered armed forces member has specifically
437 designated in writing another blood relative as his or her nearest blood
438 relative for purposes of military caregiver leave, in which case the
439 designated individual shall be deemed to be the covered armed forces
440 member's next of kin; and (2) "son or daughter" means a biological,
441 adopted, foster child, stepchild, legal ward or a child for whom the
442 eligible employee or armed forces member stood in loco parentis and
443 who is any age.

444 Sec. 16. Section 31-51kk of the general statutes is repealed and the
445 following is substituted in lieu thereof (*Effective October 1, 2015*):

446 As used in sections 31-51kk to 31-51qq, inclusive, as amended by
447 this act:

448 (1) "Eligible employee" means an employee who has (A) been
449 employed [(A)] for at least twelve months by the employer with
450 respect to whom leave is requested; [and] (B) been employed for at
451 least one thousand hours of service with such employer during the
452 twelve-month period preceding the first day of the leave; and (C) been
453 paid not less than nine thousand three hundred dollars during the
454 twelve-month period preceding the first day of the leave;

455 (2) "Employ" includes to allow or permit to work;

456 (3) "Employee" means any person engaged in service to an employer
457 in the business of the employer;

458 (4) "Employer" means a person engaged in any activity, enterprise
459 or business who employs [seventy-five] two or more employees, and
460 includes any person who acts, directly or indirectly, in the interest of
461 an employer to any of the employees of such employer and any
462 successor in interest of an employer, [but shall not] and shall include
463 the state, a municipality, a local or regional board of education, or a
464 private or parochial elementary or secondary school. The number of
465 employees of an employer shall be determined on October first
466 annually;

467 (5) "Employment benefits" means all benefits provided or made
468 available to employees by an employer, including group life insurance,
469 health insurance, disability insurance, sick leave, annual leave,
470 educational benefits and pensions, regardless of whether such benefits
471 are provided by practice or written policy of an employer or through
472 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of
473 the United States Code;

474 (6) "Grandchild" means a grandchild related to a person by (A)
475 blood, (B) marriage, or (C) adoption by a child of the grandparent;

476 (7) "Grandparent" means a grandparent related to a person by (A)
477 blood, (B) marriage, or (C) adoption of a minor child by a child of the

478 grandparent;

479 [(6)] (8) "Health care provider" means (A) a doctor of medicine or
480 osteopathy who is authorized to practice medicine or surgery by the
481 state in which the doctor practices; (B) a podiatrist, dentist,
482 psychologist, optometrist or chiropractor authorized to practice by the
483 state in which such person practices and performs within the scope of
484 the authorized practice; (C) an advanced practice registered nurse,
485 nurse practitioner, nurse midwife or clinical social worker authorized
486 to practice by the state in which such person practices and performs
487 within the scope of the authorized practice; (D) Christian Science
488 practitioners listed with the First Church of Christ, Scientist in Boston,
489 Massachusetts; (E) any health care provider from whom an employer
490 or a group health plan's benefits manager will accept certification of
491 the existence of a serious health condition to substantiate a claim for
492 benefits; (F) a health care provider as defined in subparagraphs (A) to
493 (E), inclusive, of this subdivision who practices in a country other than
494 the United States, who is licensed to practice in accordance with the
495 laws and regulations of that country; or (G) such other health care
496 provider as the Labor Commissioner determines, performing within
497 the scope of the authorized practice. The commissioner may utilize any
498 determinations made pursuant to chapter 568;

499 [(7)] (9) "Parent" means a biological parent, foster parent, adoptive
500 parent, stepparent, parent-in-law or legal guardian of an eligible
501 employee or an eligible employee's spouse, or an individual who stood
502 in loco parentis to an employee when the employee was a son or
503 daughter;

504 [(8)] (10) "Person" means one or more individuals, partnerships,
505 associations, corporations, business trusts, legal representatives or
506 organized groups of persons;

507 [(9)] (11) "Reduced leave schedule" means a leave schedule that
508 reduces the usual number of hours per workweek, or hours per

509 workday, of an employee;

510 [(10)] (12) "Serious health condition" means an illness, injury,
511 impairment, or physical or mental condition that involves (A) inpatient
512 care in a hospital, hospice, nursing home or residential medical care
513 facility; or (B) continuing treatment, including outpatient treatment, by
514 a health care provider;

515 (13) "Sibling" means a brother or sister related to a person by (A)
516 blood, (B) marriage, or (C) adoption by a parent of the person;

517 [(11)] (14) "Son or daughter" means a biological, adopted or foster
518 child, stepchild, legal ward, or, in the alternative, a child of a person
519 standing in loco parentis, who is (A) under eighteen years of age; or (B)
520 eighteen years of age or older and incapable of self-care because of a
521 mental or physical disability; and

522 [(12)] (15) "Spouse" means a husband or wife, as the case may be.

523 Sec. 17. Section 31-51ll of the general statutes is repealed and the
524 following is substituted in lieu thereof (*Effective October 1, 2015*):

525 (a) (1) Subject to section 31-51mm, as amended by this act, an
526 eligible employee shall be entitled to a total of [sixteen] twelve
527 workweeks of leave which may be compensated under the Family and
528 Medical Leave Compensation Program established pursuant to section
529 2 of this act, during any [twenty-four-month] twelve-month period. [,
530 such twenty-four-month] Such twelve-month period [to be] shall be
531 determined utilizing any one of the following methods: (A)
532 [Consecutive calendar years] Calendar year; (B) any fixed [twenty-
533 four-month] twelve-month period, such as [two consecutive fiscal
534 years] a fiscal year or a [twenty-four-month] twelve-month period
535 measured forward from an employee's first date of employment; (C) a
536 [twenty-four-month] twelve-month period measured forward from an
537 employee's first day of leave taken under sections 31-51kk to 31-51qq,
538 inclusive, as amended by this act; or (D) a rolling [twenty-four-month]

539 twelve-month period measured backward from an employee's first
540 day of leave taken under sections 31-51kk to 31-51qq, inclusive, as
541 amended by this act.

542 (2) Leave under this subsection may be taken for one or more of the
543 following reasons:

544 (A) Upon the birth of a son or daughter of the employee;

545 (B) Upon the placement of a son or daughter with the employee for
546 adoption or foster care;

547 (C) In order to care for the spouse, [or a son,] sibling, son or
548 daughter, grandparent, grandchild or parent of the employee, if such
549 spouse, sibling, [son,] son or daughter, grandparent, grandchild or
550 parent has a serious health condition;

551 (D) Because of a serious health condition of the employee; or

552 (E) In order to serve as an organ or bone marrow donor.

553 (b) Entitlement to leave under subparagraph (A) or (B) of
554 subdivision (2) of subsection (a) of this section may accrue prior to the
555 birth or placement of a son or daughter when such leave is required
556 because of such impending birth or placement.

557 (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of
558 subsection (a) of this section for the birth or placement of a son or
559 daughter may not be taken by an employee intermittently or on a
560 reduced leave schedule unless the employee and the employer agree
561 otherwise. Subject to subdivision (2) of this subsection concerning an
562 alternative position, subdivision (2) of subsection (f) of this section
563 concerning the duties of the employee and subdivision (5) of
564 subsection (b) of section 31-51mm, as amended by this act, concerning
565 sufficient certification, leave under subparagraph (C) or (D) of
566 subdivision (2) of subsection (a) or under subsection (i) of this section
567 for a serious health condition may be taken intermittently or on a

568 reduced leave schedule when medically necessary. The taking of leave
569 intermittently or on a reduced leave schedule pursuant to this
570 subsection shall not result in a reduction of the total amount of leave to
571 which the employee is entitled under subsection (a) of this section
572 beyond the amount of leave actually taken.

573 (2) If an employee requests intermittent leave or leave on a reduced
574 leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of
575 subsection (a) or under subsection (i) of this section that is foreseeable
576 based on planned medical treatment, the employer may require the
577 employee to transfer temporarily to an available alternative position
578 offered by the employer for which the employee is qualified and that
579 (A) has equivalent pay and benefits, and (B) better accommodates
580 recurring periods of leave than the regular employment position of the
581 employee, provided the exercise of this authority shall not conflict
582 with any provision of a collective bargaining agreement between such
583 employer and a labor organization which is the collective bargaining
584 representative of the unit of which the employee is a part.

585 (d) Except as provided in subsection (e) of this section, leave
586 granted under subsection (a) of this section may consist of unpaid
587 leave.

588 (e) (1) If an employer provides paid leave for fewer than [sixteen]
589 twelve workweeks, the additional weeks of leave necessary to attain
590 the [sixteen] twelve workweeks of leave required under sections 5-
591 248a, as amended by this act, and 31-51kk to 31-51qq, inclusive, as
592 amended by this act, may be provided without compensation, or may
593 be through the Family and Medical Leave Compensation Program
594 established pursuant to section 2 of this act.

595 (2) (A) An eligible employee may elect, or an employer may require
596 the employee, to substitute any of the accrued paid vacation leave,
597 personal leave or family leave of the employee for leave provided
598 under subparagraph (A), (B) or (C) of subdivision (2) of subsection (a)

599 of this section for any part of the [~~sixteen-week~~] twelve-week period of
600 such leave under said subsection or under subsection (i) of this section
601 for any part of the twenty-six-week period of such leave.

602 (B) An eligible employee may elect, or an employer may require the
603 employee, to substitute any of the accrued paid vacation leave,
604 personal leave, or medical or sick leave of the employee for leave
605 provided under subparagraph (C), (D) or (E) of subdivision (2) of
606 subsection (a) of this section for any part of the [~~sixteen-week~~] twelve-
607 week period of such leave under said subsection or under subsection
608 (i) of this section for any part of the twenty-six-week period of leave,
609 except that nothing in section 5-248a, as amended by this act, or
610 sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall
611 require an employer to provide paid sick leave or paid medical leave
612 in any situation in which such employer would not normally provide
613 any such paid leave.

614 (f) (1) In any case in which the necessity for leave under
615 subparagraph (A) or (B) of subdivision (2) of subsection (a) of this
616 section is foreseeable based on an expected birth or placement of a son
617 or daughter, the employee shall provide the employer with not less
618 than thirty days' notice, before the date of the leave is to begin, of the
619 employee's intention to take leave under said subparagraph (A) or (B),
620 except that if the date of the birth or placement of a son or daughter
621 requires leave to begin in less than thirty days, the employee shall
622 provide such notice as is practicable.

623 (2) In any case in which the necessity for leave under subparagraph
624 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection
625 (i) of this section is foreseeable based on planned medical treatment,
626 the employee (A) shall make a reasonable effort to schedule the
627 treatment so as not to disrupt unduly the operations of the employer,
628 subject to the approval of the health care provider of the employee or
629 the health care provider of the spouse, sibling, son [,] or daughter,
630 [spouse] grandparent, grandchild or parent of the employee, as

631 appropriate; and (B) shall provide the employer with not less than
632 thirty days' notice, before the date the leave is to begin, of the
633 employee's intention to take leave under said subparagraph (C), (D) or
634 (E) or said subsection (i), except that if the date of the treatment
635 requires leave to begin in less than thirty days, the employee shall
636 provide such notice as is practicable.

637 (g) In any case in which a husband and wife entitled to leave under
638 subsection (a) of this section are employed by the same employer, the
639 aggregate number of workweeks of leave to which both may be
640 entitled may be limited to ~~[sixteen]~~ twelve workweeks, which may be
641 compensated under the Family and Medical Leave Compensation
642 Program established pursuant to section 2 of this act, during any
643 ~~[twenty-four-month]~~ twelve-month period, if such leave is taken: (1)
644 Under subparagraph (A) or (B) of subdivision (2) of subsection (a) of
645 this section; or (2) to care for a sick parent under subparagraph (C) of
646 said subdivision. In any case in which a husband and wife entitled to
647 leave under subsection (i) of this section are employed by the same
648 employer, the aggregate number of workweeks of leave to which both
649 may be entitled may be limited to twenty-six workweeks, twelve
650 weeks of which may be compensated under the Family and Medical
651 Leave Compensation Program established pursuant to section 2 of this
652 act, during any twelve-month period.

653 (h) Unpaid leave taken pursuant to sections 5-248a, as amended by
654 this act, and 31-51kk to 31-51qq, inclusive, as amended by this act, shall
655 not be construed to affect an employee's qualification for exemption
656 under chapter 558.

657 (i) Subject to section 31-51mm, as amended by this act, an eligible
658 employee who is the spouse, sibling, son or daughter, grandparent,
659 grandchild, parent or next of kin of a current member of the armed
660 forces, as defined in section 27-103, who is undergoing medical
661 treatment, recuperation or therapy, is otherwise in outpatient status or
662 is on the temporary disability retired list for a serious injury or illness

663 incurred in the line of duty shall be entitled to a one-time benefit of
664 twenty-six workweeks of leave, twelve weeks of which may be
665 compensated under the Family and Medical Leave Compensation
666 Program established pursuant to section 2 of this act, during any
667 twelve-month period for each armed forces member per serious injury
668 or illness incurred in the line of duty. Such twelve-month period shall
669 commence on an employee's first day of leave taken to care for a
670 covered armed forces member and end on the date twelve months
671 after such first day of leave. For the purposes of this subsection, (1)
672 "next of kin" means the armed forces member's nearest blood relative,
673 other than the covered armed forces member's spouse, [parent,]
674 sibling, son or daughter, grandparent, grandchild or parent, in the
675 following order of priority: Blood relatives who have been granted
676 legal custody of the armed forces member by court decree or statutory
677 provisions, [brothers and sisters, grandparents,] aunts and uncles, and
678 first cousins, unless the covered armed forces member has specifically
679 designated in writing another blood relative as his or her nearest blood
680 relative for purposes of military caregiver leave, in which case the
681 designated individual shall be deemed to be the covered armed forces
682 member's next of kin; and (2) "son or daughter" means a biological,
683 adopted or foster child, stepchild, legal ward or child for whom the
684 eligible employee or armed forces member stood in loco parentis and
685 who is any age.

686 (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as
687 amended by this act, shall not run concurrently with the provisions of
688 section 31-313.

689 (k) Notwithstanding the provisions of sections 5-248a, as amended
690 by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act,
691 all further rights granted by federal law shall remain in effect.

692 Sec. 18. Section 31-51mm of the general statutes is repealed and the
693 following is substituted in lieu thereof (*Effective October 1, 2015*):

694 (a) An employer may require that request for leave based on a
695 serious health condition in subparagraph (C) or (D) of subdivision (2)
696 of subsection (a) of section 31-51ll, as amended by this act, or leave
697 based on subsection (i) of section 31-51ll, as amended by this act, be
698 supported by a certification issued by the health care provider of the
699 eligible employee or of the spouse, sibling, son [,] or daughter,
700 [spouse,] grandparent, grandchild, parent or next of kin of the
701 employee, as appropriate. The employee shall provide, in a timely
702 manner, a copy of such certification to the employer.

703 (b) Certification provided under subsection (a) of this section shall
704 be sufficient if it states:

705 (1) The date on which the serious health condition commenced;

706 (2) The probable duration of the condition;

707 (3) The appropriate medical facts within the knowledge of the
708 health care provider regarding the condition;

709 (4) (A) For purposes of leave under subparagraph (C) of subdivision
710 (2) of subsection (a) of section 31-51ll, as amended by this act, a
711 statement that the eligible employee is needed to care for the spouse,
712 sibling, son [,] or daughter, [spouse] grandparent, grandchild or parent
713 and an estimate of the amount of time that such employee needs to
714 care for the spouse, sibling, son [,] or daughter, [spouse] grandparent,
715 grandchild or parent; and (B) for purposes of leave under
716 subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll,
717 as amended by this act, a statement that the employee is unable to
718 perform the functions of the position of the employee;

719 (5) In the case of certification for intermittent leave or leave on a
720 reduced leave schedule for planned medical treatment, the dates on
721 which such treatment is expected to be given and the duration of such
722 treatment;

723 (6) In the case of certification for intermittent leave or leave on a
724 reduced leave schedule under subparagraph (D) of subdivision (2) of
725 subsection (a) of section 31-51ll, as amended by this act, a statement of
726 the medical necessity of the intermittent leave or leave on a reduced
727 leave schedule, and the expected duration of the intermittent leave or
728 reduced leave schedule;

729 (7) In the case of certification for intermittent leave or leave on a
730 reduced leave schedule under subparagraph (C) of subdivision (2) of
731 subsection (a) of section 31-51ll, as amended by this act, a statement
732 that the employee's intermittent leave or leave on a reduced leave
733 schedule is necessary for the care of the spouse, sibling, son [,] or
734 daughter, grandparent, grandchild or parent [or spouse] who has a
735 serious health condition, or will assist in their recovery, and the
736 expected duration and schedule of the intermittent leave or reduced
737 leave schedule; and

738 (8) In the case of certification for intermittent leave or leave on a
739 reduced leave schedule under subsection (i) of section 31-51ll, as
740 amended by this act, a statement that the employee's intermittent leave
741 or leave on a reduced leave schedule is necessary for the care of the
742 spouse, sibling, son or daughter, grandparent, grandchild, parent or
743 next of kin who is a current member of the armed forces, as defined in
744 section 27-103, who is undergoing medical treatment, recuperation or
745 therapy, is otherwise in outpatient status or is on the temporary
746 disability retired list, for a serious injury or illness incurred in the line
747 of duty, and the expected duration and schedule of the intermittent
748 leave or reduced leave schedule. For the purposes of this subsection,
749 "son or daughter" and "next of kin" have the same meanings as
750 provided in subsection (i) of section 31-51ll, as amended by this act.

751 (c) (1) In any case in which the employer has reason to doubt the
752 validity of the certification provided under subsection (a) of this
753 section for leave under subparagraph (C) or (D) of subdivision (2) of
754 subsection (a) or under subsection (i) of section 31-51ll, as amended by

755 this act, the employer may require, at the expense of the employer, that
756 the eligible employee obtain the opinion of a second health care
757 provider designated or approved by the employer concerning any
758 information certified under subsection (b) of this section for such leave.

759 (2) A health care provider designated or approved under
760 subdivision (1) of this subsection shall not be employed on a regular
761 basis by the employer.

762 (d) (1) In any case in which the second opinion described in
763 subsection (c) of this section differs from the opinion in the original
764 certification provided under subsection (a) of this section, the
765 employer may require, at the expense of the employer, that the
766 employee obtain the opinion of a third health care provider designated
767 or approved jointly by the employer and the employee concerning the
768 information certified under subsection (b) of this section.

769 (2) The opinion of the third health care provider concerning the
770 information certified under subsection (b) of this section shall be
771 considered to be final and shall be binding on the employer and the
772 employee.

773 (e) The employer may require that the eligible employee obtain
774 subsequent recertifications on a reasonable basis, provided the
775 standards for determining what constitutes a reasonable basis for
776 recertification may be governed by a collective bargaining agreement
777 between such employer and a labor organization which is the
778 collective bargaining representative of the unit of which the worker is
779 a part if such a collective bargaining agreement is in effect. Unless
780 otherwise required by the employee's health care provider, the
781 employer may not require recertification more than once during a
782 thirty-day period and, in any case, may not unreasonably require
783 recertification. The employer shall pay for any recertification that is not
784 covered by the employee's health insurance.

785 Sec. 19. Section 31-5100 of the general statutes is repealed and the

786 following is substituted in lieu thereof (*Effective October 1, 2015*):

787 Records and documents relating to medical certifications,
788 recertifications or medical histories of employees or employees' family
789 members, created for purposes of sections 2 to 14, inclusive, of this act,
790 and sections 5-248a, as amended by this act, and 31-51kk to 31-51qq,
791 inclusive, as amended by this act, shall be maintained as medical
792 records pursuant to chapter 563a, except that: (1) Supervisors and
793 managers may be informed regarding necessary restrictions on the
794 work or duties of an employee and necessary accommodations; (2) first
795 aid and safety personnel may be informed, when appropriate, if the
796 employee's physical or medical condition might require emergency
797 treatment; and (3) government officials investigating compliance with
798 sections 2 to 14, inclusive, of this act, and sections 5-248a, as amended
799 by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act,
800 or other pertinent law shall be provided relevant information upon
801 request.

802 Sec. 20. Section 31-51pp of the general statutes is repealed and the
803 following is substituted in lieu thereof (*Effective October 1, 2015*):

804 (a) (1) It shall be a violation of sections 2 to 14, inclusive, of this act
805 and sections 5-248a, as amended by this act, and 31-51kk to 31-51qq,
806 inclusive, as amended by this act, for any employer to interfere with,
807 restrain or deny the exercise of, or the attempt to exercise, any right
808 provided under said sections.

809 (2) It shall be a violation of sections 5-248a, as amended by this act,
810 and 31-51kk to 31-51qq, inclusive, as amended by this act, for any
811 employer to discharge or cause to be discharged, or in any other
812 manner discriminate, against any individual for opposing any practice
813 made unlawful by said sections or because such employee has
814 exercised the rights afforded to such employee under said sections.

815 (b) It shall be a violation of sections 5-248a, as amended by this act,
816 and 31-51kk to 31-51qq, inclusive, as amended by this act, for any

817 person to discharge or cause to be discharged, or in any other manner
818 discriminate, against any individual because such individual:

819 (1) Has filed any charge, or has instituted or caused to be instituted
820 any proceeding, under or related to sections 5-248a, as amended by
821 this act, and 31-51kk to 31-51qq, inclusive, as amended by this act;

822 (2) Has given, or is about to give, any information in connection
823 with any inquiry or proceeding relating to any right provided under
824 said sections; or

825 (3) Has testified, or is about to testify, in any inquiry or proceeding
826 relating to any right provided under said sections.

827 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,
828 as amended by this act, for any employer to deny an employee the
829 right to use up to two weeks of accumulated sick leave, be it paid or
830 unpaid, or to discharge, threaten to discharge, demote, suspend or in
831 any manner discriminate against an employee for using, or attempting
832 to exercise the right to use, up to two weeks of accumulated sick leave,
833 be it paid or unpaid, to attend to a serious health condition of a spouse,
834 sibling, son or daughter, [spouse] grandparent, grandchild or parent of
835 the employee, or for the birth or adoption of a son or daughter of the
836 employee. For purposes of this subsection, "sick leave" means an
837 absence from work for which compensation is provided through (A)
838 an employer's bona fide written policy providing compensation for
839 loss of wages occasioned by illness, or (B) the Family and Medical
840 Leave Compensation Program established pursuant to section 2 of this
841 act, but does not include absences from work for which compensation
842 is provided through an employer's plan, including, but not limited to,
843 a short or long-term disability plan, whether or not such plan is self-
844 insured.

845 (2) Any employee aggrieved by a violation of this subsection may
846 file a complaint with the Labor Commissioner alleging violation of the
847 provisions of this subsection. Upon receipt of any such complaint, the

848 commissioner shall hold a hearing. After the hearing, the
849 commissioner shall send each party a written copy of the
850 commissioner's decision. The commissioner may award the employee
851 all appropriate relief, including rehiring or reinstatement to the
852 employee's previous job, payment of back wages and reestablishment
853 of employee benefits to which the employee otherwise would have
854 been eligible if a violation of this subsection had not occurred. Any
855 party aggrieved by the decision of the commissioner may appeal the
856 decision to the Superior Court in accordance with the provisions of
857 chapter 54.

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

861 Sec. 21. Section 31-51qq of the general statutes is repealed and the
862 following is substituted in lieu thereof (*Effective October 1, 2015*):

863 On or before January 1, [1997] 2017, the Labor Commissioner shall
864 adopt regulations, in accordance with the provisions of chapter 54, to
865 establish procedures and guidelines necessary to implement the
866 provisions of sections 2 to 14, inclusive, of this act, section 5-248a, as
867 amended by this act, and 31-51kk to 31-51qq, inclusive, as amended by
868 this act, including, but not limited to, procedures for hearings and
869 redress, including restoration and restitution, for an employee who
870 believes that there is a violation by the employer of such employee of
871 any provision of said sections. [In adopting such regulations, the
872 commissioner shall make reasonable efforts to ensure compatibility of
873 state regulatory provisions with similar provisions of the federal
874 Family and Medical Leave Act of 1993 and the regulations
875 promulgated pursuant to said act.]

876 Sec. 22. Section 31-51ss of the general statutes is repealed and the
877 following is substituted in lieu thereof (*Effective October 1, 2015*):

878 (a) For the purposes of this section:

879 (1) "Employer" means a person engaged in business who has [three]
880 two or more employees, including the state and any political
881 subdivision of the state;

882 (2) "Employee" means any person engaged in service to an employer
883 in the business of the employer;

884 (3) "Family violence" means family violence, as defined in section
885 46b-38a; and

886 (4) "Leave" includes paid or unpaid leave which may include, but is
887 not limited to, compensatory time, vacation time, personal days off,
888 leave under the Family and Medical Leave Compensation Program
889 established pursuant to section 2 of this act or other time off.

890 (b) If an employee is a victim of family violence, an employer shall
891 permit the employee to take paid or unpaid leave during any calendar
892 year in which such leave is reasonably necessary (1) to seek medical
893 care or psychological or other counseling for physical or psychological
894 injury or disability for the victim, (2) to obtain services from a victim
895 services organization on behalf of the victim, (3) to relocate due to such
896 family violence, or (4) to participate in any civil or criminal proceeding
897 related to or resulting from such family violence. An employer may
898 limit unpaid leave under this section to twelve days during any
899 calendar year. Leave under this section shall not affect any other leave
900 provided under state or federal law.

901 (c) If an employee's need to use leave under this section is
902 foreseeable, an employer may require advance notice, not to exceed
903 seven days prior to the date such leave is to begin, of the intention to
904 use such leave. If an employee's need for such leave is not foreseeable,
905 an employer may require an employee to give notice of such intention
906 as soon as practicable.

907 (d) Upon an employer's request, an employee who takes leave
908 pursuant to this section shall provide the employer a signed written

909 statement certifying that the leave is for a purpose authorized under
910 this section. The employer may also, but need not, request that the
911 employee provide a police or court record related to the family
912 violence or a signed written statement that the employee is a victim of
913 family violence, provided such statement is from an employee or agent
914 of a victim services organization, an attorney, an employee of the
915 Judicial Branch's Office of Victim Services or the Office of the Victim
916 Advocate, or a licensed medical professional or other licensed
917 professional from whom the employee has sought assistance with
918 respect to the family violence.

919 (e) Nothing in this section shall be construed to (1) prevent
920 employers from providing more leave than is required under this
921 section, (2) diminish any rights provided to any employee under the
922 terms of the employee's employment or a collective bargaining
923 agreement, or (3) preempt or override the terms of any collective
924 bargaining agreement effective prior to October 1, 2010.

925 (f) Nothing in this section shall be construed to require an employer
926 to provide paid leave under this section if (1) the employee is not
927 entitled to paid leave pursuant to the terms and conditions of the
928 employee's employment or under the Family and Medical Leave
929 Compensation Program established pursuant to section 2 of this act, or
930 (2) such paid leave exceeds the maximum amount of leave due the
931 employee during any calendar year, provided the employee shall be
932 entitled to unpaid leave under this section if paid leave is exhausted or
933 not provided.

934 (g) Any written statement or police or court record provided to an
935 employer pursuant to subsection (d) of this section shall be maintained
936 as confidential by the employer and shall not be further disclosed by
937 the employer except as required by federal or state law or as necessary
938 to protect the employee's safety in the workplace, provided the
939 employee is given notice prior to the disclosure.

940 (h) If an employer discharges, penalizes or threatens or otherwise
941 coerces an employee in violation of this section, the employee, not later
942 than one hundred eighty days from the occurrence of such action, may
943 bring a civil action for damages and for an order requiring the
944 employee's reinstatement or otherwise rescinding such action. If the
945 employee prevails, the employee shall be allowed a reasonable
946 attorney's fee to be fixed by the court.

947 Sec. 23. Section 3-13c of the general statutes is repealed and the
948 following is substituted in lieu thereof (*Effective from passage*):

949 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b
950 shall be construed to include Connecticut Municipal Employees'
951 Retirement Fund A, Connecticut Municipal Employees' Retirement
952 Fund B, Soldiers, Sailors and Marines Fund, Family and Medical Leave
953 Compensation Trust Fund, State's Attorneys' Retirement Fund,
954 Teachers' Annuity Fund, Teachers' Pension Fund, Teachers'
955 Survivorship and Dependency Fund, School Fund, State Employees
956 Retirement Fund, the Hospital Insurance Fund, Policemen and
957 Firemen Survivor's Benefit Fund and all other trust funds
958 administered, held or invested by the State Treasurer.

959 Sec. 24. Section 31-51rr of the general statutes is repealed. (*Effective*
960 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section

Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>October 1, 2015</i>	5-248a
Sec. 16	<i>October 1, 2015</i>	31-51kk
Sec. 17	<i>October 1, 2015</i>	31-51ll
Sec. 18	<i>October 1, 2015</i>	31-51mm
Sec. 19	<i>October 1, 2015</i>	31-51oo
Sec. 20	<i>October 1, 2015</i>	31-51pp
Sec. 21	<i>October 1, 2015</i>	31-51qq
Sec. 22	<i>October 1, 2015</i>	31-51ss
Sec. 23	<i>from passage</i>	3-13c
Sec. 24	<i>from passage</i>	Repealer section

Statement of Purpose:

To expand the current family and medical leave system and to provide paid time off for such leave.

[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.]