



**AN ACT CONCERNING PAID FAMILY AND 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 13, 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 being enrolled in the Family and Medical Leave  
7 Compensation Program pursuant to section 8 of this act, (B) meets the  
8 administrative requirements outlined in section 2 of this act, and (C) is  
9 enrolled in the Family and Medical Leave Compensation Program  
10 pursuant to section 8 of this act;

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

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

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

14 (5) "Employee" means any person engaged in service to an employer  
15 in the business of the employer and shall include a self-employed  
16 person or sole practitioner who elects coverage under section 8 of this  
17 act;

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

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

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

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

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

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

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

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

42 (14) "Parent" means a biological parent, foster parent, adoptive  
43 parent, stepparent, parent-in-law or legal guardian of an individual or  
44 an individual's spouse, or a person who stood in loco parentis to an  
45 individual when the individual was a son or daughter;

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

48 (16) "Son or daughter" means a biological, adopted or foster child,  
49 stepchild, legal ward, or, in the alternative, a child of a person standing  
50 in loco parentis; and

51 (17) "Spouse" means a person to whom one is legally married.

52 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a  
53 Family and Medical Leave Compensation Program. The program shall  
54 be administered by the administrator and shall offer up to twelve  
55 workweeks of family and medical leave compensation to covered  
56 employees during any twelve-month period as described in section 31-  
57 51ll of the general statutes, as amended by this act. The administrator  
58 shall begin collecting contributions to the Family and Medical Leave  
59 Compensation Trust Fund, established pursuant to section 3 of this act,  
60 on or before February 1, 2016, and shall offer compensation to covered  
61 employees who file claims for such compensation not later than  
62 February 1, 2017. For the purposes of this section and sections 3 to 13,  
63 inclusive, of this act, the administrator shall have the power to (1)  
64 determine whether an individual meets the requirements for  
65 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 31-51oo 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 leave taken for one or more of the reasons listed in  
101 subparagraphs (A) to (E), inclusive, of subdivision (2) of subsection (a)  
102 of section 31-51ll of the general statutes, as amended by this act, or the  
103 reasons listed in subsection (i) of said section or section 31-51ss of the  
104 general statutes, as amended by this act, provided: (1) Such covered  
105 employee provides notice to the administrator, and such covered  
106 employee's employer, if applicable, of the need for such compensation  
107 in a form and a manner as prescribed by the administrator, and (2)  
108 upon the request of the administrator, provides certification of such  
109 covered employee's need for compensation in accordance with the  
110 provisions of section 31-51mm of the general statutes, as amended by  
111 this act, to the administrator and such employer, if applicable.

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

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

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

137 (c) The amounts on deposit in the trust shall not constitute property  
138 of the state and the trust shall not be construed to be a department,  
139 institution or agency of the state. Amounts on deposit in the trust shall  
140 not be commingled with state funds and the state shall have no claim  
141 to or against, or interest in, such funds. Any contract entered into by or  
142 any obligation of the trust shall not constitute a debt or obligation of  
143 the state and the state shall have no obligation to any designated  
144 beneficiary or any other person on account of the trust and all amounts

145 obligated to be paid from the trust shall be limited to amounts  
146 available for such obligation on deposit in the trust. The trust shall  
147 continue in existence as long as it holds any deposits or has any  
148 obligations and until its existence is terminated by law and upon  
149 termination any unclaimed assets shall return to the state. Property of  
150 the trust shall be governed by section 3-61a of the general statutes.

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

157 (e) The assets of the trust shall be used for the purpose of  
158 distributing family and medical leave compensation to covered  
159 employees, educating and informing individuals about the program  
160 and paying the operational, administrative and investment costs of the  
161 trust, including those incurred pursuant to 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 shall contribute a portion of his or her salary or wages to the trust. This  
199 process shall include, but not be limited to, the creation of an  
200 information packet including the necessary paperwork for a covered  
201 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 in a manner prescribed by the administrator.

236 (b) A covered employee shall be eligible to receive benefits under

237 the program twelve months after the administrator has begun  
238 collecting contributions from such covered employee, or at such other  
239 time as the administrator may prescribe by rule.

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

253 (d) A self-employed person or sole proprietor may withdraw from  
254 the program upon submitting written notice to the administrator not  
255 less than thirty days prior to the expiration of the initial enrollment  
256 period, or at such other times as the administrator may prescribe by  
257 rule.

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

261 Sec. 9. (NEW) (*Effective from passage*) Any covered employee, or self-  
262 employed person or sole proprietor participating in the program,  
263 aggrieved by a denial of compensation under the Family and Medical  
264 Leave Compensation Program may file a complaint with the Labor  
265 Commissioner. Upon receipt of any such complaint, the commissioner  
266 may hold a hearing. After the hearing, the commissioner shall send  
267 each party a written copy of the commissioner's decision. The  
268 commissioner may award the covered employee, or self-employed

269 person or sole proprietor, all appropriate relief, including any  
270 compensation or benefits to which the employee otherwise would  
271 have been eligible if such denial had not occurred. Any party  
272 aggrieved by the decision of the commissioner may appeal the  
273 decision to the Superior Court in accordance with the provisions of  
274 chapter 54 of the general statutes.

275 Sec. 10. (NEW) (*Effective from passage*) Each employer subject to the  
276 provisions of sections 2 to 13, inclusive, of this act, and sections 5-248a  
277 of the general statutes, as amended by this act, 31-51kk to 31-51qq,  
278 inclusive, of the general statutes, as amended by this act, and 31-51ss of  
279 the general statutes, as amended by this act, shall, at the time of hiring,  
280 and annually thereafter, provide notice to each employee (1) of the  
281 entitlement to family and medical leave under said sections, and the  
282 terms under which such leave may be used, (2) that retaliation by the  
283 employer against the employee for requesting, applying for or using  
284 family and medical leave for which the employee is eligible is  
285 prohibited, and (3) that the employee has a right to file a complaint  
286 with the Labor Commissioner for any violation of sections 2 to 13,  
287 inclusive, of this act and sections 5-248a of the general statutes, as  
288 amended by this act, 31-51kk to 31-51qq, inclusive, of the general  
289 statutes, as amended by this act, and 31-51ss of the general statutes, as  
290 amended by this act. Employers shall comply with the provisions of  
291 this section by displaying a poster in a conspicuous place, accessible to  
292 employees, at the employer's place of business that contains the  
293 information required by this section in both English and Spanish. The  
294 Labor Commissioner may adopt regulations, in accordance with  
295 chapter 54 of the general statutes, to establish additional requirements  
296 concerning the means by which employers shall provide such notice.

297 Sec. 11. (NEW) (*Effective from passage*) (a) Any individual or covered  
298 employee who wilfully makes a false statement or misrepresentation  
299 regarding a material fact, or wilfully fails to report a material fact, to  
300 obtain family and medical leave compensation shall be disqualified  
301 from participation in the program for one year.

302 (b) If family and medical leave compensation is paid to an  
303 individual or covered employee erroneously or as a result of wilful  
304 misrepresentation by such individual or covered employee, or if a  
305 claim for family and medical leave compensation is rejected after  
306 compensation is paid, the administrator may seek repayment of  
307 benefits from the individual or covered employee having received  
308 such compensation. The Labor Commissioner may, in his or her  
309 discretion, waive, in whole or in part, the amount of any such  
310 payments where the recovery would be against equity and good  
311 conscience.

312 Sec. 12. (NEW) (*Effective from passage*) (a) The provisions of sections 2  
313 to 13, inclusive, of this act are severable and if any provision is  
314 determined to contravene state or federal law, the remainder of  
315 sections 2 to 13, inclusive, of this act shall remain in full force and  
316 effect.

317 (b) Nothing in sections 2 to 13, inclusive, of this act shall be  
318 construed to (1) prevent employers from providing any benefits that  
319 are more expansive than those provided for under said sections, (2)  
320 diminish any rights provided to any covered employee under the  
321 terms of the covered employee's employment or a collective  
322 bargaining agreement, or (3) preempt or override the terms of any  
323 collective bargaining agreement effective prior to the effective date of  
324 this section.

325 Sec. 13. (NEW) (*Effective from passage*) Not later than January 1, 2016,  
326 and annually thereafter, the commissioner shall report, in accordance  
327 with section 11-4a of the general statutes, to the joint standing  
328 committees of the General Assembly having cognizance of matters  
329 relating to appropriations and labor, on (1) the projected and actual  
330 participation in the program, (2) premium rates and balances in the  
331 trust, (3) the size of employers at which covered employees are  
332 employed, (4) the reasons covered employees are receiving family and  
333 medical leave compensation, (5) the success of the administrator's  
334 outreach and education efforts, and (6) demographic information of

335 covered employees, including gender, age, town of residence and  
336 income level.

337 Sec. 14. Section 5-248a of the general statutes is repealed and the  
338 following is substituted in lieu thereof (*Effective October 1, 2015*):

339 (a) For purposes of this section, "child" means a biological, adopted  
340 or foster child, stepchild, child of whom a person has legal  
341 guardianship or custody, or, in the alternative, a child of a person  
342 standing in loco parentis; [ who is (1) under eighteen years of age, or  
343 (2) eighteen years of age or older and incapable of self-care because of  
344 a mental or physical disability] "sibling" means a brother or sister  
345 related to a person by blood, marriage or adoption by a parent of the  
346 person; "grandparent" means a grandparent related to a person by  
347 blood, marriage or adoption of a minor child by a child of the  
348 grandparent; "grandchild" means a grandchild related to a person by  
349 blood, marriage or adoption by a child of the grandparent; and  
350 "spouse" means a person to whom one is legally married. Each  
351 permanent employee, as defined in section 5-196, shall be entitled to a  
352 family leave of absence upon the birth or adoption of a child of such  
353 employee, or upon the serious illness of a [child,] spouse, sibling, child,  
354 grandparent, grandchild or parent of such employee; and a medical  
355 leave of absence upon the serious illness of such employee or in order  
356 for such employee to serve as an organ or bone marrow donor. The  
357 total amount of time that an employee is entitled to for leaves of  
358 absence pursuant to this section shall be [twenty-four] twelve weeks  
359 within any [two-year] one-year period. Any such leave of absence  
360 [shall be without pay] may be compensated under the Family and  
361 Medical Leave Compensation Program established pursuant to section  
362 2 of this act. Upon the expiration of any such leave of absence, the  
363 employee shall be entitled (A) to return to the employee's original job  
364 from which the leave of absence was provided or, if not available, to an  
365 equivalent position with equivalent pay, except that in the case of a  
366 medical leave, if the employee is medically unable to perform the  
367 employee's original job upon the expiration of such leave, the

368 Department of Administrative Services shall endeavor to find other  
369 suitable work for such employee in state service, and (B) to all  
370 accumulated seniority, retirement, fringe benefit and other service  
371 credits the employee had at the commencement of such leave. Such  
372 service credits shall not accrue during the period of the leave of  
373 absence.

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

378 (c) Any permanent employee who requests a medical leave of  
379 absence due to the employee's serious illness or a family leave of  
380 absence due to the serious illness of a [child,] spouse, sibling, child,  
381 grandparent, grandchild or parent pursuant to subsection (a) of this  
382 section or a military caregiver leave of absence pursuant to subsection  
383 (g) of this section shall be required by the employee's appointing  
384 authority, prior to the inception of such leave, to provide sufficient  
385 written certification from the physician of such employee, [child,]  
386 spouse, sibling, child, grandparent, grandchild, parent or next of kin of  
387 the employee, as appropriate, of the nature of such illness and its  
388 probable duration. For the purposes of this section, "serious illness"  
389 means an illness, injury, impairment or physical or mental condition  
390 that involves (1) inpatient care in a hospital, hospice or residential care  
391 facility, or (2) continuing treatment or continuing supervision by a  
392 health care provider.

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

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

407 (f) Notwithstanding the provisions of subsection (b) of section 38a-  
408 554, the state shall pay for the continuation of health insurance benefits  
409 for the employee during any leave of absence taken pursuant to this  
410 section. In order to continue any other health insurance coverages  
411 during such leave, the employee shall contribute that portion of the  
412 premium the employee would have been required to contribute had  
413 the employee remained an active employee during the leave period.

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

426 (h) For purposes of subsection (g) of this section, (1) "next of kin"  
427 means the armed forces member's nearest blood relative, other than  
428 the covered armed forces member's spouse, [parent] sibling, son or  
429 daughter, grandparent, grandchild or parent, in the following order of  
430 priority: Blood relatives who have been granted legal custody of the  
431 armed forces member by court decree or statutory provisions,  
432 [brothers and sisters, grandparents,] aunts and uncles, and first

433 cousins, unless the covered armed forces member has specifically  
434 designated in writing another blood relative as his or her nearest blood  
435 relative for purposes of military caregiver leave, in which case the  
436 designated individual shall be deemed to be the covered armed forces  
437 member's next of kin; and (2) "son or daughter" means a biological,  
438 adopted, foster child, stepchild, legal ward or a child for whom the  
439 eligible employee or armed forces member stood in loco parentis and  
440 who is any age.

441 Sec. 15. Section 31-51kk of the general statutes is repealed and the  
442 following is substituted in lieu thereof (*Effective October 1, 2015*):

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

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

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

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

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

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

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

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

475 ~~[(6)]~~ (8) "Health care provider" means (A) a doctor of medicine or  
476 osteopathy who is authorized to practice medicine or surgery by the  
477 state in which the doctor practices; (B) a podiatrist, dentist,  
478 psychologist, optometrist or chiropractor authorized to practice by the  
479 state in which such person practices and performs within the scope of  
480 the authorized practice; (C) an advanced practice registered nurse,  
481 nurse practitioner, nurse midwife or clinical social worker authorized  
482 to practice by the state in which such person practices and performs  
483 within the scope of the authorized practice; (D) Christian Science  
484 practitioners listed with the First Church of Christ, Scientist in Boston,  
485 Massachusetts; (E) any health care provider from whom an employer  
486 or a group health plan's benefits manager will accept certification of  
487 the existence of a serious health condition to substantiate a claim for  
488 benefits; (F) a health care provider as defined in subparagraphs (A) to  
489 (E), inclusive, of this subdivision who practices in a country other than  
490 the United States, who is licensed to practice in accordance with the  
491 laws and regulations of that country; or (G) such other health care  
492 provider as the Labor Commissioner determines, performing within  
493 the scope of the authorized practice. The commissioner may utilize any  
494 determinations made pursuant to chapter 568;

495 [(7)] (9) "Parent" means a biological parent, foster parent, adoptive  
496 parent, stepparent, parent-in-law or legal guardian of an eligible  
497 employee or an eligible employee's spouse, or an individual who stood  
498 in loco parentis to an employee when the employee was a son or  
499 daughter;

500 [(8)] (10) "Person" means one or more individuals, partnerships,  
501 associations, corporations, business trusts, legal representatives or  
502 organized groups of persons;

503 [(9)] (11) "Reduced leave schedule" means a leave schedule that  
504 reduces the usual number of hours per workweek, or hours per  
505 workday, of an employee;

506 [(10)] (12) "Serious health condition" means an illness, injury,  
507 impairment, or physical or mental condition that involves (A) inpatient  
508 care in a hospital, hospice, nursing home or residential medical care  
509 facility; or (B) continuing treatment, including outpatient treatment, by  
510 a health care provider;

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

513 [(11)] (14) "Son or daughter" means a biological, adopted or foster  
514 child, stepchild, legal ward, or, in the alternative, a child of a person  
515 standing in loco parentis; [ who is (A) under eighteen years of age; or  
516 (B) eighteen years of age or older and incapable of self-care because of  
517 a mental or physical disability;] and

518 [(12)] (15) "Spouse" means a [husband or wife, as the case may be]  
519 person to whom one is legally married.

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

522 (a) (1) Subject to section 31-51mm, as amended by this act, an  
523 eligible employee shall be entitled to a total of [sixteen] twelve

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

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

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

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

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

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

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

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

554 (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of  
555 subsection (a) of this section for the birth or placement of a son or  
556 daughter may not be taken by an employee intermittently or on a  
557 reduced leave schedule unless the employee and the employer agree  
558 otherwise. Subject to subdivision (2) of this subsection concerning an  
559 alternative position, subdivision (2) of subsection (f) of this section  
560 concerning the duties of the employee and subdivision (5) of  
561 subsection (b) of section 31-51mm, as amended by this act, concerning  
562 sufficient certification, leave under subparagraph (C) or (D) of  
563 subdivision (2) of subsection (a) or under subsection (i) of this section  
564 for a serious health condition may be taken intermittently or on a  
565 reduced leave schedule when medically necessary. The taking of leave  
566 intermittently or on a reduced leave schedule pursuant to this  
567 subsection shall not result in a reduction of the total amount of leave to  
568 which the employee is entitled under subsection (a) of this section  
569 beyond the amount of leave actually taken.

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

582 (d) Except as provided in subsection (e) of this section, leave  
583 granted under subsection (a) of this section may consist of unpaid  
584 leave.

585 (e) (1) If an employer provides paid leave for fewer than [sixteen]  
586 twelve workweeks, the additional weeks of leave necessary to attain

587 the [sixteen] twelve workweeks of leave required under sections 5-  
588 248a, as amended by this act, and 31-51kk to 31-51qq, inclusive, as  
589 amended by this act, may be provided without compensation, or may  
590 be through the Family and Medical Leave Compensation Program  
591 established pursuant to section 2 of this act.

592 (2) (A) An eligible employee may elect [, or an employer may  
593 require the employee,] to substitute any of the accrued paid vacation  
594 leave, personal leave or family leave of the employee for leave  
595 provided under subparagraph (A), (B) or (C) of subdivision (2) of  
596 subsection (a) of this section for any part of the [sixteen-week] twelve-  
597 week period of such leave under said subsection or under subsection  
598 (i) of this section for any part of the twenty-six-week period of such  
599 leave.

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

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

620 provide such notice as is practicable.

621 (2) In any case in which the necessity for leave under subparagraph  
622 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection  
623 (i) of this section is foreseeable based on planned medical treatment,  
624 the employee (A) shall make a reasonable effort to schedule the  
625 treatment so as not to disrupt unduly the operations of the employer,  
626 subject to the approval of the health care provider of the employee or  
627 the health care provider of the spouse, sibling, son [,] or daughter,  
628 [spouse] grandparent, grandchild or parent of the employee, as  
629 appropriate; and (B) shall provide the employer with not less than  
630 thirty days' notice, before the date the leave is to begin, of the  
631 employee's intention to take leave under said subparagraph (C), (D) or  
632 (E) or said subsection (i), except that if the date of the treatment  
633 requires leave to begin in less than thirty days, the employee shall  
634 provide such notice as is practicable.

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

652 (h) Unpaid leave taken pursuant to sections 5-248a, as amended by

653 this act, and 31-51kk to 31-51qq, inclusive, as amended by this act, shall  
654 not be construed to affect an employee's qualification for exemption  
655 under chapter 558.

656 (i) Subject to section 31-51mm, as amended by this act, an eligible  
657 employee who is the spouse, sibling, son or daughter, grandparent,  
658 grandchild, parent or next of kin of a current member of the armed  
659 forces, as defined in section 27-103, who is undergoing medical  
660 treatment, recuperation or therapy, is otherwise in outpatient status or  
661 is on the temporary disability retired list for a serious injury or illness  
662 incurred in the line of duty shall be entitled to a one-time benefit of  
663 twenty-six workweeks of leave, twelve weeks of which may be  
664 compensated under the Family and Medical Leave Compensation  
665 Program established pursuant to section 2 of this act, during any  
666 twelve-month period for each armed forces member per serious injury  
667 or illness incurred in the line of duty. Such twelve-month period shall  
668 commence on an employee's first day of leave taken to care for a  
669 covered armed forces member and end on the date twelve months  
670 after such first day of leave. For the purposes of this subsection, (1)  
671 "next of kin" means the armed forces member's nearest blood relative,  
672 other than the covered armed forces member's spouse, [parent] sibling,  
673 son or daughter, grandparent, grandchild or parent, in the following  
674 order of priority: Blood relatives who have been granted legal custody  
675 of the armed forces member by court decree or statutory provisions,  
676 [brothers and sisters, grandparents,] aunts and uncles, and first  
677 cousins, unless the covered armed forces member has specifically  
678 designated in writing another blood relative as his or her nearest blood  
679 relative for purposes of military caregiver leave, in which case the  
680 designated individual shall be deemed to be the covered armed forces  
681 member's next of kin; and (2) "son or daughter" means a biological,  
682 adopted or foster child, stepchild, legal ward or child for whom the  
683 eligible employee or armed forces member stood in loco parentis and  
684 who is any age.

685 (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as

686 amended by this act, shall not run concurrently with the provisions of  
687 section 31-313.

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

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

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

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

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

705 (2) The probable duration of the condition;

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

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

715 subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll,  
716 as amended by this act, a statement that the employee is unable to  
717 perform the functions of the position of the employee;

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

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

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

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

747 leave or reduced leave schedule. For the purposes of this subsection,  
748 "son or daughter" and "next of kin" have the same meanings as  
749 provided in subsection (i) of section 31-51ll, as amended by this act.

750 (c) (1) In any case in which the employer has reason to doubt the  
751 validity of the certification provided under subsection (a) of this  
752 section for leave under subparagraph (C) or (D) of subdivision (2) of  
753 subsection (a) or under subsection (i) of section 31-51ll, as amended by  
754 this act, the employer may require, at the expense of the employer, that  
755 the eligible employee obtain the opinion of a second health care  
756 provider designated or approved by the employer concerning any  
757 information certified under subsection (b) of this section for such leave.

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

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

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

772 (e) The employer may require that the eligible employee obtain  
773 subsequent recertifications on a reasonable basis, provided the  
774 standards for determining what constitutes a reasonable basis for  
775 recertification may be governed by a collective bargaining agreement  
776 between such employer and a labor organization which is the  
777 collective bargaining representative of the unit of which the worker is

778 a part if such a collective bargaining agreement is in effect. Unless  
779 otherwise required by the employee's health care provider, the  
780 employer may not require recertification more than once during a  
781 thirty-day period and, in any case, may not unreasonably require  
782 recertification. The employer shall pay for any recertification that is not  
783 covered by the employee's health insurance.

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

786 Records and documents relating to medical certifications,  
787 recertifications or medical histories of employees or employees' family  
788 members, created for purposes of sections 2 to 13, inclusive, of this act,  
789 and sections 5-248a, as amended by this act, and 31-51kk to 31-51qq,  
790 inclusive, as amended by this act, shall be maintained as medical  
791 records pursuant to chapter 563a, except that: (1) Supervisors and  
792 managers may be informed regarding necessary restrictions on the  
793 work or duties of an employee and necessary accommodations; (2) first  
794 aid and safety personnel may be informed, when appropriate, if the  
795 employee's physical or medical condition might require emergency  
796 treatment; and (3) government officials investigating compliance with  
797 sections 2 to 13, inclusive, of this act, and sections 5-248a, as amended  
798 by this act, and 31-51kk to 31-51qq, inclusive, as amended by this act,  
799 or other pertinent law shall be provided relevant information upon  
800 request.

801 Sec. 19. Section 31-51pp of the general statutes is repealed and the  
802 following is substituted in lieu thereof (*Effective October 1, 2015*):

803 (a) (1) It shall be a violation of sections 2 to 13, inclusive, of this act  
804 and sections 5-248a, as amended by this act, and 31-51kk to 31-51qq,  
805 inclusive, as amended by this act, for any employer to interfere with,  
806 restrain or deny the exercise of, or the attempt to exercise, any right  
807 provided under said sections.

808 (2) It shall be a violation of sections 5-248a, as amended by this act,

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

814 (b) It shall be a violation of sections 5-248a, as amended by this act,  
815 and 31-51kk to 31-51qq, inclusive, as amended by this act, for any  
816 person to discharge or cause to be discharged, or in any other manner  
817 discriminate, against any individual because such individual:

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

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

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

826 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,  
827 as amended by this act, for any employer to deny an employee the  
828 right to use up to two weeks of accumulated sick leave, be it paid or  
829 unpaid, or to discharge, threaten to discharge, demote, suspend or in  
830 any manner discriminate against an employee for using, or attempting  
831 to exercise the right to use, up to two weeks of accumulated sick leave,  
832 be it paid or unpaid, to attend to a serious health condition of a spouse,  
833 sibling, son or daughter, [spouse] grandparent, grandchild or parent of  
834 the employee, or for the birth or adoption of a son or daughter of the  
835 employee. For purposes of this subsection, "sick leave" means an  
836 absence from work for which compensation is provided through (A)  
837 an employer's bona fide written policy providing compensation for  
838 loss of wages occasioned by illness, or (B) the Family and Medical  
839 Leave Compensation Program established pursuant to section 2 of this

840 act, but does not include absences from work for which compensation  
841 is provided through an employer's plan, including, but not limited to,  
842 a short or long-term disability plan, whether or not such plan is self-  
843 insured.

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

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

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

862 On or before January 1, [1997] 2017, the Labor Commissioner shall  
863 adopt regulations, in accordance with the provisions of chapter 54, to  
864 establish procedures and guidelines necessary to implement the  
865 provisions of sections 2 to 13, inclusive, of this act, and sections 5-248a,  
866 as amended by this act, and 31-51kk to 31-51qq, inclusive, as amended  
867 by this act, including, but not limited to, procedures for hearings and  
868 redress, including restoration and restitution, for an employee who  
869 believes that there is a violation by the employer of such employee of  
870 any provision of said sections. [In adopting such regulations, the  
871 commissioner shall make reasonable efforts to ensure compatibility of

872 state regulatory provisions with similar provisions of the federal  
873 Family and Medical Leave Act of 1993 and the regulations  
874 promulgated pursuant to said act.]

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

877 (a) For the purposes of this section:

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

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

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

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

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

900 (c) If an employee's need to use leave under this section is

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

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

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

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

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

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

946 Sec. 22. Section 3-13c of the general statutes is repealed and the  
 947 following is substituted in lieu thereof (*Effective from passage*):

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

958 Sec. 23. Section 31-51rr of the general statutes is repealed. (*Effective*  
 959 *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>October 1, 2015</i>	5-248a
Sec. 15	<i>October 1, 2015</i>	31-51kk
Sec. 16	<i>October 1, 2015</i>	31-51ll
Sec. 17	<i>October 1, 2015</i>	31-51mm
Sec. 18	<i>October 1, 2015</i>	31-51oo
Sec. 19	<i>October 1, 2015</i>	31-51pp
Sec. 20	<i>October 1, 2015</i>	31-51qq
Sec. 21	<i>October 1, 2015</i>	31-51ss
Sec. 22	<i>from passage</i>	3-13c
Sec. 23	<i>from passage</i>	Repealer section

**LAB**      *Joint Favorable Subst.*

**APP**      *Joint Favorable*