



General Assembly

January Session, 2015

## Amendment

LCO No. 7677



Offered by:

REP. LUXENBERG, 12<sup>th</sup> Dist.  
REP. ALBIS, 99<sup>th</sup> Dist.  
REP. CUEVAS, 75<sup>th</sup> Dist.  
REP. HADDAD, 54<sup>th</sup> Dist.  
REP. LEMAR, 96<sup>th</sup> Dist.  
REP. LESSER, 100<sup>th</sup> Dist.  
REP. LOPES, 24<sup>th</sup> Dist.  
REP. MORIN, 28<sup>th</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.  
REP. RYAN, 139<sup>th</sup> Dist.  
REP. TERCYAK, 26<sup>th</sup> Dist.  
REP. SANTIAGO, 84<sup>th</sup> Dist.  
REP. CURREY, 11<sup>th</sup> Dist.  
REP. MCGEE, 5<sup>th</sup> Dist.  
REP. RILEY, 46<sup>th</sup> Dist.  
REP. ROJAS, 9<sup>th</sup> Dist.  
REP. SIMMONS, 144<sup>th</sup> Dist.  
REP. HEWETT, 39<sup>th</sup> Dist.  
REP. ORANGE, 48<sup>th</sup> Dist.  
REP. STEINBERG, 136<sup>th</sup> Dist.  
REP. ROSE, 118<sup>th</sup> Dist.  
REP. STAFSTROM, 129<sup>th</sup> Dist.  
REP. JOHNSON, 49<sup>th</sup> Dist.  
REP. GENTILE, 104<sup>th</sup> Dist.

REP. URBAN, 43<sup>rd</sup> Dist.  
REP. CONROY, 105<sup>th</sup> Dist.  
REP. CANDELARIA, 95<sup>th</sup> Dist.  
REP. MILLER, 36<sup>th</sup> Dist.  
REP. GONZALEZ, 3<sup>rd</sup> Dist.  
REP. KINER, 59<sup>th</sup> Dist.  
REP. BACKER, 121<sup>st</sup> Dist.  
REP. VERRENGIA, 20<sup>th</sup> Dist.  
REP. ARCONTI, 109<sup>th</sup> Dist.  
REP. REED, 102<sup>nd</sup> Dist.  
REP. DARGAN, 115<sup>th</sup> Dist.  
REP. HENNESSY, 127<sup>th</sup> Dist.  
REP. MEGNA, 97<sup>th</sup> Dist.  
REP. GODFREY, 110<sup>th</sup> Dist.  
REP. BUTLER, 72<sup>nd</sup> Dist.  
REP. MUSHINSKY, 85<sup>th</sup> Dist.  
REP. ROSARIO, 128<sup>th</sup> Dist.  
SEN. MOORE, 22<sup>nd</sup> Dist.  
SEN. BARTOLOMEO, 13<sup>th</sup> Dist.  
SEN. OSTEN, 19<sup>th</sup> Dist.  
SEN. FLEXER, 29<sup>th</sup> Dist.  
SEN. GOMES, 23<sup>rd</sup> Dist.  
SEN. WINFIELD, 10<sup>th</sup> Dist.  
SEN. GERRATANA, 6<sup>th</sup> Dist.

To: Subst. House Bill No. 6932

File No. 385

Cal. No. 241

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**"AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE."**

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1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in this section and  
4 sections 2 to 13, inclusive, of this act:

5 (1) "Covered employee" means an employee who (A) has earned not  
6 less than nine thousand three hundred dollars from one or more  
7 employers over twelve consecutive months during the previous  
8 twenty-four months, (B) meets the administrative requirements  
9 outlined in section 2 of this act, or (C) is enrolled in the Family and  
10 Medical Leave Compensation Program pursuant to section 8 of this  
11 act;

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

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

14 (4) "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 (5) "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 (6) "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 (7) "Family and Medical Leave Compensation Trust Fund" or "trust"  
29 means the trust fund established pursuant to section 3 of this act; and

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

33 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a  
34 Family and Medical Leave Compensation Program. The program shall  
35 be administered by the administrator and shall offer up to twelve  
36 workweeks of family and medical leave compensation to covered  
37 employees during any twelve-month period as described in section 31-  
38 51ll of the general statutes, as amended by this act. The administrator  
39 shall begin collecting contributions to the Family and Medical Leave  
40 Compensation Trust Fund, established pursuant to section 3 of this act,  
41 on or before March 1, 2016, and shall begin to provide compensation to  
42 covered employees on and after January 1, 2017. For the purposes of  
43 this section and sections 3 to 13, inclusive, of this act, the administrator  
44 shall have the power to (1) determine whether an individual meets the  
45 requirements for compensation under this section; (2) require a  
46 covered employee's claim for compensation pursuant to this section be  
47 supported by certification pursuant to section 31-51mm of the general  
48 statutes, as amended by this act; (3) examine or cause to be produced  
49 or examined, any books, records, documents, contracts or other papers  
50 relevant to the eligibility of a covered employee; (4) summon and  
51 examine under oath such witnesses as may provide information  
52 relevant to a covered employee's claim for family and medical leave  
53 compensation; (5) establish procedures and forms for the filing of  
54 claims for compensation, including the certification required for  
55 establishing eligibility for such compensation; and (6) ensure the  
56 confidentiality of records and documents relating to medical  
57 certifications, recertifications or medical histories of covered  
58 employees or covered employees' family members pursuant to section  
59 31-51oo of the general statutes, as amended by this act.

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

66 (c) The level of weekly compensation offered to covered employees  
67 shall be one hundred per cent of a covered employee's average weekly  
68 earnings during the fifty-two calendar weeks immediately preceding  
69 the date the leave commences after such earnings have been reduced  
70 by any deduction for federal or state taxes, or both, and for the federal  
71 Insurance Contributions Act, provided such compensation shall not  
72 exceed one thousand dollars per week. If the Internal Revenue Service  
73 determines that family and medical leave compensation is subject to  
74 federal income tax and a covered employee elects to have federal  
75 income tax deducted and withheld from his or her compensation, the  
76 administrator shall deduct and withhold the amount specified in the  
77 United States Internal Revenue Code in a manner consistent with the  
78 state law.

79 (d) A covered employee shall receive compensation under this  
80 section for leave taken for one or more of the reasons listed in  
81 subparagraphs (A) to (E), inclusive, of subdivision (2) of subsection (a)  
82 of section 31-51ll of the general statutes, as amended by this act, or the  
83 reasons listed in subsection (i) of said section or section 31-51ss of the  
84 general statutes, as amended by this act, provided such covered  
85 employee (1) provides notice to the administrator, and such covered  
86 employee's employer, if applicable, of the need for such compensation  
87 in a form and a manner as prescribed by the administrator, and (2)  
88 upon the request of the administrator, provides certification of such  
89 covered employee's need for compensation in accordance with the  
90 provisions of section 31-51mm of the general statutes, as amended by  
91 this act, to the administrator and such employer, if applicable.

92 (e) A covered employee may receive compensation pursuant to

93 subsection (a) of this section for nonconsecutive hours of leave  
94 provided such leave shall not amount to less than eight hours of leave  
95 in any workweek. If family and medical leave benefits are taken for  
96 eight hours or more, but for less than one full week, such hourly  
97 compensation shall be determined on a pro rata basis at the discretion  
98 of the administrator.

99 (f) Any moneys expended from the General Fund for the purpose of  
100 (1) administering the Family and Medical Leave Compensation  
101 Program, or (2) providing compensation to covered employees shall be  
102 reimbursed to the General Fund by the administrator not later than  
103 June 30, 2016.

104 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a fund  
105 to be known as the "Family and Medical Leave Compensation Trust  
106 Fund" the purpose of which shall be to provide compensation to  
107 covered employees who take leave from their employment pursuant to  
108 sections 31-51kk to 31-51qq, inclusive, of the general statutes, as  
109 amended by this act, and 31-51ss of the general statutes, as amended  
110 by this act. The Family and Medical Leave Compensation Trust Fund  
111 shall be a nonlapsing fund held by the State Treasurer separate and  
112 apart from all other moneys, funds and accounts. Investment earnings  
113 credited to the trust shall become part of the trust.

114 (b) The trust shall constitute an instrumentality of the state and shall  
115 perform essential governmental functions, in accordance with the  
116 provisions of this section. The trust shall receive and hold all payments  
117 and deposits or contributions intended for the trust, as well as gifts,  
118 bequests, endowments or federal, state or local grants and any other  
119 funds from any public or private source and all earnings until  
120 disbursed in accordance with the provisions of this section.

121 (c) The amounts on deposit in the trust shall not constitute property  
122 of the state and the trust shall not be construed to be a department,  
123 institution or agency of the state. Amounts on deposit in the trust shall  
124 not be commingled with state funds and the state shall have no claim

125 to or against, or interest in, such funds. Any contract entered into by or  
126 any obligation of the trust shall not constitute a debt or obligation of  
127 the state and the state shall have no obligation to any designated  
128 beneficiary or any other person on account of the trust and all amounts  
129 obligated to be paid from the trust shall be limited to amounts  
130 available for such obligation on deposit in the trust. The trust shall  
131 continue in existence as long as it holds any deposits or has any  
132 obligations and until its existence is terminated by law and upon  
133 termination any unclaimed assets shall return to the state. Property of  
134 the trust shall be governed by section 3-61a of the general statutes.

135 (d) The State Treasurer shall be responsible for the receipt and  
136 investment of moneys held by the trust. The trust shall not receive  
137 deposits in any form other than cash. No depositor or designated  
138 beneficiary may direct the investment of any contributions or amounts  
139 held in the trust other than the specific fund options provided for by  
140 the trust.

141 (e) The assets of the trust shall be used for the purpose of  
142 distributing family and medical leave compensation to covered  
143 employees, educating and informing individuals about the program  
144 and paying the operational, administrative and investment costs of the  
145 trust, including those incurred pursuant to section 6 of this act.

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

149 (1) Receive and invest moneys in the trust in any instruments,  
150 obligations, securities or property in accordance with sections 3 and 5  
151 of this act;

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

155 (3) Apply for, accept and expend gifts, grants or donations from

156 public or private sources to carry out the objectives of the trust.

157 Sec. 5. (NEW) (*Effective from passage*) The State Treasurer shall invest  
158 the amounts on deposit in the Family and Medical Leave  
159 Compensation Trust Fund in a manner reasonable and appropriate to  
160 achieve the objectives of the trust, exercising the discretion and care of  
161 a prudent person in similar circumstances with similar objectives. The  
162 State Treasurer shall give due consideration to rate of return, risk, term  
163 or maturity, diversification of the total portfolio within the trust,  
164 liquidity, the projected disbursements and expenditures and the  
165 expected payments, deposits, contributions and gifts to be received.  
166 The State Treasurer shall not require the trust to invest directly in  
167 obligations of the state or any political subdivision of the state or in  
168 any investment or other fund administered by the State Treasurer. The  
169 assets of the trust shall be continuously invested and reinvested in a  
170 manner consistent with the objectives of the trust until disbursed upon  
171 order of the administrator or expended on expenses incurred by the  
172 operations of the trust.

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

177 (1) Design, establish and operate the program to ensure  
178 transparency in the management of the program and the Family and  
179 Medical Leave Compensation Trust Fund through oversight and ethics  
180 review of plan fiduciaries;

181 (2) Design and establish the process by which a covered employee  
182 shall contribute a portion of his or her salary or wages to the trust. This  
183 process shall include, but not be limited to, the creation of an  
184 information packet including the necessary paperwork for a covered  
185 employee to participate in the program;

186 (3) Evaluate and establish the process by which employers may

187 credit the covered employee's contributions to the trust through  
188 payroll deposit;

189 (4) Determine the amount of contributions necessary to ensure  
190 solvency of the program;

191 (5) Ensure that contributions to the trust collected from covered  
192 employees shall not be used for any purpose other than to provide  
193 compensation to covered employees or to satisfy any expenses,  
194 including employee costs, incurred to implement, maintain, advertise  
195 and administer the program;

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

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

204 Sec. 7. (NEW) (*Effective from passage*) The administrator, in  
205 consultation with the State Treasurer, shall conduct a public education  
206 campaign to inform individuals and employers about the Family and  
207 Medical Leave Compensation Program. Such campaign shall include,  
208 but not be limited to, information about the requirements for receiving  
209 family and medical leave compensation, how to apply for such  
210 compensation and the circumstances for which such compensation  
211 may be available. The administrator may use funds contributed to the  
212 Family and Medical Leave Compensation Trust Fund established  
213 pursuant to section 3 of this act for purposes of the public education  
214 campaign. Information distributed or made available under the  
215 campaign shall be available in English and Spanish and in any other  
216 language as prescribed by the administrator.

217 Sec. 8. (NEW) (*Effective from passage*) (a) A self-employed person or

218 sole proprietor, upon application to the administrator, in a form and  
219 manner as prescribed by the administrator, may be enrolled in the  
220 Family and Medical Leave Compensation Program, provided the  
221 administrator determines that such self-employed person or sole  
222 proprietor meets the requirements of a covered employee pursuant to  
223 section 1 of this act and such self-employed person or sole proprietor is  
224 enrolled in the program for an initial period of not less than three  
225 years. Such self-employed person or sole proprietor may reenroll in  
226 the program for a subsequent period, or periods, of not less than one  
227 year, provided (1) such self-employed person or sole proprietor  
228 provides written notice of such reenrollment to the administrator, and  
229 (2) such reenrollment begins immediately following a period of  
230 participation in the program.

231 (b) A self-employed person or sole proprietor may withdraw from  
232 the program upon submitting written notice to the administrator not  
233 less than thirty days prior to the expiration of the initial enrollment  
234 period, or at such other times as the administrator may prescribe by  
235 rule.

236 Sec. 9. (NEW) (*Effective from passage*) Any covered employee, or self-  
237 employed person or sole proprietor participating in the program,  
238 aggrieved by a denial of compensation under the Family and Medical  
239 Leave Compensation Program may file a complaint with the Labor  
240 Commissioner. Upon receipt of any such complaint, the commissioner  
241 shall hold a hearing. After the hearing, the commissioner shall send  
242 each party a written copy of the commissioner's decision. The  
243 commissioner may award the covered employee, or self-employed  
244 person or sole proprietor, all appropriate relief, including any  
245 compensation or benefits to which the employee otherwise would  
246 have been eligible if such denial had not occurred. Any party  
247 aggrieved by the decision of the commissioner may appeal the  
248 decision to the Superior Court in accordance with the provisions of  
249 chapter 54 of the general statutes.

250 Sec. 10. (NEW) (*Effective October 1, 2015*) Each employer subject to

251 the provisions of sections 2 to 13, inclusive, of this act, and sections 31-  
252 51kk to 31-51qq, inclusive, of the general statutes, as amended by this  
253 act, and 31-51ss of the general statutes, as amended by this act, shall, at  
254 the time of hiring, and annually thereafter, provide notice to each  
255 employee (1) of the entitlement to family and medical leave under said  
256 sections, and the terms under which such leave may be used, (2) that  
257 retaliation by the employer against the employee for requesting,  
258 applying for or using family and medical leave for which the employee  
259 is eligible is prohibited, and (3) that the employee has a right to file a  
260 complaint with the Labor Commissioner for any violation of sections 2  
261 to 13, inclusive, of this act and sections 31-51kk to 31-51qq, inclusive, of  
262 the general statutes, as amended by this act, and 31-51ss of the general  
263 statutes, as amended by this act. Employers shall comply with the  
264 provisions of this section by displaying a poster in a conspicuous  
265 place, accessible to employees, at the employer's place of business that  
266 contains the information required by this section in both English and  
267 Spanish. The Labor Commissioner may adopt regulations, in  
268 accordance with chapter 54 of the general statutes, to establish  
269 additional requirements concerning the means by which employers  
270 shall provide such notice.

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

276 (b) If family and medical leave compensation is paid to an  
277 individual or covered employee erroneously or as a result of wilful  
278 misrepresentation by such individual or covered employee, or if a  
279 claim for family and medical leave compensation is rejected after  
280 compensation is paid, the administrator may seek repayment of  
281 benefits from the individual or covered employee having received  
282 such compensation. The Labor Commissioner may, in his or her  
283 discretion, waive, in whole or in part, the amount of any such

284 payments where the recovery would be against equity and good  
285 conscience.

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

291 (b) Nothing in sections 2 to 13, inclusive, of this act shall be  
292 construed to (1) prevent employers from providing any benefits that  
293 are more expansive than those provided for under said sections, (2)  
294 diminish any rights provided to any covered employee under the  
295 terms of the covered employee's employment or a collective  
296 bargaining agreement, or (3) preempt or override the terms of any  
297 collective bargaining agreement effective prior to the effective date of  
298 this section.

299 Sec. 13. (NEW) (*Effective from passage*) Not later than January 1, 2016,  
300 and annually thereafter, the Labor Commissioner shall report, in  
301 accordance with section 11-4a of the general statutes, to the joint  
302 standing committees of the General Assembly having cognizance of  
303 matters relating to appropriations and labor, on (1) the projected and  
304 actual participation in the program, (2) the balance of the trust, (3) the  
305 size of employers at which covered employees are employed, (4) the  
306 reasons covered employees are receiving family and medical leave  
307 compensation, (5) the success of the administrator's outreach and  
308 education efforts, and (6) demographic information of covered  
309 employees, including gender, age, town of residence and income level.

310 Sec. 14. Section 31-51kk of the general statutes is repealed and the  
311 following is substituted in lieu thereof (*Effective January 1, 2017*):

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

314 (1) "Eligible employee" means an employee who (A) for the

315 purposes of taking unpaid leave, an employer leave benefit or any  
316 accrued leave in accordance with the provisions of section 31-51ll, as  
317 amended by this act, has been employed [(A)] (i) for at least twelve  
318 months by the employer with respect to whom leave is requested, [;  
319 and [(B)] (ii) for at least one thousand hours of service with such  
320 employer during the twelve-month period preceding the first day of  
321 the leave; or (B) for the purposes of taking paid leave in accordance  
322 with the Family and Medical Leave Compensation Program, is a  
323 covered employee, as defined in section 1 of this act;

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

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

327 (4) "Employer" means a person engaged in any activity, enterprise  
328 or business who employs [seventy-five] two or more employees, and  
329 includes any person who acts, directly or indirectly, in the interest of  
330 an employer to any of the employees of such employer and any  
331 successor in interest of an employer, [but shall not] and shall include  
332 the state, a municipality, a local or regional board of education, or a  
333 private or parochial elementary or secondary school. The number of  
334 employees of an employer shall be determined on October first  
335 annually;

336 (5) "Employment benefits" means all benefits provided or made  
337 available to employees by an employer, including group life insurance,  
338 health insurance, disability insurance, sick leave, annual leave,  
339 educational benefits and pensions, regardless of whether such benefits  
340 are provided by practice or written policy of an employer or through  
341 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of  
342 the United States Code;

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

345 (7) "Grandparent" means a grandparent related to a person by (A)

346 blood, (B) marriage, or (C) adoption of a minor child by a child of the  
347 grandparent;

348 [(6)] (8) "Health care provider" means (A) a doctor of medicine or  
349 osteopathy who is authorized to practice medicine or surgery by the  
350 state in which the doctor practices; (B) a podiatrist, dentist,  
351 psychologist, optometrist or chiropractor authorized to practice by the  
352 state in which such person practices and performs within the scope of  
353 the authorized practice; (C) an advanced practice registered nurse,  
354 nurse practitioner, nurse midwife or clinical social worker authorized  
355 to practice by the state in which such person practices and performs  
356 within the scope of the authorized practice; (D) Christian Science  
357 practitioners listed with the First Church of Christ, Scientist in Boston,  
358 Massachusetts; (E) any health care provider from whom an employer  
359 or a group health plan's benefits manager will accept certification of  
360 the existence of a serious health condition to substantiate a claim for  
361 benefits; (F) a health care provider as defined in subparagraphs (A) to  
362 (E), inclusive, of this subdivision who practices in a country other than  
363 the United States, who is licensed to practice in accordance with the  
364 laws and regulations of that country; or (G) such other health care  
365 provider as the Labor Commissioner determines, performing within  
366 the scope of the authorized practice. The commissioner may utilize any  
367 determinations made pursuant to chapter 568;

368 [(7)] (9) "Parent" means a biological parent, foster parent, adoptive  
369 parent, stepparent, parent-in-law or legal guardian of an eligible  
370 employee or an eligible employee's spouse, or an individual [who  
371 stood] standing in loco parentis to an employee; [when the employee  
372 was a son or daughter;]

373 [(8)] (10) "Person" means one or more individuals, partnerships,  
374 associations, corporations, business trusts, legal representatives or  
375 organized groups of persons;

376 [(9)] (11) "Reduced leave schedule" means a leave schedule that  
377 reduces the usual number of hours per workweek, or hours per

378 workday, of an employee;

379 [(10)] (12) "Serious health condition" means an illness, injury,  
380 impairment, or physical or mental condition that involves (A) inpatient  
381 care in a hospital, hospice, nursing home or residential medical care  
382 facility; or (B) continuing treatment, including outpatient treatment, by  
383 a health care provider;

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

386 [(11)] (14) "Son or daughter" means a biological, adopted or foster  
387 child, stepchild, legal ward, or, in the alternative, a child of a person  
388 standing in loco parentis; [ who is (A) under eighteen years of age; or  
389 (B) eighteen years of age or older and incapable of self-care because of  
390 a mental or physical disability;] and

391 [(12)] (15) "Spouse" means a [husband or wife, as the case may be]  
392 person to whom one is legally married.

393 Sec. 15. Section 31-51ll of the general statutes is repealed and the  
394 following is substituted in lieu thereof (*Effective January 1, 2017*):

395 (a) (1) Subject to section 31-51mm, as amended by this act, an  
396 eligible employee shall be entitled to a total of [sixteen] twelve  
397 workweeks of leave which may be compensated under the Family and  
398 Medical Leave Compensation Program established pursuant to section  
399 2 of this act, during any [twenty-four-month] twelve-month period. [,  
400 such twenty-four-month] Such twelve-month period [to be] shall be  
401 determined utilizing any one of the following methods: (A)  
402 [Consecutive calendar years] Calendar year; (B) any fixed [twenty-  
403 four-month] twelve-month period, such as [two consecutive fiscal  
404 years] a fiscal year or a [twenty-four-month] twelve-month period  
405 measured forward from an employee's first date of employment; (C) a  
406 [twenty-four-month] twelve-month period measured forward from an  
407 employee's first day of leave taken under sections 31-51kk to 31-51qq,  
408 inclusive, as amended by this act; or (D) a rolling [twenty-four-month]

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

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

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

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

417 (C) In order to care for the spouse, [or a son,] sibling, son or  
418 daughter, grandparent, grandchild or parent of the employee, if such  
419 spouse, [son,] sibling, son or daughter, grandparent, grandchild or  
420 parent has a serious health condition;

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

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

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

427 (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of  
428 subsection (a) of this section for the birth or placement of a son or  
429 daughter may not be taken by an employee intermittently or on a  
430 reduced leave schedule unless the employee and the employer agree  
431 otherwise. Subject to subdivision (2) of this subsection concerning an  
432 alternative position, subdivision (2) of subsection (f) of this section  
433 concerning the duties of the employee and subdivision (5) of  
434 subsection (b) of section 31-51mm, as amended by this act, concerning  
435 sufficient certification, leave under subparagraph (C) or (D) of  
436 subdivision (2) of subsection (a) or under subsection (i) of this section  
437 for a serious health condition may be taken intermittently or on a

438 reduced leave schedule when medically necessary. The taking of leave  
439 intermittently or on a reduced leave schedule pursuant to this  
440 subsection shall not result in a reduction of the total amount of leave to  
441 which the employee is entitled under subsection (a) of this section  
442 beyond the amount of leave actually taken.

443 (2) If an employee requests intermittent leave or leave on a reduced  
444 leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of  
445 subsection (a) or under subsection (i) of this section that is foreseeable  
446 based on planned medical treatment, the employer may require the  
447 employee to transfer temporarily to an available alternative position  
448 offered by the employer for which the employee is qualified and that  
449 (A) has equivalent pay and benefits, and (B) better accommodates  
450 recurring periods of leave than the regular employment position of the  
451 employee, provided the exercise of this authority shall not conflict  
452 with any provision of a collective bargaining agreement between such  
453 employer and a labor organization which is the collective bargaining  
454 representative of the unit of which the employee is a part.

455 (d) Except as provided in subsection (e) of this section, leave  
456 granted under subsection (a) of this section may consist of unpaid  
457 leave.

458 (e) (1) If an employer provides paid leave for fewer than [sixteen]  
459 twelve workweeks, the additional weeks of leave necessary to attain  
460 the [sixteen] twelve workweeks of leave required under sections [5-  
461 248a and] 31-51kk to 31-51qq, inclusive, as amended by this act, may  
462 be provided without compensation or through the Family and Medical  
463 Leave Compensation Program established pursuant to section 2 of this  
464 act.

465 (2) (A) An eligible employee may elect [, or an employer may  
466 require the employee,] to substitute any of the accrued paid vacation  
467 leave, personal leave or family leave of the employee for leave  
468 provided under subparagraph (A), (B) or (C) of subdivision (2) of  
469 subsection (a) of this section for any part of the [sixteen-week] twelve-

470 week period of such leave under said subsection or under subsection  
471 (i) of this section for any part of the twenty-six-week period of such  
472 leave.

473 (B) An eligible employee may elect [, or an employer may require  
474 the employee,] to substitute any of the accrued paid vacation leave,  
475 personal leave, or medical or sick leave of the employee for leave  
476 provided under subparagraph (C), (D) or (E) of subdivision (2) of  
477 subsection (a) of this section for any part of the [~~sixteen-week~~] twelve-  
478 week period of such leave under said subsection or under subsection  
479 (i) of this section for any part of the twenty-six-week period of leave,  
480 except that nothing in [~~section 5-248a or~~] sections 31-51kk to 31-51qq,  
481 inclusive, as amended by this act, shall require an employer to provide  
482 paid sick leave or paid medical leave in any situation in which such  
483 employer would not normally provide any such paid leave.

484 (f) (1) In any case in which the necessity for leave under  
485 subparagraph (A) or (B) of subdivision (2) of subsection (a) of this  
486 section is foreseeable based on an expected birth or placement of a son  
487 or daughter, the employee shall provide the employer with not less  
488 than thirty days' notice, before the date of the leave is to begin, of the  
489 employee's intention to take leave under said subparagraph (A) or (B),  
490 except that if the date of the birth or placement of a son or daughter  
491 requires leave to begin in less than thirty days, the employee shall  
492 provide such notice as is practicable.

493 (2) In any case in which the necessity for leave under subparagraph  
494 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection  
495 (i) of this section is foreseeable based on planned medical treatment,  
496 the employee (A) shall make a reasonable effort to schedule the  
497 treatment so as not to disrupt unduly the operations of the employer,  
498 subject to the approval of the health care provider of the employee or  
499 the health care provider of the spouse, sibling, son [,] or daughter,  
500 [~~spouse~~] grandparent, grandchild or parent of the employee, as  
501 appropriate; and (B) shall provide the employer with not less than  
502 thirty days' notice, before the date the leave is to begin, of the

503 employee's intention to take leave under said subparagraph (C), (D) or  
504 (E) or said subsection (i), except that if the date of the treatment  
505 requires leave to begin in less than thirty days, the employee shall  
506 provide such notice as is practicable.

507 (g) In any case in which [a husband and wife] two spouses entitled  
508 to leave under subsection (a) of this section are employed by the same  
509 employer, the aggregate number of workweeks of leave to which both  
510 may be entitled may be limited to [~~sixteen~~] twelve workweeks, which  
511 may be compensated under the Family and Medical Leave  
512 Compensation Program established pursuant to section 2 of this act,  
513 during any [~~twenty-four-month~~] twelve-month period, if such leave is  
514 taken: (1) Under subparagraph (A) or (B) of subdivision (2) of  
515 subsection (a) of this section; or (2) to care for a sick sibling, son or  
516 daughter, grandparent, grandchild, or parent under subparagraph (C)  
517 of said subdivision. In any case in which [a husband and wife] two  
518 spouses entitled to leave under subsection (i) of this section are  
519 employed by the same employer, the aggregate number of workweeks  
520 of leave to which both may be entitled may be limited to twenty-six  
521 workweeks, twelve weeks of which may be compensated under the  
522 Family and Medical Leave Compensation Program established  
523 pursuant to section 2 of this act, during any twelve-month period.

524 (h) Unpaid leave taken pursuant to sections [~~5-248a and~~] 31-51kk to  
525 31-51qq, inclusive, as amended by this act, shall not be construed to  
526 affect an employee's qualification for exemption under chapter 558.

527 (i) Subject to section 31-51mm, as amended by this act, an eligible  
528 employee who is the spouse, sibling, son or daughter, grandparent,  
529 grandchild, parent or next of kin of a current member of the armed  
530 forces, as defined in section 27-103, who is undergoing medical  
531 treatment, recuperation or therapy, is otherwise in outpatient status or  
532 is on the temporary disability retired list for a serious injury or illness  
533 incurred in the line of duty shall be entitled to a one-time benefit of  
534 twenty-six workweeks of leave, up to twelve work weeks of which  
535 may be compensated under the Family and Medical Leave

536 Compensation Program established pursuant to section 2 of this act,  
537 during any twelve-month period for each armed forces member per  
538 serious injury or illness incurred in the line of duty. Such twelve-  
539 month period shall commence on an employee's first day of leave  
540 taken to care for a covered armed forces member and end on the date  
541 twelve months after such first day of leave. For the purposes of this  
542 subsection, (1) "next of kin" means the armed forces member's nearest  
543 blood relative, other than the covered armed forces member's spouse,  
544 [parent] sibling, son or daughter, grandparent, grandchild or parent, in  
545 the following order of priority: Blood relatives who have been granted  
546 legal custody of the armed forces member by court decree or statutory  
547 provisions, [brothers and sisters, grandparents,] aunts and uncles, and  
548 first cousins, unless the covered armed forces member has specifically  
549 designated in writing another blood relative as his or her nearest blood  
550 relative for purposes of military caregiver leave, in which case the  
551 designated individual shall be deemed to be the covered armed forces  
552 member's next of kin; and (2) "son or daughter" means a biological,  
553 adopted or foster child, stepchild, legal ward or child for whom the  
554 eligible employee or armed forces member stood in loco parentis and  
555 who is any age.

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

559 (k) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive,  
560 as amended by this act, may run concurrently with any employment  
561 benefits, provided the total compensation of such eligible employee  
562 during such period of leave shall not exceed his or her regular rate of  
563 compensation.

564 [(k)] (l) Notwithstanding the provisions of sections [5-248a and] 31-  
565 51kk to 31-51qq, inclusive, as amended by this act, all further rights  
566 granted by federal law shall remain in effect.

567 Sec. 16. Section 31-51mm of the general statutes is repealed and the

568 following is substituted in lieu thereof (*Effective January 1, 2017*):

569 (a) An employer may require that request for leave based on a  
570 serious health condition in subparagraph (C) or (D) of subdivision (2)  
571 of subsection (a) of section 31-51ll, as amended by this act, or leave  
572 based on subsection (i) of section 31-51ll, as amended by this act, be  
573 supported by a certification issued by the health care provider of the  
574 eligible employee or of the spouse, sibling, son [ ] or daughter,  
575 [spouse] grandparent, grandchild, parent or next of kin of the  
576 employee, as appropriate. The employee shall provide, in a timely  
577 manner, a copy of such certification to the employer.

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

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

581 (2) The probable duration of the condition;

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

584 (4) (A) For purposes of leave under subparagraph (C) of subdivision  
585 (2) of subsection (a) of section 31-51ll, as amended by this act, a  
586 statement that the eligible employee is needed to care for the spouse,  
587 sibling, son [ ] or daughter, [spouse] grandparent, grandchild or parent  
588 and an estimate of the amount of time that such employee needs to  
589 care for the spouse, sibling, son [ ] or daughter, [spouse] grandparent,  
590 grandchild or parent; and (B) for purposes of leave under  
591 subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll,  
592 as amended by this act, a statement that the employee is unable to  
593 perform the functions of the position of the employee;

594 (5) In the case of certification for intermittent leave or leave on a  
595 reduced leave schedule for planned medical treatment, the dates on  
596 which such treatment is expected to be given and the duration of such  
597 treatment;

598 (6) In the case of certification for intermittent leave or leave on a  
599 reduced leave schedule under subparagraph (D) of subdivision (2) of  
600 subsection (a) of section 31-51ll, as amended by this act, a statement of  
601 the medical necessity of the intermittent leave or leave on a reduced  
602 leave schedule, and the expected duration of the intermittent leave or  
603 reduced leave schedule;

604 (7) In the case of certification for intermittent leave or leave on a  
605 reduced leave schedule under subparagraph (C) of subdivision (2) of  
606 subsection (a) of section 31-51ll, as amended by this act, a statement  
607 that the employee's intermittent leave or leave on a reduced leave  
608 schedule is necessary for the care of the spouse, sibling, son [ ] or  
609 daughter, grandparent, grandchild or parent [or spouse] who has a  
610 serious health condition, or will assist in their recovery, and the  
611 expected duration and schedule of the intermittent leave or reduced  
612 leave schedule; and

613 (8) In the case of certification for intermittent leave or leave on a  
614 reduced leave schedule under subsection (i) of section 31-51ll, as  
615 amended by this act, a statement that the employee's intermittent leave  
616 or leave on a reduced leave schedule is necessary for the care of the  
617 spouse, sibling, son or daughter, grandparent, grandchild, parent or  
618 next of kin who is a current member of the armed forces, as defined in  
619 section 27-103, who is undergoing medical treatment, recuperation or  
620 therapy, is otherwise in outpatient status or is on the temporary  
621 disability retired list, for a serious injury or illness incurred in the line  
622 of duty, and the expected duration and schedule of the intermittent  
623 leave or reduced leave schedule. For the purposes of this subsection,  
624 "son or daughter" and "next of kin" have the same meanings as  
625 provided in subsection (i) of section 31-51ll, as amended by this act.

626 (c) (1) In any case in which the employer has reason to doubt the  
627 validity of the certification provided under subsection (a) of this  
628 section for leave under subparagraph (C) or (D) of subdivision (2) of  
629 subsection (a) or under subsection (i) of section 31-51ll, as amended by  
630 this act, the employer may require, at the expense of the employer, that

631 the eligible employee obtain the opinion of a second health care  
632 provider designated or approved by the employer concerning any  
633 information certified under subsection (b) of this section for such leave.

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

637 (d) (1) In any case in which the second opinion described in  
638 subsection (c) of this section differs from the opinion in the original  
639 certification provided under subsection (a) of this section, the  
640 employer may require, at the expense of the employer, that the  
641 employee obtain the opinion of a third health care provider designated  
642 or approved jointly by the employer and the employee concerning the  
643 information certified under subsection (b) of this section.

644 (2) The opinion of the third health care provider concerning the  
645 information certified under subsection (b) of this section shall be  
646 considered to be final and shall be binding on the employer and the  
647 employee.

648 (e) The employer may require that the eligible employee obtain  
649 subsequent recertifications on a reasonable basis, provided the  
650 standards for determining what constitutes a reasonable basis for  
651 recertification may be governed by a collective bargaining agreement  
652 between such employer and a labor organization which is the  
653 collective bargaining representative of the unit of which the worker is  
654 a part if such a collective bargaining agreement is in effect. Unless  
655 otherwise required by the employee's health care provider, the  
656 employer may not require recertification more than once during a  
657 thirty-day period and, in any case, may not unreasonably require  
658 recertification. The employer shall pay for any recertification that is not  
659 covered by the employee's health insurance.

660 Sec. 17. Section 31-51nn of the general statutes is repealed and the  
661 following is substituted in lieu thereof (*Effective January 1, 2017*):

662 (a) Any eligible employee who takes leave under section 31-51ll, as  
663 amended by this act, for the intended purpose of the leave shall be  
664 entitled on return from such leave (1) to be restored by the employer to  
665 the position of employment held by the employee when the leave  
666 commenced; (2) if the original position of employment is not available,  
667 to be restored to an equivalent position with equivalent employment  
668 benefits, pay and other terms and conditions of employment; or (3) in  
669 the case of a medical leave, if the employee is medically unable to  
670 perform the employee's original job upon the expiration of such leave,  
671 to be transferred to work suitable to such employee's physical  
672 condition if such work is available.

673 (b) The taking of leave under section 31-51ll, as amended by this act,  
674 shall not result in the loss of any employment benefit accrued prior to  
675 the date on which the leave commenced.

676 (c) Nothing in this section shall be construed to entitle any restored  
677 employee to (1) the accrual of any seniority or employment benefits  
678 during any period of leave; or (2) any right, benefit or position of  
679 employment other than any right, benefit or position to which the  
680 employee would have been entitled had the employee not taken the  
681 leave.

682 (d) As a condition of restoration under subsection (a) of this section  
683 for an employee who has taken leave under subparagraph (D) of  
684 subdivision (2) of subsection (a) of section 31-51ll, as amended by this  
685 act, the employer may have a uniformly applied practice or policy that  
686 requires each such employee to receive certification from the health  
687 care provider of the employee that the employee is able to resume  
688 work, except that nothing in this subsection shall supersede a valid  
689 law of this state or a collective bargaining agreement that governs the  
690 return to work of such employees.

691 (e) Nothing in this section shall be construed to prohibit an  
692 employer from requiring an employee on leave under section 31-51ll,  
693 as amended by this act, to report periodically to the employer on the

694 status and intention of the employee to return to work.

695 (f) Employees may have additional rights under other state and  
696 federal law, including rights under the federal Americans with  
697 Disabilities Act of 1990. Nothing in sections [5-248a and] 31-51kk to 31-  
698 51qq, inclusive, as amended by this act, shall limit any such additional  
699 rights.

700 Sec. 18. Section 31-51oo of the general statutes is repealed and the  
701 following is substituted in lieu thereof (*Effective January 1, 2017*):

702 Records and documents relating to medical certifications,  
703 recertifications or medical histories of employees or employees' family  
704 members, created for purposes of sections [5-248a and] 2 to 13,  
705 inclusive, of this act, and sections 31-51kk to 31-51qq, inclusive, as  
706 amended by this act, shall be maintained as medical records pursuant  
707 to chapter 563a, except that: (1) Supervisors and managers may be  
708 informed regarding necessary restrictions on the work or duties of an  
709 employee and necessary accommodations; (2) first aid and safety  
710 personnel may be informed, when appropriate, if the employee's  
711 physical or medical condition might require emergency treatment; and  
712 (3) government officials investigating compliance with sections [5-248a  
713 and] 2 to 13, inclusive, of this act, and sections 31-51kk to 31-51qq,  
714 inclusive, as amended by this act, or other pertinent law shall be  
715 provided relevant information upon request.

716 Sec. 19. Section 31-51pp of the general statutes is repealed and the  
717 following is substituted in lieu thereof (*Effective January 1, 2017*):

718 (a) (1) It shall be a violation of sections 2 to 13, inclusive, of this act  
719 and sections [5-248a and] 31-51kk to 31-51qq, inclusive, as amended by  
720 this act, for any employer to interfere with, restrain or deny the  
721 exercise of, or the attempt to exercise, any right provided under said  
722 sections.

723 (2) It shall be a violation of sections [5-248a and] 31-51kk to 31-51qq,  
724 inclusive, as amended by this act, for any employer to discharge or

725 cause to be discharged, or in any other manner discriminate, against  
726 any individual for opposing any practice made unlawful by said  
727 sections or because such employee has exercised the rights afforded to  
728 such employee under said sections.

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

733 (1) Has filed any charge, or has instituted or caused to be instituted  
734 any proceeding, under or related to sections [5-248a and] 31-51kk to  
735 31-51qq, inclusive, as amended by this act;

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

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

741 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,  
742 as amended by this act, for any employer to deny an employee the  
743 right to use up to two weeks of accumulated sick leave or to discharge,  
744 threaten to discharge, demote, suspend or in any manner discriminate  
745 against an employee for using, or attempting to exercise the right to  
746 use, up to two weeks of accumulated sick leave to attend to a serious  
747 health condition of a spouse, sibling, son or daughter, [spouse]  
748 grandparent, grandchild or parent of the employee, or for the birth or  
749 adoption of a son or daughter of the employee. For purposes of this  
750 subsection, "sick leave" means an absence from work for which  
751 compensation is provided through (A) an employer's bona fide written  
752 policy providing compensation for loss of wages occasioned by illness,  
753 or (B) the Family and Medical Leave Compensation Program  
754 established pursuant to section 2 of this act, but does not include  
755 absences from work for which compensation is provided through an

756 employer's plan, including, but not limited to, a short or long-term  
757 disability plan, whether or not such plan is self-insured.

758 (2) Any employee aggrieved by a violation of this subsection may  
759 file a complaint with the Labor Commissioner alleging violation of the  
760 provisions of this subsection. Upon receipt of any such complaint, the  
761 commissioner shall hold a hearing. After the hearing, the  
762 commissioner shall send each party a written copy of the  
763 commissioner's decision. The commissioner may award the employee  
764 all appropriate relief, including rehiring or reinstatement to the  
765 employee's previous job, payment of back wages and reestablishment  
766 of employee benefits to which the employee otherwise would have  
767 been eligible if a violation of this subsection had not occurred. Any  
768 party aggrieved by the decision of the commissioner may appeal the  
769 decision to the Superior Court in accordance with the provisions of  
770 chapter 54.

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

774 Sec. 20. Section 31-51qq of the general statutes is repealed and the  
775 following is substituted in lieu thereof (*Effective January 1, 2017*):

776 On or before January 1, [1997] 2017, the Labor Commissioner shall  
777 adopt regulations, in accordance with the provisions of chapter 54, to  
778 establish procedures and guidelines necessary to implement the  
779 provisions of sections [5-248a and] 2 to 13, inclusive, of this act, and  
780 sections 31-51kk to 31-51qq, inclusive, as amended by this act,  
781 including, but not limited to, procedures for hearings and redress,  
782 including restoration and restitution, for an employee who believes  
783 that there is a violation by the employer of such employee of any  
784 provision of said sections. [In adopting such regulations, the  
785 commissioner shall make reasonable efforts to ensure compatibility of  
786 state regulatory provisions with similar provisions of the federal  
787 Family and Medical Leave Act of 1993 and the regulations

788 promulgated pursuant to said act.]

789 Sec. 21. Section 31-51ss of the general statutes is repealed and the  
790 following is substituted in lieu thereof (*Effective January 1, 2017*):

791 (a) For the purposes of this section:

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

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

797 (3) "Family violence" means family violence, as defined in section  
798 46b-38a; and

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

803 (b) If an employee is a victim of family violence, an employer shall  
804 permit the employee to take paid or unpaid leave during any calendar  
805 year in which such leave is reasonably necessary (1) to seek medical  
806 care or psychological or other counseling for physical or psychological  
807 injury or disability for the victim, (2) to obtain services from a victim  
808 services organization on behalf of the victim, (3) to relocate due to such  
809 family violence, or (4) to participate in any civil or criminal proceeding  
810 related to or resulting from such family violence. An employer may  
811 limit unpaid leave under this section to twelve days during any  
812 calendar year. Leave under this section shall not affect any other leave  
813 provided under state or federal law.

814 (c) If an employee's need to use leave under this section is  
815 foreseeable, an employer may require advance notice, not to exceed  
816 seven days prior to the date such leave is to begin, of the intention to

817 use such leave. If an employee's need for such leave is not foreseeable,  
818 an employer may require an employee to give notice of such intention  
819 as soon as practicable.

820 (d) Upon an employer's request, an employee who takes leave  
821 pursuant to this section shall provide the employer a signed written  
822 statement certifying that the leave is for a purpose authorized under  
823 this section. The employer may also, but need not, request that the  
824 employee provide a police or court record related to the family  
825 violence or a signed written statement that the employee is a victim of  
826 family violence, provided such statement is from an employee or agent  
827 of a victim services organization, an attorney, an employee of the  
828 Judicial Branch's Office of Victim Services or the Office of the Victim  
829 Advocate, or a licensed medical professional or other licensed  
830 professional from whom the employee has sought assistance with  
831 respect to the family violence.

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

838 (f) Nothing in this section shall be construed to require an employer  
839 to provide paid leave under this section if (1) the employee is not  
840 entitled to paid leave pursuant to the terms and conditions of the  
841 employee's employment or under the Family and Medical Leave  
842 Compensation Program established pursuant to section 2 of this act, or  
843 (2) such paid leave exceeds the maximum amount of leave due the  
844 employee during any calendar year, provided the employee shall be  
845 entitled to unpaid leave under this section if paid leave is exhausted or  
846 not provided.

847 (g) Any written statement or police or court record provided to an  
848 employer pursuant to subsection (d) of this section shall be maintained

849 as confidential by the employer and shall not be further disclosed by  
 850 the employer except as required by federal or state law or as necessary  
 851 to protect the employee's safety in the workplace, provided the  
 852 employee is given notice prior to the disclosure.

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

860 Sec. 22. Section 3-13c of the general statutes is repealed and the  
 861 following is substituted in lieu thereof (*Effective July 1, 2015*):

862 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b  
 863 shall be construed to include Connecticut Municipal Employees'  
 864 Retirement Fund A, Connecticut Municipal Employees' Retirement  
 865 Fund B, Soldiers, Sailors and Marines Fund, Family and Medical Leave  
 866 Compensation Trust Fund, State's Attorneys' Retirement Fund,  
 867 Teachers' Annuity Fund, Teachers' Pension Fund, Teachers'  
 868 Survivorship and Dependency Fund, School Fund, State Employees  
 869 Retirement Fund, the Hospital Insurance Fund, Policemen and  
 870 Firemen Survivor's Benefit Fund and all other trust funds  
 871 administered, held or invested by the State Treasurer.

872 Sec. 23. Sections 5-248a, 5-248b and 31-51rr of the general statutes  
 873 are repealed. (*Effective January 1, 2017*)"

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>October 1, 2015</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>January 1, 2017</i>	31-51kk
Sec. 15	<i>January 1, 2017</i>	31-51ll
Sec. 16	<i>January 1, 2017</i>	31-51mm
Sec. 17	<i>January 1, 2017</i>	31-51nn
Sec. 18	<i>January 1, 2017</i>	31-51oo
Sec. 19	<i>January 1, 2017</i>	31-51pp
Sec. 20	<i>January 1, 2017</i>	31-51qq
Sec. 21	<i>January 1, 2017</i>	31-51ss
Sec. 22	<i>July 1, 2015</i>	3-13c
Sec. 23	<i>January 1, 2017</i>	Repealer section