



General Assembly

Amendment

January Session, 2015

LCO No. 8135



Offered by:

REP. LUXENBERG, 12th Dist.
REP. RITTER M., 1st Dist.
REP. ALBIS, 99th Dist.
REP. CUEVAS, 75th Dist.
REP. HADDAD, 54th Dist.
REP. LEMAR, 96th Dist.
REP. LESSER, 100th Dist.
REP. LOPES, 24th Dist.
REP. MORIN, 28th Dist.
REP. RYAN, 139th Dist.
REP. TERCYAK, 26th Dist.
REP. SANTIAGO, 84th Dist.
REP. CURREY, 11th Dist.
REP. MCGEE, 5th Dist.
REP. RILEY, 46th Dist.
REP. ROJAS, 9th Dist.
REP. SIMMONS, 144th Dist.
REP. HEWETT, 39th Dist.
REP. ORANGE, 48th Dist.
REP. STEINBERG, 136th Dist.
REP. ROSE, 118th Dist.
REP. STAFSTROM, 129th Dist.
REP. JOHNSON, 49th Dist.
REP. GENTILE, 104th Dist.
REP. URBAN, 43rd Dist.

REP. CONROY, 105th Dist.
REP. CANDELARIA, 95th Dist.
REP. MILLER, 36th Dist.
REP. GONZALEZ, 3rd Dist.
REP. KINER, 59th Dist.
REP. BACKER, 121st Dist.
REP. VERRENGIA, 20th Dist.
REP. ARCONTI, 109th Dist.
REP. REED, 102nd Dist.
REP. DARGAN, 115th Dist.
REP. HENNESSY, 127th Dist.
REP. MEGNA, 97th Dist.
REP. GODFREY, 110th Dist.
REP. BUTLER, 72nd Dist.
REP. MUSHINSKY, 85th Dist.
REP. FLEISCHMANN, 18th Dist.
REP. ROSARIO, 128th Dist.
SEN. MOORE, 22nd Dist.
SEN. BARTOLOMEO, 13th Dist.
SEN. OSTEN, 19th Dist.
SEN. FLEXER, 29th Dist.
SEN. GOMES, 23rd Dist.
SEN. WINFIELD, 10th Dist.
SEN. GERRATANA, 6th Dist.
SEN. BYE, 5th Dist.

To: Subst. House Bill No. **6932**

File No. 385

Cal. No. 241

"AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE."

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) (i) has earned
6 not less than nine thousand three hundred dollars from one or more
7 employers over twelve consecutive months during the previous
8 twenty-four months, and (ii) is employed by an employer who
9 employs two or more employees, or (B) is a self-employed person or
10 sole proprietor who is enrolled in the Family and Medical Leave
11 Compensation Program pursuant to section 8 of this 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 state in the business of the employer and shall include a self-
16 employed person or sole proprietor in the state who elects coverage
17 under section 8 of this act;

18 (5) "Employer" means a person engaged in any activity, enterprise
19 or business who employs one 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;

24 (6) "Family and medical leave compensation" or "compensation"
25 means the paid leave provided to covered employees from the Family

26 and Medical Leave Compensation Trust Fund;

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

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

32 (9) "Person" means one or more individuals, partnerships,
33 associations, corporations, limited liability companies, business trusts,
34 legal representatives or any organized group of persons.

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

58 confidentiality of records and documents relating to medical
59 certifications, recertifications or medical histories of covered
60 employees or covered employees' family members pursuant to section
61 31-5100 of the general statutes, as amended by this act.

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

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

81 (d) A covered employee shall receive compensation under this
82 section for leave taken for one or more of the reasons listed in
83 subparagraphs (A) to (E), inclusive, of subdivision (2) of subsection (a)
84 of section 31-5111 of the general statutes, as amended by this act, or the
85 reasons listed in subsection (i) of said section or section 31-5155 of the
86 general statutes, as amended by this act, provided such covered
87 employee (1) provides notice to the administrator, and such covered
88 employee's employer, if applicable, of the need for such compensation
89 in a form and a manner as prescribed by the administrator, and (2)
90 upon the request of the administrator, provides certification of such

91 covered employee's need for compensation in accordance with the
92 provisions of section 31-51mm of the general statutes, as amended by
93 this act, to the administrator and such employer, if applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

183 (2) Design and establish the process by which employees shall
184 contribute a portion of their salary or wages to the trust. This process

185 shall include, but not be limited to, the creation of an information
186 packet including the necessary paperwork for an employee to
187 participate in the program pursuant to section 8 of this act;

188 (3) Evaluate and establish the process by which employers may
189 credit employee contributions to the trust through payroll deposit;

190 (4) Determine the amount of employee contributions necessary to
191 ensure solvency of the program, provided that expected total
192 contributions shall not be less than four million dollars per month;

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

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

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

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

216 campaign. Information distributed or made available under the
217 campaign shall be available in English and Spanish and in any other
218 language as prescribed by the administrator.

219 Sec. 8. (NEW) (*Effective from passage*) (a) A self-employed person or
220 sole proprietor, upon application to the administrator, in a form and
221 manner as prescribed by the administrator, may enroll in the Family
222 and Medical Leave Compensation Program, provided such self-
223 employed person or sole proprietor is enrolled in the program for an
224 initial period of not less than three years. Such self-employed person or
225 sole proprietor may reenroll in the program for a subsequent period,
226 or periods, of not less than one year, provided (1) such self-employed
227 person or sole proprietor provides written notice of such reenrollment
228 to the administrator, and (2) such reenrollment begins immediately
229 following a period of participation in the program.

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

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

249 Sec. 10. (NEW) (*Effective October 1, 2015*) Each employer who
250 employs two or more employees, which shall be determined by the
251 administrator on October first annually, shall, at the time of hiring, and
252 annually thereafter, provide notice to each employee (1) of the
253 entitlement to family and medical leave under said sections, and the
254 terms under which such leave may be used, (2) that retaliation by the
255 employer against the employee for requesting, applying for or using
256 family and medical leave for which the employee is eligible is
257 prohibited, and (3) that the employee has a right to file a complaint
258 with the Labor Commissioner for any violation of sections 2 to 13,
259 inclusive, of this act and sections 31-51kk to 31-51qq, inclusive, of the
260 general statutes, as amended by this act, and 31-51ss of the general
261 statutes, as amended by this act. Employers shall comply with the
262 provisions of this section by displaying a poster in a conspicuous
263 place, accessible to employees, at the employer's place of business that
264 contains the information required by this section in both English and
265 Spanish. The Labor Commissioner may adopt regulations, in
266 accordance with chapter 54 of the general statutes, to establish
267 additional requirements concerning the means by which employers
268 shall provide such notice.

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

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

282 payments where the recovery would be against equity and good
283 conscience.

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

289 (b) Nothing in sections 2 to 13, inclusive, of this act or sections 5-
290 248a, as amended by this act, 31-51kk to 31-51qq, inclusive, as
291 amended by this act, and 31-51ss, as amended by 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 5-248a of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective January 1, 2017*):

312 (a) For purposes of this section, "child" means a biological, adopted

313 or foster child, stepchild, child of whom a person has legal
314 guardianship or custody, or, in the alternative, a child of a person
315 standing in loco parentis; [, who is (1) under eighteen years of age, or
316 (2) eighteen years of age or older and incapable of self-care because of
317 a mental or physical disability] "sibling" means a brother or sister
318 related to a person by blood, marriage or adoption by a parent of the
319 person; "grandparent" means a grandparent related to a person by
320 blood, marriage or adoption of a minor child by a child of the
321 grandparent; "grandchild" means a grandchild related to a person by
322 blood, marriage or adoption by a child of the grandparent; "parent"
323 means a biological parent, foster parent, adoptive parent, stepparent,
324 parent-in-law or legal guardian of an individual or an individual's
325 spouse, or a person standing in loco parentis to an individual; and
326 "spouse" means a person to whom one is legally married. Each
327 [permanent] state employee, as defined in section 5-196, who has
328 earned not less than nine thousand three hundred dollars from one or
329 more employers over 12 consecutive months during the twenty-four
330 months prior, shall be entitled to a family leave of absence upon the
331 birth or adoption of a child of such employee, or upon the serious
332 illness of a [child,] spouse, sibling, child, grandparent, grandchild or
333 parent of such employee; and a medical leave of absence upon the
334 serious illness of such employee or in order for such employee to serve
335 as an organ or bone marrow donor. The total amount of time that an
336 employee is entitled to for leaves of absence pursuant to this section
337 shall be twenty-four weeks within any two-year period, [. Any such
338 leave of absence shall be without pay] twelve weeks of which within
339 any one-year period may be compensated under the Family and
340 Medical Leave Compensation Program established pursuant to section
341 2 of this act. Upon the expiration of any such leave of absence, the
342 employee shall be entitled (A) to return to the employee's original job
343 from which the leave of absence was provided or, if not available, to an
344 equivalent position with equivalent pay, except that in the case of a
345 medical leave, if the employee is medically unable to perform the
346 employee's original job upon the expiration of such leave, the
347 Department of Administrative Services shall endeavor to find other

348 suitable work for such employee in state service, and (B) to all
349 accumulated seniority, retirement, fringe benefit and other service
350 credits the employee had at the commencement of such leave. Such
351 service credits shall not accrue during the period of the leave of
352 absence.

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

357 (c) Any [permanent] state employee who requests a medical leave
358 of absence due to the employee's serious illness or a family leave of
359 absence due to the serious illness of a [child,] spouse, sibling, child,
360 grandparent, grandchild or parent pursuant to subsection (a) of this
361 section or a military caregiver leave of absence pursuant to subsection
362 (g) of this section shall be required by the employee's appointing
363 authority, prior to the inception of such leave, to provide sufficient
364 written certification from the physician of such employee, [child,]
365 spouse, sibling, child, grandparent, grandchild, parent or next of kin of
366 the employee, as appropriate, of the nature of such illness and its
367 probable duration. For the purposes of this section, "serious illness"
368 means an illness, injury, impairment or physical or mental condition
369 that involves (1) inpatient care in a hospital, hospice or residential care
370 facility, or (2) continuing treatment or continuing supervision by a
371 health care provider.

372 (d) Any [permanent] state employee who requests a medical leave
373 of absence in order to serve as an organ or bone marrow donor
374 pursuant to subsection (a) of this section shall be required by the
375 employee's appointing authority, prior to the inception of such leave,
376 to provide sufficient written certification from the physician of such
377 employee of the proposed organ or bone marrow donation and the
378 probable duration of the employee's recovery period from such
379 donation.

380 (e) Any [permanent] state employee who requests a family leave of
381 absence pursuant to subsection (a) of this section or a military
382 caregiver leave of absence pursuant to subsection (g) of this section
383 shall submit to the employee's appointing authority, prior to the
384 inception of such leave, a signed statement of the employee's intent to
385 return to the employee's position in state service upon the termination
386 of such leave.

387 (f) Notwithstanding the provisions of subsection (b) of section 38a-
388 554, the state shall pay for the continuation of health insurance benefits
389 for the employee during any leave of absence taken pursuant to this
390 section. In order to continue any other health insurance coverages
391 during such leave, the employee shall contribute that portion of the
392 premium the employee would have been required to contribute had
393 the employee remained an active employee during the leave period.

394 (g) Each [permanent] state employee, as defined in section 5-196,
395 who is the spouse, sibling, son or daughter, child, grandparent,
396 grandchild, parent or next of kin of a current member of the armed
397 forces, as defined in section 27-103, who is undergoing medical
398 treatment, recuperation or therapy, is otherwise in outpatient status or
399 is on the temporary disability retired list for a serious injury or illness
400 incurred in the line of duty, shall be entitled to a one-time benefit of
401 twenty-six workweeks of leave, up to twenty-four workweeks of
402 which may be compensated under the Family and Medical Leave
403 Compensation Program established pursuant to section 2 of this act,
404 within a single two-year period for each armed forces member per
405 serious injury or illness incurred in the line of duty.

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

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

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

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

425 (1) "Eligible employee" means an employee who (A) for the
426 purposes of taking unpaid leave, an employer leave benefit or any
427 accrued leave in accordance with the provisions of section 31-51ll, as
428 amended by this act, has been employed [(A)] (i) for at least twelve
429 months by the employer with respect to whom leave is requested, [;]
430 and [(B)] (ii) for at least one thousand hours of service with such
431 employer during the twelve-month period preceding the first day of
432 the leave; or (B) for the purposes of taking paid leave in accordance
433 with the Family and Medical Leave Compensation Program, is a
434 covered employee, as defined in section 1 of this act;

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

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

438 (4) "Employer" means a person engaged in any activity, enterprise
439 or business who employs [seventy-five] two or more employees, and
440 includes any person who acts, directly or indirectly, in the interest of
441 an employer to any of the employees of such employer and any
442 successor in interest of an employer, [but shall not] and shall include
443 the state, a municipality, a local or regional board of education, or a

444 private or parochial elementary or secondary school. The number of
445 employees of an employer shall be determined on October first
446 annually;

447 (5) "Employment benefits" means all benefits provided or made
448 available to employees by an employer, including group life insurance,
449 health insurance, disability insurance, sick leave, annual leave,
450 educational benefits and pensions, regardless of whether such benefits
451 are provided by practice or written policy of an employer or through
452 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of
453 the United States Code;

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

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

459 ~~[(6)]~~ (8) "Health care provider" means (A) a doctor of medicine or
460 osteopathy who is authorized to practice medicine or surgery by the
461 state in which the doctor practices; (B) a podiatrist, dentist,
462 psychologist, optometrist or chiropractor authorized to practice by the
463 state in which such person practices and performs within the scope of
464 the authorized practice; (C) an advanced practice registered nurse,
465 nurse practitioner, nurse midwife or clinical social worker authorized
466 to practice by the state in which such person practices and performs
467 within the scope of the authorized practice; (D) Christian Science
468 practitioners listed with the First Church of Christ, Scientist in Boston,
469 Massachusetts; (E) any health care provider from whom an employer
470 or a group health plan's benefits manager will accept certification of
471 the existence of a serious health condition to substantiate a claim for
472 benefits; (F) a health care provider as defined in subparagraphs (A) to
473 (E), inclusive, of this subdivision who practices in a country other than
474 the United States, who is licensed to practice in accordance with the
475 laws and regulations of that country; or (G) such other health care

476 provider as the Labor Commissioner determines, performing within
477 the scope of the authorized practice. The commissioner may utilize any
478 determinations made pursuant to chapter 568;

479 [(7)] (9) "Parent" means a biological parent, foster parent, adoptive
480 parent, stepparent, parent-in-law or legal guardian of an eligible
481 employee or an eligible employee's spouse, or an individual [who
482 stood] standing in loco parentis to an employee; [when the employee
483 was a son or daughter;]

484 [(8)] (10) "Person" means one or more individuals, partnerships,
485 associations, corporations, business trusts, legal representatives or
486 organized groups of persons;

487 [(9)] (11) "Reduced leave schedule" means a leave schedule that
488 reduces the usual number of hours per workweek, or hours per
489 workday, of an employee;

490 [(10)] (12) "Serious health condition" means an illness, injury,
491 impairment, or physical or mental condition that involves (A) inpatient
492 care in a hospital, hospice, nursing home or residential medical care
493 facility; or (B) continuing treatment, including outpatient treatment, by
494 a health care provider;

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

497 [(11)] (14) "Son or daughter" means a biological, adopted or foster
498 child, stepchild, legal ward, or, in the alternative, a child of a person
499 standing in loco parentis; [who is (A) under eighteen years of age; or
500 (B) eighteen years of age or older and incapable of self-care because of
501 a mental or physical disability;] and

502 [(12)] (15) "Spouse" means a [husband or wife, as the case may be]
503 person to whom one is legally married.

504 Sec. 16. Section 31-51// of the general statutes is repealed and the

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

506 (a) (1) Subject to section 31-51mm, as amended by this act, an
507 eligible employee shall be entitled to a total of [sixteen] twelve
508 workweeks of leave which may be compensated under the Family and
509 Medical Leave Compensation Program established pursuant to section
510 2 of this act, during any [twenty-four-month] twelve-month period. [,
511 such twenty-four-month] Such twelve-month period [to be] shall be
512 determined utilizing any one of the following methods: (A)
513 [Consecutive calendar years] Calendar year; (B) any fixed [twenty-
514 four-month] twelve-month period, such as [two consecutive fiscal
515 years] a fiscal year or a [twenty-four-month] twelve-month period
516 measured forward from an employee's first date of employment; (C) a
517 [twenty-four-month] twelve-month period measured forward from an
518 employee's first day of leave taken under sections 31-51kk to 31-51qq,
519 inclusive, as amended by this act; or (D) a rolling [twenty-four-month]
520 twelve-month period measured backward from an employee's first
521 day of leave taken under sections 31-51kk to 31-51qq, inclusive, as
522 amended by this act.

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

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

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

528 (C) In order to care for the spouse, [or a son,] sibling, son or
529 daughter, grandparent, grandchild or parent of the employee, if such
530 spouse, [son,] sibling, son or daughter, grandparent, grandchild or
531 parent has a serious health condition;

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

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

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

538 (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of
539 subsection (a) of this section for the birth or placement of a son or
540 daughter may not be taken by an employee intermittently or on a
541 reduced leave schedule unless the employee and the employer agree
542 otherwise. Subject to subdivision (2) of this subsection concerning an
543 alternative position, subdivision (2) of subsection (f) of this section
544 concerning the duties of the employee and subdivision (5) of
545 subsection (b) of section 31-51mm, as amended by this act, concerning
546 sufficient certification, leave under subparagraph (C) or (D) of
547 subdivision (2) of subsection (a) or under subsection (i) of this section
548 for a serious health condition may be taken intermittently or on a
549 reduced leave schedule when medically necessary. The taking of leave
550 intermittently or on a reduced leave schedule pursuant to this
551 subsection shall not result in a reduction of the total amount of leave to
552 which the employee is entitled under subsection (a) of this section
553 beyond the amount of leave actually taken.

554 (2) If an employee requests intermittent leave or leave on a reduced
555 leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of
556 subsection (a) or under subsection (i) of this section that is foreseeable
557 based on planned medical treatment, the employer may require the
558 employee to transfer temporarily to an available alternative position
559 offered by the employer for which the employee is qualified and that
560 (A) has equivalent pay and benefits, and (B) better accommodates
561 recurring periods of leave than the regular employment position of the
562 employee, provided the exercise of this authority shall not conflict
563 with any provision of a collective bargaining agreement between such
564 employer and a labor organization which is the collective bargaining
565 representative of the unit of which the employee is a part.

566 (d) Except as provided in subsection (e) of this section, leave

567 granted under subsection (a) of this section may consist of unpaid
568 leave.

569 (e) (1) If an employer provides paid leave for fewer than [sixteen]
570 twelve workweeks, the additional weeks of leave necessary to attain
571 the [sixteen] twelve workweeks of leave required under sections [5-
572 248a and] 31-51kk to 31-51qq, inclusive, as amended by this act, may
573 be provided without compensation or through the Family and Medical
574 Leave Compensation Program established pursuant to section 2 of this
575 act.

576 (2) (A) An eligible employee may elect [, or an employer may
577 require the employee,] to substitute any of the accrued paid vacation
578 leave, personal leave or family leave of the employee for leave
579 provided under subparagraph (A), (B) or (C) of subdivision (2) of
580 subsection (a) of this section for any part of the [sixteen-week] twelve-
581 week period of such leave under said subsection or under subsection
582 (i) of this section for any part of the twenty-six-week period of such
583 leave.

584 (B) An eligible employee may elect [, or an employer may require
585 the employee,] to substitute any of the accrued paid vacation leave,
586 personal leave, or medical or sick leave of the employee for leave
587 provided under subparagraph (C), (D) or (E) of subdivision (2) of
588 subsection (a) of this section for any part of the [sixteen-week] twelve-
589 week period of such leave under said subsection or under subsection
590 (i) of this section for any part of the twenty-six-week period of leave,
591 except that nothing in [section 5-248a or] sections 31-51kk to 31-51qq,
592 inclusive, as amended by this act, shall require an employer to provide
593 paid sick leave or paid medical leave in any situation in which such
594 employer would not normally provide any such paid leave.

595 (f) (1) In any case in which the necessity for leave under
596 subparagraph (A) or (B) of subdivision (2) of subsection (a) of this
597 section is foreseeable based on an expected birth or placement of a son
598 or daughter, the employee shall provide the employer with not less

599 than thirty days' notice, before the date of the leave is to begin, of the
600 employee's intention to take leave under said subparagraph (A) or (B),
601 except that if the date of the birth or placement of a son or daughter
602 requires leave to begin in less than thirty days, the employee shall
603 provide such notice as is practicable.

604 (2) In any case in which the necessity for leave under subparagraph
605 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection
606 (i) of this section is foreseeable based on planned medical treatment,
607 the employee (A) shall make a reasonable effort to schedule the
608 treatment so as not to disrupt unduly the operations of the employer,
609 subject to the approval of the health care provider of the employee or
610 the health care provider of the spouse, sibling, son [,] or daughter,
611 [spouse] grandparent, grandchild or parent of the employee, as
612 appropriate; and (B) shall provide the employer with not less than
613 thirty days' notice, before the date the leave is to begin, of the
614 employee's intention to take leave under said subparagraph (C), (D) or
615 (E) or said subsection (i), except that if the date of the treatment
616 requires leave to begin in less than thirty days, the employee shall
617 provide such notice as is practicable.

618 (g) In any case in which [a husband and wife] two spouses entitled
619 to leave under subsection (a) of this section are employed by the same
620 employer, the aggregate number of workweeks of leave to which both
621 may be entitled may be limited to [sixteen] twelve workweeks, which
622 may be compensated under the Family and Medical Leave
623 Compensation Program established pursuant to section 2 of this act,
624 during any [twenty-four-month] twelve-month period, if such leave is
625 taken: (1) Under subparagraph (A) or (B) of subdivision (2) of
626 subsection (a) of this section; or (2) to care for a sick sibling, son or
627 daughter, grandparent, grandchild, or parent under subparagraph (C)
628 of said subdivision. In any case in which [a husband and wife] two
629 spouses entitled to leave under subsection (i) of this section are
630 employed by the same employer, the aggregate number of workweeks
631 of leave to which both may be entitled may be limited to twenty-six

632 workweeks, twelve weeks of which may be compensated under the
633 Family and Medical Leave Compensation Program established
634 pursuant to section 2 of this act, during any twelve-month period.

635 (h) Unpaid leave taken pursuant to sections [5-248a and] 31-51kk to
636 31-51qq, inclusive, as amended by this act, shall not be construed to
637 affect an employee's qualification for exemption under chapter 558.

638 (i) Subject to section 31-51mm, as amended by this act, an eligible
639 employee who is the spouse, sibling, son or daughter, grandparent,
640 grandchild, parent or next of kin of a current member of the armed
641 forces, as defined in section 27-103, who is undergoing medical
642 treatment, recuperation or therapy, is otherwise in outpatient status or
643 is on the temporary disability retired list for a serious injury or illness
644 incurred in the line of duty shall be entitled to a one-time benefit of
645 twenty-six workweeks of leave, up to twelve work weeks of which
646 may be compensated under the Family and Medical Leave
647 Compensation Program established pursuant to section 2 of this act,
648 during any twelve-month period for each armed forces member per
649 serious injury or illness incurred in the line of duty. Such twelve-
650 month period shall commence on an employee's first day of leave
651 taken to care for a covered armed forces member and end on the date
652 twelve months after such first day of leave. For the purposes of this
653 subsection, (1) "next of kin" means the armed forces member's nearest
654 blood relative, other than the covered armed forces member's spouse,
655 [parent] sibling, son or daughter, grandparent, grandchild or parent, in
656 the following order of priority: Blood relatives who have been granted
657 legal custody of the armed forces member by court decree or statutory
658 provisions, [brothers and sisters, grandparents,] aunts and uncles, and
659 first cousins, unless the covered armed forces member has specifically
660 designated in writing another blood relative as his or her nearest blood
661 relative for purposes of military caregiver leave, in which case the
662 designated individual shall be deemed to be the covered armed forces
663 member's next of kin; and (2) "son or daughter" means a biological,
664 adopted or foster child, stepchild, legal ward or child for whom the

665 eligible employee or armed forces member stood in loco parentis and
666 who is any age.

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

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

675 [(k)] (l) Notwithstanding the provisions of sections [5-248a and] 31-
676 51kk to 31-51qq, inclusive, as amended by this act, all further rights
677 granted by federal law shall remain in effect.

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

680 (a) An employer may require that request for leave based on a
681 serious health condition in subparagraph (C) or (D) of subdivision (2)
682 of subsection (a) of section 31-51ll, as amended by this act, or leave
683 based on subsection (i) of section 31-51ll, as amended by this act, be
684 supported by a certification issued by the health care provider of the
685 eligible employee or of the spouse, sibling, son [,] or daughter,
686 [spouse] grandparent, grandchild, parent or next of kin of the
687 employee, as appropriate. The employee shall provide, in a timely
688 manner, a copy of such certification to the employer.

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

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

692 (2) The probable duration of the condition;

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

695 (4) (A) For purposes of leave under subparagraph (C) of subdivision
696 (2) of subsection (a) of section 31-511l, as amended by this act, a
697 statement that the eligible employee is needed to care for the spouse,
698 sibling, son [.] or daughter, [spouse] grandparent, grandchild or parent
699 and an estimate of the amount of time that such employee needs to
700 care for the spouse, sibling, son [.] or daughter, [spouse] grandparent,
701 grandchild or parent; and (B) for purposes of leave under
702 subparagraph (D) of subdivision (2) of subsection (a) of section 31-511l,
703 as amended by this act, a statement that the employee is unable to
704 perform the functions of the position of the employee;

705 (5) In the case of certification for intermittent leave or leave on a
706 reduced leave schedule for planned medical treatment, the dates on
707 which such treatment is expected to be given and the duration of such
708 treatment;

709 (6) In the case of certification for intermittent leave or leave on a
710 reduced leave schedule under subparagraph (D) of subdivision (2) of
711 subsection (a) of section 31-511l, as amended by this act, a statement of
712 the medical necessity of the intermittent leave or leave on a reduced
713 leave schedule, and the expected duration of the intermittent leave or
714 reduced leave schedule;

715 (7) In the case of certification for intermittent leave or leave on a
716 reduced leave schedule under subparagraph (C) of subdivision (2) of
717 subsection (a) of section 31-511l, as amended by this act, a statement
718 that the employee's intermittent leave or leave on a reduced leave
719 schedule is necessary for the care of the spouse, sibling, son [.] or
720 daughter, grandparent, grandchild or parent [or spouse] who has a
721 serious health condition, or will assist in their recovery, and the
722 expected duration and schedule of the intermittent leave or reduced
723 leave schedule; and

724 (8) In the case of certification for intermittent leave or leave on a
725 reduced leave schedule under subsection (i) of section 31-511l, as
726 amended by this act, a statement that the employee's intermittent leave
727 or leave on a reduced leave schedule is necessary for the care of the
728 spouse, sibling, son or daughter, grandparent, grandchild, parent or
729 next of kin who is a current member of the armed forces, as defined in
730 section 27-103, who is undergoing medical treatment, recuperation or
731 therapy, is otherwise in outpatient status or is on the temporary
732 disability retired list, for a serious injury or illness incurred in the line
733 of duty, and the expected duration and schedule of the intermittent
734 leave or reduced leave schedule. For the purposes of this subsection,
735 "son or daughter" and "next of kin" have the same meanings as
736 provided in subsection (i) of section 31-511l, as amended by this act.

737 (c) (1) In any case in which the employer has reason to doubt the
738 validity of the certification provided under subsection (a) of this
739 section for leave under subparagraph (C) or (D) of subdivision (2) of
740 subsection (a) or under subsection (i) of section 31-511l, as amended by
741 this act, the employer may require, at the expense of the employer, that
742 the eligible employee obtain the opinion of a second health care
743 provider designated or approved by the employer concerning any
744 information certified under subsection (b) of this section for such leave.

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

748 (d) (1) In any case in which the second opinion described in
749 subsection (c) of this section differs from the opinion in the original
750 certification provided under subsection (a) of this section, the
751 employer may require, at the expense of the employer, that the
752 employee obtain the opinion of a third health care provider designated
753 or approved jointly by the employer and the employee concerning the
754 information certified under subsection (b) of this section.

755 (2) The opinion of the third health care provider concerning the

756 information certified under subsection (b) of this section shall be
757 considered to be final and shall be binding on the employer and the
758 employee.

759 (e) The employer may require that the eligible employee obtain
760 subsequent recertifications on a reasonable basis, provided the
761 standards for determining what constitutes a reasonable basis for
762 recertification may be governed by a collective bargaining agreement
763 between such employer and a labor organization which is the
764 collective bargaining representative of the unit of which the worker is
765 a part if such a collective bargaining agreement is in effect. Unless
766 otherwise required by the employee's health care provider, the
767 employer may not require recertification more than once during a
768 thirty-day period and, in any case, may not unreasonably require
769 recertification. The employer shall pay for any recertification that is not
770 covered by the employee's health insurance.

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

773 (a) Any eligible employee who takes leave under section 31-51ll, as
774 amended by this act, for the intended purpose of the leave shall be
775 entitled on return from such leave (1) to be restored by the employer to
776 the position of employment held by the employee when the leave
777 commenced; (2) if the original position of employment is not available,
778 to be restored to an equivalent position with equivalent employment
779 benefits, pay and other terms and conditions of employment; or (3) in
780 the case of a medical leave, if the employee is medically unable to
781 perform the employee's original job upon the expiration of such leave,
782 to be transferred to work suitable to such employee's physical
783 condition if such work is available.

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

787 (c) Nothing in this section shall be construed to entitle any restored
788 employee to (1) the accrual of any seniority or employment benefits
789 during any period of leave; or (2) any right, benefit or position of
790 employment other than any right, benefit or position to which the
791 employee would have been entitled had the employee not taken the
792 leave.

793 (d) As a condition of restoration under subsection (a) of this section
794 for an employee who has taken leave under subparagraph (D) of
795 subdivision (2) of subsection (a) of section 31-51ll, as amended by this
796 act, the employer may have a uniformly applied practice or policy that
797 requires each such employee to receive certification from the health
798 care provider of the employee that the employee is able to resume
799 work, except that nothing in this subsection shall supersede a valid
800 law of this state or a collective bargaining agreement that governs the
801 return to work of such employees.

802 (e) Nothing in this section shall be construed to prohibit an
803 employer from requiring an employee on leave under section 31-51ll,
804 as amended by this act, to report periodically to the employer on the
805 status and intention of the employee to return to work.

806 (f) Employees may have additional rights under other state and
807 federal law, including rights under the federal Americans with
808 Disabilities Act of 1990. Nothing in sections [5-248a and] 31-51kk to 31-
809 51qq, inclusive, as amended by this act, shall limit any such additional
810 rights.

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

813 Records and documents relating to medical certifications,
814 recertifications or medical histories of employees or employees' family
815 members, created for purposes of sections [5-248a and] 2 to 13,
816 inclusive, of this act, and sections 31-51kk to 31-51qq, inclusive, as
817 amended by this act, shall be maintained as medical records pursuant

818 to chapter 563a, except that: (1) Supervisors and managers may be
819 informed regarding necessary restrictions on the work or duties of an
820 employee and necessary accommodations; (2) first aid and safety
821 personnel may be informed, when appropriate, if the employee's
822 physical or medical condition might require emergency treatment; and
823 (3) government officials investigating compliance with sections [5-248a
824 and] 2 to 13, inclusive, of this act, and sections 31-51kk to 31-51qq,
825 inclusive, as amended by this act, or other pertinent law shall be
826 provided relevant information upon request.

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

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

834 (2) It shall be a violation of sections [5-248a and] 31-51kk to 31-51qq,
835 inclusive, as amended by this act, for any employer to discharge or
836 cause to be discharged, or in any other manner discriminate, against
837 any individual for opposing any practice made unlawful by said
838 sections or because such employee has exercised the rights afforded to
839 such employee under said sections.

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

844 (1) Has filed any charge, or has instituted or caused to be instituted
845 any proceeding, under or related to sections [5-248a and] 31-51kk to
846 31-51qq, inclusive, as amended by this act;

847 (2) Has given, or is about to give, any information in connection
848 with any inquiry or proceeding relating to any right provided under

849 said sections; or

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

852 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,
853 as amended by this act, for any employer to deny an employee the
854 right to use up to two weeks of accumulated sick leave or to discharge,
855 threaten to discharge, demote, suspend or in any manner discriminate
856 against an employee for using, or attempting to exercise the right to
857 use, up to two weeks of accumulated sick leave to attend to a serious
858 health condition of a spouse, sibling, son or daughter, [spouse]
859 grandparent, grandchild or parent of the employee, or for the birth or
860 adoption of a son or daughter of the employee. For purposes of this
861 subsection, "sick leave" means an absence from work for which
862 compensation is provided through (A) an employer's bona fide written
863 policy providing compensation for loss of wages occasioned by illness,
864 or (B) the Family and Medical Leave Compensation Program
865 established pursuant to section 2 of this act, but does not include
866 absences from work for which compensation is provided through an
867 employer's plan, including, but not limited to, a short or long-term
868 disability plan, whether or not such plan is self-insured.

869 (2) Any employee aggrieved by a violation of this subsection may
870 file a complaint with the Labor Commissioner alleging violation of the
871 provisions of this subsection. Upon receipt of any such complaint, the
872 commissioner shall hold a hearing. After the hearing, the
873 commissioner shall send each party a written copy of the
874 commissioner's decision. The commissioner may award the employee
875 all appropriate relief, including rehiring or reinstatement to the
876 employee's previous job, payment of back wages and reestablishment
877 of employee benefits to which the employee otherwise would have
878 been eligible if a violation of this subsection had not occurred. Any
879 party aggrieved by the decision of the commissioner may appeal the
880 decision to the Superior Court in accordance with the provisions of
881 chapter 54.

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

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

887 On or before January 1, [1997] 2017, the Labor Commissioner shall
888 adopt regulations, in accordance with the provisions of chapter 54, to
889 establish procedures and guidelines necessary to implement the
890 provisions of sections [5-248a and] 2 to 13, inclusive, of this act, and
891 sections 31-51kk to 31-51qq, inclusive, as amended by this act,
892 including, but not limited to, procedures for hearings and redress,
893 including restoration and restitution, for an employee who believes
894 that there is a violation by the employer of such employee of any
895 provision of said sections. [In adopting such regulations, the
896 commissioner shall make reasonable efforts to ensure compatibility of
897 state regulatory provisions with similar provisions of the federal
898 Family and Medical Leave Act of 1993 and the regulations
899 promulgated pursuant to said act.]

900 Sec. 22. Section 31-51ss of the general statutes is repealed and the
901 following is substituted in lieu thereof (*Effective January 1, 2017*):

902 (a) For the purposes of this section:

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

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

908 (3) "Family violence" means family violence, as defined in section
909 46b-38a; and

910 (4) "Leave" includes paid or unpaid leave which may include, but is

911 not limited to, compensatory time, vacation time, personal days off,
912 leave under the Family and Medical Leave Compensation Program
913 established pursuant to section 2 of this act or other time off.

914 (b) If an employee is a victim of family violence, an employer shall
915 permit the employee to take paid or unpaid leave during any calendar
916 year in which such leave is reasonably necessary (1) to seek medical
917 care or psychological or other counseling for physical or psychological
918 injury or disability for the victim, (2) to obtain services from a victim
919 services organization on behalf of the victim, (3) to relocate due to such
920 family violence, or (4) to participate in any civil or criminal proceeding
921 related to or resulting from such family violence. An employer may
922 limit unpaid leave under this section to twelve days during any
923 calendar year. Leave under this section shall not affect any other leave
924 provided under state or federal law.

925 (c) If an employee's need to use leave under this section is
926 foreseeable, an employer may require advance notice, not to exceed
927 seven days prior to the date such leave is to begin, of the intention to
928 use such leave. If an employee's need for such leave is not foreseeable,
929 an employer may require an employee to give notice of such intention
930 as soon as practicable.

931 (d) Upon an employer's request, an employee who takes leave
932 pursuant to this section shall provide the employer a signed written
933 statement certifying that the leave is for a purpose authorized under
934 this section. The employer may also, but need not, request that the
935 employee provide a police or court record related to the family
936 violence or a signed written statement that the employee is a victim of
937 family violence, provided such statement is from an employee or agent
938 of a victim services organization, an attorney, an employee of the
939 Judicial Branch's Office of Victim Services or the Office of the Victim
940 Advocate, or a licensed medical professional or other licensed
941 professional from whom the employee has sought assistance with
942 respect to the family violence.

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

949 (f) Nothing in this section shall be construed to require an employer
950 to provide paid leave under this section if (1) the employee is not
951 entitled to paid leave pursuant to the terms and conditions of the
952 employee's employment or under the Family and Medical Leave
953 Compensation Program established pursuant to section 2 of this act, or
954 (2) such paid leave exceeds the maximum amount of leave due the
955 employee during any calendar year, provided the employee shall be
956 entitled to unpaid leave under this section if paid leave is exhausted or
957 not provided.

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

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

971 Sec. 23. Section 3-13c of the general statutes is repealed and the
972 following is substituted in lieu thereof (*Effective July 1, 2015*):

973 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b

974 shall be construed to include Connecticut Municipal Employees'
 975 Retirement Fund A, Connecticut Municipal Employees' Retirement
 976 Fund B, Soldiers, Sailors and Marines Fund, Family and Medical Leave
 977 Compensation Trust Fund, State's Attorneys' Retirement Fund,
 978 Teachers' Annuity Fund, Teachers' Pension Fund, Teachers'
 979 Survivorship and Dependency Fund, School Fund, State Employees
 980 Retirement Fund, the Hospital Insurance Fund, Policemen and
 981 Firemen Survivor's Benefit Fund and all other trust funds
 982 administered, held or invested by the State Treasurer.

983 Sec. 24. Section 31-51rr of the general statutes is repealed. (*Effective*
 984 *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>	5-248a
Sec. 15	<i>January 1, 2017</i>	31-51kk
Sec. 16	<i>January 1, 2017</i>	31-51ll
Sec. 17	<i>January 1, 2017</i>	31-51mm
Sec. 18	<i>January 1, 2017</i>	31-51nn
Sec. 19	<i>January 1, 2017</i>	31-51oo
Sec. 20	<i>January 1, 2017</i>	31-51pp
Sec. 21	<i>January 1, 2017</i>	31-51qq
Sec. 22	<i>January 1, 2017</i>	31-51ss
Sec. 23	<i>July 1, 2015</i>	3-13c

Sec. 24	January 1, 2017	Repealer section
---------	-----------------	------------------