



General Assembly

February Session, 2016

***Raised Bill No. 221***

LCO No. 1658



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

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

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

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

3 (1) "Covered employee" means an employee who (A) (i) has earned  
4 not less than nine thousand three hundred dollars from one or more  
5 employers over twelve consecutive months during the previous  
6 twenty-four months, and (ii) is employed by an employer or not  
7 currently employed, or (B) is a self-employed person or sole proprietor  
8 who is enrolled in the Family and Medical Leave Compensation  
9 Program pursuant to section 8 of this act;

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

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

12 (4) "Employee" means any person engaged in service to an employer  
13 in the state in the business of the employer and shall include a self-  
14 employed person or sole proprietor in the state who elects coverage

15 under section 8 of this act;

16 (5) "Employer" means a person engaged in any activity, enterprise  
17 or business who employs two or more employees, and includes any  
18 person who acts, directly or indirectly, in the interest of an employer to  
19 any of the employees of such employer and any successor in interest of  
20 an employer, and shall include the state and any political subdivisions  
21 thereof;

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

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

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

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

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 5111 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, 2017, and shall begin to provide compensation to  
42 covered employees on and after January 1, 2018. 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 employee shall contribute a percentage of his or her weekly  
61 earnings to the Family and Medical Leave Compensation Trust Fund,  
62 in a manner and form as prescribed by the administrator pursuant to  
63 section 6 of this act. Such contributions shall be utilized to provide  
64 compensation to covered employees pursuant to subsections (c) to (e),  
65 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 under this  
93 section for nonconsecutive hours of leave provided such leave shall  
94 not amount to less than eight hours of leave in any workweek. If  
95 family and medical leave benefits are taken for eight hours or more,  
96 but for less than one full week, such hourly compensation shall be  
97 determined on a pro rata basis at the discretion of the administrator.

98 (f) Any moneys expended from the General Fund for the purpose of  
99 (1) administering the Family and Medical Leave Compensation  
100 Program, or (2) providing compensation to covered employees shall be  
101 reimbursed to the General Fund by the administrator not later than  
102 June 30, 2017.

103 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a fund  
104 to be known as the "Family and Medical Leave Compensation Trust  
105 Fund" the purpose of which shall be to provide compensation to  
106 covered employees who take leave from their employment pursuant to  
107 sections 31-51kk to 31-51qq, inclusive, of the general statutes, as  
108 amended by this act, and 31-51ss of the general statutes, as amended

109 by this act. The Family and Medical Leave Compensation Trust Fund  
110 shall be a nonlapsing fund held by the State Treasurer separate and  
111 apart from all other moneys, funds and accounts. Investment earnings  
112 credited to the trust shall become part of the trust.

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

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

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

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

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

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

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

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

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

171 operations of the trust.

172 Sec. 6. (NEW) (*Effective from passage*) The administrator, in  
173 consultation with the State Treasurer and the Department of Revenue  
174 Services, shall establish the procedures necessary to implement the  
175 Family and Medical Leave Compensation Program. The administrator  
176 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 employees shall  
182 contribute a portion of their salary or wages to the trust. This process  
183 shall include, but not be limited to, the creation of an information  
184 packet including the necessary paperwork for an employee to  
185 participate in the program pursuant to section 8 of this act;

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

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

191 (5) Ensure that contributions to the trust collected from employees  
192 shall not be used for any purpose other than to provide compensation  
193 to covered employees or to satisfy any expenses, including employee  
194 costs, incurred to implement, maintain, advertise and administer the  
195 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, 2017, 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 enroll in the Family  
220 and Medical Leave Compensation Program, provided such self-  
221 employed person or sole proprietor is enrolled in the program for an  
222 initial period of not less than three years. Such self-employed person or  
223 sole proprietor may reenroll in the program for a subsequent period,  
224 or periods, of not less than one year, provided (1) such self-employed  
225 person or sole proprietor provides written notice of such reenrollment  
226 to the administrator, and (2) such reenrollment begins immediately  
227 following a period of participation in the program.

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



232 rule.

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

247       Sec. 10. (NEW) (*Effective October 1, 2016*) Each employer who  
248 employs two or more employees, which shall be determined by the  
249 administrator on October first annually, shall, at the time of hiring, and  
250 annually thereafter, provide notice to each employee (1) of the  
251 entitlement to family and medical leave under sections 5-248a of the  
252 general statutes, as amended by this act, 31-51kk to 31-51qq, inclusive,  
253 of the general statutes, as amended by this act, and 31-51ss of the  
254 general statutes, as amended by this act, and the terms under which  
255 such leave may be used, (2) that retaliation by the employer against the  
256 employee for requesting, applying for or using family and medical  
257 leave for which the employee is eligible is prohibited, and (3) that the  
258 employee has a right to file a complaint with the Labor Commissioner  
259 for any violation of said sections. Employers shall comply with the  
260 provisions of this section by displaying a poster in a conspicuous  
261 place, accessible to employees, at the employer's place of business that  
262 contains the information required by this section in both English and  
263 Spanish. The Labor Commissioner may adopt regulations, in  
264 accordance with chapter 54 of the general statutes, to establish

265 additional requirements concerning the means by which employers  
266 shall provide such notice.

267       Sec. 11. (NEW) (*Effective from passage*) (a) Any individual or covered  
268 employee or self-employed person or sole proprietor participating in  
269 the program who wilfully makes a false statement or  
270 misrepresentation regarding a material fact, or wilfully fails to report a  
271 material fact, to obtain family and medical leave compensation shall be  
272 disqualified from receiving any compensation under the program for  
273 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 of the general statutes, as amended by this act, 31-51kk to 31-  
291 51qq, inclusive, of the general statutes, as amended by this act, and 31-  
292 51ss of the general statutes, as amended by this act, shall be construed  
293 to (1) prevent employers from providing any benefits that are more  
294 expansive than those provided for under said sections, (2) diminish  
295 any rights provided to any covered employee under the terms of the

296 covered employee's employment or a collective bargaining agreement,  
297 or (3) preempt or override the terms of any collective bargaining  
298 agreement effective prior to the effective date of this section.

299 Sec. 13. (NEW) (*Effective from passage*) Not later than January 1, 2017,  
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 2016 supplement to the general statutes  
311 is repealed and the following is substituted in lieu thereof (*Effective*  
312 *January 1, 2018*):

313 (a) For purposes of this section, "child" means a biological, adopted  
314 or foster child, stepchild, child of whom a person has legal  
315 guardianship or custody, or, in the alternative, a child of a person  
316 standing in loco parentis; [ , who is (1) under eighteen years of age, or  
317 (2) eighteen years of age or older and incapable of self-care because of  
318 a mental or physical disability] "sibling" means a brother or sister  
319 related to a person by blood, marriage or adoption by a parent of the  
320 person; "grandparent" means a grandparent related to a person by  
321 blood, marriage or adoption of a minor child by a child of the  
322 grandparent; "grandchild" means a grandchild related to a person by  
323 blood, marriage or adoption by a child of the grandparent; "parent"  
324 means a biological parent, foster parent, adoptive parent, stepparent,  
325 parent-in-law or legal guardian of an individual or an individual's  
326 spouse, or a person standing in loco parentis to an individual; and  
327 "spouse" means a person to whom one is legally married. Each

328 [permanent] state employee, as defined in section 5-196, who has  
329 earned not less than nine thousand three hundred dollars from one or  
330 more employers over twelve consecutive months during the twenty-  
331 four months prior, shall be entitled to a family leave of absence upon  
332 the birth or adoption of a child of such employee, or upon the serious  
333 illness of a [child,] spouse, sibling, child, grandparent, grandchild or  
334 parent of such employee; and a medical leave of absence upon the  
335 serious illness of such employee or in order for such employee to serve  
336 as an organ or bone marrow donor. The total amount of time that an  
337 employee is entitled to for leaves of absence pursuant to this section  
338 shall be [twenty-four] twelve weeks within any [two-year] twelve-  
339 month period [. Any such leave of absence shall be without pay] which  
340 may be compensated under the Family and Medical Leave  
341 Compensation Program established pursuant to section 2 of this act.  
342 Upon the expiration of any such leave of absence, the employee shall  
343 be entitled (A) to return to the employee's original job from which the  
344 leave of absence was provided or, if not available, to an equivalent  
345 position with equivalent pay, except that in the case of a medical leave,  
346 if the employee is medically unable to perform the employee's original  
347 job upon the expiration of such leave, the Department of  
348 Administrative Services shall endeavor to find other suitable work for  
349 such employee in state service, and (B) to all accumulated seniority,  
350 retirement, fringe benefit and other service credits the employee had at  
351 the commencement of such leave. Such service credits shall not accrue  
352 during the period of the leave of 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. Unless otherwise prohibited by federal law,  
357 employers shall maintain health insurance benefits for any employee  
358 granted leave of absence benefits by this section.

359 (c) Any [permanent] state employee who requests a medical leave of  
360 absence due to the employee's serious illness or a family leave of

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

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

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

389 (f) The state shall pay for the continuation of health insurance  
390 benefits for the employee during any leave of absence taken pursuant  
391 to this section. In order to continue any other health insurance  
392 coverages during such leave, the employee shall contribute that

393 portion of the premium the employee would have been required to  
394 contribute had the employee remained an active employee during the  
395 leave period.

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

408 (h) For purposes of subsection (g) of this section, (1) "next of kin"  
409 means the armed forces member's nearest blood relative, other than  
410 the covered armed forces member's spouse, [parent] sibling, son or  
411 daughter, grandparent, grandchild or parent, in the following order of  
412 priority: Blood relatives who have been granted legal custody of the  
413 armed forces member by court decree or statutory provisions,  
414 [brothers and sisters, grandparents,] aunts and uncles, and first  
415 cousins, unless the covered armed forces member has specifically  
416 designated in writing another blood relative as his or her nearest blood  
417 relative for purposes of military caregiver leave, in which case the  
418 designated individual shall be deemed to be the covered armed forces  
419 member's next of kin; and (2) "son or daughter" means a biological,  
420 adopted, foster child, stepchild, legal ward or a child for whom the  
421 eligible employee or armed forces member stood in loco parentis and  
422 who is any age.

423 Sec. 15. Section 31-51kk of the general statutes is repealed and the  
424 following is substituted in lieu thereof (*Effective January 1, 2018*):

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

427 (1) "Eligible employee" means an employee who [has been  
428 employed (A) for at least twelve months by the employer with respect  
429 to whom leave is requested; and (B) for at least one thousand hours of  
430 service with such employer during the twelve-month period preceding  
431 the first day of the leave;] (A) has earned not less than nine thousand  
432 three hundred dollars from one or more employers over twelve  
433 consecutive months during the previous twenty-four months, and (B)  
434 is employed by an employer or not currently employed;

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 31-51ll of the general statutes is repealed and the  
505 following is substituted in lieu thereof (*Effective January 1, 2018*):

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, as amended by this act, and 31-51kk to 31-51qq, inclusive, as  
573 amended by this act, may be provided without compensation or with  
574 compensation through the Family and Medical Leave Compensation  
575 Program established pursuant to section 2 of this 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, as amended by this act, or  
592 sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall  
593 require an employer to provide paid sick leave or paid medical leave  
594 in any situation in which such employer would not normally provide  
595 any such paid leave.

596 (f) (1) In any case in which the necessity for leave under  
597 subparagraph (A) or (B) of subdivision (2) of subsection (a) of this  
598 section is foreseeable based on an expected birth or placement of a son  
599 or daughter, the employee shall provide the employer with not less  
600 than thirty days' notice, before the date of the leave is to begin, of the  
601 employee's intention to take leave under said subparagraph (A) or (B),  
602 except that if the date of the birth or placement of a son or daughter  
603 requires leave to begin in less than thirty days, the employee shall  
604 provide such notice as is practicable.

605 (2) In any case in which the necessity for leave under subparagraph  
606 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection  
607 (i) of this section is foreseeable based on planned medical treatment,

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

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

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

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

669 (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as  
670 amended by this act, shall not run concurrently with the provisions of  
671 section 31-313 or chapters 567 or 568 or any other state or federal  
672 program that provides wage replacement.

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

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

681 Sec. 17. Section 31-51mm of the general statutes is repealed and the  
682 following is substituted in lieu thereof (*Effective January 1, 2018*):

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

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

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

695 (2) The probable duration of the condition;

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

698 (4) (A) For purposes of leave under subparagraph (C) of subdivision  
699 (2) of subsection (a) of section 31-51ll, as amended by this act, a  
700 statement that the eligible employee is needed to care for the spouse,  
701 sibling, son [,] or daughter, [spouse] grandparent, grandchild or parent

702 and an estimate of the amount of time that such employee needs to  
703 care for the spouse, sibling, son [,] or daughter, [spouse] grandparent,  
704 grandchild or parent; and (B) for purposes of leave under  
705 subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll,  
706 as amended by this act, a statement that the employee is unable to  
707 perform the functions of the position of the employee;

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

712 (6) In the case of certification for intermittent leave or leave on a  
713 reduced leave schedule under subparagraph (D) of subdivision (2) of  
714 subsection (a) of section 31-51ll, as amended by this act, a statement of  
715 the medical necessity of the intermittent leave or leave on a reduced  
716 leave schedule, and the expected duration of the intermittent leave or  
717 reduced leave schedule;

718 (7) In the case of certification for intermittent leave or leave on a  
719 reduced leave schedule under subparagraph (C) of subdivision (2) of  
720 subsection (a) of section 31-51ll, as amended by this act, a statement  
721 that the employee's intermittent leave or leave on a reduced leave  
722 schedule is necessary for the care of the spouse, sibling, son [,] or  
723 daughter, grandparent, grandchild or parent [or spouse] who has a  
724 serious health condition, or will assist in their recovery, and the  
725 expected duration and schedule of the intermittent leave or reduced  
726 leave schedule; and

727 (8) In the case of certification for intermittent leave or leave on a  
728 reduced leave schedule under subsection (i) of section 31-51ll, as  
729 amended by this act, a statement that the employee's intermittent leave  
730 or leave on a reduced leave schedule is necessary for the care of the  
731 spouse, sibling, son or daughter, grandparent, grandchild, parent or  
732 next of kin who is a current member of the armed forces, as defined in



733 section 27-103, who is undergoing medical treatment, recuperation or  
734 therapy, is otherwise in outpatient status or is on the temporary  
735 disability retired list, for a serious injury or illness incurred in the line  
736 of duty, and the expected duration and schedule of the intermittent  
737 leave or reduced leave schedule. For the purposes of this subsection,  
738 "son or daughter" and "next of kin" have the same meanings as  
739 provided in subsection (i) of section 31-51ll, as amended by this act.

740 (c) (1) In any case in which the employer has reason to doubt the  
741 validity of the certification provided under subsection (a) of this  
742 section for leave under subparagraph (C) or (D) of subdivision (2) of  
743 subsection (a) or under subsection (i) of section 31-51ll, as amended by  
744 this act, the employer may require, at the expense of the employer, that  
745 the eligible employee obtain the opinion of a second health care  
746 provider designated or approved by the employer concerning any  
747 information certified under subsection (b) of this section for such leave.

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

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

758 (2) The opinion of the third health care provider concerning the  
759 information certified under subsection (b) of this section shall be  
760 considered to be final and shall be binding on the employer and the  
761 employee.

762 (e) The employer may require that the eligible employee obtain  
763 subsequent recertifications on a reasonable basis, provided the

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

774 Sec. 18. Section 31-51oo of the general statutes is repealed and the  
775 following is substituted in lieu thereof (*Effective January 1, 2018*):

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

791 Sec. 19. Section 31-51pp of the general statutes is repealed and the  
792 following is substituted in lieu thereof (*Effective January 1, 2018*):

793 (a) (1) It shall be a violation sections 5-248a, as amended by this act,  
794 and 31-51kk to 31-51qq, inclusive, as amended by this act, for any

795 employer to interfere with, restrain or deny the exercise of, or the  
796 attempt to exercise, any right provided under said sections.

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

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

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

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

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

815 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,  
816 as amended by this act, for any employer to deny an employee the  
817 right to use up to two weeks of accumulated sick leave or to discharge,  
818 threaten to discharge, demote, suspend or in any manner discriminate  
819 against an employee for using, or attempting to exercise the right to  
820 use, up to two weeks of accumulated sick leave to attend to a serious  
821 health condition of a spouse, sibling, son or daughter, [spouse]  
822 grandparent, grandchild or parent of the employee, or for the birth or  
823 adoption of a son or daughter of the employee. For purposes of this  
824 subsection, "sick leave" means an absence from work for which

825 compensation is provided through (A) an employer's bona fide written  
826 policy providing compensation for loss of wages occasioned by illness,  
827 or (B) the Family and Medical Leave Compensation Program  
828 established pursuant to section 2 of this act, but does not include  
829 absences from work for which compensation is provided through an  
830 employer's plan, including, but not limited to, a short or long-term  
831 disability plan, whether or not such plan is self-insured.

832 (2) Any employee aggrieved by a violation of this subsection may  
833 file a complaint with the Labor Commissioner alleging violation of the  
834 provisions of this subsection. Upon receipt of any such complaint, the  
835 commissioner shall hold a hearing. After the hearing, the  
836 commissioner shall send each party a written copy of the  
837 commissioner's decision. The commissioner may award the employee  
838 all appropriate relief, including rehiring or reinstatement to the  
839 employee's previous job, payment of back wages and reestablishment  
840 of employee benefits to which the employee otherwise would have  
841 been eligible if a violation of this subsection had not occurred. Any  
842 party aggrieved by the decision of the commissioner may appeal the  
843 decision to the Superior Court in accordance with the provisions of  
844 chapter 54.

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

848 Sec. 20. Section 31-51qq of the general statutes is repealed and the  
849 following is substituted in lieu thereof (*Effective January 1, 2018*):

850 On or before January 1, [1997] 2018, the Labor Commissioner shall  
851 adopt regulations, in accordance with the provisions of chapter 54, to  
852 establish procedures and guidelines necessary to implement the  
853 provisions of sections 5-248a, as amended by this act, and 2 to 13,  
854 inclusive, of this act, and sections 31-51kk to 31-51qq, inclusive, as  
855 amended by this act, including, but not limited to, procedures for

856 hearings and redress, including restoration and restitution, for an  
857 employee who believes that there is a violation by the employer of  
858 such employee of any provision of said sections. [In adopting such  
859 regulations, the commissioner shall make reasonable efforts to ensure  
860 compatibility of state regulatory provisions with similar provisions of  
861 the federal Family and Medical Leave Act of 1993 and the regulations  
862 promulgated pursuant to said act.]

863 Sec. 21. Section 31-51ss of the general statutes is repealed and the  
864 following is substituted in lieu thereof (*Effective January 1, 2018*):

865 (a) For the purposes of this section:

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

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

871 (3) "Family violence" means family violence, as defined in section  
872 46b-38a; and

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

877 (b) If an employee is a victim of family violence, an employer shall  
878 permit the employee to take paid or unpaid leave during any calendar  
879 year in which such leave is reasonably necessary (1) to seek medical  
880 care or psychological or other counseling for physical or psychological  
881 injury or disability for the victim, (2) to obtain services from a victim  
882 services organization on behalf of the victim, (3) to relocate due to such  
883 family violence, or (4) to participate in any civil or criminal proceeding  
884 related to or resulting from such family violence. An employer may

885 limit unpaid leave under this section to twelve days during any  
886 calendar year. Leave under this section shall not affect any other leave  
887 provided under state or federal law.

888 (c) If an employee's need to use leave under this section is  
889 foreseeable, an employer may require advance notice, not to exceed  
890 seven days prior to the date such leave is to begin, of the intention to  
891 use such leave. If an employee's need for such leave is not foreseeable,  
892 an employer may require an employee to give notice of such intention  
893 as soon as practicable.

894 (d) Upon an employer's request, an employee who takes leave  
895 pursuant to this section shall provide the employer a signed written  
896 statement certifying that the leave is for a purpose authorized under  
897 this section. The employer may also, but need not, request that the  
898 employee provide a police or court record related to the family  
899 violence or a signed written statement that the employee is a victim of  
900 family violence, provided such statement is from an employee or agent  
901 of a victim services organization, an attorney, an employee of the  
902 Judicial Branch's Office of Victim Services or the Office of the Victim  
903 Advocate, or a licensed medical professional or other licensed  
904 professional from whom the employee has sought assistance with  
905 respect to the family violence.

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

912 (f) Nothing in this section shall be construed to require an employer  
913 to provide paid leave under this section if (1) the employee is not  
914 entitled to paid leave pursuant to the terms and conditions of the  
915 employee's employment or under the Family and Medical Leave

916 Compensation Program established pursuant to section 2 of this act, or  
917 (2) such paid leave exceeds the maximum amount of leave due the  
918 employee during any calendar year, provided the employee shall be  
919 entitled to unpaid leave under this section if paid leave is exhausted or  
920 not provided.

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

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

934 Sec. 22. Section 3-13c of the general statutes is repealed and the  
935 following is substituted in lieu thereof (*Effective July 1, 2016*):

936 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b  
937 shall be construed to include Connecticut Municipal Employees'  
938 Retirement Fund A, Connecticut Municipal Employees' Retirement  
939 Fund B, Soldiers, Sailors and Marines Fund, Family and Medical Leave  
940 Compensation Trust Fund established pursuant to section 2 of this act,  
941 State's Attorneys' Retirement Fund, Teachers' Annuity Fund, Teachers'  
942 Pension Fund, Teachers' Survivorship and Dependency Fund, School  
943 Fund, State Employees Retirement Fund, the Hospital Insurance Fund,  
944 Policemen and Firemen Survivor's Benefit Fund and all other trust  
945 funds administered, held or invested by the State Treasurer.

946 Sec. 23. Section 31-51rr of the general statutes is repealed. (*Effective*

947 January 1, 2018)

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	October 1, 2016	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	January 1, 2018	5-248a
Sec. 15	January 1, 2018	31-51kk
Sec. 16	January 1, 2018	31-51ll
Sec. 17	January 1, 2018	31-51mm
Sec. 18	January 1, 2018	31-51oo
Sec. 19	January 1, 2018	31-51pp
Sec. 20	January 1, 2018	31-51qq
Sec. 21	January 1, 2018	31-51ss
Sec. 22	July 1, 2016	3-13c
Sec. 23	January 1, 2018	Repealer section

**Statement of Purpose:**

To implement a system of paid family and medical leave in the state.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*