



Senate

General Assembly

File No. 215

February Session, 2016

Substitute Senate Bill No. 262

Senate, March 24, 2016

The Committee on Veterans' Affairs reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE CONNECTICUT FAMILY AND MEDICAL LEAVE ACT AND ACTIVE DUTY MILITARY SERVICE.

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

1 Section 1. Subsection (a) of section 31-51ll of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) (1) Subject to section 31-51mm, an eligible employee shall be
5 entitled to a total of sixteen workweeks of leave during any twenty-
6 four-month period, such twenty-four-month period to be determined
7 utilizing any one of the following methods: (A) Consecutive calendar
8 years; (B) any fixed twenty-four-month period, such as two
9 consecutive fiscal years or a twenty-four-month period measured
10 forward from an employee's first date of employment; (C) a twenty-
11 four-month period measured forward from an employee's first day of
12 leave taken under sections 31-51kk to 31-51qq, inclusive; or (D) a
13 rolling twenty-four-month period measured backward from an
14 employee's first day of leave taken under sections 31-51kk to 31-51qq,

15 inclusive.

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

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

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

21 (C) In order to care for the spouse, or a son, daughter or parent of
22 the employee, if such spouse, son, daughter or parent has a serious
23 health condition;

24 (D) Because of a serious health condition of the employee; [or]

25 (E) In order to serve as an organ or bone marrow donor; or

26 (F) Because of any qualifying exigency, as determined in regulations
27 adopted by the United States Secretary of Labor, arising out of the fact
28 that the spouse, son or daughter, parent or next of kin of the employee
29 is on active duty, or has been notified of an impending call or order to
30 active duty, in the armed forces, as defined in subsection (a) of section
31 27-103.

32 Sec. 2. Subsection (a) of section 5-248a of the 2016 supplement to the
33 general statutes is repealed and the following is substituted in lieu
34 thereof (*Effective from passage*):

35 (a) For purposes of this section, "child" means a biological, adopted
36 or foster child, stepchild, child of whom a person has legal
37 guardianship or custody, or, in the alternative, a child of a person
38 standing in loco parentis, who is (1) under eighteen years of age, or (2)
39 eighteen years of age or older and incapable of self-care because of a
40 mental or physical disability. Each permanent employee, as defined in
41 section 5-196, shall be entitled to a family leave of absence upon the
42 birth or adoption of a child of such employee, [or] upon the serious
43 illness of a child, spouse or parent of such employee or because of any

44 qualifying exigency, as determined in regulations adopted by the
 45 United States Secretary of Labor, arising out of the fact that the spouse,
 46 son or daughter, parent or next of kin of such employee is on active
 47 duty, or has been notified of an impending call or order to active duty,
 48 in the armed forces, as defined in subsection (a) of section 27-103; and
 49 a medical leave of absence upon the serious illness of such employee
 50 or in order for such employee to serve as an organ or bone marrow
 51 donor. The total amount of time that an employee is entitled to for
 52 leaves of absence pursuant to this section shall be twenty-four weeks
 53 within any two-year period. Any such leave of absence shall be
 54 without pay. Upon the expiration of any such leave of absence, the
 55 employee shall be entitled (A) to return to the employee's original job
 56 from which the leave of absence was provided or, if not available, to an
 57 equivalent position with equivalent pay, except that in the case of a
 58 medical leave, if the employee is medically unable to perform the
 59 employee's original job upon the expiration of such leave, the
 60 Department of Administrative Services shall endeavor to find other
 61 suitable work for such employee in state service, and (B) to all
 62 accumulated seniority, retirement, fringe benefit and other service
 63 credits the employee had at the commencement of such leave. Such
 64 service credits shall not accrue during the period of the leave of
 65 absence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-511l(a)
Sec. 2	<i>from passage</i>	5-248a(a)

VA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes various changes to Connecticut's family and medical leave law as relates to military service, does not result in any fiscal impact to the state or municipalities as it conforms state statute to federal family and medical leave law.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sSB 262*****AN ACT CONCERNING THE CONNECTICUT FAMILY AND MEDICAL LEAVE ACT AND ACTIVE DUTY MILITARY SERVICE.*****SUMMARY:**

This bill requires certain private employers and the state to allow their employees to take unpaid time off when federal regulations determine a need exists arising from the fact that the employee's spouse, son or daughter, parent, or next of kin is on active duty or has been notified of an impending call or order to active duty in the armed forces (U.S. Army, Navy, Marine Corps, Coast Guard, and Air Force and any reserve component of these branches, including the Connecticut National Guard performing duty under Title 32 of federal law (e.g., certain Homeland Security missions)). Regulations adopted by the U.S. labor secretary determine the situations qualifying for such leave.

Under the bill, for such exigent circumstance (1) private employees may take up to 16 work weeks during any 24-month period (see BACKGROUND) and (2) state employees may take up to 24 weeks within a two-year period. This total amount of unpaid time off is already allowed by law for other reasons (e.g., certain family related issues, such as births and other health issues).

As under current law, in order to qualify a private employee must (1) work at an employer with at least 75 employees and (2) have been employed by this employer for at least 12 months and worked at least 1,000 hours during that time. State employees must be permanent, which means holding a position in (1) classified service under a permanent appointment or (2) unclassified service and serving in the position for more than six months; except for employees in federally-funded positions as part of any public service employment program,

on-the-job training program, or work experience program.

EFFECTIVE DATE: Upon passage

BACKGROUND

Private Employee Time-Off Calculations

By law, eligible private employees can take up to 16 work weeks during a 24 month period that can be calculated in any of four ways, as follows:

1. consecutive calendar years,
2. any fixed 24-month period,
3. 24-month period measured forward from an employee's first day of leave taken, or
4. a rolling 24-month period measured backward from an employee's first day of leave.

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/08/2016)