AN ACT IMPLEMENTING A PAID FAMILY MEDICAL LEAVE PROGRAM.

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

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

(1) "Covered employee" means an individual who (A) (i) has earned not less than two thousand three hundred twenty-five dollars from one or more employers during the employee's highest earning quarter within the five most recently completed calendar quarters, and (ii) is employed by an employer or not currently employed, (B) is a self-employed individual or sole proprietor who is enrolled in the Family and Medical Leave Insurance Program pursuant to section 8 of this act, or (C) is a member of a collective bargaining unit that has negotiated inclusion in the program, in accordance with chapter 68 of the general statutes or sections 7-467 to 7-477, inclusive, of the general statutes;

(2) "Administrator" means the Labor Department;

(3) "Employ" means to allow or permit to work;
(4) "Employee" means an individual engaged in service to an employer in this state in the business of the employer and includes a self-employed individual or sole proprietor in the state who elects coverage under section 8 of this act;

(5) "Employer" means a person engaged in any activity, enterprise or business who employs one or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer, and shall not include the state or a municipality, a local or regional board of education or a nonpublic elementary or secondary school, except when a collective bargaining unit negotiates inclusion of the members of that collective bargaining unit in the program, in accordance with chapter 68 of the general statutes or sections 7-467 to 7-477, inclusive, of the general statutes. The number of employees of an employer shall be determined by the administrator on October first annually;

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

(7) "Family and Medical Leave Insurance Program" or "program" means the program established in section 2 of this act;

(8) "Family and Medical Leave Insurance Trust Fund" or "trust" means the trust fund established in section 3 of this act; and

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

Sec. 2. (NEW) (Effective from passage) (a) There is established a Family and Medical Leave Insurance Program. The program shall be administered by the administrator and shall offer up to twelve workweeks of family and medical leave compensation to covered
employees during any twelve-month period. The program shall offer
two additional weeks of family and medical leave compensation to a
covered employee for a serious health condition that occurs during a
pregnancy that results in incapacitation.

(b) On or before July 1, 2020, the administrator shall begin collecting
contributions to the Family and Medical Leave Insurance Trust Fund,
established in section 3 of this act and, on and after July 1, 2021, shall
begin to provide compensation to covered employees. For the
purposes of this section and sections 3 to 13, inclusive, of this act, the
administrator shall have the power to (1) determine whether an
individual meets the requirements for compensation under this
section; (2) require a covered employee's claim for compensation
pursuant to this section be supported by certification pursuant to
section 31-51mm of the general statutes, as amended by this act, and
subsection (d) of section 31-51ss of the general statutes; (3) examine, or
cause to be produced or examined, any books, records, documents,
contracts or other papers relevant to the eligibility of a covered
employee; (4) summon and examine under oath such witnesses as may
provide information relevant to a covered employee's claim for family
and medical leave compensation; (5) establish procedures and forms
for the filing of claims for compensation, including the certification
required for establishing eligibility for such compensation; and (6)
ensure the confidentiality of records and documents relating to
medical certifications, recertifications or medical histories of covered
employees or covered employees' family members pursuant to section
31-51oo of the general statutes, as amended by this act.

(c) (1) Each employee shall contribute a percentage of his or her
weekly earnings to the Family and Medical Leave Insurance Trust
Fund, in a manner and form prescribed by the administrator pursuant
to section 6 of this act, provided such percentage shall not exceed one-
half of one per cent. The amount of earnings subject to contributions
for a given year shall not exceed the Social Security contribution and
benefit base, as determined pursuant to 42 USC 430, as amended from
time to time, and shall be utilized to provide compensation to covered
employees pursuant to this subsection and subsections (d) to (f),
inclusive, of this section.

(2) Notwithstanding subdivision (1) of this subsection, if employee
collections are the maximum percentage allowed pursuant to said
subdivision and the administrator determines that employee
collections are not sufficient to ensure solvency of the program, the
administrator, subject to the provisions of subdivision (3) of this
subsection, shall increase the amount of earnings subject to
collections to an appropriate amount that exceeds the Social
Security contribution and benefit base specified in said subdivision, in
order to ensure the solvency of the program.

(3) The administrator shall not increase the amount of earnings
subject to collections pursuant to subdivision (2) of this subsection
unless the General Assembly, by resolution, approves such increase.
The General Assembly may reject such increase by a three-fifths vote
of each house. Such increase shall be deemed approved if the General
Assembly fails to vote to approve or reject such increase within thirty
days of submittal by the administrator. Each proposed increase shall
be submitted by the administrator to the General Assembly and shall
be referred to the joint standing committee of the General Assembly
having cognizance of matters relating to labor.

(d) (1) The weekly compensation offered to covered employees shall
be one hundred per cent of a covered employee's weekly earnings,
except that the weekly compensation shall not exceed one thousand
dollars. If the Internal Revenue Service determines that family and
medical leave compensation is subject to federal income tax and a
covered employee elects to have federal income tax deducted and
withheld from his or her compensation, the administrator shall deduct
and withhold the amount specified in the United States Internal
Revenue Code in a manner consistent with the state law.

(2) On July 1, 2022, and not later than each July fifteenth thereafter,
the Labor Commissioner shall announce an adjustment to the maximum compensation established pursuant to subdivision (1) of this subsection that shall be equal to the percentage increase between the last complete calendar year and the previous calendar year in the consumer price index for urban wage earners and clerical workers in the northeast urban area of New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, with no seasonal adjustment, as calculated by the United States Department of Labor's Bureau of Labor Statistics, with the amount of the maximum compensation increase rounded to the nearest five cents. The maximum compensation plus the adjustment announced by the Labor Commissioner on July fifteenth shall become the new maximum compensation and shall be effective on the January first immediately following.

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

(f) A covered employee may receive compensation under this section for nonconsecutive hours of leave, provided such leave shall not be less than four hours of leave in any workweek. If family and medical leave benefits are taken for four hours or more, but for less than one full week, such hourly compensation shall be determined on a pro rata basis at the discretion of the administrator.
(g) A covered employee may receive compensation under this section concurrently with any employer-provided employment benefits, provided the total compensation of such covered employee during such period of leave shall not exceed such covered employee’s regular rate of compensation.

(h) No covered employee shall receive compensation under this section concurrently with compensation under chapter 567 or 568 of the general statutes or any other state or federal program that provides wage replacement.

(i) Any moneys expended from the General Fund for the purpose of administering the Family and Medical Leave Insurance Program, or providing compensation to covered employees, shall be reimbursed to the General Fund by the administrator not later than October 1, 2021.

Sec. 3. (NEW) (Effective from passage) (a) There is established a fund to be known as the "Family and Medical Leave Insurance Trust Fund" for the purpose of providing family and medical leave compensation to covered employees. The Family and Medical Leave Insurance Trust Fund shall be a nonlapsing fund held by the State Treasurer separate and apart from all other moneys, funds and accounts. Investment earnings credited to the trust shall become part of the trust.

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

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

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

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

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

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

(2) Procure insurance as the State Treasurer deems necessary to
protect the trust's property, assets, activities or deposits or
contributions to the trust; and
(3) Apply for, accept and expend gifts, grants or donations from
public or private sources to carry out the objectives of the trust.

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

Sec. 6. (NEW) (Effective from passage) The administrator, in
consultation with the State Treasurer and the Department of Revenue
Services, shall establish the procedures necessary to implement the
Family and Medical Leave Insurance Program. The administrator
shall:

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

(2) Design and establish the process by which employees shall
contribute a portion of their salary or wages to the trust. Such process
shall include, but not be limited to, the creation of an information
packet including the necessary paperwork for an employee to
participate in the program pursuant to section 8 of this act;
(3) Evaluate and establish the process by which employers may credit employee premiums to the trust through payroll deposit;

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

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

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

(7) Not later than January 1, 2020, submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the General Assembly regarding any recommendations for legislative action that may be necessary for the implementation of the program.

Sec. 7. (NEW) (Effective January 1, 2020) The administrator, in consultation with the State Treasurer, shall conduct a public education campaign to inform individuals and employers about the Family and Medical Leave Insurance Program. Such campaign shall include, but not be limited to, information about the requirements for receiving family and medical leave compensation, how to apply for such compensation and the circumstances for which such compensation may be available. The administrator may use funds contributed to the Family and Medical Leave Insurance Trust Fund for purposes of the public education campaign. Information distributed or made available under the campaign shall be available in English and Spanish and in any other language as prescribed by the administrator.
Sec. 8. (NEW) (Effective from passage) (a) A self-employed individual or sole proprietor, upon application to the administrator, in a form and manner as prescribed by the administrator, may enroll in the Family and Medical Leave Insurance Program, provided such self-employed individual or sole proprietor is enrolled in the program for an initial period of not less than three years. Such self-employed individual or sole proprietor may reenroll in the program for a subsequent period, or periods, of not less than one year, provided (1) such self-employed individual or sole proprietor provides written notice of such reenrollment to the administrator, and (2) such reenrollment begins immediately following a period of participation in the program.

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

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

Sec. 10. (NEW) (Effective July 1, 2021) Each employer shall, at the time of hiring, and annually thereafter, provide notice to each of the
employer's employees (1) of the entitlement to family and medical leave under sections 31-51kk to 31-51qq, inclusive, of the general statutes, as amended by this act, and 31-51ss of the general statutes and the terms under which such leave may be used, (2) that retaliation by the employer against the employee for requesting, applying for or using family and medical leave for which the employee is eligible is prohibited, and (3) that the employee has a right to file a complaint with the Labor Commissioner for any violation of said sections. An employee claiming to be aggrieved in relation to such a complaint filed with the Labor Commissioner may bring an action in the superior court for the judicial district of Hartford within one year from the date of the alleged aggrievement. The Labor Commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to establish additional requirements concerning the means by which employers shall provide such notice.

Sec. 11. (NEW) (Effective from passage) (a) Any individual or covered employee participating in the program who wilfully makes a false statement or misrepresentation regarding a material fact, or wilfully fails to report a material fact, to obtain family and medical leave compensation shall be disqualified from receiving any compensation under the program for one year.

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

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

(b) Nothing in sections 31-51kk to 31-51qq, inclusive, of the general
statutes, as amended by this act, and 31-51ss of the general statutes or
sections 2 to 13, inclusive, of this act, shall be construed to (1) prevent
employers from providing any benefits that are more expansive than
those provided for under said sections, (2) diminish any rights
provided to any covered employee under the terms of the covered
employee's employment or a collective bargaining agreement, or (3)
interfere with, impede or in any way diminish the right of an employee
to bargain collectively with his or her employer through a
representative of his or her choosing, in order to establish wages or
conditions of work in excess of the applicable minimum pursuant to
sections 3-13c, 31-51kk to 31-51mm, inclusive, 31-51oo to 31-51qq,
inclusive, of the general statutes and sections 1 to 13, inclusive, and
section 20 of this act.

Sec. 13. (Effective from passage) Not later than July 1, 2022, and
annually thereafter, the Labor Commissioner shall report, in
accordance with section 11-4a of the general statutes, to the joint
standing committees of the General Assembly having cognizance of
matters relating to appropriations and the budgets of state agencies
and labor, on (1) the projected and actual participation in the program,
(2) the balance of the trust, (3) the size of employers at which covered
employees are employed, (4) the reasons covered employees are
receiving family and medical leave compensation, (5) the success of the
administrator's outreach and education efforts, and (6) demographic
information of covered employees, including gender, age, town of
residence and income level.

Sec. 14. Section 31-51kk of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2021):
As used in sections 31-51kk to 31-51qq, inclusive, as amended by this act:

(1) "Eligible employee" means an employee who has [been employed (A) for at least twelve months by the employer with respect to whom leave is requested; and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the leave] earned not less than two thousand three hundred twenty-five dollars from one or more employers during the employee's highest earning quarter within the five most recently completed calendar quarters;

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

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

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

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

(6) "Grandchild" means a grandchild related to a person by (A)
blood, (B) marriage, (C) adoption by a child of the grandparent, or (D) foster care by a child of the grandparent:

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

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

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

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

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

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

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

([(11)] (14) "Son or daughter" means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, [who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability] or an individual to whom the employee stood in loco parentis when the individual was a child; and

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

Sec. 15. Section 31-51ll of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(a) (1) Subject to section 31-51mm, as amended by this act, an eligible employee shall be entitled to a total of [sixteen] twelve workweeks of leave during any [twenty-four-month] twelve-month period, such [twenty-four-month] twelve-month period to be determined utilizing any one of the following methods: (A) [Consecutive] A calendar [years] year; (B) any fixed [twenty-four-month] twelve-month period, such as [two] a consecutive fiscal [years]
year or a [twenty-four-month] twelve-month period measured forward from an employee's first date of employment; (C) a [twenty-four-month] twelve-month period measured forward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act; or (D) a rolling [twenty-four-month] twelve-month period measured backward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act. Such employee may take up to two additional weeks of leave due to a serious health condition during a pregnancy that results in incapacitation.

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

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

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

(C) In order to care for the spouse, [or a son,] sibling, son or daughter, [or] grandparent, grandchild, parent [of the employee,] or any other individual related by blood or whose close association with the employee is the equivalent of a family member if such spouse, [son,] sibling, son or daughter, [or] grandparent, grandchild, parent or any other individual related by blood or whose close association with the employee is the equivalent of a family member has a serious health condition;

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

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

(F) Because of any qualifying exigency, as determined in regulations adopted by the United States Secretary of Labor, arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces, as defined in subsection (a) of section 27-103.
(b) Entitlement to leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section may accrue prior to the birth or placement of a son or daughter when such leave is required because of such impending birth or placement.

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

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

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

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

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

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

554 (2) In any case in which the necessity for leave under subparagraph
555 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection
556 (i) of this section is foreseeable based on planned medical treatment,
557 the employee (A) shall make a reasonable effort to schedule the
558 treatment so as not to disrupt unduly the operations of the employer,
559 subject to the approval of the health care provider of the employee or
560 the health care provider of the spouse, sibling, son [or daughter,
561 [spouse or] grandparent, grandchild, parent [of the employee] or any
562 other individual related by blood or whose close association with the
563 employee is the equivalent of a family member, as appropriate; and (B)
564 shall provide the employer with not less than thirty days' notice,
565 before the date the leave is to begin, of the employee's intention to take
566 leave under said subparagraph (C), (D) or (E) or said subsection (i),
567 except that if the date of the treatment requires leave to begin in less
568 than thirty days, the employee shall provide such notice as is
569 practicable.

570 (g) In any case in which [a husband and wife] two spouses entitled
571 to leave under subsection (a) of this section are employed by the same
572 employer, the aggregate number of workweeks of leave to which both
573 may be entitled may be limited to [sixteen] twelve workweeks during
574 any [twenty-four-month] twelve-month period, if such leave is taken:
575 (1) Under subparagraph (A) or (B) of subdivision (2) of subsection (a)
576 of this section; or (2) to care for a sick sibling, son or daughter,
577 grandparent, grandchild, parent or any other individual related by
578 blood or whose close association with the employee is the equivalent
579 of a family member under subparagraph (C) of said subdivision. In
580 any case in which [a husband and wife] two spouses entitled to leave
under subsection (i) of this section are employed by the same
employer, the aggregate number of workweeks of leave to which both
may be entitled may be limited to twenty-six workweeks during any
twelve-month period.

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

(i) Subject to section 31-51mm, as amended by this act, an eligible
employee who is the spouse, son or daughter, parent or next of kin of a
current member of the armed forces, as defined in section 27-103, who
is undergoing medical treatment, recuperation or therapy, is otherwise
in outpatient status or is on the temporary disability retired list for a
serious injury or illness incurred in the line of duty shall be entitled to
a one-time benefit of twenty-six workweeks of leave during any
twelve-month period for each armed forces member per serious injury
or illness incurred in the line of duty. Such twelve-month period shall
commence on an employee's first day of leave taken to care for a
covered armed forces member and end on the date twelve months
after such first day of leave. For the purposes of this subsection, (1)
"next of kin" means the armed forces member's nearest blood relative,
other than the covered armed forces member's spouse, parent, son or
daughter, in the following order of priority: Blood relatives who have
been granted legal custody of the armed forces member by court
decree or statutory provisions, brothers and sisters, grandparents,
aunts and uncles, and first cousins, unless the covered armed forces
member has specifically designated in writing another blood relative
as his or her nearest blood relative or any other individual whose close
association with the employee is the equivalent of a family member for
purposes of military caregiver leave, in which case the designated
individual shall be deemed to be the covered armed forces member's
next of kin; and (2) "son or daughter" means a biological, adopted or
foster child, stepchild, legal ward or child for whom the eligible
employee or armed forces member stood in loco parentis and who is
(j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall not run concurrently with the provisions of section 31-313.

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

Sec. 16. Section 31-51mm of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

(a) An employer may require that request for leave based on a serious health condition in subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 31-51lll, as amended by this act, or leave based on subsection (i) of section 31-51lll, as amended by this act, be supported by a certification issued by the health care provider of the eligible employee or of the spouse, sibling, son, [or] daughter, [spouse] grandparent, grandchild, parent, [or] next of kin or any other individual related by blood or whose close association with the employee is the equivalent of a family member of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

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

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

(2) The probable duration of the condition;

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

(4) (A) For purposes of leave under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51lll, as amended by this act, a
statement that the eligible employee is needed to care for the spouse, sibling, son [or] daughter, [spouse or] grandparent, grandchild, parent or any other individual related by blood or whose close association with the employee is the equivalent of a family member and an estimate of the amount of time that such employee needs to care for the spouse, sibling, son [or] daughter, [spouse or] grandparent, grandchild, parent or any other individual related by blood or whose close association with the employee is the equivalent of a family member; and (B) for purposes of leave under subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement that the employee is unable to perform the functions of the position of the employee;

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

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

(7) In the case of certification for intermittent leave or leave on a reduced leave schedule under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51ll, as amended by this act, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the spouse, sibling, son [or] daughter, grandparent, grandchild, parent [or spouse] or any other individual related by blood or whose close association with the employee is the equivalent of a family member who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.
schedule; and

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

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

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

(d) (1) In any case in which the second opinion described in subsection (c) of this section differs from the opinion in the original certification provided under subsection (a) of this section, the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b) of this section.
(2) The opinion of the third health care provider concerning the information certified under subsection (b) of this section shall be considered to be final and shall be binding on the employer and the employee.

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

Sec. 17. Section 31-51oo of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of sections 5-248a and 31-51kk to 31-51qq, inclusive, as amended by this act, and sections 2 to 13, inclusive, of this act shall be maintained as medical records pursuant to chapter 563a, except that: (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations; (2) first aid and safety personnel may be informed, when appropriate, if the employee's physical or medical condition might require emergency treatment; and (3) government officials investigating compliance with sections 5-248a and 31-51kk to 31-51qq, inclusive, as amended by this act, and sections 2 to 13, inclusive, of this act, or other pertinent law shall be provided relevant information upon request.
Sec. 18. Section 31-51pp of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2021):

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

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

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

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

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

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

(c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive, as amended by this act, for any employer to deny an employee the right to use up to two weeks of accumulated sick leave or to discharge, threaten to discharge, demote, suspend or in any manner discriminate against an employee for using, or attempting to exercise the right to use, up to two weeks of accumulated sick leave to attend to a serious
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health condition of a spouse, sibling, son or daughter, [spouse or]
grandparent, grandchild, parent or any other individual related by
blood or whose close association with the employee is the equivalent
of a family member of the employee, or for the birth or adoption of a
son or daughter of the employee. For purposes of this subsection, "sick
leave" means an absence from work for which compensation is
provided through an employer's bona fide written policy providing
compensation for loss of wages occasioned by illness, but does not
include absences from work for which compensation is provided
through an employer's plan, including, but not limited to, a short or
long-term disability plan, whether or not such plan is self-insured.

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

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

Sec. 19. Section 31-51qq of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

On or before [January 1, 1997] July 1, 2020, the Labor Commissioner
shall adopt regulations, in accordance with the provisions of chapter
54, to establish procedures and guidelines necessary to implement the
provisions of sections [5-248a and] 31-51kk to 31-51qq, inclusive, as amended by this act, and sections 2 to 13, inclusive, of this act, including, but not limited to, procedures for hearings and redress, including restoration and restitution, for an employee who believes that there is a violation by the employer of such employee of any provision of said sections. [In adopting such regulations, the commissioner shall make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal Family and Medical Leave Act of 1993 and the regulations promulgated pursuant to said act.]

Sec. 20. (Effective from passage) (a) For the purposes described in this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate twenty million dollars.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Labor Department for the purpose of the Family and Medical Leave Insurance Program established pursuant to section 2 of this act, provided (1) ten million dollars of the amount stated in subsection (a) of this section shall be used for start-up costs in fiscal year 2019, and (2) ten million dollars of the amount stated in subsection (a) of this section shall be used for start-up costs in fiscal year 2020.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided
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in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 21. Section 3-13c of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2019):

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

This act shall take effect as follows and shall amend the following sections:

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Statement of Purpose:
To establish a paid family and medical leave system in Connecticut.

Co-Sponsors: REP. ARESIMOWICZ, 30th Dist.; REP. RITTER M., 1st Dist.
REP. PAOLILLO, 97th Dist.; REP. HUGHES, 135th Dist.
REP. GODFREY, 110th Dist.; REP. SANCHEZ, 25th Dist.
REP. SIMMONS, 144th Dist.; REP. ABERCROMBIE, 83rd Dist.
REP. CONLEY, 40th Dist.; REP. PALM, 36th Dist.
REP. ROSARIO, 128th Dist.; REP. MCCARTHY VAHEY, 133rd Dist.
REP. ARCONTI, 109th Dist.; REP. MICHEL, 146th Dist.
REP. SLAP, 19th Dist.; REP. VARGAS, 6th Dist.
REP. RILEY, 46th Dist.; REP. TURCO, 27th Dist.
REP. REYES, 75th Dist.; REP. HADDAD, 54th Dist.
REP. SANTIAGO H., 84th Dist.; REP. HENNESSY, 127th Dist.
REP. GARIBAY, 60th Dist.; REP. GILCHREST, 18th Dist.
REP. DE LA CRUZ, 41st Dist.; REP. ELLIOTT, 88th Dist.
REP. HALL, 7th Dist.; REP. CANDELARIA, 95th Dist.
REP. CONCEPCION, 4th Dist.; REP. GUCKER, 138th Dist.
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REP. RYAN, 139th Dist.; REP. ROSE, 118th Dist.
REP. BUTLER, 72nd Dist.; REP. ORANGE, 48th Dist.
REP. DATHAN, 142nd Dist.; REP. D'AGOSTINO, 91st Dist.
REP. DIMASSA, 116th Dist.; REP. WINKLER, 56th Dist.
REP. DEMICCO, 21st Dist.; REP. GONZALEZ, 3rd Dist.
REP. DILLON, 92nd Dist.; REP. COMEY, 102nd Dist.
REP. LEMAR, 96th Dist.; REP. NAPOLI, 73rd Dist.
REP. MORIN, 28th Dist.; REP. STAFSTROM, 129th Dist.
REP. ARNONE, 58th Dist.; REP. ROTELLA, 43rd Dist.
REP. LUXENBERG, 12th Dist.; REP. SIMMS, 140th Dist.
REP. WILSON PHEANIOUS, 53rd Dist.; REP. JOHNSON, 49th Dist.
REP. TERCYAK, 26th Dist.; REP. PORTER, 94th Dist.
REP. DOUCETTE, 13th Dist.; REP. BORER, 115th Dist.

H.B. 5003