
OLR Bill Analysis

sSB 222

AN ACT CONCERNING CHANGES TO THE PAID FAMILY AND MEDICAL LEAVE STATUTES.

SUMMARY

This bill makes various changes in the state's paid family and medical leave insurance (PFMLI) law, Family and Medical Leave Act (CTFMLA), and family violence leave law. In general, the PFMLI program is an employee-funded program that provides up to 12 weeks of partial wage replacement benefits to employees on unpaid leave from employment under the CTFMLA (e.g., for the birth of a child or a serious health condition) or family violence leave law (e.g., to obtain victim services or relocate).

Among other things, the bill:

1. codifies requirements for employers to register and submit reports to the PFMLI Authority, which administers the program;
2. broadens the authority's powers to issue penalties for attempted fraud and sets a process for recovering benefit overpayments and penalties;
3. allows the governor to enter into a memorandum of understanding (MOU) with the state's federally recognized tribes to allow employees of the tribe or any tribally owned business to participate in the PFMLI program;
4. requires health care providers to display an authority-developed or -approved informational poster about the PFMLI program;
5. allows claimants to receive PFMLI benefits concurrently with benefits from the state's Victim Compensation Program within

certain limitations;

6. broadens the state’s family violence leave law to also allow leave for sexual assault victims; and
7. defines a “municipality” under the PFMLI law and CTFMLA.

Lastly, the PFMLI law requires the authority to annually report certain information such as the program’s participation, trust fund balance, and claimant demographics. The bill changes the annual reporting date from July 1 to September 1.

EFFECTIVE DATE: October 1, 2024, except that the provision changing the annual report date is effective upon passage.

§ 2 — EMPLOYER REGISTRATION AND REPORTING REQUIREMENT

The bill explicitly requires each employer subject to the PFMLI law and paying wages to an employee to (1) register with the PFMLI Authority, which administers the program, and (2) submit reports required by the authority in a form and way it sets. (In practice, the authority already requires employers to do this.) Under the bill, employers that fail to comply are subject to penalties the authority establishes under its general authority to implement the PFMLI law (the bill does not otherwise specify any limitations or other criteria for this penalty).

§ 4 — ATTEMPTED FRAUD, OVERPAYMENTS, AND PENALTIES

Overpayments and Attempted Fraud

Existing law allows the authority to seek a repayment of overpaid PFMLI benefits from claimants who received them erroneously or before their claim was subsequently rejected. And when a claimant receives benefits due to willful misrepresentation the authority may also issue a penalty that equals half of the benefits paid. The bill allows the authority to impose this same penalty (half of the benefits applied for) for attempted willful misrepresentation.

The bill further specifies that the authority must charge anyone who

was overpaid or assessed a penalty with the amount due, and requires the person to repay the overpayment or penalty to the authority under a payment schedule the authority determines. The bill subjects anyone who fails to make the required repayment or penalty payments to a one percent per month interest rate on the amount owed. It also allows the authority to recover the amount and interest owed (1) through a wage execution or (2) by asking the administrative services commissioner to seek reimbursement through an income tax refund withholding.

§§ 1 & 6 — TRIBAL MOU

Existing law, unchanged by the bill, requires the governor to submit any compact between the state and an Indian tribe to the legislature for approval or rejection (CGS § 3-6c). Regardless of this provision, the bill allows the governor, in consultation with the authority, to enter into a MOU with any federally recognized tribe in the state to authorize employees of both the tribe and any tribally owned business to participate in the PFMLI program. Once they enter into the MOU, they would be considered an employer under the PFMLI law; however, the bill also requires that their participation be governed solely by the MOU's terms. (Presumably, the MOU would prevail if its provisions conflict with how the law treats an "employer.")

§ 3 — INFORMATIONAL POSTER

The bill requires the PFMLI Authority, by October 1, 2024, to develop or approve an informational poster for health care providers to display. It requires each health care provider to display the poster in a clear and conspicuous way accessible to patients and caregivers. The "health care providers" subject to the requirement include doctors of medicine or osteopathy; podiatrists, dentists, psychologists, optometrists, and chiropractors; advanced practice registered nurses, nurse practitioners, nurse midwives, and clinical social workers; and certain Christian Science practitioners.

§ 2 — BENEFITS FROM OTHER PROGRAMS

The PFMLI law prohibits claimants receiving PFMLI benefits concurrently with unemployment or workers' compensation benefits. The bill specifies that this prohibition applies to claimants concurrently

receiving income replacement benefits from those programs.

The bill also explicitly allows claimants to receive PFMLI benefits concurrently with benefits from the victim compensation program administered by the Judicial Department's Office of Victim Services, as long as the total benefit the claimants receive during their leave does not exceed their regular pay rate.

§ 8 — CT FAMILY VIOLENCE LEAVE AND SEXUAL ASSAULT VICTIMS

The state's family violence leave law generally allows certain employees to take leave from work (and qualify for PFMLI benefits) if they are a family violence victim who needs to miss work for certain related reasons. The bill broadens this law to also cover sexual assault victims. Similar to family violence victims, it allows an employee who is a sexual assault victim to take the leave if it is reasonably necessary to (1) seek medical care or psychological or other counseling, (2) obtain services from a victim services organization, (3) relocate, or (4) participate in a civil or criminal proceeding related to or resulting from the assault.

As under existing law for family violence victims, (1) these provisions apply to people working for an employer with three or more employees and (2) the person's employer can limit the allowable unpaid leave to 12 days per calendar year and request certain documentation from the employee (generally, police or court records or a signed statement from certain sources).

Under the bill, "sexual assault" includes all penal code crimes of unlawful contact with the intimate parts of another person's body, except aggravated sexual assault of a minor.

§§ 1 & 7 — MUNICIPALITIES UNDER THE PFMLI LAW AND CTFMLA

The bill specifies that a "municipality" under the PFMLI law and CTFMLA is any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district, and each municipal organization authorized to levy and collect taxes. The current PFMLI law and CTFMLA do not

define a municipality under them, but municipalities are not employers covered by CTFMLA, and they are only covered under the PFMLI law if their employees join the program through collective bargaining.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/07/2024)