



Senate

General Assembly

File No. 75

February Session, 2024

Substitute Senate Bill No. 222

Senate, March 21, 2024

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

1 Section 1. Section 31-49e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2024*):

3 As used in this section, [and] sections 31-49f to 31-49t, inclusive, as
4 amended by this act, and section 6 of this act:

5 (1) "Authority" means the Paid Family and Medical Leave Insurance
6 Authority established in section 31-49f. "Authority" does not mean an
7 appointing authority;

8 (2) "Base period" means the first four of the five most recently
9 completed quarters;

10 (3) "Base weekly earnings" means an amount equal to one twenty-
11 sixth, rounded to the next lower dollar, of a covered employee's total
12 wages, as defined in subsection (b) of section 31-222 and self-
13 employment income, as defined in 26 USC 1402(b), as amended from

14 time to time, earned during the two quarters of the covered employee's
15 base period in which such earnings were highest, provided self-
16 employment income shall be included only if the recipient has enrolled
17 in the program pursuant to section 31-49m;

18 (4) "Covered employee" means an individual who has earned not less
19 than two thousand three hundred twenty-five dollars in subject
20 earnings during the employee's highest earning quarter within the base
21 period and (A) is presently employed by an employer, (B) has been
22 employed by an employer in the previous twelve weeks, or (C) is a self-
23 employed individual or sole proprietor and Connecticut resident who
24 has enrolled in the program pursuant to section 31-49m;

25 (5) "Covered public employee" means an individual who is (A)
26 employed in state service, as defined in section 5-196, and who is not in
27 a bargaining unit established pursuant to sections 5-270 to 5-280,
28 inclusive, or (B) a member of a collective bargaining unit whose
29 exclusive collective bargaining agent negotiates inclusion in the
30 program, in accordance with chapter 68, sections 7-467 to 7-477,
31 inclusive, or sections 10-153a to 10-153n, inclusive. If a municipal
32 employer, as defined in section 7-467, or a local or regional board of
33 education negotiates inclusion in the program for members of a
34 collective bargaining unit, "covered public employee" also means an
35 individual who is employed by such municipal employer or local or
36 regional board of education and who is not in a bargaining unit
37 established under sections 7-467 to 7-477, inclusive, or sections 10-153a
38 to 10-153n, inclusive;

39 (6) "Employ" means to allow or permit to work;

40 (7) "Employee" means an individual engaged in service to an
41 employer in this state in the business of the employer;

42 (8) "Employer" means a person engaged in any activity, enterprise or
43 business or a federally recognized tribe that has entered into a
44 memorandum of understanding pursuant to section 6 of this act, who
45 employs one or more employees, and includes any person who acts,

46 directly or indirectly, in the interest of an employer to any of the
47 employees of such employer and any successor in interest of an
48 employer. "Employer" does not mean the federal government, the state
49 or a municipality, a local or regional board of education or a nonpublic
50 elementary or secondary school, except that the state, a municipal
51 employer or local or regional board of education is an employer with
52 respect to each of its covered public employees;

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

56 (10) "Family and Medical Leave Insurance Authority Board" means
57 the board of directors established in section 31-49f;

58 (11) "Family and Medical Leave Insurance Program" or "program"
59 means the program established in section 31-49g, as amended by this
60 act;

61 (12) "Family and Medical Leave Insurance Trust Fund" or "trust"
62 means the trust fund established in section 31-49i;

63 (13) "Health care provider" has the same meaning as provided in
64 section 31-51kk, as amended by this act;

65 (14) "Municipality" has the same meaning as provided in section 7-
66 245;

67 [(14)] (15) "Person" means one or more individuals, partnerships,
68 associations, corporations, limited liability companies, business trusts,
69 legal representatives or any organized group of persons;

70 [(15)] (16) "Serious health condition" has the same meaning as
71 provided in section 31-51kk, as amended by this act; and

72 [(16)] (17) "Subject earnings" means total wages, as defined in
73 subsection (b) of section 31-222 and self-employment income as defined
74 in 26 USC 1402(b), as amended from time to time, that shall not exceed

75 the Social Security contribution and benefit base, as determined
76 pursuant to 42 USC 430, as amended from time to time, provided self-
77 employment income shall be included only if the recipient has enrolled
78 in the program pursuant to section 31-49m.

79 Sec. 2. Subsections (b) to (g), inclusive, of section 31-49g of the general
80 statutes are repealed and the following is substituted in lieu thereof
81 (*Effective October 1, 2024*):

82 (b) (1) Beginning on January 1, 2021, but not later than February 1,
83 2021, each employee and each self-employed individual or sole
84 proprietor who has enrolled in the program pursuant to section 31-49m
85 shall contribute a percentage of [his or her] such employee's or self-
86 employed individual's or sole proprietor's subject earnings that shall not
87 exceed the Social Security contribution and benefit base, as determined
88 pursuant to 42 USC 430, as amended from time to time, to the Family
89 and Medical Leave Insurance Trust Fund. Such percentage shall be
90 established by the authority, provided that the percentage shall not
91 exceed one-half of one per cent.

92 (2) On September 1, 2022, and on each September first thereafter, the
93 authority shall publish the following information: (A) The total amount
94 of contributions collected and benefits paid during the previous fiscal
95 year, as well as the total amount required for the administration of the
96 Family and Medical Leave Insurance Program in such year; (B) the total
97 amount remaining in the trust fund at the close of such fiscal year; (C)
98 in light of such totals, and of expected future expenditures and
99 contributions, a target fund balance sufficient to ensure the ongoing
100 ability of the fund to pay the compensation described in subdivision (2)
101 of subsection (c) of this section, and to limit the need for contribution
102 rate increases or benefit reductions due to changing economic
103 conditions; (D) the amount by which the total amount remaining in the
104 trust fund at the close of the previous fiscal year is less than or greater
105 than that target fund balance. On November 1, 2022, and on each
106 November first thereafter, the authority may announce a revision to the
107 previously established contribution rate, provided the revised rate shall

108 not exceed one-half of one per cent and shall be sufficient to ensure that
109 the trust fund shall achieve and maintain such target fund balance.
110 Effective on January first of the calendar year following each such
111 announcement, the revised contribution rate announced by the
112 authority under this subsection shall supersede the previously
113 established contribution rate.

114 (3) Each employer making payment of any wages to an employee
115 shall deduct and withhold from such wages for each payroll period a
116 contribution computed in such manner as to result, so far as practicable,
117 in withholding from the employee's wages during each calendar year
118 an amount substantially equivalent to the contribution reasonably
119 estimated to be due from the employee under this subsection with
120 respect to the amount of such wages during the calendar year.

121 (4) If, after notice, an employee or employer or self-employed
122 individual or sole proprietor who has enrolled in the program pursuant
123 to section 31-49m fails to make a payment required by this section, a
124 state collection agency, as defined in section 12-35, shall collect such
125 contribution and interest by any means provided in sections 12-35, 31-
126 265 and 31-266.

127 (5) Each employer making payment of any wages to an employee
128 shall (A) register with the authority, and (B) submit reports required by
129 the authority in a form and manner prescribed by the authority.

130 (6) Any employer that fails to comply with the provisions of this
131 subsection shall be subject to penalties established by the authority
132 pursuant to subsection (b) of section 31-49h.

133 (c) (1) Beginning on January 1, 2022, but not later than February 1,
134 2022, covered employees shall receive compensation under this section
135 for up to twelve weeks of leave in any twelve-month period taken for
136 one or more of the reasons listed in subdivision (2) of subsection (a) of
137 section 31-51ll or subsection (i) of said section or section 31-51ss, as
138 amended by this act, as well as for two additional weeks for a serious
139 health condition resulting in incapacitation that occurs during a

140 pregnancy, if such covered employee (A) provides notice to the
141 authority, and such covered employee's employer, if applicable, of the
142 need for such compensation in a form and manner prescribed by the
143 authority, and (B) upon the request of the authority, provides
144 certification of such covered employee's need for leave and therefore
145 compensation in the manner provided for in section 31-51mm to the
146 authority and such employer, if applicable. Covered employees who are
147 not currently employed or have enrolled in the program pursuant to
148 section 31-49m shall receive compensation in like circumstances. Should
149 the authority determine that it is administratively feasible and prudent,
150 the program may begin providing compensation for leave taken for
151 reasons listed in subparagraphs (A) and (B) of subdivision (2) of
152 subsection (a) of section 31-51ll prior to offering compensation for leave
153 taken for the other reasons listed in subdivision (2) of subsection (a) of
154 section 31-51ll or the reasons listed in subsection (i) of said section or
155 section 31-51ss, as amended by this act.

156 (2) The weekly compensation offered to covered employees shall be
157 equal to ninety-five per cent of the covered employee's base weekly
158 earnings up to an amount equal to forty times the minimum fair wage,
159 as defined in section 31-58, and sixty per cent of that covered employee's
160 base weekly earnings above an amount equal to forty times the
161 minimum fair wage, except that the total weekly compensation shall not
162 exceed an amount equal to sixty times the minimum fair wage.
163 Compensation shall be available on a prorated basis.

164 (3) Notwithstanding subdivision (2) of this subsection, if employee
165 contributions are the maximum percentage allowed and the authority
166 determines that employee contributions are not sufficient to ensure
167 solvency of the program, the authority shall reduce the benefit for
168 covered employees by the minimum amount necessary in order to
169 ensure the solvency of the program.

170 (4) If a covered [worker] employee elects to have income tax deducted
171 and withheld from [his or her] such covered employee's compensation,
172 the amount specified shall be deducted and withheld in a manner

173 consistent with state law.

174 (d) Notwithstanding subsection (g) of section 31-51ll, two spouses
175 employed by the same employer shall each be eligible for up to twelve
176 weeks of compensation under this section in any twelve-month period.
177 Such eligibility for compensation shall not increase their eligibility for
178 job-protected leave beyond the number of weeks specified in said
179 subsection.

180 (e) A covered employee may receive compensation under this section
181 for nonconsecutive hours of leave.

182 (f) A covered employee may receive compensation under this section
183 concurrently with any employer-provided employment benefits,
184 provided the total compensation of such covered employee during such
185 period of leave shall not exceed such covered employee's regular rate of
186 compensation.

187 (g) [No] (1) Except as otherwise provided in subdivision (2) of this
188 subsection, no covered employee shall receive compensation under this
189 section concurrently with income replacement compensation under
190 chapter 567 or 568 or any other state or federal program that provides
191 wage replacement.

192 (2) A covered employee may receive compensation under this section
193 concurrently with compensation received from the victim compensation
194 program administered by the Office of Victim Services within the
195 Judicial Department, provided the total compensation received by the
196 covered employee during the covered employee's period of leave shall
197 not exceed such covered employee's regular rate of compensation.

198 Sec. 3. Section 31-49n of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective October 1, 2024*):

200 (a) The authority shall conduct a public education campaign to
201 inform individuals and employers regarding the Family and Medical
202 Leave Insurance Program. Such campaign shall include, but not be
203 limited to, information about the requirements for receiving family and

204 medical leave compensation, how to apply for such compensation and
205 the circumstances for which such compensation may be available. The
206 authority may use funds contributed to the Family and Medical Leave
207 Insurance Trust Fund for purposes of the public education campaign.
208 Information distributed or made available under the campaign shall be
209 available in English and Spanish and in any other language prescribed
210 by the authority.

211 (b) Not later than October 1, 2024, the authority shall develop or
212 approve an informational poster for display by health care providers.
213 Each health care provider shall display such poster in a clear and
214 conspicuous manner accessible to patients and caregivers. For purposes
215 of this subsection, "health care provider" has the same meaning as
216 provided in section 31-51kk, as amended by this act.

217 [(b)] (c) The authority shall ensure to the greatest extent practicable
218 that any web site, web-based form, application or digital service: (1) is
219 accessible to individuals with disabilities in accordance with WCAG2.0
220 AA or similar updated standard; (2) has a consistent appearance; (3)
221 contains a search function that allows users to easily search content
222 intended for public use; (4) is provided through an industry standard
223 secure connection; (5) is designed around user needs with data-driven
224 analysis influencing management and development decisions, using
225 qualitative and quantitative data to determine user goals, needs and
226 behaviors and continually test the web site, web-based form, web-based
227 application or digital service to ensure that user needs are addressed; (6)
228 provides users of the new or redesigned web site, web-based form, web-
229 based application or digital service with the option for a more
230 customized digital experience that allows users to complete digital
231 transactions in an efficient and accurate manner; (7) is fully functional
232 and usable on common mobile devices; and (8) uses free and open-
233 source tools when possible, such as open standards in accordance with
234 the US Web Design Standards built by the US General Services
235 Administration.

236 Sec. 4. Section 31-49r of the general statutes is repealed and the

237 following is substituted in lieu thereof (*Effective October 1, 2024*):

238 (a) Any individual participating in the program who wilfully makes
239 a false statement or misrepresentation regarding a material fact, or
240 wilfully fails to report a material fact, to obtain family and medical leave
241 compensation shall be disqualified from receiving any compensation
242 under the program for two years after making such false statement or
243 misrepresentation or failing to report such material fact.

244 (b) If family and medical leave compensation is paid to a covered
245 employee erroneously or as a result of wilful misrepresentation by such
246 employee, or if a claim for family and medical leave compensation is
247 rejected after compensation is paid, the authority may seek repayment
248 of benefits from the employee having received such compensation. [and
249 may also, in] In the case of wilful misrepresentation [,] or an attempted
250 wilful misrepresentation, the authority may seek payment of a penalty
251 in the amount of fifty per cent of the benefits applied for or paid as a
252 result of such misrepresentation. The authority may waive, in whole or
253 in part, the amount of any such payments if the recovery would be
254 against equity and good conscience.

255 (c) If family and medical leave compensation is paid as a result of
256 wilful misrepresentation by any health care provider, the authority shall
257 notify the Labor Commissioner and may seek payment of a penalty
258 from such health care provider in the amount of three hundred per cent
259 of the benefits paid as a result of such misrepresentation. The authority
260 may waive, in whole or in part, the amount of any such payments where
261 the recovery would be against equity and good conscience.

262 (d) Any person, including an employer, who intentionally aids, abets,
263 assists, promotes or facilitates the making of, or the attempt to make,
264 any claim for benefits or the receipt or attempted receipt of benefits by
265 another person in violation of subsection (b) of this section shall be liable
266 for the same financial penalty as the person making or attempting to
267 make the claim or receiving or attempting to receive the benefits.

268 (e) A health care provider shall complete a timely medical

269 certification of a patient's serious medical condition at the request of the
270 patient. No health care provider shall charge a patient a fee for such
271 service.

272 (f) Any person who has received a greater amount of benefits than
273 was due to such person under sections 31-49e to 31-49t, inclusive, as
274 amended by this act, shall be charged by the authority with an
275 overpayment of a sum equal to the amount overpaid to such person and
276 shall pay such sum to the authority in accordance with a repayment
277 schedule as determined by the authority. Any person who fails to make
278 payments in accordance with such schedule shall be subject to interest
279 at a rate of one per cent of the amount owed per month. If a person fails
280 to repay according to the schedule established, the authority may
281 recover such amount owed plus any accrued interest through a wage
282 execution in accordance with the provisions of section 52-361a and the
283 authority may request the Commissioner of Administrative Services to
284 seek reimbursement for such amount pursuant to section 12-742.

285 (g) Any person who has been assessed a penalty by the authority
286 under sections 31-49e to 31-49t, inclusive, as amended by this act, shall
287 pay such penalty to the authority in accordance with a payment
288 schedule as determined by the authority. Any person who fails to make
289 payments in accordance with such payment schedule shall be subject to
290 interest at a rate of one per cent of the amount owed per month. If a
291 person fails to repay according to the schedule, the authority may
292 recover such amount owed plus interest through a wage execution in
293 accordance with the provisions of section 52-361a. In addition, the
294 authority may request the Commissioner of Administrative Services to
295 seek reimbursement for such amount pursuant to section 12-742.

296 Sec. 5. Section 31-49t of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective from passage*):

298 Not later than [July 1, 2022] September 1, 2024, and annually
299 thereafter, the authority shall report, in accordance with section 11-4a of
300 the general statutes, to the Office of Policy and Management and to the
301 joint standing committees of the General Assembly having cognizance

302 of matters relating to appropriations and the budgets of state agencies
303 and labor, on (1) the projected and actual participation in the program,
304 (2) the balance of the trust, (3) the reasons claimants are receiving family
305 and medical leave compensation, (4) the success of outreach and
306 education efforts, (5) demographic information of claimants, including
307 gender, age, town of residence and income level, and (6) the total
308 number of claims made and claims denied.

309 Sec. 6. (NEW) (*Effective October 1, 2024*) Notwithstanding the
310 provisions of section 3-6c of the general statutes, the Governor, in
311 consultation with the authority, may enter into a memorandum of
312 understanding with any federally recognized tribe located within the
313 state to authorize employees of both the tribe and any tribally owned
314 business to participate in the Family and Medical Leave Insurance
315 Program. Any such participation in the program shall be governed
316 solely by the terms of any memorandum of understanding entered into
317 pursuant to this section.

318 Sec. 7. Section 31-51kk of the general statutes is repealed and the
319 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

322 (1) "Eligible employee" means an employee who has been employed
323 for at least three months immediately preceding his or her request for
324 leave by the employer with respect to whom leave is requested;

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

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

328 (4) "Employer" means a person engaged in any activity, enterprise or
329 business who employs one or more employees, and includes any person
330 who acts, directly or indirectly, in the interest of an employer to any of
331 the employees of such employer and any successor in interest of an
332 employer. "Employer" does not include a municipality, a local or

333 regional board of education, or a nonpublic elementary or secondary
334 school;

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

342 (6) "Family member" means a spouse, sibling, son or daughter,
343 grandparent, grandchild or parent, or an individual related to the
344 employee by blood or affinity whose close association the employee
345 shows to be the equivalent of those family relationships;

346 (7) "Grandchild" means a grandchild related to a person by (A) blood,
347 (B) marriage, (C) adoption by a child of the grandparent, or (D) foster
348 care by a child of the grandparent;

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

352 (9) "Health care provider" means (A) a doctor of medicine or
353 osteopathy who is authorized to practice medicine or surgery by the
354 state in which the doctor practices; (B) a podiatrist, dentist, psychologist,
355 optometrist or chiropractor authorized to practice by the state in which
356 such person practices and performs within the scope of the authorized
357 practice; (C) an advanced practice registered nurse, nurse practitioner,
358 nurse midwife or clinical social worker authorized to practice by the
359 state in which such person practices and performs within the scope of
360 the authorized practice; (D) Christian Science practitioners listed with
361 the First Church of Christ, Scientist in Boston, Massachusetts; (E) any
362 health care provider from whom an employer or a group health plan's
363 benefits manager will accept certification of the existence of a serious
364 health condition to substantiate a claim for benefits; (F) a health care

365 provider as defined in subparagraphs (A) to (E), inclusive, of this
366 subdivision who practices in a country other than the United States, who
367 is licensed to practice in accordance with the laws and regulations of
368 that country; or (G) such other health care provider as the Labor
369 Commissioner determines, performing within the scope of the
370 authorized practice. The commissioner may utilize any determinations
371 made pursuant to chapter 568;

372 (10) "Municipality" has the same meaning as provided in section 7-
373 245;

374 [(10)] (11) "Parent" means a biological parent, foster parent, adoptive
375 parent, stepparent, parent-in-law or legal guardian of an eligible
376 employee or an eligible employee's spouse, an individual standing in
377 loco parentis to an eligible employee, or an individual who stood in loco
378 parentis to the eligible employee when the employee was a child;

379 [(11)] (12) "Person" means one or more individuals, partnerships,
380 associations, corporations, business trusts, legal representatives or
381 organized groups of persons;

382 [(12)] (13) "Reduced leave schedule" means a leave schedule that
383 reduces the usual number of hours per workweek, or hours per
384 workday, of an employee;

385 [(13)] (14) "Serious health condition" means an illness, injury,
386 impairment, or physical or mental condition that involves (A) inpatient
387 care in a hospital, hospice, nursing home or residential medical care
388 facility; or (B) continuing treatment, including outpatient treatment, by
389 a health care provider;

390 [(14)] (15) "Sibling" means a brother or sister related to a person by
391 (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D)
392 foster care placement;

393 [(15)] (16) "Son or daughter" means a biological, adopted or foster
394 child, stepchild, legal ward, or, in the alternative, a child of a person
395 standing in loco parentis, or an individual to whom the employee stood

396 in loco parentis when the individual was a child; and

397 [(16)] (17) "Spouse" means a person to whom one is legally married.

398 Sec. 8. Section 31-51ss of the general statutes is repealed and the
399 following is substituted in lieu thereof (*Effective October 1, 2024*):

400 (a) For the purposes of this section:

401 (1) "Employer" means a person engaged in business who has three or
402 more employees, including the state and any political subdivision of the
403 state;

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

406 (3) "Family violence" [means family violence, as defined] has the
407 same meaning as provided in section 46b-38a; [and]

408 (4) "Leave" includes paid or unpaid leave which may include, but is
409 not limited to, compensatory time, vacation time, personal days off or
410 other time off; and

411 (5) "Sexual assault" has the same meaning as provided in section 31-
412 57r.

413 (b) If an employee is a victim of family violence or sexual assault, an
414 employer shall permit the employee to take paid or unpaid leave during
415 any calendar year in which such leave is reasonably necessary (1) to seek
416 medical care or psychological or other counseling for physical or
417 psychological injury or disability for the victim, (2) to obtain services
418 from a victim services organization on behalf of the victim, (3) to
419 relocate due to such family violence or sexual assault, or (4) to
420 participate in any civil or criminal proceeding related to or resulting
421 from such family violence or sexual assault. An employer may limit
422 unpaid leave under this section to twelve days during any calendar
423 year. Leave under this section shall not affect any other leave provided
424 under state or federal law.

425 (c) If an employee's need to use leave under this section is foreseeable,
426 an employer may require advance notice, not to exceed seven days prior
427 to the date such leave is to begin, of the intention to use such leave. If an
428 employee's need for such leave is not foreseeable, an employer may
429 require an employee to give notice of such intention as soon as
430 practicable.

431 (d) Upon an employer's request, an employee who takes leave
432 pursuant to this section shall provide the employer a signed written
433 statement certifying that the leave is for a purpose authorized under this
434 section. The employer may also, but need not, request that the employee
435 provide a police or court record related to the family violence or sexual
436 assault or a signed written statement that the employee is a victim of
437 family violence or sexual assault, provided such statement is from an
438 employee or agent of a victim services organization, an attorney, an
439 employee of the [Judicial Branch's Office of Victim Services] Office of
440 Victim Services within the Judicial Department or the Office of the
441 Victim Advocate, or a licensed medical professional or other licensed
442 professional from whom the employee has sought assistance with
443 respect to the family violence or sexual assault.

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

450 (f) Nothing in this section shall be construed to require an employer
451 to provide paid leave under this section if (1) the employee is not
452 entitled to paid leave pursuant to the terms and conditions of the
453 employee's employment, or (2) such paid leave exceeds the maximum
454 amount of leave due the employee during any calendar year, provided
455 the employee shall be entitled to unpaid leave under this section if paid
456 leave is exhausted or not provided.

457 (g) Any written statement or police or court record provided to an

458 employer pursuant to subsection (d) of this section shall be maintained
 459 as confidential by the employer and shall not be further disclosed by the
 460 employer except as required by federal or state law or as necessary to
 461 protect the employee's safety in the workplace, provided the employee
 462 is given notice prior to the disclosure.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	31-49e
Sec. 2	October 1, 2024	31-49g(b) to (g)
Sec. 3	October 1, 2024	31-49n
Sec. 4	October 1, 2024	31-49r
Sec. 5	from passage	31-49t
Sec. 6	October 1, 2024	New section
Sec. 7	October 1, 2024	31-51kk
Sec. 8	October 1, 2024	31-51ss

Statement of Legislative Commissioners:

In Section 2(b)(5)(B), "required" was changed to "prescribed" for consistency with standard drafting conventions, in Section 4(b), "misrepresentation" was changed to "wilful misrepresentation" for consistency, and in Sections 4(f) and (g) references to "owed amount" were changed to "amount owed" for clarity.

LAB *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:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Paid Family and Medical Leave Insurance Authority	PLCTF - Potential Cost	See Below	See Below
Paid Family and Medical Leave Insurance Authority	PLCTF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Office of Victim Services)	CICF - Potential Savings	See Below	See Below

Note: PLCTF=CT Paid Leave Contribution Trust Fund; CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

Explanation

The bill, which makes several technical and operational changes to the Paid Family and Medical Leave statutes, has a fiscal impact on the Paid Leave Contribution Trust Fund (PLCTF) as outlined below.

Sections 1 and 6, which allow any federally recognized tribe in the state to opt into the program after executing a memorandum of understanding with the Governor, does not result in a fiscal impact on the PLCTF to the extent that this potential expansion would mirror the expenditure and revenue trends of the existing program.

Section 2, which explicitly requires employers to register with and submit reports to the Authority and subjects them to penalties due to noncompliance, does not result in a fiscal impact as the Authority already imposes penalties for noncompliance.

Section 2 also allows claimants covered under Paid Family and Medical Leave Insurance (PFMLI) to receive compensation from the

Office of Victim Services (OVS) concurrently, which results in a potential savings to the Criminal Injuries Compensation Fund (CICF). Total payments to claimants are limited to their normal wages; PFMLI is the primary payor which reduces the compensation for lost wages that OVS may issue to a claimant from the CICF.¹ This also results in a potential minimal cost to PLCTF to the extent these benefits are paid.

Section 3, which requires the Authority to develop or approve an informational poster for display in health care sites, does not result in a fiscal impact as this can be accomplished using current resources.

Section 4, which allows the Authority to impose penalties on individuals attempting to willfully misrepresent information to receive benefits, results in a potential positive impact to the trust fund to the extent that penalties are paid and fraud deterred.²

Section 4 also subjects anyone who fails to make required repayments to a 1% per month interest rate on the amount owed.³ This results in a potential revenue gain to the trust fund to the extent this increases individual repayments or results in interest payments being made. To date, the Authority has identified approximately \$5.8 million in overpaid benefits, of which 81% was recovered.

The Out Years

The annualized ongoing fiscal impacts identified above would continue into the future subject to inflation.

¹ In FY 23, there were approximately 1.5 million individuals covered by PFMLI. OVS paid an average of \$257,200 annually in lost wages from FY 18 - FY 23.

² Since January 2022, the Authority has identified between 350 and 400 instances of willful misrepresentation or attempted fraud.

³ The bill allows the Authority to recover such amounts and interest owed through a wage execution or by asking the administrative services commissioner to seek reimbursement through an income tax refund withholding.

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 (CFMFLA), 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 CFMFLA (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)