

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 24-5—sSB 222

Labor and Public Employees Committee

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

SUMMARY: This act 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 act:

1. codifies requirements for employers to register with and submit reports to the PFMLI Authority, which administers the program;
2. sets a process for the authority to recover 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 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 level of participation, trust fund balance, and claimant demographics. The act changes the annual reporting date from July 1 to September 1 (§ 5).

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 act explicitly requires each employer subject to the PFMLI law and paying wages to an employee to register with the PFMLI Authority and submit reports required by the authority in a form and manner it sets. (In practice, the authority had already required employers to do this.) Under the act, employers that fail to comply are subject to penalties the authority establishes under its general authority to implement the PFMLI law.

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§ 4 — ATTEMPTED FRAUD, OVERPAYMENTS, AND PENALTIES

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. If a claimant receives benefits due to willful misrepresentation, the authority may also issue a penalty that equals half of the benefits paid.

The act specifies that the authority must charge anyone who was overpaid or assessed any PFMLI-related penalty with the amount due. It requires the person to repay the overpayment or penalty to the authority under a payment schedule the authority determines and subjects anyone who fails to make the required payments to a 1% per month interest rate on the amount owed. It also allows the authority to recover the amount and interest owed by asking the administrative services commissioner to seek reimbursement through an income tax refund withholding.

§§ 1 & 6 — TRIBAL MOU

Existing law, unchanged by the act, 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 act allows the governor, in consultation with the authority, to enter into an 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 act 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 act 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. 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 prior PFMLI law generally prohibited claimants from receiving PFMLI benefits concurrently with unemployment or workers' compensation benefits, or with benefits from any other state or federal program that provides wage replacement. The act more specifically limits this prohibition to PFMLI claimants concurrently receiving income replacement benefits from those programs.

The act also explicitly allows claimants to receive PFMLI benefits concurrently

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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 who are family violence victims to take leave from work (and qualify for PFMLI benefits) if they need to miss work for certain related reasons. The act 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 employers with at least three employees and (2) the person's employer may 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 act, "sexual assault" includes the crimes of sexual assault in the first, second, third, or fourth degrees; aggravated sexual assault in the first degree; and third degree sexual assault with a firearm.

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

The act 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. Neither law previously defined a municipality under their provisions, but municipalities are not employers covered by CTFMLA, and they are covered under the PFMLI law only if their employees join the program through collective bargaining.