



General Assembly

**Substitute Bill No. 222**

February Session, 2024



**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 Section 31-49e of the general statutes is repealed and the  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.*