



Substitute Senate Bill No. 220

Public Act No. 24-102

AN ACT CONCERNING CLARIFYING THE APPEALS PROCESS UNDER THE PAID FAMILY AND MEDICAL LEAVE STATUTES.

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

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 Section 31-49p of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2024*):

(a) Any covered employee aggrieved by a denial of compensation under the Paid Family and Medical Leave Insurance Program or any person aggrieved by the imposition of a penalty imposed pursuant to section 31-49r may file an appeal with the Labor Commissioner not more than twenty-one calendar days after issuance of the denial or penalty decision, unless good cause exists for the late filing.

(b) Upon receipt of any such appeal, the commissioner, or the commissioner's designee, shall decide the appeal based upon the file record, except that the commissioner, or the commissioner's designee, may do one or both of the following: (1) Supplement the file record, or (2) conduct a hearing. The commissioner, or the commissioner's designee, may require the attendance of witnesses and the production of documents in connection with the appeal, and may issue subpoenas. For purposes of this section, "file record" means any documents submitted to the Paid Family and Medical Leave Insurance Authority or

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to the private plan administrator, any documents relied upon by the authority or the private plan administrator in making its determination, and any other documents the commissioner, or the commissioner's designee, deems necessary to dispose of the appeal. [The commissioner or designee may require the attendance of witnesses and the production of documents in connection with the appeal, and may issue subpoenas. The Labor Department shall adopt regulations, in accordance with the provisions of chapter 54, concerning the rules of procedure for the disposition of appeals filed under the provisions of this section.]

(c) After determination of the appeal, the commissioner, or the commissioner's designee, shall send each party a written copy of the decision. The commissioner, or the commissioner's designee, may award the covered employee or person all appropriate relief, including, but not limited to, any compensation or benefits to which the employee otherwise would have been eligible if such denial had not occurred. [Any party aggrieved by the decision of the commissioner or designee may appeal the decision to the superior court for the judicial district of Hartford or for the judicial district in which the appellant resides, not later than thirty days after issuance of the decision.]

(d) (1) Any decision of the commissioner, or the commissioner's designee, in the absence of a timely appeal from a party aggrieved by such decision shall become final on the thirty-first calendar day after the date on which a written copy of the decision is sent to each party. At any time prior to when the decision of the commissioner, or the commissioner's designee, becomes final, any party aggrieved by the decision may appeal such decision to the superior court for the judicial district of Hartford or for the judicial district wherein the appealing party resides. The appealing party shall file the original appeal with the commissioner, or the commissioner's designee, and shall state the grounds on which review is sought. The commissioner, or the commissioner's designee, shall, on or before the fourteenth calendar day

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thereafter, cause the original appeal to be filed electronically or mailed to the clerk of the Superior Court and a copy sent to each party listed in the decision being appealed by mail or electronically through the Connecticut Labor Department Leave Complaint and Appeal Portal. The clerk shall docket such appeal as returned to the next return day after the receipt of such appeal.

(2) In any appeal to the Superior Court taken pursuant to this subsection, the commissioner, or the commissioner's designee, shall certify the record to the court. The record shall consist of the following: (A) The notice of appeal to the commissioner, or the commissioner's designee, (B) the file record, (C) the findings of fact and any decision of the commissioner, or the commissioner's designee, and (D) any documents submitted to the commissioner, or the commissioner's designee, prior to the filing of the appeal. Upon request of the court, the commissioner, or the commissioner's designee, shall, in cases in which a hearing was conducted before the commissioner, or the commissioner's designee, prepare and verify to the court a transcript of such hearing before the commissioner, or the commissioner's designee.

(3) Any appeal to the Superior Court taken under this subsection shall be claimed by the party taking such appeal for the short calendar unless the court orders the appeal placed on the trial list. It shall not be necessary in any judicial proceeding under this section that exceptions to the rulings of the commissioner, or the commissioner's designee, shall have been made or entered and no bond shall be required for entering an appeal to the Superior Court. In any appeal in which one of the parties is not represented by counsel and in which the party taking the appeal does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may, of its own motion, dismiss the appeal, or the party ready to proceed may move for nonsuit or default as appropriate.

(4) Any appeal to the Superior Court taken under this subsection shall

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be heard by the court upon the certified copy of the record filed by the commissioner, or the commissioner's designee. The court shall not retry the facts or hear any evidence other than such record certified to the court by the commissioner, or the commissioner's designee. Any review by the court shall be limited to determining (A) whether the findings of the commissioner, or the commissioner's designee, should be corrected, or (B) whether there is any evidence in the record to support in law the conclusions reached. The court shall not substitute its judgment for that of the commissioner, or the commissioner's designee, as to the weight of the evidence on questions of fact. The court may only determine whether the decision of the commissioner, or the commissioner's designee, incorrectly applied the law to the facts found or if such decision is clearly erroneous and could not have reasonably or logically followed from the evidence in the record certified to the court by the commissioner, or the commissioner's designee. In any such appeal, corrections of the commissioner's, or the commissioner's designee's, findings, by the court shall only be made upon (i) refusal by the commissioner, or the commissioner's designee, to find a material fact that was an admitted or undisputed fact, (ii) the commissioner's, or the commissioner's designee's, finding of a fact in language of doubtful meaning so that its real significance may not clearly appear, or (iii) the finding of a material fact by the commissioner, or the commissioner's designee, without evidence.

(5) The appealing party may request that any finding of the commissioner, or the commissioner's designee, be corrected on appeal by filing a motion for the correction of such finding with the commissioner, or the commissioner's designee, within fourteen calendar days after the record has been filed in the Superior Court, unless the time is extended for cause by the commissioner, or the commissioner's designee. Such motion shall include portions of the evidence the appealing party deems relevant and material to the corrections requested. The commissioner, or the commissioner's designee, shall file

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such motion along with the commissioner's, or the commissioner's designee's, decision with the court within a reasonable time upon receiving such motion. If the court denies such motion in whole or in part and such denial is appealed, the commissioner, or the commissioner's designee, shall, within a reasonable time thereafter, file copies of evidence filed by the appealing party, together with such additional evidence as may have been taken before the commissioner, or the commissioner's designee.

(6) In any appeal taken under this subsection, unless the court shall otherwise order after motion and hearing, the final decision of the court shall be the decision as to all parties to the original proceeding before the commissioner, or the commissioner's designee. When an appeal is taken to the Superior Court, the clerk thereof shall, in writing, notify the commissioner, or the commissioner's designee, of any action of the court thereon and of the disposition of such appeal whether by judgment, remand, withdrawal or otherwise and shall, upon the decision on the appeal, furnish the commissioner, or the commissioner's designee, with a copy of such decision.

(7) The court may remand the case to the commissioner, or the commissioner's designee, for proceedings de novo, or for further proceedings on the record, or for such limited purposes as the court may prescribe. The court may retain jurisdiction by ordering a return to the court of the proceedings conducted in accordance with the order of the court or the court may order final disposition. A party aggrieved by a final disposition made in compliance with an order of the Superior Court, by the filing of an appropriate motion, may request the court to review the disposition of the case.

(e) Any party aggrieved by a decision of the Superior Court may appeal such decision to the Appellate Court in the same manner as is provided in section 51-197b.

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(f) The Labor Department shall adopt regulations, in accordance with the provisions of chapter 54, concerning the rules of procedure for the disposition of appeals filed under the provisions of this section.

Approved June 4, 2024