
OLR Bill Analysis

sSB 220

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

SUMMARY

By law, anyone aggrieved by the Paid Family Medical Leave Authority's denial of program benefits or by the imposition of penalties for certain program-related fraud may appeal to the labor commissioner. The commissioner or her designee (collectively referred to as the Department of Labor (DOL) below) must decide the appeal, and a party aggrieved by DOL's decision may then appeal, within 31 days, to the Superior Court for the Hartford Judicial District or the judicial district where they live.

This bill specifies certain procedural steps and other criteria that must be followed in these appeals to the court. Among other things, the bill:

1. requires the appealing party to also file the appeal with DOL,
2. specifies what must be included in the record and requires DOL to certify it,
3. sets a process for the appealing party to request corrections for findings in the record,
4. generally limits what the court considers in the appeal to certain factors (e.g., whether DOL incorrectly applied the law to the facts it found), and
5. specifies what actions the court may take in deciding the appeal.

Lastly, the bill requires DOL to adopt regulations on procedural rules for the disposition of the appeals.

EFFECTIVE DATE: Upon passage

APPEALS PROCESS

Filing the Appeal

The bill specifies that DOL's initial decision becomes final on the 31st calendar day after DOL sends a written copy of it to each party. For timely appeals before then, the appealing party must file the original appeal with DOL and state the grounds for seeking the review. Within 14 calendar days after that, DOL must mail the original appeal to the Superior Court clerk and send a copy to each party listed in the appealed decision by mail or electronically through the department's Leave Complaint and Appeal Portal. The clerk must docket the appeal as returned to the next return day after receiving it.

For these appeals, the bill requires DOL to certify the record to the court. The record must include (1) the notice of appeal to DOL, (2) the file record, (3) DOL's findings of fact and decision, and (4) any documents submitted to DOL before the appeal was filed. If the court requests it, DOL must also prepare and verify a transcript of the DOL hearing (if one was held).

The bill requires the appealing party to claim the appeal for the court's short calendar unless the court orders it to be placed on the trial list. For these proceedings, exceptions to DOL's rulings do not have to have been made or entered, and no bond may be required for entering an appeal to the Superior Court. If one of the parties is not represented by counsel and the appealing party does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may dismiss the appeal on its own motion, or the party ready to proceed may move for nonsuit or default.

Court Guidelines

Under the bill, the court must hear the appeal upon the certified copy of the record DOL filed. The court cannot retry the facts or hear any evidence other than DOL's certified record. The court's review must be limited to determining whether (1) DOL's findings should be corrected or (2) there is any evidence in the record to support in law the

conclusions reached. The court cannot substitute its judgment for DOL's about the weight of the evidence on questions of fact. It may only determine whether DOL's decision incorrectly applied the law to the facts found or if the decision is clearly erroneous and could not have reasonably or logically followed from the evidence in DOL's certified record. The court may only correct DOL's findings if (1) DOL refused to find a material fact that was an admitted or undisputed fact, (2) the finding of a fact is in language of doubtful meaning so that its real significance may be unclear, or (3) DOL found a material fact without evidence.

Motions to Correct Findings

The bill allows an appealing party to request that a DOL finding be corrected on appeal by filing a motion for the correction with DOL within 14 calendar days after the record has been filed in the Superior Court, unless DOL extends the deadline for cause. The motion must include portions of the evidence the appealing party deems relevant and material to the corrections requested. DOL must file the motion and its decision with the court within a reasonable time upon receiving it. If the court denies the motion in whole or in part, and the denial is appealed, DOL must, within a reasonable time, file copies of evidence filed by the appealing party, and any additional evidence that may have been brought before DOL.

Court Decisions

Unless the court orders otherwise after a motion and hearing, the court's final decision must be the decision for all parties to the original proceeding before DOL. When an appeal is taken to the Superior Court, the court clerk must (1) notify DOL in writing about any action the court takes on it and the disposition of the appeal whether by judgment, remand, withdrawal, or otherwise, and (2) give DOL a copy of the decision when the appeal is decided.

The bill allows the court to remand the case to DOL for (1) proceedings de novo (from the beginning), (2) further proceedings on the record, or (3) any limited purposes the court may set. The court may keep jurisdiction by ordering that the proceedings conducted under the

court's order be returned to the court, or it may order final disposition. A party aggrieved by a final disposition made in compliance with a Superior Court order may ask the court to review the case's disposition by filing an appropriate motion.

Any party aggrieved by the Superior Court's decision may appeal it to the Appellate Court in the same way the law allows for administrative appeals.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/19/2024)