



General Assembly

**Amendment**

January Session, 2019

LCO No. 9302



Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. DUFF, 25<sup>th</sup> Dist.  
SEN. KUSHNER, 24<sup>th</sup> Dist.

REP. ARESIMOWICZ, 30<sup>th</sup> Dist.  
REP. RITTER M., 1<sup>st</sup> Dist.  
REP. PORTER, 94<sup>th</sup> Dist.

To: Subst. Senate Bill No. 1

File No. 35

Cal. No. 36

**"AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) As used in this section and  
4 sections 2 to 16, inclusive, of this act:

5 (1) "Authority" means the Paid Family and Medical Leave Insurance  
6 Authority established in section 2 of this act. "Authority" does not  
7 mean an 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 of the general

13 statutes, or self-employment income, as defined in 26 USC 1402(b), as  
14 amended from time to time, earned during the two quarters of the  
15 covered employee's base period in which such earnings were highest;

16 (4) "Covered employee" means an individual who has earned not  
17 less than two thousand three hundred twenty-five dollars in subject  
18 earnings during the employee's highest earning quarter within the  
19 base period and (A) is presently employed by an employer, (B) has  
20 been employed by an employer in the previous twelve weeks, or (C) is  
21 a self-employed individual or sole proprietor and Connecticut resident  
22 who has enrolled in the program pursuant to section 9 of this act;

23 (5) "Covered public employee" means an individual who is (A)  
24 employed in state service, as defined in section 5-196 of the general  
25 statutes, and who is not in a bargaining unit established pursuant to  
26 sections 5-270 to 5-280, inclusive, of the general statutes, or (B) a  
27 member of a collective bargaining unit whose exclusive collective  
28 bargaining agent negotiates inclusion in the program, in accordance  
29 with chapter 68 of the general statutes, sections 7-467 to 7-477,  
30 inclusive, of the general statutes or sections 10-153a to 10-153n,  
31 inclusive, of the general statutes. If a municipal employer, as defined in  
32 section 7-467 of the general statutes, 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, of the general  
38 statutes, or sections 10-153a to 10-153n, inclusive, of the general  
39 statutes;

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

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

43 (8) "Employer" means a person engaged in any activity, enterprise  
44 or business who employs one or more employees, and includes any

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

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

55 (10) "Family and Medical Leave Insurance Authority Board" means  
56 the board of directors established in section 2 of this act;

57 (11) "Family and Medical Leave Insurance Program" or "program"  
58 means the program established in section 3 of this act;

59 (12) "Family and Medical Leave Insurance Trust Fund" or "trust"  
60 means the trust fund established in section 5 of this act;

61 (13) "Health care provider" has the same meaning as provided in  
62 section 31-51kk of the general statutes, as amended by this act;

63 (14) "Person" means one or more individuals, partnerships,  
64 associations, corporations, limited liability companies, business trusts,  
65 legal representatives or any organized group of persons;

66 (15) "Serious health condition" has the same meaning as provided in  
67 section 31-51kk of the general statutes, as amended by this act; and

68 (16) "Subject earnings" means total wages, as defined in subsection  
69 (b) of section 31-222 of the general statutes, or self-employment income  
70 as defined in 26 USC 1402(b), as amended from time to time, that shall  
71 not exceed the Social Security contribution and benefit base, as  
72 determined pursuant to 42 USC 430, as amended from time to time.

73 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a Paid

74 Family and Medical Leave Insurance Authority which shall be a body  
75 politic and corporate and shall constitute a public instrumentality and  
76 political subdivision of the state created for the performance of an  
77 essential public and governmental function. The authority shall not be  
78 construed to be a department, institution or agency of the state.

79 (b) The powers of the authority shall be vested in and exercised by a  
80 board of directors, which shall consist of fifteen voting members, as  
81 follows: (1) The Labor Commissioner, or his or her designee, who shall  
82 serve as an ex-officio voting member; (2) the Secretary of the Office of  
83 Policy and Management, or his or her designee, who shall serve as an  
84 ex-officio voting member; (3) the State Treasurer, or his or her  
85 designee, who shall serve as an ex-officio voting member; (4) the State  
86 Comptroller, or his or her designee, who shall serve as an ex-officio  
87 voting member; (5) the Commissioner of Administrative Services or, at  
88 that commissioner's designation, the Chief Information Officer, who  
89 shall serve as an ex-officio voting member; (6) the Commissioner of  
90 Economic and Community Development, or his or her designee, who  
91 shall serve as an ex-officio voting member; (7) one appointed by the  
92 speaker of the House of Representatives, who shall have skill,  
93 knowledge and experience in the interests of employees; (8) one  
94 appointed by the majority leader of the House of Representatives, who  
95 shall be an attorney advocating for the rights, benefits and  
96 opportunities of employees; (9) one appointed by the minority leader  
97 of the House of Representatives, who shall have skill, knowledge and  
98 experience in the interests of disability insurance plans; (10) one  
99 appointed by the president pro tempore of the Senate, who shall be an  
100 impacted individual who has personal knowledge and experience with  
101 economically distressed and underserved communities and is  
102 reflective of the ethnic and economic diversity of such communities;  
103 (11) one appointed by the majority leader of the Senate, who shall have  
104 skill, knowledge and experience in the interests of small business  
105 employees; (12) one appointed by the minority leader of the Senate,  
106 who shall have skill, knowledge and experience in the interests of  
107 employees of large businesses; and (13) three appointed by the

108 Governor, one of whom shall have skill, knowledge and experience in  
109 modern software practices, and two of whom shall have skill,  
110 knowledge and experience in family and medical leave programs.  
111 Each member appointed pursuant to subdivisions (7) to (13), inclusive,  
112 of this subsection shall serve an initial term of four years. Thereafter,  
113 said members of the General Assembly and the Governor shall appoint  
114 members of the board to succeed such appointees whose terms have  
115 expired and each member so appointed shall hold office for a term of  
116 six years from July first in the year of his or her appointment. Members  
117 shall hold office until a successor member has been duly appointed.

118 (c) All initial appointments to the board shall be made not later than  
119 July 1, 2019. Any vacancy shall be filled by the appointing authority  
120 not later than thirty calendar days after the office becomes vacant. Any  
121 member previously appointed to the board may be reappointed.

122 (d) The Governor, the speaker of the House of Representatives and  
123 the president pro tempore of the Senate shall collectively select a  
124 chairperson of the board from among the members of the board. The  
125 board shall annually elect a vice-chairperson and such other officers as  
126 it deems necessary from among its members. The board may appoint  
127 an executive director, who shall not be a member of the board and who  
128 shall serve at the pleasure of the board. The executive director shall be  
129 an employee of the authority and shall receive such compensation as  
130 prescribed by the board.

131 (e) (1) On and after January 1, 2022, the employees of the authority  
132 shall be considered state employees for the purposes of sections 5-270  
133 to 5-280, inclusive, of the general statutes. To the extent such  
134 employees are performing jobs which would normally be within a  
135 current executive branch bargaining unit, such jobs shall be added to  
136 the unit descriptions of such bargaining units and employees in those  
137 jobs shall be deemed part of such units. Managerial employees and  
138 other employees not covered by a collective bargaining agreement  
139 shall be exempt from the classified service. With regard to unclassified  
140 positions, the authority shall not be required to comply with personnel

141 policies and procedures of the Department of Administrative Services  
142 and the Office of Policy and Management with regard to approval for  
143 the creation of new positions, the number of such positions, the  
144 decision to fill such positions or the time for filling such positions. The  
145 authority, not the executive branch, shall have the power to determine  
146 whether an individual is qualified to fill an unclassified position at the  
147 authority. The authority shall determine the qualifications and set the  
148 terms and conditions of employment of employees not covered by a  
149 collective bargaining agreement, including the establishment of  
150 compensation and incentive plans, subject to such bargaining  
151 obligation as may be created if any such employees elect an exclusive  
152 bargaining agent pursuant to the provisions of sections 5-270 to 5-280,  
153 inclusive, of the general statutes.

154 (2) The executive branch shall be authorized and empowered to  
155 negotiate on behalf of the authority with employees of the authority  
156 covered by collective bargaining and represent the authority in all  
157 other collective bargaining matters. The authority shall be entitled to  
158 have a representative present at all such bargaining.

159 (3) In any interest arbitration regarding employees of the authority,  
160 the arbitrator shall take into account the purpose of this section as a  
161 factor, in addition to those factors specified in section 5-276a of the  
162 general statutes.

163 (f) The officers and all other employees of the authority shall be  
164 state employees for the purposes of group welfare benefits and  
165 retirement, including, but not limited to, those provided under chapter  
166 66 of the general statutes and sections 5-257 and 5-259 of the general  
167 statutes. The authority shall reimburse the appropriate state agencies  
168 for all costs incurred by such designation.

169 (g) The members of the board shall serve without compensation but  
170 shall, within available appropriations, be reimbursed in accordance  
171 with the standard travel regulations for all necessary expenses that  
172 they may incur through service on the board.

173 (h) (1) Each member of the board shall, not later than ten calendar  
174 days after his or her appointment, take and subscribe the oath of  
175 affirmation required by article XI, section 1, of the Constitution of the  
176 state. The oath shall be filed in the office of the Secretary of the State.

177 (2) Each officer or member of the board authorized by resolution of  
178 the board to handle funds or sign checks for the program shall, not  
179 later than ten calendar days after the date the board adopts such  
180 authorizing resolution, execute a surety bond in the penal sum of fifty  
181 thousand dollars or procure an equivalent insurance product or, in lieu  
182 thereof, the chairperson shall obtain a blanket position bond covering  
183 the executive director and each member of the board and other  
184 employee or authorized officer of the authority in the penal sum of  
185 fifty thousand dollars. Each such bond or equivalent insurance product  
186 shall be (A) conditioned upon the faithful performance of the duties of  
187 the chairperson or the members, executive director and other  
188 authorized officers or employees, as the case may be, and (B) issued by  
189 an insurance company authorized to transact business in this state as  
190 surety. The cost of each such bond shall be paid by the authority.

191 (i) An authorized officer or the executive director, if one is  
192 appointed by the board pursuant to subsection (d) of this section, shall  
193 supervise the administrative affairs and technical activities of the  
194 program in accordance with the directives of the board. Such  
195 authorized officer or executive director, as the case may be, shall keep  
196 a record of the proceedings of the program and shall be custodian of  
197 all books, documents and papers filed with the program, the minute  
198 book or journal of the program and its official seal. Such authorized  
199 officer or executive director, as the case may be, may cause copies to be  
200 made of all minutes and other records and documents of the program  
201 and may give certificates under the official seal of the program to the  
202 effect that such copies are true copies, and all persons dealing with the  
203 program may rely upon such certificates.

204 (j) A majority of the members of the board shall constitute a quorum  
205 for the transaction of any business or the exercise of any power of the

206 authority.

207 (k) (1) No member of the board or any officer, agent or employee of  
208 the authority shall, directly or indirectly, have any financial interest in  
209 any corporation, business trust, estate, trust, partnership or  
210 association, two or more persons having a joint or common interest, or  
211 any other legal or commercial entity contracting with the authority.

212 (2) Notwithstanding the provisions of subdivision (1) of this  
213 subsection or any other section of the general statutes, it shall not be a  
214 conflict of interest or a violation of the provisions of said subdivision  
215 or any other section of the general statutes for a trustee, director,  
216 officer or employee of a bank, insurance company, investment advisor,  
217 investment company or investment banking firm, to serve as a  
218 member of the board, provided, in each case to which the provisions of  
219 this subdivision are applicable, such trustee, director, officer or  
220 employee of such a firm abstains from discussion, deliberation, action  
221 and vote by the board in specific respect to any undertaking pursuant  
222 to this section or sections 2 to 16, inclusive, of this act in which such  
223 firm has a direct interest separate from the interests of all similar firms  
224 generally.

225 (l) The authority shall continue as long as the program remains in  
226 effect and until its existence is terminated by law. Upon termination of  
227 the existence of the authority, all its rights and properties shall pass to  
228 and be vested in the state of Connecticut.

229 (m) The provisions of this section and section 1-125 of the general  
230 statutes, as amended by this act, shall apply to any member, director or  
231 employee of the authority. No person shall be subject to civil liability  
232 for the debts, obligations or liabilities of the authority as provided in  
233 this section and section 1-125 of the general statutes, as amended by  
234 this act.

235 Sec. 3. (NEW) (*Effective from passage*) (a) The Paid Family and  
236 Medical Leave Insurance Authority shall establish and administer the  
237 Paid Family and Medical Leave Insurance Program to provide up to



238 twelve weeks of family and medical leave compensation to covered  
239 employees during any twelve-month period, as well as two additional  
240 weeks of compensation to a covered employee for a serious health  
241 condition resulting in incapacitation that occurs during a pregnancy.

242 (b) (1) Beginning on January 1, 2021, but not later than February 1,  
243 2021, each employee and each self-employed individual or sole  
244 proprietor who has enrolled in the program pursuant to section 9 of  
245 this act shall contribute a percentage of his or her subject earnings that  
246 shall not exceed the Social Security contribution and benefit base, as  
247 determined pursuant to 42 USC 430, as amended from time to time, to  
248 the Family and Medical Leave Insurance Trust Fund. Such percentage  
249 shall be established by the authority, provided that the percentage  
250 shall not exceed one-half of one per cent.

251 (2) On September 1, 2022, and on each September first thereafter, the  
252 authority shall publish the following information: (A) The total  
253 amount of contributions collected and benefits paid during the  
254 previous fiscal year, as well as the total amount required for the  
255 administration of the Family and Medical Leave Insurance Program in  
256 such year; (B) the total amount remaining in the trust fund at the close  
257 of such fiscal year; (C) in light of such totals, and of expected future  
258 expenditures and contributions, a target fund balance sufficient to  
259 ensure the ongoing ability of the fund to pay the compensation  
260 described in subdivision (2) of subsection (c) of this section, and to  
261 limit the need for contribution rate increases or benefit reductions due  
262 to changing economic conditions; (D) the amount by which the total  
263 amount remaining in the trust fund at the close of the previous fiscal  
264 year is less than or greater than that target fund balance. On November  
265 1, 2022, and on each November first thereafter, the authority may  
266 announce a revision to the previously established contribution rate,  
267 provided the revised rate shall not exceed one-half of one per cent and  
268 shall be sufficient to ensure that the trust fund shall achieve and  
269 maintain such target fund balance. Effective on January first of the  
270 calendar year following each such announcement, the revised  
271 contribution rate announced by the authority under this subsection

272 shall supersede the previously established contribution rate.

273 (3) Each employer making payment of any wages to an employee  
274 shall deduct and withhold from such wages for each payroll period a  
275 contribution computed in such manner as to result, so far as  
276 practicable, in withholding from the employee's wages during each  
277 calendar year an amount substantially equivalent to the contribution  
278 reasonably estimated to be due from the employee under this  
279 subsection with respect to the amount of such wages during the  
280 calendar year.

281 (4) If, after notice, an employee or employer or self-employed  
282 individual or sole proprietor who has enrolled in the program  
283 pursuant to section 9 of this act fails to make a payment required by  
284 this section, a state collection agency, as defined in section 12-35 of the  
285 general statutes, shall collect such contribution and interest by any  
286 means provided in sections 12-35, 31-265 and 31-266 of the general  
287 statutes.

288 (c) (1) Beginning on January 1, 2022, but not later than February 1,  
289 2022, covered employees shall receive compensation under this section  
290 for up to twelve weeks of leave in any twelve-month period taken for  
291 one or more of the reasons listed in subdivision (2) of subsection (a) of  
292 section 31-51ll of the general statutes, as amended by this act, or  
293 subsection (i) of said section or section 31-51ss of the general statutes,  
294 as well as for two additional weeks for a serious health condition  
295 resulting in incapacitation that occurs during a pregnancy, if such  
296 covered employee (A) provides notice to the authority, and such  
297 covered employee's employer, if applicable, of the need for such  
298 compensation in a form and manner prescribed by the authority, and  
299 (B) upon the request of the authority, provides certification of such  
300 covered employee's need for leave and therefore compensation in the  
301 manner provided for in section 31-51mm of the general statutes, as  
302 amended by this act, to the authority and such employer, if applicable.  
303 Covered employees who are not currently employed or have enrolled  
304 in the program pursuant to section 9 of this act shall receive

305 compensation in like circumstances. Should the authority determine  
306 that it is administratively feasible and prudent, the program may begin  
307 providing compensation for leave taken for reasons listed in  
308 subparagraphs (A) and (B) of subdivision (2) of subsection (a) of  
309 section 31-51ll of the general statutes, as amended by this act, prior to  
310 offering compensation for leave taken for the other reasons listed in  
311 subdivision (2) of subsection (a) of section 31-51ll of the general  
312 statutes, as amended by this act, or the reasons listed in subsection (i)  
313 of said section or section 31-51ss of the general statutes.

314 (2) The weekly compensation offered to covered employees shall be  
315 equal to ninety-five per cent of the covered employee's base weekly  
316 earnings up to an amount equal to forty times the minimum fair wage,  
317 as defined in section 31-58 of the general statutes, and sixty per cent of  
318 that covered employee's base weekly earnings above an amount equal  
319 to forty times the minimum fair wage, except that the total weekly  
320 compensation shall not exceed an amount equal to sixty times the  
321 minimum fair wage. Compensation shall be available on a prorated  
322 basis.

323 (3) Notwithstanding subdivision (2) of this subsection, if employee  
324 contributions are the maximum percentage allowed and the authority  
325 determines that employee contributions are not sufficient to ensure  
326 solvency of the program, the authority shall reduce the benefit for  
327 covered employees by the minimum amount necessary in order to  
328 ensure the solvency of the program.

329 (4) If a covered worker elects to have income tax deducted and  
330 withheld from his or her compensation, the amount specified shall be  
331 deducted and withheld in a manner consistent with state law.

332 (d) Notwithstanding subsection (g) of section 31-51ll of the general  
333 statutes, as amended by this act, two spouses employed by the same  
334 employer shall each be eligible for up to twelve weeks of  
335 compensation under this section in any twelve-month period. Such  
336 eligibility for compensation shall not increase their eligibility for job-

337 protected leave beyond the number of weeks specified in said  
338 subsection.

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

341 (f) A covered employee may receive compensation under this  
342 section concurrently with any employer-provided employment  
343 benefits, provided the total compensation of such covered employee  
344 during such period of leave shall not exceed such covered employee's  
345 regular rate of compensation.

346 (g) No covered employee shall receive compensation under this  
347 section concurrently with compensation under chapter 567 or 568 of  
348 the general statutes or any other state or federal program that provides  
349 wage replacement.

350 (h) Any moneys expended from the General Fund for the purpose  
351 of administering the Family and Medical Leave Insurance Program, or  
352 providing compensation to covered employees, shall be reimbursed to  
353 the General Fund not later than October 1, 2022.

354 Sec. 4. (NEW) (*Effective from passage*) (a) The board, on behalf of the  
355 authority, and for the purpose of implementing the Paid Family and  
356 Medical Leave Insurance Program established in section 3 of this act,  
357 shall adopt written procedures in accordance with the provisions of  
358 section 1-121 of the general statutes for the purposes of:

359 (1) Adopting an annual budget and plan of operations, including a  
360 requirement of board approval before such budget or plan may take  
361 effect;

362 (2) Adopting bylaws for the regulation of the affairs of the board  
363 and the conduct of its business;

364 (3) Hiring, dismissing, promoting and compensating employees of  
365 the authority and instituting an affirmative action policy;

366 (4) Acquiring real and personal property and personal services,  
367 including requiring board approval for any nonbudgeted expenditure  
368 in excess of five thousand dollars;

369 (5) Contracting for financial, legal and other professional services,  
370 and requiring that the authority solicit proposals not less than every  
371 three years for each such service used by the board;

372 (6) Using surplus funds to the extent authorized under sections 2 to  
373 16, inclusive, of this act or any other provisions of the general statutes;

374 (7) Establishing an administrative process by which grievances,  
375 complaints and appeals regarding employment at the authority are  
376 reviewed and addressed by the board; and

377 (8) Implementing the provisions of sections 1 to 16, inclusive, of this  
378 act or other provisions of the general statutes, as appropriate.

379 (b) The Paid Family and Medical Leave Authority may:

380 (1) Adopt an official seal and alter the same at the pleasure of the  
381 board;

382 (2) Maintain an office at such place or places in the state as the board  
383 may designate;

384 (3) Sue and be sued, and plea and be impleaded, in its own name;

385 (4) Establish criteria and guidelines for the Paid Family and Medical  
386 Leave Insurance Program to be offered pursuant to this section,  
387 sections 2 and 3 and sections 5 to 16, inclusive, of this act;

388 (5) Employ staff, agents and contractors as may be necessary or  
389 desirable and fix the compensation of such persons;

390 (6) Design, establish and operate the program to ensure  
391 transparency in the management of the program through oversight  
392 and ethics review of plan fiduciaries;

393 (7) Design and establish a process by which employees and self-  
394 employed individuals or sole proprietors who have enrolled in the  
395 program pursuant to section 9 of this act shall contribute a portion of  
396 their subject earnings to the trust;

397 (8) Evaluate and establish a process by which employers may credit  
398 employee contributions to the trust through payroll deposit;

399 (9) Ensure that contributions to the trust collected from employees  
400 and self-employed individuals or sole proprietors who have enrolled  
401 in the program pursuant to section 9 of this act shall not be used for  
402 any purpose other than providing compensation to covered  
403 employees, educating and informing persons about the program and  
404 paying the operational, administrative and investment costs of the  
405 program;

406 (10) Establish and maintain a secure Internet web site that displays  
407 all public notices issued by the authority and such other information as  
408 the authority deems relevant and necessary for the implementation of  
409 the program and for the education of the public regarding the  
410 program;

411 (11) Establish policies, or written procedures in accordance with the  
412 provisions of section 1-121 of the general statutes, as appropriate,  
413 including, but not limited to, policies or procedures:

414 (A) Establishing a process to determine whether an individual  
415 meets the requirements for compensation under this section, including  
416 the certification required for establishing eligibility for such  
417 compensation;

418 (B) Establishing methods by which any books, records, documents,  
419 contracts or other papers relevant to the eligibility of a covered  
420 employee shall be examined, or caused to be produced or examined;

421 (C) Establishing methods by which witnesses who provide  
422 information relevant to a covered employee's claim for family and

423 medical leave compensation may be summoned and examined under  
424 oath;

425 (D) Ensuring the confidentiality of records and documents relating  
426 to medical certifications, recertifications and medical histories of  
427 covered employees and covered employees' family members pursuant  
428 to section 31-5100 of the general statutes, as amended by this act;

429 (E) Establishing the percentage of subject earnings each employee  
430 and self-employed individuals or sole proprietors who have enrolled  
431 in the program pursuant to section 9 of this act shall contribute to the  
432 Family and Medical Leave Insurance Trust Fund, provided such  
433 percentage shall not exceed one-half of one per cent;

434 (F) Certifying the ongoing solvency of the Family and Medical  
435 Leave Insurance Trust Fund and adjusting the compensation offered to  
436 covered employees as necessary to ensure the solvency of the fund as  
437 provided in subdivision (3) of subsection (c) of section 3 of this act,  
438 provided the contribution percentage established by the Authority  
439 pursuant to subdivision (5) of this section has reached the statutory  
440 maximum; and

441 (G) Determining whether an employer meets the requirements for  
442 the administration of a private plan, including the approval, oversight  
443 and termination of such private plan, and developing any potential  
444 alternate measure of subject earnings for the purposes of calculating  
445 compensation under such plans;

446 (12) Notwithstanding any provision of the general statutes, and to  
447 the extent consistent with federal law, (A) use state administrative data  
448 collected by any agency for the purposes of carrying out and  
449 implementing such program, including, but not limited to, eligibility  
450 determination, benefit calculation, program planning, recipient  
451 outreach and continuous improvement and program evaluation,  
452 including assessment of longitudinal impact; and (B) share user data  
453 and other data collected through program administration with other  
454 state agencies for purposes, including, but not limited to, improving

455 delivery of benefits and services to program participants and other  
456 persons, streamlining eligibility determination for programs  
457 administered by other agencies, recipient outreach and continuous  
458 improvement and program evaluation, including assessment of  
459 longitudinal impact. Expenses incurred for activities undertaken  
460 pursuant to this subdivision, as well as compensation paid to other  
461 state agencies for any associated costs, shall be considered appropriate  
462 administrative expenses of the program.

463 (13) Enter into agreements with any department, agency, office or  
464 instrumentality of the United States or this state to carry out the  
465 purposes of the program, including, but not limited to:

466 (A) Memoranda of understanding with the Labor Department and  
467 other state agencies regarding (i) the gathering or dissemination of  
468 information necessary for the operations of the program, subject to  
469 such obligations of confidentiality as may be agreed or required by  
470 law, (ii) the sharing of costs incurred pursuant to the gathering and  
471 dissemination of such information, and (iii) the reimbursement of costs  
472 for any enforcement activities conducted pursuant to section 14 of this  
473 act. Each state agency may also enter into such memoranda of  
474 understanding;

475 (B) Memoranda of understanding with the Department of Revenue  
476 Services and the Labor Department for (i) the collection of employee  
477 contributions, and (ii) the reimbursement of costs by the authority for  
478 any costs incurred related to the collection of employee contributions.  
479 The Department of Revenue Services and the Labor Department shall  
480 also enter into such memoranda of understanding; and

481 (C) Memoranda of understanding with the Labor Department for (i)  
482 the adjudication of claims by covered employees aggrieved by a denial  
483 of compensation under the Family and Medical Leave Insurance  
484 Program, and (ii) the reimbursement of costs by the authority for any  
485 costs incurred by the Labor Department related to the adjudication of  
486 contested claims or penalties imposed pursuant to section 14 of this



487 act. The Labor Department shall also enter into such memoranda of  
488 understanding.

489 (14) Make and enter into any contract or agreement necessary or  
490 incidental to the performance of its duties and execution of its powers,  
491 subject to the provisions of subsection (c) of this section. The contracts  
492 and agreements entered into by the authority shall not be subject to the  
493 approval of any other state department, office or agency, provided  
494 copies of all such contracts shall be maintained by the authority as  
495 public records, subject to the proprietary rights of any party to such  
496 contracts. No contract shall contain any provision in which any  
497 contractor derives any direct or indirect economic benefit from  
498 denying or otherwise influencing the outcome of any claim for  
499 benefits.

500 (15) Do all things necessary or convenient to carry out the  
501 provisions of sections 1 to 16, inclusive, of this act.

502 (c) (1) The board of directors of the authority shall issue requests for  
503 proposals, in the event the authority seeks the services of an outside  
504 contractor for the following:

505 (A) Initial claims processing;

506 (B) Proposals for web site development;

507 (C) Database development;

508 (D) Marketing and advertising; or

509 (E) Implementing any other elements of the program.

510 (2) The authority shall develop criteria for evaluating proposals  
511 relating to the purposes listed in this subsection and all other contracts  
512 in amounts equal to or exceeding five hundred thousand dollars. Such  
513 criteria shall include, but need not be limited to: (A) Transparency, (B)  
514 cost, (C) efficiency of operations, (D) quality of the work related to the  
515 contracts issued, (E) user experience, (F) accountability, and (G) a cost-

516 benefit analysis documenting the direct and indirect costs of such  
517 contracts, including qualitative and quantitative benefits that will  
518 result from the implementation of such contracts. The establishment of  
519 such criteria shall be subject to the notice and adoption requirements  
520 specified in section 1-121 of the general statutes.

521       Sec. 5. (NEW) (*Effective from passage*) (a) There is established a fund  
522 to be known as the "Family and Medical Leave Insurance Trust Fund"  
523 for the purpose of providing family and medical leave compensation  
524 to covered employees. The Family and Medical Leave Insurance Trust  
525 Fund shall be a nonlapsing fund held by the State Treasurer separate  
526 and apart from all other moneys, funds and accounts. Investment  
527 earnings credited to the trust shall become part of the trust.

528       (b) The fund shall constitute an instrumentality of the state and shall  
529 perform essential governmental functions, in accordance with the  
530 provisions of this section. The trust shall receive and hold all payments  
531 and deposits and premiums intended for the trust, as well as gifts,  
532 bequests, endowments or federal, state or local grants and any other  
533 funds from any public or private source and all earnings until  
534 disbursed in accordance with the provisions of this section.

535       (c) The amounts on deposit in the trust shall not constitute property  
536 of the state and the trust shall not be construed to be a department,  
537 institution or agency of the state. Amounts on deposit in the trust shall  
538 not be commingled with state funds and the state shall have no claim  
539 to or against, or interest in, such funds. Any contract entered into by or  
540 any obligation of the trust shall not constitute a debt or obligation of  
541 the state and the state shall have no obligation to any designated  
542 beneficiary or any other person on account of the trust and all amounts  
543 obligated to be paid from the trust shall be limited to amounts  
544 available for such obligation on deposit in the trust. The trust shall  
545 continue in existence as long as it holds any deposits or has any  
546 obligations and until its existence is terminated by law and upon  
547 termination any unclaimed assets shall return to the state. Property of  
548 the trust shall be governed by section 3-61a of the general statutes.

549 (d) The State Treasurer shall be responsible for the receipt and  
550 investment of moneys held by the trust. The trust shall not receive  
551 deposits in any form other than cash. No depositor or designated  
552 beneficiary may direct the investment of any contributions or amounts  
553 held in the trust other than the specific fund options provided for by  
554 the trust.

555 (e) The assets of the trust shall be used for the purpose of  
556 distributing family and medical leave compensation to covered  
557 employees, paying the operational and administrative costs of the  
558 authority, educating and informing persons about the program and  
559 paying the operational, administrative and investment costs of the  
560 trust, including those incurred pursuant to section 6 of this act.

561 Sec. 6. (NEW) (*Effective from passage*) The State Treasurer, on behalf  
562 of the Family and Medical Leave Insurance Trust Fund and for  
563 purposes of the trust, shall:

564 (1) Receive and invest moneys in the trust in any instruments,  
565 obligations, securities or property in accordance with sections 3 to 5,  
566 inclusive, of this act;

567 (2) Procure insurance as the State Treasurer deems necessary to  
568 protect the trust's property, assets, activities or deposits or  
569 contributions to the trust; and

570 (3) Apply for, accept and expend gifts, grants or donations from  
571 public or private sources to carry out the objectives of the trust.

572 Sec. 7. (NEW) (*Effective from passage*) The State Treasurer shall invest  
573 the amounts on deposit in the Family and Medical Leave Insurance  
574 Trust Fund in a manner reasonable and appropriate to achieve the  
575 objectives of the trust, exercising the discretion and care of a prudent  
576 person in similar circumstances with similar objectives. The State  
577 Treasurer shall give due consideration to rate of return, risk, term or  
578 maturity, diversification of the total portfolio within the trust,  
579 liquidity, the projected disbursements and expenditures and the

580 expected payments, deposits, contributions and gifts to be received.  
581 The State Treasurer shall not require the trust to invest directly in  
582 obligations of the state or any political subdivision of the state or in  
583 any investment or other fund administered by the State Treasurer. The  
584 assets of the trust shall be continuously invested and reinvested in a  
585 manner consistent with the objectives of the trust until disbursed upon  
586 order of the authority or expended on expenses incurred by the  
587 operations of the trust.

588 Sec. 8. (NEW) (*Effective from passage*) (a) The Paid Family and  
589 Medical Leave Insurance Authority board of directors, in conducting  
590 the business of the authority, including its oversight functions, shall  
591 act: (1) With the care, skill, prudence and diligence under the  
592 circumstances then prevailing that a prudent person acting in a like  
593 capacity and familiar with such matters would use in the conduct of an  
594 enterprise of like character and with like aims; and (2) in accordance  
595 with the provisions of sections 1 to 16, inclusive, of this act and any  
596 other applicable sections of the general statutes.

597 (b) The board shall, to the extent reasonable and practicable, require  
598 any agents engaged or appointed by the authority to abide by the  
599 standard of care described in subsection (a) of this section.

600 Sec. 9. (NEW) (*Effective from passage*) (a) A self-employed individual  
601 or sole proprietor, upon application to the authority, in a form and  
602 manner prescribed by the authority, may enroll in the Family and  
603 Medical Leave Insurance Program, provided such self-employed  
604 individual or sole proprietor is enrolled in the program for an initial  
605 period of not less than three years. Such self-employed individual or  
606 sole proprietor shall be automatically reenrolled in the program for a  
607 subsequent period, or periods, of not less than one year. Such  
608 reenrollment begins immediately following a period of participation in  
609 the program.

610 (b) A self-employed individual or sole proprietor may withdraw  
611 from the program upon submitting written notice to the authority not

612 less than thirty days prior to the expiration of the initial enrollment or  
613 subsequent reenrollment period, or at such other times as the authority  
614 may prescribe by rule.

615 Sec. 10. (NEW) (*Effective January 1, 2020*) (a) The authority shall  
616 conduct a public education campaign to inform individuals and  
617 employers regarding the Family and Medical Leave Insurance  
618 Program. Such campaign shall include, but not be limited to,  
619 information about the requirements for receiving family and medical  
620 leave compensation, how to apply for such compensation and the  
621 circumstances for which such compensation may be available. The  
622 authority may use funds contributed to the Family and Medical Leave  
623 Insurance Trust Fund for purposes of the public education campaign.  
624 Information distributed or made available under the campaign shall be  
625 available in English and Spanish and in any other language prescribed  
626 by the authority.

627 (b) The authority shall ensure to the greatest extent practicable that  
628 any web site, web-based form, application or digital service: (1) is  
629 accessible to individuals with disabilities in accordance with WCAG2.0  
630 AA or similar updated standard; (2) has a consistent appearance; (3)  
631 contains a search function that allows users to easily search content  
632 intended for public use; (4) is provided through an industry standard  
633 secure connection; (5) is designed around user needs with data-driven  
634 analysis influencing management and development decisions, using  
635 qualitative and quantitative data to determine user goals, needs and  
636 behaviors and continually test the web site, web-based form, web-  
637 based application or digital service to ensure that user needs are  
638 addressed; (6) provides users of the new or redesigned web site, web-  
639 based form, web-based application or digital service with the option  
640 for a more customized digital experience that allows users to complete  
641 digital transactions in an efficient and accurate manner; (7) is fully  
642 functional and usable on common mobile devices; and (8) uses free  
643 and open-source tools when possible, such as open standards in  
644 accordance with the US Web Design Standards built by the US General  
645 Services Administration.

646 Sec. 11. (NEW) (*Effective from passage*) (a) (1) Employers may apply  
647 to the authority for approval to meet their obligations under sections 1  
648 to 16, inclusive, of this act through a private plan, which the authority  
649 shall evaluate in coordination with the Insurance Department, as  
650 appropriate. To be approved as meeting an employer's obligations  
651 under sections 1 to 16, inclusive, of this act, a private plan must (A)  
652 confer all of the same rights, protections and benefits provided to  
653 employees under said sections, including by providing (i) at least the  
654 same number of weeks of benefits; (ii) at least the same level of wage  
655 replacement for each of those weeks; and (iii) benefits in each  
656 circumstance specified in subdivision (2) of subsection (a) of section  
657 31-51ll of the general statutes, as amended by this act, or in subsection  
658 (i) of said section or section 31-51ss of the general statutes; (B) impose  
659 no additional conditions or restriction on the use of family or medical  
660 leave beyond those explicitly authorized by said sections or by  
661 regulations issued pursuant to sections 2 to 16 of this act or to section  
662 31-51qq of the general statutes, as amended by this act; (C) cost  
663 employees no more than the premium charged to employees under the  
664 state program; (D) provide coverage for all employees throughout  
665 their period of employment; (E) provide for the inclusion of future  
666 employees; (F) not result in a substantial selection of risks adverse to  
667 the Family and Medical Leave Insurance Trust or otherwise  
668 significantly endanger the solvency of the fund; (G) have been  
669 approved by a majority vote of the employer's employees; and (H)  
670 meet any additional requirements established by the authority.

671 (2) In order to be approved as meeting an employer's obligations  
672 under sections 1 to 16, inclusive, of this act, a private plan shall also  
673 comply with the following provisions: (A) If the private plan is in the  
674 form of self-insurance, the employer shall furnish a bond running to  
675 the state, with a surety company authorized to transact business in the  
676 state as surety, in such form as may be approved by the authority and  
677 in such amount as may be required by the department; and (B) if the  
678 plan provides for insurance, the forms of the policy shall have been  
679 approved by the Insurance Commissioner and be issued by an

680 approved insurer.

681 (b) Approval for a private plan granted under subsection (a) of this  
682 section may be withdrawn when terms or conditions of the plan have  
683 been violated. Causes for plan termination include, but shall not be  
684 limited to, the following: (1) Failure to pay benefits; (2) failure to pay  
685 benefits timely and in a manner consistent with the public plan; (3)  
686 failure to maintain an adequate security deposit as described in  
687 subdivision (2) of subsection (a) of this section; (4) misuse of private  
688 plan funds; (5) failure to submit reports as required; or (6) failure to  
689 comply with sections 1 to 16, inclusive, of this act.

690 (c) Notwithstanding subsection (b) of section 3 of this act,  
691 employees enrolled in an approved private plan shall not contribute a  
692 percentage of their earnings to the Family and Medical Leave Trust  
693 Fund. Notwithstanding section 31-71e of the general statutes, an  
694 employer may withhold or divert up to the portion of an employee's  
695 wages that corresponds to the contribution rate established pursuant  
696 to subsection (b) of section 3 of this act for the purpose of  
697 administering an approved private plan. The amount of wages  
698 withheld or diverted for such purpose shall not be increased, except on  
699 the anniversary of the effective date of the private plan or within thirty  
700 days after the state adjusts the contribution rate.

701 (d) An employee covered by a private plan approved under this  
702 section shall retain all applicable rights under sections 31-51kk to 31-  
703 51qq, inclusive, of the general statutes, as amended by this act.

704 (e) A denial of family or medical leave benefits by a private plan  
705 shall be subject to administrative appeal and appeal to the Superior  
706 Court as provided by section 12 of this act.

707 Sec. 12. (NEW) (*Effective from passage*) Any covered employee  
708 aggrieved by a denial of compensation under the Family and Medical  
709 Leave Insurance Program or any person aggrieved by the imposition  
710 of a penalty imposed pursuant to section 14 of this act may file a  
711 complaint with the Labor Commissioner. Upon receipt of any such

712 complaint, the commissioner shall hold a hearing. After the hearing,  
713 the commissioner shall send each party a written copy of the  
714 commissioner's decision. The commissioner may award the covered  
715 employee or person all appropriate relief, including any compensation  
716 or benefits to which the employee otherwise would have been eligible  
717 if such denial had not occurred. Any party aggrieved by the decision  
718 of the commissioner may appeal the decision to the Superior Court in  
719 accordance with the provisions of chapter 54 of the general statutes.

720       Sec. 13. (NEW) (*Effective July 1, 2022*) Each employer shall, at the  
721 time of hiring, and annually thereafter, provide written notice to each  
722 of the employer's employees (1) of the entitlement to family and  
723 medical leave under sections 31-51kk to 31-51qq, inclusive, of the  
724 general statutes, as amended by this act, and 31-51ss of the general  
725 statutes and the terms under which such leave may be used, (2) of the  
726 opportunity to file a claim for compensation under the program, (3)  
727 that retaliation by the employer against the employee for requesting,  
728 applying for or using family and medical leave for which the employee  
729 is eligible is prohibited, and (4) that the employee has a right to file a  
730 complaint with the Labor Commissioner for any violation of said  
731 sections. The Labor Commissioner may adopt regulations, in  
732 accordance with chapter 54 of the general statutes, to establish  
733 additional requirements concerning the means by which employers  
734 shall provide such notice.

735       Sec. 14. (NEW) (*Effective from passage*) (a) Any individual  
736 participating in the program who wilfully makes a false statement or  
737 misrepresentation regarding a material fact, or wilfully fails to report a  
738 material fact, to obtain family and medical leave compensation shall be  
739 disqualified from receiving any compensation under the program for  
740 two years after making such false statement or misrepresentation or  
741 failing to report such material fact.

742       (b) If family and medical leave compensation is paid to a covered  
743 employee erroneously or as a result of wilful misrepresentation by  
744 such employee, or if a claim for family and medical leave



745 compensation is rejected after compensation is paid, the authority may  
746 seek repayment of benefits from the employee having received such  
747 compensation and may also, in the case of wilful misrepresentation,  
748 seek payment of a penalty in the amount of fifty per cent of the  
749 benefits paid as a result of such misrepresentation. The authority may  
750 waive, in whole or in part, the amount of any such payments if the  
751 recovery would be against equity and good conscience.

752 (c) If family and medical leave compensation is paid as a result of  
753 wilful misrepresentation by any health care provider, the authority  
754 shall notify the Labor Commissioner and may seek payment of a  
755 penalty from such health care provider in the amount of three hundred  
756 per cent of the benefits paid as a result of such misrepresentation. The  
757 authority may waive, in whole or in part, the amount of any such  
758 payments where the recovery would be against equity and good  
759 conscience.

760 (d) Any person, including an employer, who intentionally aids,  
761 abets, assists, promotes or facilitates the making of, or the attempt to  
762 make, any claim for benefits or the receipt or attempted receipt of  
763 benefits by another person in violation of subsection (b) of this section  
764 shall be liable for the same financial penalty as the person making or  
765 attempting to make the claim or receiving or attempting to receive the  
766 benefits.

767 (e) A health care provider shall complete a timely medical  
768 certification of a patient's serious medical condition at the request of  
769 the patient. No health care provider shall charge a patient a fee for  
770 such service.

771 Sec. 15. (NEW) (*Effective from passage*) Nothing in sections 31-51kk to  
772 31-51qq, inclusive, of the general statutes, as amended by this act,  
773 section 31-51ss of the general statutes or sections 1 to 16, inclusive, of  
774 this act, shall be construed to (1) prevent employers from providing  
775 any benefits that are more expansive than those provided for under  
776 said sections, (2) diminish any rights provided to any covered

777 employee under the terms of the covered employee's employment or a  
778 collective bargaining agreement, or (3) interfere with, impede or in any  
779 way diminish the right of an employee to bargain collectively with his  
780 or her employer through a representative of his or her choosing, in  
781 order to establish wages or conditions of work in excess of the  
782 applicable minimum pursuant to sections 3-13c, 31-51kk to 31-51mm,  
783 inclusive, 31-51oo to 31-51qq, inclusive, of the general statutes, as  
784 amended by this act, and sections 1 to 16, inclusive, of this act.

785 Sec. 16. (*Effective from passage*) Not later than July 1, 2022, and  
786 annually thereafter, the authority shall report, in accordance with  
787 section 11-4a of the general statutes, to the Office of Policy and  
788 Management and to the joint standing committees of the General  
789 Assembly having cognizance of matters relating to appropriations and  
790 the budgets of state agencies and labor, on (1) the projected and actual  
791 participation in the program, (2) the balance of the trust, (3) the reasons  
792 claimants are receiving family and medical leave compensation, (4) the  
793 success of outreach and education efforts, (5) demographic information  
794 of claimants, including gender, age, town of residence and income  
795 level, and (6) the total number of claims made and claims denied.

796 Sec. 17. Section 31-51kk of the general statutes is repealed and the  
797 following is substituted in lieu thereof (*Effective January 1, 2022*):

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

800 (1) "Eligible employee" means an employee who has been employed  
801 [(A)] for at least [twelve] three months immediately preceding his or  
802 her request for leave by the employer with respect to whom leave is  
803 requested; [and (B) for at least one thousand hours of service with such  
804 employer during the twelve-month period preceding the first day of  
805 the leave;]

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

807 (3) "Employee" means any person engaged in service to an employer

808 in this state in the business of the employer;

809 (4) "Employer" means a person engaged in any activity, enterprise  
810 or business who employs [seventy-five] one or more employees, and  
811 includes any person who acts, directly or indirectly, in the interest of  
812 an employer to any of the employees of such employer and any  
813 successor in interest of an employer. [, but shall] "Employer" does not  
814 include the state, or a municipality, a local or regional board of  
815 education, or a [private or parochial] nonpublic elementary or  
816 secondary school; [. The number of employees of an employer shall be  
817 determined on October first annually;]

818 (5) "Employment benefits" means all benefits provided or made  
819 available to employees by an employer, including group life insurance,  
820 health insurance, disability insurance, sick leave, annual leave,  
821 educational benefits and pensions, regardless of whether such benefits  
822 are provided by practice or written policy of an employer or through  
823 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of  
824 the United States Code;

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

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

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

835 [(6)] (9) "Health care provider" means (A) a doctor of medicine or  
836 osteopathy who is authorized to practice medicine or surgery by the  
837 state in which the doctor practices; (B) a podiatrist, dentist,  
838 psychologist, optometrist or chiropractor authorized to practice by the

839 state in which such person practices and performs within the scope of  
840 the authorized practice; (C) an advanced practice registered nurse,  
841 nurse practitioner, nurse midwife or clinical social worker authorized  
842 to practice by the state in which such person practices and performs  
843 within the scope of the authorized practice; (D) Christian Science  
844 practitioners listed with the First Church of Christ, Scientist in Boston,  
845 Massachusetts; (E) any health care provider from whom an employer  
846 or a group health plan's benefits manager will accept certification of  
847 the existence of a serious health condition to substantiate a claim for  
848 benefits; (F) a health care provider as defined in subparagraphs (A) to  
849 (E), inclusive, of this subdivision who practices in a country other than  
850 the United States, who is licensed to practice in accordance with the  
851 laws and regulations of that country; or (G) such other health care  
852 provider as the Labor Commissioner determines, performing within  
853 the scope of the authorized practice. The commissioner may utilize any  
854 determinations made pursuant to chapter 568;

855 [(7)] (10) "Parent" means a biological parent, foster parent, adoptive  
856 parent, stepparent, parent-in-law or legal guardian of an eligible  
857 employee or an eligible employee's spouse, [or] an individual [who  
858 stood] standing in loco parentis to an eligible employee, [when the  
859 employee was a son or daughter] or an individual who stood in loco  
860 parentis to the eligible employee when the employee was a child;

861 [(8)] (11) "Person" means one or more individuals, partnerships,  
862 associations, corporations, business trusts, legal representatives or  
863 organized groups of persons;

864 [(9)] (12) "Reduced leave schedule" means a leave schedule that  
865 reduces the usual number of hours per workweek, or hours per  
866 workday, of an employee;

867 [(10)] (13) "Serious health condition" means an illness, injury,  
868 impairment, or physical or mental condition that involves (A) inpatient  
869 care in a hospital, hospice, nursing home or residential medical care  
870 facility; or (B) continuing treatment, including outpatient treatment, by

871 a health care provider;

872 (14) "Sibling" means a brother or sister related to a person by (A)  
873 blood, (B) marriage, (C) adoption by a parent of the person, or (D)  
874 foster care placement;

875 [(11)] (15) "Son or daughter" means a biological, adopted or foster  
876 child, stepchild, legal ward, or, in the alternative, a child of a person  
877 standing in loco parentis, [who is (A) under eighteen years of age; or  
878 (B) eighteen years of age or older and incapable of self-care because of  
879 a mental or physical disability] or an individual to whom the employee  
880 stood in loco parentis when the individual was a child; and

881 [(12)] (16) "Spouse" means a [husband or wife, as the case may be]  
882 person to whom one is legally married.

883 Sec. 18. Section 31-51ll of the general statutes is repealed and the  
884 following is substituted in lieu thereof (*Effective January 1, 2022*):

885 (a) (1) Subject to section 31-51mm, as amended by this act, an  
886 eligible employee shall be entitled to a total of [sixteen] twelve  
887 workweeks of leave during any [twenty-four-month] twelve-month  
888 period, such [twenty-four-month] twelve-month period to be  
889 determined utilizing any one of the following methods: (A)  
890 [Consecutive] A calendar [years] year; (B) any fixed [twenty-four-  
891 month] twelve-month period, such as [two consecutive] a fiscal [years]  
892 year or a [twenty-four-month] twelve-month period measured forward  
893 from an employee's first date of employment; (C) a [twenty-four-  
894 month] twelve-month period measured forward from an employee's  
895 first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as  
896 amended by this act; or (D) a rolling [twenty-four-month] twelve-  
897 month period measured backward from an employee's first day of  
898 leave taken under sections 31-51kk to 31-51qq, inclusive, as amended  
899 by this act. Such employee may take up to two additional weeks of  
900 leave during such twelve-month period for a serious health condition  
901 resulting in incapacitation that occurs during a pregnancy.

902 (2) Leave under this subsection may be taken for one or more of the  
903 following reasons:

904 (A) Upon the birth of a son or daughter of the employee;

905 (B) Upon the placement of a son or daughter with the employee for  
906 adoption or foster care;

907 (C) In order to care for [the spouse, or a son, daughter or parent] a  
908 family member of the employee, if such [spouse, son, daughter or  
909 parent] family member has a serious health condition;

910 (D) Because of a serious health condition of the employee;

911 (E) In order to serve as an organ or bone marrow donor; or

912 (F) Because of any qualifying exigency, as determined in regulations  
913 adopted by the United States Secretary of Labor, arising out of the fact  
914 that the spouse, son, daughter or parent of the employee is on active  
915 duty, or has been notified of an impending call or order to active duty,  
916 in the armed forces, as defined in subsection (a) of section 27-103.

917 (b) Entitlement to leave under subparagraph (A) or (B) of  
918 subdivision (2) of subsection (a) of this section may accrue prior to the  
919 birth or placement of a son or daughter when such leave is required  
920 because of such impending birth or placement.

921 (c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of  
922 subsection (a) of this section for the birth or placement of a son or  
923 daughter may not be taken by an employee intermittently or on a  
924 reduced leave schedule unless the employee and the employer agree  
925 otherwise. Subject to subdivision (2) of this subsection concerning an  
926 alternative position, subdivision (2) of subsection (f) of this section  
927 concerning the duties of the employee and subdivision (5) of  
928 subsection (b) of section 31-51mm, as amended by this act, concerning  
929 sufficient certification, leave under subparagraph (C) or (D) of  
930 subdivision (2) of subsection (a) or under subsection (i) of this section  
931 for a serious health condition may be taken intermittently or on a

932 reduced leave schedule when medically necessary. The taking of leave  
933 intermittently or on a reduced leave schedule pursuant to this  
934 subsection shall not result in a reduction of the total amount of leave to  
935 which the employee is entitled under subsection (a) of this section  
936 beyond the amount of leave actually taken.

937 (2) If an employee requests intermittent leave or leave on a reduced  
938 leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of  
939 subsection (a) or under subsection (i) of this section that is foreseeable  
940 based on planned medical treatment, the employer may require the  
941 employee to transfer temporarily to an available alternative position  
942 offered by the employer for which the employee is qualified and that  
943 (A) has equivalent pay and benefits, and (B) better accommodates  
944 recurring periods of leave than the regular employment position of the  
945 employee, provided the exercise of this authority shall not conflict  
946 with any provision of a collective bargaining agreement between such  
947 employer and a labor organization which is the collective bargaining  
948 representative of the unit of which the employee is a part.

949 (d) Except as provided in subsection (e) of this section, leave  
950 granted under subsection (a) of this section may consist of unpaid  
951 leave.

952 (e) (1) If an employer provides paid leave for fewer than [sixteen]  
953 twelve workweeks, the additional weeks of leave necessary to attain  
954 the [sixteen] twelve workweeks of leave required under sections 5-  
955 248a and 31-51kk to 31-51qq, inclusive, as amended by this act, may be  
956 provided without compensation or with compensation through the  
957 Family and Medical Leave Insurance Program established in section 3  
958 of this act.

959 (2) (A) An eligible employee may elect, or an employer may require  
960 the employee, to substitute any of the accrued paid vacation leave,  
961 personal leave or family leave of the employee for leave provided  
962 under subparagraph (A), (B) or (C) of subdivision (2) of subsection (a)  
963 of this section for any part of the [sixteen-week] twelve-week period of

964 such leave under said subsection or under subsection (i) of this section  
965 for any part of the twenty-six-week period of such leave, provided  
966 such eligible employee may retain not less than two weeks of such  
967 leave.

968 (B) An eligible employee may elect, or an employer may require the  
969 employee, to substitute any of the accrued paid vacation leave,  
970 personal leave, or medical or sick leave of the employee for leave  
971 provided under subparagraph (C), (D) or (E) of subdivision (2) of  
972 subsection (a) of this section for any part of the [sixteen-week] twelve-  
973 week period of such leave under said subsection or under subsection  
974 (i) of this section for any part of the twenty-six-week period of leave,  
975 provided such eligible employee may retain not less than two weeks of  
976 such leave, except that nothing in section 5-248a or sections 31-51kk to  
977 31-51qq, inclusive, as amended by this act, shall require an employer to  
978 provide paid sick leave or paid medical leave in any situation in which  
979 such employer would not normally provide any such paid leave.

980 (f) (1) In any case in which the necessity for leave under  
981 subparagraph (A) or (B) of subdivision (2) of subsection (a) of this  
982 section is foreseeable based on an expected birth or placement of a son  
983 or daughter, the employee shall provide the employer with not less  
984 than thirty days' notice, before the date of the leave is to begin, of the  
985 employee's intention to take leave under said subparagraph (A) or (B),  
986 except that if the date of the birth or placement of a son or daughter  
987 requires leave to begin in less than thirty days, the employee shall  
988 provide such notice as is practicable.

989 (2) In any case in which the necessity for leave under subparagraph  
990 (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection  
991 (i) of this section is foreseeable based on planned medical treatment,  
992 the employee (A) shall make a reasonable effort to schedule the  
993 treatment so as not to disrupt unduly the operations of the employer,  
994 subject to the approval of the health care provider of the employee or  
995 the health care provider of the [son, daughter, spouse or parent] family  
996 member of the employee, as appropriate; and (B) shall provide the



997 employer with not less than thirty days' notice, before the date the  
998 leave is to begin, of the employee's intention to take leave under said  
999 subparagraph (C), (D) or (E) or said subsection (i), except that if the  
1000 date of the treatment requires leave to begin in less than thirty days,  
1001 the employee shall provide such notice as is practicable.

1002 (g) In any case in which [a husband and wife] two spouses entitled  
1003 to leave under subsection (a) of this section are employed by the same  
1004 employer, the aggregate number of workweeks of leave to which both  
1005 may be entitled may be limited to [sixteen] twelve workweeks during  
1006 any [twenty-four-month] twelve-month period, if such leave is taken:  
1007 (1) Under subparagraph (A) or (B) of subdivision (2) of subsection (a)  
1008 of this section; or (2) to care for a sick [parent] family member under  
1009 subparagraph (C) of said subdivision. In any case in which [a husband  
1010 and wife] two spouses entitled to leave under subsection (i) of this  
1011 section are employed by the same employer, the aggregate number of  
1012 workweeks of leave to which both may be entitled may be limited to  
1013 twenty-six workweeks during any twelve-month period.

1014 (h) Unpaid leave taken pursuant to sections 5-248a and 31-51kk to  
1015 31-51qq, inclusive, as amended by this act, shall not be construed to  
1016 affect an employee's qualification for exemption under chapter 558.

1017 (i) Subject to section 31-51mm, as amended by this act, an eligible  
1018 employee who is the spouse, son or daughter, parent or next of kin of a  
1019 current member of the armed forces, as defined in section 27-103, who  
1020 is undergoing medical treatment, recuperation or therapy, is otherwise  
1021 in outpatient status or is on the temporary disability retired list for a  
1022 serious injury or illness incurred in the line of duty shall be entitled to  
1023 a one-time benefit of twenty-six workweeks of leave during any  
1024 twelve-month period for each armed forces member per serious injury  
1025 or illness incurred in the line of duty. Such twelve-month period shall  
1026 commence on an employee's first day of leave taken to care for a  
1027 covered armed forces member and end on the date twelve months  
1028 after such first day of leave. For the purposes of this subsection, (1)  
1029 "next of kin" means the armed forces member's nearest blood relative,

1030 other than the covered armed forces member's spouse, parent, son or  
1031 daughter, in the following order of priority: Blood relatives who have  
1032 been granted legal custody of the armed forces member by court  
1033 decree or statutory provisions, brothers and sisters, grandparents,  
1034 aunts and uncles, and first cousins, unless the covered armed forces  
1035 member has specifically designated in writing another blood relative  
1036 as his or her nearest blood relative or any other individual whose close  
1037 association with the employee is the equivalent of a family member for  
1038 purposes of military caregiver leave, in which case the designated  
1039 individual shall be deemed to be the covered armed forces member's  
1040 next of kin; and (2) "son or daughter" means a biological, adopted or  
1041 foster child, stepchild, legal ward or child for whom the eligible  
1042 employee or armed forces member stood in loco parentis and who is  
1043 any age.

1044 (j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as  
1045 amended by this act, shall not run concurrently with the provisions of  
1046 section 31-313.

1047 (k) Notwithstanding the provisions of sections 5-248a and 31-51kk  
1048 to 31-51qq, inclusive, as amended by this act, all further rights granted  
1049 by federal law shall remain in effect.

1050 Sec. 19. Section 31-51mm of the general statutes is repealed and the  
1051 following is substituted in lieu thereof (*Effective January 1, 2022*):

1052 (a) An employer may require that request for leave based on a  
1053 serious health condition in subparagraph (C) or (D) of subdivision (2)  
1054 of subsection (a) of section 31-51ll, as amended by this act, or leave  
1055 based on subsection (i) of section 31-51ll, as amended by this act, be  
1056 supported by a certification issued by the health care provider of the  
1057 eligible employee or of the [son, daughter, spouse, parent or] next of  
1058 kin or family member of the employee, as appropriate. The employee  
1059 shall provide, in a timely manner, a copy of such certification to the  
1060 employer.

1061 (b) Certification provided under subsection (a) of this section shall

1062 be sufficient if it states:

1063 (1) The date on which the serious health condition commenced;

1064 (2) The probable duration of the condition;

1065 (3) The appropriate medical facts within the knowledge of the  
1066 health care provider regarding the condition;

1067 (4) (A) For purposes of leave under subparagraph (C) of subdivision  
1068 (2) of subsection (a) of section 31-51ll, as amended by this act, a  
1069 statement that the eligible employee is needed to care for the [son,  
1070 daughter, spouse or parent] family member and an estimate of the  
1071 amount of time that such employee needs to care for the [son,  
1072 daughter, spouse or parent] family member; and (B) for purposes of  
1073 leave under subparagraph (D) of subdivision (2) of subsection (a) of  
1074 section 31-51ll, as amended by this act, a statement that the employee  
1075 is unable to perform the functions of the position of the employee;

1076 (5) In the case of certification for intermittent leave or leave on a  
1077 reduced leave schedule for planned medical treatment, the dates on  
1078 which such treatment is expected to be given and the duration of such  
1079 treatment;

1080 (6) In the case of certification for intermittent leave or leave on a  
1081 reduced leave schedule under subparagraph (D) of subdivision (2) of  
1082 subsection (a) of section 31-51ll, as amended by this act, a statement of  
1083 the medical necessity of the intermittent leave or leave on a reduced  
1084 leave schedule, and the expected duration of the intermittent leave or  
1085 reduced leave schedule;

1086 (7) In the case of certification for intermittent leave or leave on a  
1087 reduced leave schedule under subparagraph (C) of subdivision (2) of  
1088 subsection (a) of section 31-51ll, as amended by this act, a statement  
1089 that the employee's intermittent leave or leave on a reduced leave  
1090 schedule is necessary for the care of the [son, daughter, parent or  
1091 spouse] family member who has a serious health condition, or will

1092 assist in their recovery, and the expected duration and schedule of the  
1093 intermittent leave or reduced leave schedule; and

1094 (8) In the case of certification for intermittent leave or leave on a  
1095 reduced leave schedule under subsection (i) of section 31-51ll, as  
1096 amended by this act, a statement that the employee's intermittent leave  
1097 or leave on a reduced leave schedule is necessary for the care of the  
1098 spouse, son or daughter, parent or next of kin who is a current member  
1099 of the armed forces, as defined in section 27-103, who is undergoing  
1100 medical treatment, recuperation or therapy, is otherwise in outpatient  
1101 status or is on the temporary disability retired list, for a serious injury  
1102 or illness incurred in the line of duty, and the expected duration and  
1103 schedule of the intermittent leave or reduced leave schedule. For the  
1104 purposes of this subsection, "son or daughter" and "next of kin" have  
1105 the same meanings as provided in subsection (i) of section 31-51ll, as  
1106 amended by this act.

1107 (c) (1) In any case in which the employer has reason to doubt the  
1108 validity of the certification provided under subsection (a) of this  
1109 section for leave under subparagraph (C) or (D) of subdivision (2) of  
1110 subsection (a) or under subsection (i) of section 31-51ll, as amended by  
1111 this act, the employer may require, at the expense of the employer, that  
1112 the eligible employee obtain the opinion of a second health care  
1113 provider designated or approved by the employer concerning any  
1114 information certified under subsection (b) of this section for such leave.

1115 (2) A health care provider designated or approved under  
1116 subdivision (1) of this subsection shall not be employed on a regular  
1117 basis by the employer.

1118 (d) (1) In any case in which the second opinion described in  
1119 subsection (c) of this section differs from the opinion in the original  
1120 certification provided under subsection (a) of this section, the  
1121 employer may require, at the expense of the employer, that the  
1122 employee obtain the opinion of a third health care provider designated  
1123 or approved jointly by the employer and the employee concerning the

1124 information certified under subsection (b) of this section.

1125 (2) The opinion of the third health care provider concerning the  
1126 information certified under subsection (b) of this section shall be  
1127 considered to be final and shall be binding on the employer and the  
1128 employee.

1129 (e) The employer may require that the eligible employee obtain  
1130 subsequent recertifications on a reasonable basis, provided the  
1131 standards for determining what constitutes a reasonable basis for  
1132 recertification may be governed by a collective bargaining agreement  
1133 between such employer and a labor organization which is the  
1134 collective bargaining representative of the unit of which the worker is  
1135 a part if such a collective bargaining agreement is in effect. Unless  
1136 otherwise required by the employee's health care provider, the  
1137 employer may not require recertification more than once during a  
1138 thirty-day period and, in any case, may not unreasonably require  
1139 recertification. The employer shall pay for any recertification that is not  
1140 covered by the employee's health insurance.

1141 Sec. 20. Section 31-5100 of the general statutes is repealed and the  
1142 following is substituted in lieu thereof (*Effective January 1, 2022*):

1143 Records and documents relating to medical certifications,  
1144 recertifications or medical histories of employees or employees' family  
1145 members, created for purposes of sections 5-248a and 31-51kk to 31-  
1146 51qq, inclusive, as amended by this act, and sections 2 to 16, inclusive,  
1147 of this act shall be maintained as medical records pursuant to chapter  
1148 563a, except that: (1) Supervisors and managers may be informed  
1149 regarding necessary restrictions on the work or duties of an employee  
1150 and necessary accommodations; (2) first aid and safety personnel may  
1151 be informed, when appropriate, if the employee's physical or medical  
1152 condition might require emergency treatment; and (3) government  
1153 officials investigating compliance with sections 5-248a and 31-51kk to  
1154 31-51qq, inclusive, as amended by this act, and sections 2 to 16,  
1155 inclusive, of this act, or other pertinent law shall be provided relevant

1156 information upon request.

1157 Sec. 21. Section 31-51pp of the general statutes is repealed and the  
1158 following is substituted in lieu thereof (*Effective January 1, 2022*):

1159 (a) (1) It shall be a violation of sections 5-248a and 31-51kk to 31-  
1160 51qq, inclusive, as amended by this act, for any employer to interfere  
1161 with, restrain or deny the exercise of, or the attempt to exercise, any  
1162 right provided under said sections.

1163 (2) It shall be a violation of sections 5-248a and 31-51kk to 31-51qq,  
1164 inclusive, as amended by this act, for any employer to discharge or  
1165 cause to be discharged, or in any other manner discriminate, against  
1166 any individual for opposing any practice made unlawful by said  
1167 sections or because such employee has exercised the rights afforded to  
1168 such employee under said sections.

1169 (b) It shall be a violation of sections 5-248a and 31-51kk to 31-51qq,  
1170 inclusive, as amended by this act, for any person to discharge or cause  
1171 to be discharged, or in any other manner discriminate, against any  
1172 individual because such individual:

1173 (1) Has filed any charge, or has instituted or caused to be instituted  
1174 any proceeding, under or related to sections 5-248a and 31-51kk to 31-  
1175 51qq, inclusive, as amended by this act;

1176 (2) Has given, or is about to give, any information in connection  
1177 with any inquiry or proceeding relating to any right provided under  
1178 said sections; or

1179 (3) Has testified, or is about to testify, in any inquiry or proceeding  
1180 relating to any right provided under said sections.

1181 (c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive,  
1182 as amended by this act, for any employer to deny an employee the  
1183 right to use up to two weeks of accumulated sick leave or to discharge,  
1184 threaten to discharge, demote, suspend or in any manner discriminate  
1185 against an employee for using, or attempting to exercise the right to

1186 use, up to two weeks of accumulated sick leave to attend to a serious  
1187 health condition of a [son or daughter, spouse or parent] family  
1188 member of the employee, or for the birth or adoption of a son or  
1189 daughter of the employee. For purposes of this subsection, "sick leave"  
1190 means an absence from work for which compensation is provided  
1191 through an employer's bona fide written policy providing  
1192 compensation for loss of wages occasioned by illness, but does not  
1193 include absences from work for which compensation is provided  
1194 through an employer's plan, including, but not limited to, a short or  
1195 long-term disability plan, whether or not such plan is self-insured.

1196 (2) Any employee aggrieved by a violation of this subsection may  
1197 file a complaint with the Labor Commissioner alleging violation of the  
1198 provisions of this subsection. Upon receipt of any such complaint, the  
1199 commissioner shall hold a hearing. After the hearing, the  
1200 commissioner shall send each party a written copy of the  
1201 commissioner's decision. The commissioner may award the employee  
1202 all appropriate relief, including rehiring or reinstatement to the  
1203 employee's previous job, payment of back wages and reestablishment  
1204 of employee benefits to which the employee otherwise would have  
1205 been eligible if a violation of this subsection had not occurred. Any  
1206 party aggrieved by the decision of the commissioner may appeal the  
1207 decision to the Superior Court in accordance with the provisions of  
1208 chapter 54.

1209 (3) The rights and remedies specified in this subsection are  
1210 cumulative and nonexclusive and are in addition to any other rights or  
1211 remedies afforded by contract or under other provisions of law.

1212 Sec. 22. Section 31-51qq of the general statutes is repealed and the  
1213 following is substituted in lieu thereof (*Effective July 1, 2020*):

1214 [On or before January 1, 1997] Not later than January 1, 2022, the  
1215 Labor Commissioner shall adopt regulations, in accordance with the  
1216 provisions of chapter 54, to establish procedures and guidelines  
1217 necessary to implement the provisions of sections [5-248a and] 31-51kk

1218 to 31-51qq, inclusive, including, but not limited to: [,] (1) Guidelines  
1219 regarding factors to be considered when determining whether an  
1220 individual's close association with an employee is the equivalent of a  
1221 family member's, and (2) procedures for hearings and redress,  
1222 including restoration and restitution, for an employee who believes  
1223 that there is a violation by the employer of such employee of any  
1224 provision of said sections. [In adopting such regulations, the  
1225 commissioner shall make reasonable efforts to ensure compatibility of  
1226 state regulatory provisions with similar provisions of the federal  
1227 Family and Medical Leave Act of 1993 and the regulations  
1228 promulgated pursuant to said act.]

1229 Sec. 23. Section 3-13c of the general statutes is repealed and the  
1230 following is substituted in lieu thereof (*Effective July 1, 2019*):

1231 Trust funds as used in sections 3-13 to 3-13e, inclusive, and 3-31b  
1232 shall be construed to include Connecticut Municipal Employees'  
1233 Retirement Fund A, Connecticut Municipal Employees' Retirement  
1234 Fund B, Soldiers, Sailors and Marines Fund, Family and Medical Leave  
1235 Insurance Trust Fund, State's Attorneys' Retirement Fund, Teachers'  
1236 Annuity Fund, Teachers' Pension Fund, Teachers' Survivorship and  
1237 Dependency Fund, School Fund, State Employees Retirement Fund,  
1238 the Hospital Insurance Fund, Policemen and Firemen Survivor's  
1239 Benefit Fund and all other trust funds administered, held or invested  
1240 by the State Treasurer.

1241 Sec. 24. Section 1-120 of the general statutes is repealed and the  
1242 following is substituted in lieu thereof (*Effective July 1, 2019*):

1243 As used in sections 1-120 to 1-123, inclusive:

1244 (1) "Quasi-public agency" means Connecticut Innovations,  
1245 Incorporated, the Connecticut Health and Educational Facilities  
1246 Authority, the Connecticut Higher Education Supplemental Loan  
1247 Authority, the Connecticut Student Loan Foundation, the Connecticut  
1248 Housing Finance Authority, the Connecticut Housing Authority, the  
1249 Materials Innovation and Recycling Authority, the Capital Region



1250 Development Authority, the Connecticut Lottery Corporation, the  
1251 Connecticut Airport Authority, the Connecticut Health Insurance  
1252 Exchange, the Connecticut Green Bank, the Connecticut Retirement  
1253 Security Authority, the Connecticut Port Authority, [and] the State  
1254 Education Resource Center and the Paid Family and Medical Leave  
1255 Insurance Authority.

1256 (2) "Procedure" means each statement, by a quasi-public agency, of  
1257 general applicability, without regard to its designation, that  
1258 implements, interprets or prescribes law or policy, or describes the  
1259 organization or procedure of any such agency. The term includes the  
1260 amendment or repeal of a prior regulation, but does not include,  
1261 unless otherwise provided by any provision of the general statutes, (A)  
1262 statements concerning only the internal management of any agency  
1263 and not affecting procedures available to the public, and (B) intra-  
1264 agency memoranda.

1265 (3) "Proposed procedure" means a proposal by a quasi-public  
1266 agency under the provisions of section 1-121 for a new procedure or  
1267 for a change in, addition to or repeal of an existing procedure.

1268 Sec. 25. Section 1-125 of the general statutes is repealed and the  
1269 following is substituted in lieu thereof (*Effective July 1, 2019*):

1270 The directors, officers and employees of Connecticut Innovations,  
1271 Incorporated, the Connecticut Higher Education Supplemental Loan  
1272 Authority, the Connecticut Student Loan Foundation, the Connecticut  
1273 Housing Finance Authority, the Connecticut Housing Authority, the  
1274 Materials Innovation and Recycling Authority, including ad hoc  
1275 members of the Materials Innovation and Recycling Authority, the  
1276 Connecticut Health and Educational Facilities Authority, the Capital  
1277 Region Development Authority, the Connecticut Airport Authority,  
1278 the Connecticut Lottery Corporation, the Connecticut Health Insurance  
1279 Exchange, the Connecticut Green Bank, the Connecticut Retirement  
1280 Security Authority, the Connecticut Port Authority, [and] the State  
1281 Education Resource Center and the Paid Family and Medical Leave

1282 Insurance Authority and any person executing the bonds or notes of  
1283 the agency shall not be liable personally on such bonds or notes or be  
1284 subject to any personal liability or accountability by reason of the  
1285 issuance thereof, nor shall any director or employee of the agency,  
1286 including ad hoc members of the Materials Innovation and Recycling  
1287 Authority, be personally liable for damage or injury, not wanton,  
1288 reckless, wilful or malicious, caused in the performance of his or her  
1289 duties and within the scope of his or her employment or appointment  
1290 as such director, officer or employee, including ad hoc members of the  
1291 Materials Innovation and Recycling Authority. The agency shall  
1292 protect, save harmless and indemnify its directors, officers or  
1293 employees, including ad hoc members of the Materials Innovation and  
1294 Recycling Authority, from financial loss and expense, including legal  
1295 fees and costs, if any, arising out of any claim, demand, suit or  
1296 judgment by reason of alleged negligence or alleged deprivation of any  
1297 person's civil rights or any other act or omission resulting in damage  
1298 or injury, if the director, officer or employee, including ad hoc  
1299 members of the Materials Innovation and Recycling Authority, is  
1300 found to have been acting in the discharge of his or her duties or  
1301 within the scope of his or her employment and such act or omission is  
1302 found not to have been wanton, reckless, wilful or malicious.

1303 Sec. 26. Subsection (c) of section 31-225a of the general statutes is  
1304 repealed and the following is substituted in lieu thereof (*Effective July*  
1305 *1, 2019*):

1306 (c) (1) (A) Any week for which the employer has compensated the  
1307 claimant in the form of wages in lieu of notice, dismissal payments or  
1308 any similar payment for loss of wages shall be considered a week of  
1309 employment for the purpose of determining employer chargeability.  
1310 (B) No benefits shall be charged to any employer who paid wages of  
1311 five hundred dollars or less to the claimant in his or her base period.  
1312 (C) No dependency allowance paid to a claimant shall be charged to  
1313 any employer. (D) In the event of a natural disaster declared by the  
1314 President of the United States, no benefits paid on the basis of total or  
1315 partial unemployment which is the result of physical damage to a

1316 place of employment caused by severe weather conditions including,  
1317 but not limited to, hurricanes, snow storms, ice storms or flooding, or  
1318 fire except where caused by the employer, shall be charged to any  
1319 employer. (E) If the administrator finds that (i) an individual's most  
1320 recent separation from a base period employer occurred under  
1321 conditions which would result in disqualification by reason of  
1322 subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an  
1323 individual was discharged for violating an employer's drug testing  
1324 policy, provided the policy has been adopted and applied consistent  
1325 with sections 31-51t to 31-51aa, inclusive, section 14-261b and any  
1326 applicable federal law, no benefits paid thereafter to such individual  
1327 with respect to any week of unemployment which is based upon  
1328 wages paid by such employer with respect to employment prior to  
1329 such separation shall be charged to such employer's account, provided  
1330 such employer shall have filed a notice with the administrator within  
1331 the time allowed for appeal in section 31-241. (F) No base period  
1332 employer's account shall be charged with respect to benefits paid to a  
1333 claimant if such employer continues to employ such claimant at the  
1334 time the employer's account would otherwise have been charged to the  
1335 same extent that he or she employed him or her during the  
1336 individual's base period, provided the employer shall notify the  
1337 administrator within the time allowed for appeal in section 31-241. (G)  
1338 If a claimant has failed to accept suitable employment under the  
1339 provisions of subdivision (1) of subsection (a) of section 31-236 and the  
1340 disqualification has been imposed, the account of the employer who  
1341 makes an offer of employment to a claimant who was a former  
1342 employee shall not be charged with any benefit payments made to  
1343 such claimant after such initial offer of reemployment until such time  
1344 as such claimant resumes employment with such employer, provided  
1345 such employer shall make application therefor in a form acceptable to  
1346 the administrator. The administrator shall notify such employer  
1347 whether or not his or her application is granted. Any decision of the  
1348 administrator denying suspension of charges as herein provided may  
1349 be appealed within the time allowed for appeal in section 31-241. (H)  
1350 Fifty per cent of benefits paid to a claimant under the federal-state

1351 extended duration unemployment benefits program established by the  
 1352 federal Employment Security Act shall be charged to the experience  
 1353 accounts of the claimant's base period employers in the same manner  
 1354 as the regular benefits paid for such benefit year. (I) No base period  
 1355 employer's account shall be charged with respect to benefits paid to a  
 1356 claimant who voluntarily left suitable work with such employer (i) to  
 1357 care for a seriously ill spouse, parent or child, or (ii) due to the  
 1358 discontinuance of the transportation used by the claimant to get to and  
 1359 from work, as provided in subparagraphs (A)(ii) and (A)(iii) of  
 1360 subdivision (2) of subsection (a) of section 31-236. (J) No base period  
 1361 employer's account shall be charged with respect to benefits paid to a  
 1362 claimant who has been discharged or suspended because the claimant  
 1363 has been disqualified from performing the work for which he or she  
 1364 was hired due to the loss of such claimant's operator license as a result  
 1365 of a drug or alcohol test or testing program conducted in accordance  
 1366 with section 14-44k, 14-227a or 14-227b while the claimant was off  
 1367 duty. (K) No base period employer's account shall be charged with  
 1368 respect to benefits paid to a claimant whose separation from  
 1369 employment is attributable to the return of an individual who was  
 1370 absent from work due to a bona fide leave taken pursuant to sections  
 1371 31-51kk to 31-51qq, inclusive, of the general statutes, as amended by  
 1372 this act, or sections 2 to 16, inclusive, of this act.

1373 (2) All benefits paid which are not charged to any employer shall be  
 1374 pooled.

1375 (3) The noncharging provisions of this chapter, except [subdivisions  
 1376 (1)(D) and (1)(F)] subparagraphs (D), (F) and (K) of subdivision (1) of  
 1377 this subsection, shall not apply to reimbursing employers."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section

Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>January 1, 2020</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>July 1, 2022</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>January 1, 2022</i>	31-51kk
Sec. 18	<i>January 1, 2022</i>	31-51ll
Sec. 19	<i>January 1, 2022</i>	31-51mm
Sec. 20	<i>January 1, 2022</i>	31-51oo
Sec. 21	<i>January 1, 2022</i>	31-51pp
Sec. 22	<i>July 1, 2020</i>	31-51qq
Sec. 23	<i>July 1, 2019</i>	3-13c
Sec. 24	<i>July 1, 2019</i>	1-120
Sec. 25	<i>July 1, 2019</i>	1-125
Sec. 26	<i>July 1, 2019</i>	31-225a(c)