



General Assembly

Substitute Bill No. 1179

January Session, 2023



AN ACT AMENDING CONNECTICUT PAID FAMILY MEDICAL LEAVE.

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

1 Section 1. Section 31-49e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 As used in this section and sections 31-49f to [30-49t] 31-49t,
4 inclusive:

5 (1) "Authority" means the Paid Family and Medical Leave Insurance
6 Authority established in section 31-49f. "Authority" does not mean an
7 appointing authority;

8 (2) "Base period" means the first four of the five most recently
9 completed quarters;

10 (3) "Base weekly earnings" means an amount equal to one twenty-
11 sixth, rounded to the next lower dollar, of a covered employee's total
12 wages, as defined in subsection (b) of section 31-222 and self-
13 employment income, as defined in 26 USC 1402(b), as amended from
14 time to time, earned during the two quarters of the covered employee's
15 base period in which such earnings were highest, provided self-
16 employment income shall be included only if the recipient has enrolled
17 in the program pursuant to section 31-49m, as amended by this act;

18 (4) "Covered employee" means an individual who has earned not
19 less than two thousand three hundred twenty-five dollars in subject
20 earnings during the employee's highest earning quarter within the
21 base period and (A) is presently employed by an employer, (B) has
22 been employed by an employer in the previous twelve weeks, or (C) is
23 a self-employed individual or sole proprietor and Connecticut resident
24 who has enrolled in the program pursuant to section 31-49m, as
25 amended by this act;

26 (5) "Covered public employee" means an individual who is (A)
27 employed in state service, as defined in section 5-196, and who is not
28 in a bargaining unit established pursuant to sections 5-270 to 5-280,
29 inclusive, or (B) a member of a collective bargaining unit whose
30 exclusive collective bargaining agent negotiates inclusion in the
31 program, in accordance with chapter 68, sections 7-467 to 7-477,
32 inclusive, or sections 10-153a to 10-153n, inclusive. If a municipal
33 employer, as defined in section 7-467, or a local or regional board of
34 education negotiates inclusion in the program for members of a
35 collective bargaining unit, "covered public employee" also means an
36 individual who is employed by such municipal employer or local or
37 regional board of education and who is not in a bargaining unit
38 established under sections 7-467 to 7-477, inclusive, or sections 10-153a
39 to 10-153n, inclusive;

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, including a tribal enterprise or tribal government that has
45 enrolled in the program pursuant to section 31-49m, as amended by
46 this act, who employs one or more employees, and includes any
47 person who acts, directly or indirectly, in the interest of an employer to
48 any of the employees of such employer and any successor in interest of
49 an employer. "Employer" does not mean the federal government, the

50 state or a municipality, a local or regional board of education or a
51 nonpublic elementary or secondary school, except that the state, a
52 municipal employer or local or regional board of education is an
53 employer with respect to each of its covered public employees;

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

57 (10) "Family and Medical Leave Insurance Authority Board" means
58 the board of directors established in section 31-49f;

59 (11) "Family and Medical Leave Insurance Program" or "program"
60 means the program established in section 31-49g, as amended by this
61 act;

62 (12) "Family and Medical Leave Insurance Trust Fund" or "trust"
63 means the trust fund established in section 31-49i;

64 (13) "Health care provider" has the same meaning as provided in
65 section 31-51kk, as amended by this act;

66 (14) "Municipality" means any metropolitan district, town,
67 consolidated town and city, consolidated town and borough, city,
68 borough, village, fire and sewer district, sewer district and each
69 municipal organization having authority to levy and collect taxes;

70 [(14)] (15) "Person" means one or more individuals, partnerships,
71 associations, corporations, limited liability companies, business trusts,
72 legal representatives or any organized group of persons;

73 [(15)] (16) "Serious health condition" has the same meaning as
74 provided in section 31-51kk, as amended by this act; [and]

75 [(16)] (17) "Subject earnings" means total wages, as defined in
76 subsection (b) of section 31-222 and self-employment income as
77 defined in 26 USC 1402(b), as amended from time to time, that shall

78 not exceed the Social Security contribution and benefit base, as
79 determined pursuant to 42 USC 430, as amended from time to time,
80 provided self-employment income shall be included only if the
81 recipient has enrolled in the program pursuant to section 31-49m, as
82 amended by this act; and

83 (18) "Tribal enterprise" means a commercial activity or business
84 managed or controlled by the Mashantucket Pequot Tribal Nation or
85 the Mohegan Tribe of Indians of Connecticut.

86 Sec. 2. Section 31-51kk of the general statutes is repealed and the
87 following is substituted in lieu thereof (*Effective October 1, 2023*):

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

90 (1) "Eligible employee" means an employee who has been employed
91 for at least three months immediately preceding his or her request for
92 leave by the employer with respect to whom leave is requested;

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

94 (3) "Employee" means any person engaged in service to an employer
95 in this state in the business of the employer;

96 (4) "Employer" means a person engaged in any activity, enterprise
97 or business who employs one or more employees, and includes any
98 person who acts, directly or indirectly, in the interest of an employer to
99 any of the employees of such employer and any successor in interest of
100 an employer. "Employer" does not include a municipality, a local or
101 regional board of education, or a nonpublic elementary or secondary
102 school;

103 (5) "Employment benefits" means all benefits provided or made
104 available to employees by an employer, including group life insurance,
105 health insurance, disability insurance, sick leave, annual leave,
106 educational benefits and pensions, regardless of whether such benefits

107 are provided by practice or written policy of an employer or through
108 an "employee benefit plan", as defined in Section 1002(3) of Title 29 of
109 the United States Code;

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

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

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

120 (9) "Health care provider" means (A) a doctor of medicine or
121 osteopathy who is authorized to practice medicine or surgery by the
122 state in which the doctor practices; (B) a podiatrist, dentist,
123 psychologist, optometrist or chiropractor authorized to practice by the
124 state in which such person practices and performs within the scope of
125 the authorized practice; (C) an advanced practice registered nurse,
126 nurse practitioner, nurse midwife or clinical social worker authorized
127 to practice by the state in which such person practices and performs
128 within the scope of the authorized practice; (D) Christian Science
129 practitioners listed with the First Church of Christ, Scientist in Boston,
130 Massachusetts; (E) any health care provider from whom an employer
131 or a group health plan's benefits manager will accept certification of
132 the existence of a serious health condition to substantiate a claim for
133 benefits; (F) a health care provider as defined in subparagraphs (A) to
134 (E), inclusive, of this subdivision who practices in a country other than
135 the United States, who is licensed to practice in accordance with the
136 laws and regulations of that country; or (G) such other health care
137 provider as the Labor Commissioner determines, performing within
138 the scope of the authorized practice. The commissioner may utilize any

139 determinations made pursuant to chapter 568;

140 (10) "Municipality" means any metropolitan district, town,
141 consolidated town and city, consolidated town and borough, city,
142 borough, village, fire and sewer district, sewer district and each
143 municipal organization having authority to levy and collect taxes;

144 [(10)] (11) "Parent" means a biological parent, foster parent, adoptive
145 parent, stepparent, parent-in-law or legal guardian of an eligible
146 employee or an eligible employee's spouse, an individual standing in
147 loco parentis to an eligible employee, or an individual who stood in
148 loco parentis to the eligible employee when the employee was a child;

149 [(11)] (12) "Person" means one or more individuals, partnerships,
150 associations, corporations, business trusts, legal representatives or
151 organized groups of persons;

152 [(12)] (13) "Reduced leave schedule" means a leave schedule that
153 reduces the usual number of hours per workweek, or hours per
154 workday, of an employee;

155 [(13)] (14) "Serious health condition" means an illness, injury,
156 impairment, or physical or mental condition that involves (A) inpatient
157 care in a hospital, hospice, nursing home or residential medical care
158 facility; or (B) continuing treatment, including outpatient treatment, by
159 a health care provider;

160 [(14)] (15) "Sibling" means a brother or sister related to a person by
161 (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D)
162 foster care placement;

163 [(15)] (16) "Son or daughter" means a biological, adopted or foster
164 child, stepchild, legal ward, or, in the alternative, a child of a person
165 standing in loco parentis, or an individual to whom the employee
166 stood in loco parentis when the individual was a child; and

167 [(16)] (17) "Spouse" means a person to whom one is legally married.

168 Sec. 3. Subsection (f) of section 31-49g of the general statutes is
169 repealed and the following is substituted in lieu thereof (*Effective July*
170 *1, 2023*):

171 (f) (1) A covered employee may receive compensation under this
172 section concurrently with any employer-provided employment
173 benefits, provided the total compensation of such covered employee
174 during such period of leave shall not exceed such covered employee's
175 regular rate of compensation.

176 (2) No benefits provided under any employer-provided disability
177 insurance policy or self-administered salary continuation plan shall be
178 reduced or offset by compensation under this section, unless such
179 reduction or offset is necessary to comply with the provisions of
180 subdivision (1) of this subsection. No contract entered into, amended
181 or extended on and after July 1, 2023, shall include a provision that is
182 inconsistent with the requirements of this subsection.

183 Sec. 4. Section 31-49m of the general statutes is repealed and the
184 following is substituted in lieu thereof (*Effective October 1, 2023*):

185 (a) A self-employed individual, [or] sole proprietor [,] or tribal
186 enterprise or tribal government, upon application to the authority, in a
187 form and manner prescribed by the authority, may enroll in the Family
188 and Medical Leave Insurance Program, provided such self-employed
189 individual, [or] sole proprietor or tribal enterprise or tribal government
190 is enrolled in the program for an initial period of not less than three
191 years. Such self-employed individual, [or] sole proprietor or tribal
192 enterprise or tribal government shall be automatically reenrolled in the
193 program for a subsequent period, or periods, of not less than one year.
194 Such reenrollment begins immediately following a period of
195 participation in the program.

196 (b) A self-employed individual, [or] sole proprietor or tribal
197 enterprise or tribal government may withdraw from the program upon
198 submitting written notice to the authority not less than thirty days

199 prior to the expiration of the initial enrollment or subsequent
200 reenrollment period, or at such other times as the authority may
201 prescribe by rule.

202 (c) If a tribal enterprise or tribal government chooses to enroll in the
203 Family and Medical Leave Insurance Program pursuant to this section,
204 such tribal enterprise or tribal government shall provide its employees
205 the same family and medical leave benefits under the Family and
206 Medical Leave Act established in sections 31-51kk to 31-51qq,
207 inclusive, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-49e
Sec. 2	<i>October 1, 2023</i>	31-51kk
Sec. 3	<i>July 1, 2023</i>	31-49g(f)
Sec. 4	<i>October 1, 2023</i>	31-49m

LAB *Joint Favorable Subst.*