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## OLR Bill Analysis

**sSB 1427 (File 542, as amended by House "A" and Senate "A")\***

### ***AN ACT EXPANDING PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM BENEFITS TO CERTAIN SCHOOL EMPLOYEES.***

#### **SUMMARY**

This bill makes changes to the state's Paid Family and Medical Leave Insurance Program, Family and Medical Leave Act (FMLA), and paid sick leave law.

It extends the state's Paid Family and Medical Leave Insurance Program to cover school employees whose position does not require a professional certification under the law for teachers and superintendents (referred to below as "non-certified school employees"). More specifically, it applies to those employees employed by local or regional boards of education, nonpublic elementary or secondary schools, or certain magnet schools, charter schools, academies, or cooperative arrangements.

The bill correspondingly extends the state's FMLA to cover these employees, which allows them to take job-protected unpaid leave for certain reasons and receive a partial wage replacement benefit from the program while on leave.

The bill also makes various changes to accommodate the non-certified school employees' particular employment conditions (e.g., summer breaks), such as (1) allowing the Paid Family and Medical Leave Authority to establish an alternative method to calculate their base period and base weekly earnings (to calculate their benefits) and (2) allowing them to qualify for FMLA job-protected leave if they were employed for three months during the previous 12-month period (rather than for the three months preceding a leave for other covered employees).

For the paid sick leave law, the bill allows boards of education and municipal employers to require that certain employees use their accrued paid sick leave in the increments set in their applicable collective bargaining agreements, rather than in one-hour increments, as long as they meet certain conditions.

\*Senate Amendment “A” replaces the underlying bill (File 542) and broadens it to cover employees in a wider range of schools (e.g., charter and magnet schools) and makes conforming changes.

\*House Amendment “A” adds the provisions on the paid sick leave law.

EFFECTIVE DATE: October 1, 2025, except that the provisions on the paid sick leave law are effective upon passage.

## **PAID FAMILY AND MEDICAL LEAVE**

### ***Covered School Employees***

Under current law, nonpublic school employees are not covered by the Paid Family and Medical Leave Insurance Program and municipal and school board employees are only covered if it is negotiated through collective bargaining. The bill extends the program to cover non-certified employees of nonpublic schools and public school operators. Under the bill, “public school operators” include local or regional boards of education, and also explicitly include:

1. interdistrict magnet school operators, including those that are (a) the board of governors for an independent institution of higher education or (b) a third-party nonprofit corporation approved by the education commissioner;
2. state or local charter schools;
3. an endowed or incorporated academy approved by the State Board of Education; or
4. a cooperative arrangement between multiple boards of education, as allowed under state law.

In extending the program to non-certified school employees, the bill generally (1) requires them to contribute to the program through a payroll deduction administered by their employers and (2) allows them to receive partial wage replacement benefits when they take unpaid leave from employment under the FMLA.

### ***Alternate Base Period and Base Weekly Earnings***

To qualify for benefits under current law, covered employees must also have (1) earned at least \$2,325 during their highest earning quarter within their base period (i.e. the first four of the five most recently completed quarters) and (2) been employed by an employer in the previous twelve weeks. A covered employee's weekly benefit from the program is based on his or her "base weekly earnings," which are 1/26 of his or her total wages earned during the two highest-paid quarters in the employee's base period.

The bill authorizes the Connecticut Paid Leave Authority, which administers the program, to establish an alternative method of calculating the base period and base weekly earnings for the non-certified employees covered by the bill.

### ***Non-Bargaining Unit Employees***

Under current law, if a local or regional board of education's employees collectively bargain to join the program, then all of the board's employees who are not in a bargaining unit also become covered by the program. The bill extends this provision to also apply to the broader range of schools considered "public school operators" under the bill (e.g., charter and magnet schools).

### **FMLA**

The state's current FMLA excludes employees of local or regional boards of education or nonpublic elementary or secondary schools. The federal FMLA gives these employees substantially similar job-protected unpaid leave but uses different eligibility criteria from Connecticut's FMLA. For example, the federal law requires eligible employees to have been employed by their employer for at least 12 months and 1,250 work-hours, but the state's FMLA requires them to have been employed for at

least three months immediately preceding their leave. However, current state law also requires the state's political subdivisions to (1) give the same benefits as the federal FMLA to school paraeducators and other non-certified school employees who have worked for them for at least 12 months and 950 work-hours and (2) allow those employees to take leave to be an organ or bone marrow donor.

The bill extends the state's FMLA to cover non-certified employees of public school operators and nonpublic elementary or secondary schools. It also creates separate eligibility criteria for them, requiring them to have been employed by their school or school district for at least three months during the previous 12-month period. It makes conforming changes to, among other things, remove the current requirement for paraeducators and other non-certified school employees to get the same benefits as the federal FMLA allows with a lower work-requirement threshold.

### **PAID SICK LEAVE**

The state's paid sick leave law generally requires employers to give their employees up to 40 hours of paid sick leave per year, and employees must accrue one hour of leave for every 30 hours worked. Under the Department of Labor's current implementation of the law, employers must allow eligible employees to use the leave in one-hour increments.

The bill instead allows certain public-sector employers to require that certain employees use their accrued paid sick leave at the increments set in their applicable collective bargaining agreement, as long as they:

1. give their employees paid sick leave, or any other paid leave or combination of other paid leave, that accrues at a rate greater than one hour of leave for every 30 hours worked and
2. do not prohibit the employees from using up to 40 hours of accrued leave per year.

More specifically, the bill allows local or regional boards of education to do this for their school employees, and municipal employers to do

this for their police officers, firefighters, and public works department employees.

Generally, under these paid sick leave provisions:

1. “school employees” are (1) teachers, substitute teachers, school administrators, school superintendents, guidance counselors, school counselors, psychologists, social workers, nurses, physicians, paraeducators, and coaches and (2) anyone else who, in the performance of his or her duties, has regular contact with students and who provides services to or on behalf of enrolled students under a contract with the local or regional board of education;
2. a “municipal employer” is any (a) political subdivision of the state, including any town, city, borough, district, district department of health, school board, housing authority, or other authority established by law, or (b) private nonprofit corporation with a valid contract with any town, city, borough, or district to extinguish fires and provide fire protection; and
3. a “public works department” is a municipal department responsible for the construction, regulation, or maintenance of all things in the nature of public works and improvements.

## **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9      Nay 4      (03/20/2025)