



General Assembly

Amendment

January Session, 2025

LCO No. 8077



Offered by:
SEN. KUSHNER, 24th Dist.

To: Subst. Senate Bill No. 1427

File No. 542

Cal. No. 307

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

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

3 "Section 1. Section 31-49e of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2025*):

5 As used in this section and sections 31-49f to 31-49u, inclusive:

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

9 (2) "Base period" means (A) the first four of the five most recently
10 completed quarters, or (B) the alternative method of calculating base
11 period established by the authority pursuant to section 31-49h, as
12 amended by this act, for a covered employee that is employed by a
13 public school operator or a nonpublic elementary or secondary school

14 in a position that does not require professional certification under
15 chapter 166;

16 (3) "Base weekly earnings" means (A) an amount equal to one twenty-
17 sixth, rounded to the next lower dollar, of a covered employee's total
18 wages, as defined in subsection (b) of section 31-222 and self-
19 employment income, as defined in 26 USC 1402(b), as amended from
20 time to time, earned during the two quarters of the covered employee's
21 base period in which such earnings were highest, provided self-
22 employment income shall be included only if the recipient has enrolled
23 in the program pursuant to section 31-49m, or (B) the alternative method
24 of calculating base weekly earnings established by the authority
25 pursuant to section 31-49h, as amended by this act, for a covered
26 employee that is employed by a public school operator or a nonpublic
27 elementary or secondary school in a position that does not require
28 professional certification under chapter 166;

29 (4) "Covered employee" means an individual who has earned not less
30 than two thousand three hundred twenty-five dollars in subject
31 earnings during the employee's highest earning quarter within the base
32 period and (A) is presently employed by an employer, (B) has been
33 employed by an employer in the previous twelve weeks, or (C) is a self-
34 employed individual or sole proprietor and Connecticut resident who
35 has enrolled in the program pursuant to section 31-49m;

36 (5) "Covered public employee" means an individual who is (A)
37 employed in state service, as defined in section 5-196, and who is not in
38 a bargaining unit established pursuant to sections 5-270 to 5-280,
39 inclusive, [or] (B) a member of a collective bargaining unit whose
40 exclusive collective bargaining agent negotiates inclusion in the
41 program, in accordance with chapter 68, sections 7-467 to 7-477,
42 inclusive, or sections 10-153a to 10-153n, inclusive, or (C) employed by
43 a public school operator in a position that does not require a professional
44 certification under chapter 166. If a municipal employer, as defined in
45 section 7-467, or a [local or regional board of education] public school
46 operator negotiates inclusion in the program for members of a collective

47 bargaining unit, "covered public employee" also means an individual
48 who is employed by such municipal employer or [local or regional
49 board of education] public school operator and who is not in a
50 bargaining unit established under sections 7-467 to 7-477, inclusive, or
51 sections 10-153a to 10-153n, inclusive;

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

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

55 (8) "Employer" means a person engaged in any activity, enterprise or
56 business or a federally recognized tribe that has entered into a
57 memorandum of understanding pursuant to section 31-49u, who
58 employs one or more employees, and includes any person who acts,
59 directly or indirectly, in the interest of an employer to any of the
60 employees of such employer and any successor in interest of an
61 employer. "Employer" does not mean the federal government, the state
62 or a municipality, a [local or regional board of education] public school
63 operator or a nonpublic elementary or secondary school, except that the
64 state, a municipal employer or [local or regional board of education]
65 public school operator is an employer with respect to each of its covered
66 public employees and a nonpublic elementary or secondary school is an
67 employer with respect to each individual employed by such nonpublic
68 elementary or secondary school in a position that does not require a
69 professional certification under chapter 166;

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

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

75 (11) "Family and Medical Leave Insurance Program" or "program"
76 means the program established in section 31-49g;

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

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

81 (14) "Municipality" has the same meaning as provided in section 7-
82 245;

83 (15) "Person" means one or more individuals, partnerships,
84 associations, corporations, limited liability companies, business trusts,
85 legal representatives or any organized group of persons;

86 (16) "Public school operator" means a local or regional board of
87 education, an interdistrict magnet school operator, including an
88 interdistrict magnet school operator described in section 10-264s, a state
89 or local charter school, an endowed or incorporated academy approved
90 by the State Board of Education pursuant to section 10-76d or a
91 cooperative arrangement pursuant to section 10-158a;

92 ~~[(16)]~~ (17) "Serious health condition" has the same meaning as
93 provided in section 31-51kk, as amended by this act; and

94 ~~[(17)]~~ (18) "Subject earnings" means total wages, as defined in
95 subsection (b) of section 31-222 and self-employment income as defined
96 in 26 USC 1402(b), as amended from time to time, that shall not exceed
97 the Social Security contribution and benefit base, as determined
98 pursuant to 42 USC 430, as amended from time to time, provided self-
99 employment income shall be included only if the recipient has enrolled
100 in the program pursuant to section 31-49m.

101 Sec. 2. Section 31-49h of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective October 1, 2025*):

103 (a) The board, on behalf of the authority, and for the purpose of
104 implementing the Paid Family and Medical Leave Insurance Program
105 established in section 31-49g, shall adopt written procedures in

106 accordance with the provisions of section 1-121 for the purposes of:

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

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

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

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

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

120 (6) Using surplus funds to the extent authorized under sections 31-
121 49f to 31-49t, inclusive, or any other provisions of the general statutes;

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

125 (8) Implementing the provisions of sections 31-49e to 31-49t,
126 inclusive, as amended by this act, or other provisions of the general
127 statutes, as appropriate.

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

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

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

- 133 (3) Sue and be sued, and plea and be impleaded, in its own name;
- 134 (4) Establish criteria and guidelines for the Paid Family and Medical
135 Leave Insurance Program to be offered pursuant to this section, sections
136 31-49f and 31-49g and sections 31-49i to 31-49t, inclusive;
- 137 (5) Employ staff, agents and contractors as may be necessary or
138 desirable and fix the compensation of such persons;
- 139 (6) Design, establish and operate the program to ensure transparency
140 in the management of the program through oversight and ethics review
141 of plan fiduciaries;
- 142 (7) Design and establish a process by which employees and self-
143 employed individuals or sole proprietors who have enrolled in the
144 program pursuant to section 31-49m shall contribute a portion of their
145 subject earnings to the trust;
- 146 (8) Evaluate and establish a process by which employers may credit
147 employee contributions to the trust through payroll deposit;
- 148 (9) Ensure that contributions to the trust collected from employees
149 and self-employed individuals or sole proprietors who have enrolled in
150 the program pursuant to section 31-49m shall not be used for any
151 purpose other than providing compensation to covered employees,
152 educating and informing persons about the program and paying the
153 operational, administrative and investment costs of the program;
- 154 (10) Establish and maintain a secure Internet web site that displays
155 all public notices issued by the authority and such other information as
156 the authority deems relevant and necessary for the implementation of
157 the program and for the education of the public regarding the program;
- 158 (11) Establish policies, or written procedures in accordance with the
159 provisions of section 1-121, as appropriate, including, but not limited to,
160 policies or procedures:
- 161 (A) Establishing a process to determine whether an individual meets

162 the requirements for compensation under this section, including the
163 certification required for establishing eligibility for such compensation;

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

167 (C) Establishing methods by which witnesses who provide
168 information relevant to a covered employee's claim for family and
169 medical leave compensation may be summoned and examined under
170 oath;

171 (D) Ensuring the confidentiality of records and documents relating to
172 medical certifications, recertifications and medical histories of covered
173 employees and covered employees' family members pursuant to section
174 31-51oo;

175 (E) Establishing the percentage of subject earnings each employee
176 and self-employed individuals or sole proprietors who have enrolled in
177 the program pursuant to section 31-49m shall contribute to the Family
178 and Medical Leave Insurance Trust Fund, provided such percentage
179 shall not exceed one-half of one per cent;

180 (F) Certifying the ongoing solvency of the Family and Medical Leave
181 Insurance Trust Fund and adjusting the compensation offered to
182 covered employees as necessary to ensure the solvency of the fund as
183 provided in subdivision (3) of subsection (c) of section 31-49g, provided
184 the contribution percentage established by the Authority pursuant to
185 subdivision (5) of this section has reached the statutory maximum; [and]

186 (G) Determining whether an employer meets the requirements for the
187 administration of a private plan, including the approval, oversight and
188 termination of such private plan, and developing any potential alternate
189 measure of subject earnings for the purposes of calculating
190 compensation under such plans; and

191 (H) Establishing an alternative method of calculating the base period

192 and base weekly earnings for a covered employee that is employed by a
193 public school operator or a nonpublic elementary or secondary school
194 in a position that does not require professional certification under
195 chapter 166;

196 (12) Notwithstanding any provision of the general statutes, and to the
197 extent consistent with federal law, (A) use state administrative data
198 collected by any agency for the purposes of carrying out and
199 implementing such program, including, but not limited to, eligibility
200 determination, benefit calculation, program planning, recipient
201 outreach and continuous improvement and program evaluation,
202 including assessment of longitudinal impact; and (B) share user data
203 and other data collected through program administration with other
204 state agencies for purposes, including, but not limited to, improving
205 delivery of benefits and services to program participants and other
206 persons, streamlining eligibility determination for programs
207 administered by other agencies, recipient outreach and continuous
208 improvement and program evaluation, including assessment of
209 longitudinal impact. Expenses incurred for activities undertaken
210 pursuant to this subdivision, as well as compensation paid to other state
211 agencies for any associated costs, shall be considered appropriate
212 administrative expenses of the program; [.]

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

216 (A) Memoranda of understanding with the Labor Department and
217 other state agencies regarding (i) the gathering or dissemination of
218 information necessary for the operations of the program, subject to such
219 obligations of confidentiality as may be agreed or required by law, (ii)
220 the sharing of costs incurred pursuant to the gathering and
221 dissemination of such information, and (iii) the reimbursement of costs
222 for any enforcement activities conducted pursuant to section 31-49r.
223 Each state agency may also enter into such memoranda of
224 understanding;

225 (B) Memoranda of understanding with the Department of Revenue
226 Services and the Labor Department for (i) the collection of employee
227 contributions, and (ii) the reimbursement of costs by the authority for
228 any costs incurred related to the collection of employee contributions.
229 The Department of Revenue Services and the Labor Department shall
230 also enter into such memoranda of understanding; and

231 (C) Memoranda of understanding with the Labor Department for (i)
232 the adjudication of claims by covered employees aggrieved by a denial
233 of compensation under the Family and Medical Leave Insurance
234 Program, and (ii) the reimbursement of costs by the authority for any
235 costs incurred by the Labor Department related to the adjudication of
236 contested claims or penalties imposed pursuant to section 31-49r. The
237 Labor Department shall also enter into such memoranda of
238 understanding; [.]

239 (14) Make and enter into any contract or agreement necessary or
240 incidental to the performance of its duties and execution of its powers.
241 The contracts and agreements entered into by the authority shall not be
242 subject to the approval of any other state department, office or agency,
243 provided copies of all such contracts shall be maintained by the
244 authority as public records, subject to the proprietary rights of any party
245 to such contracts. No contract shall contain any provision in which any
246 contractor derives any direct or indirect economic benefit from denying
247 or otherwise influencing the outcome of any claim for benefits. The
248 standard criteria for the evaluation of proposals relating to claims
249 processing, web site development, database development, marketing
250 and advertising, in the event the authority seeks the services of an
251 outside contractor for such tasks, and for the evaluation of proposals
252 relating to all other contracts in amounts equal to or exceeding two
253 hundred fifty thousand dollars shall include, but need not be limited to:
254 (A) Transparency, (B) cost, (C) efficiency of operations, (D) quality of
255 work related to the contracts issued, (E) user experience, (F)
256 accountability, and (G) a cost-benefit analysis documenting the direct
257 and indirect costs of such contracts, including qualitative and

258 quantitative benefits that will result from the implementation of such
259 contracts. The establishment of additional standard criteria shall be
260 approved by a two-thirds vote of the board after such criteria have been
261 posted on a public Internet web site maintained by the authority for
262 notice and comment for at least one week prior to such vote; [.] and

263 (15) Do all things necessary or convenient to carry out the provisions
264 of sections 31-49e to 31-49t, inclusive, as amended by this act.

265 Sec. 3. Section 31-51kk of the general statutes is repealed and the
266 following is substituted in lieu thereof (*Effective October 1, 2025*):

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

269 (1) "Eligible employee" means (A) an employee who has been
270 employed for at least three months immediately preceding [his or her]
271 such employee's request for leave by the employer with respect to
272 whom leave is requested, or (B) an employee of a public school operator
273 or a nonpublic elementary or secondary school (i) whose position does
274 not require a professional certification under chapter 166, and (ii) who
275 has been employed for at least three months during the previous twelve-
276 month period by such public school operator or nonpublic elementary
277 or secondary school with respect to whom leave is requested;

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

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

281 (4) "Employer" means a person engaged in any activity, enterprise or
282 business who employs one or more employees, and includes any person
283 who acts, directly or indirectly, in the interest of an employer to any of
284 the employees of such employer and any successor in interest of an
285 employer. "Employer" does not include a municipality, a [local or
286 regional board of education,] public school operator or a nonpublic
287 elementary or secondary school, except that a public school operator or

288 a nonpublic elementary or secondary school is an employer with respect
289 to its eligible employees;

290 (5) "Employment benefits" means all benefits provided or made
291 available to employees by an employer, including group life insurance,
292 health insurance, disability insurance, sick leave, annual leave,
293 educational benefits and pensions, regardless of whether such benefits
294 are provided by practice or written policy of an employer or through an
295 "employee benefit plan", as defined in Section 1002(3) of Title 29 of the
296 United States Code;

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

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

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

307 (9) "Health care provider" means (A) a doctor of medicine or
308 osteopathy who is authorized to practice medicine or surgery by the
309 state in which the doctor practices; (B) a podiatrist, dentist, psychologist,
310 optometrist or chiropractor authorized to practice by the state in which
311 such person practices and performs within the scope of the authorized
312 practice; (C) an advanced practice registered nurse, nurse practitioner,
313 nurse midwife or clinical social worker authorized to practice by the
314 state in which such person practices and performs within the scope of
315 the authorized practice; (D) Christian Science practitioners listed with
316 the First Church of Christ, Scientist in Boston, Massachusetts; (E) any
317 health care provider from whom an employer or a group health plan's
318 benefits manager will accept certification of the existence of a serious

319 health condition to substantiate a claim for benefits; (F) a health care
320 provider as defined in subparagraphs (A) to (E), inclusive, of this
321 subdivision who practices in a country other than the United States, who
322 is licensed to practice in accordance with the laws and regulations of
323 that country; or (G) such other health care provider as the Labor
324 Commissioner determines, performing within the scope of the
325 authorized practice. The commissioner may utilize any determinations
326 made pursuant to chapter 568;

327 (10) "Municipality" has the same meaning as provided in section 7-
328 245;

329 (11) "Parent" means a biological parent, foster parent, adoptive
330 parent, stepparent, parent-in-law or legal guardian of an eligible
331 employee or an eligible employee's spouse, an individual standing in
332 loco parentis to an eligible employee, or an individual who stood in loco
333 parentis to the eligible employee when the employee was a child;

334 (12) "Person" means one or more individuals, partnerships,
335 associations, corporations, business trusts, legal representatives or
336 organized groups of persons;

337 (13) "Public school operator" has the same meaning as provided in
338 section 31-49e, as amended by this act;

339 [(13)] (14) "Reduced leave schedule" means a leave schedule that
340 reduces the usual number of hours per workweek, or hours per
341 workday, of an employee;

342 [(14)] (15) "Serious health condition" means an illness, injury,
343 impairment, or physical or mental condition that involves (A) inpatient
344 care in a hospital, hospice, nursing home or residential medical care
345 facility; or (B) continuing treatment, including outpatient treatment, by
346 a health care provider;

347 [(15)] (16) "Sibling" means a brother or sister related to a person by
348 (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D)

349 foster care placement;

350 [(16)] (17) "Son or daughter" means a biological, adopted or foster
351 child, stepchild, legal ward, or, in the alternative, a child of a person
352 standing in loco parentis, or an individual to whom the employee stood
353 in loco parentis when the individual was a child; and

354 [(17)] (18) "Spouse" means a person to whom one is legally married.

355 Sec. 4. Section 31-51rr of the general statutes is repealed and the
356 following is substituted in lieu thereof (*Effective October 1, 2025*):

357 (a) Each political subdivision of the state shall provide the same
358 family and medical leave benefits under the federal Family and Medical
359 Leave Act, P.L. 103-3, and 29 CFR 825.112 to [(1)] any employee of such
360 political subdivision who is a party to a marriage in which the other
361 party is of the same sex as the employee, and who has been employed
362 for at least twelve months by such employer and for at least one
363 thousand two hundred fifty hours of service with such employer during
364 the previous twelve-month period, which benefits shall be the same as
365 are provided to an employee who is a party to a marriage in which the
366 other party is of the opposite sex of such employee. [, (2) on or after the
367 effective date of regulations adopted pursuant to subsection (f) of this
368 section, a paraeducator who has been employed in an educational
369 setting for at least twelve months by such employer and for at least nine
370 hundred fifty hours of service with such employer during the previous
371 twelve-month period, or (3) on or after October 1, 2024, any person
372 employed by a local or regional board of education who does not hold
373 a professional certification under chapter 166 and has been employed
374 for at least twelve months by such employer and for at least nine
375 hundred fifty hours of service with such employer during the previous
376 twelve-month period.]

377 (b) [(1)] Any employee of a political subdivision of the state who has
378 worked at least twelve months and one thousand two hundred fifty
379 hours for such employer during the previous twelve-month period [, (2)

380 on or after the effective date of regulations adopted pursuant to
381 subsection (f) of this section, a paraeducator who has been employed in
382 an educational setting for at least twelve months by such employer and
383 for at least nine hundred fifty hours of service with such employer
384 during the previous twelve-month period, or (3) on or after October 1,
385 2024, any person employed by a local or regional board of education
386 who does not hold a professional certification under chapter 166 and has
387 been employed for at least twelve months by such employer and for at
388 least nine hundred fifty hours of service with such employer during the
389 previous twelve-month period] may request leave in order to serve as
390 an organ or bone marrow donor, provided such employee may be
391 required, prior to the inception of such leave, to provide sufficient
392 written certification from the physician of such employee, a physician
393 assistant or an advanced practice registered nurse of the proposed organ
394 or bone marrow donation and the probable duration of the employee's
395 recovery from such donation.

396 (c) Nothing in this section shall be construed as authorizing leave in
397 addition to the total of twelve workweeks of leave during any twelve-
398 month period provided under the federal Family and Medical Leave
399 Act, P.L. 103-3.

400 (d) The Labor Department shall enforce compliance with the
401 provisions of this section.

402 [(e) For the purposes of subdivision (2) of subsections (a) and (b) of
403 this section, no hours of service worked by a paraeducator prior to the
404 effective date of regulations adopted pursuant to subsection (f) of this
405 section shall be included in the requisite nine hundred fifty hours of
406 service.

407 (f) The Labor Commissioner shall adopt regulations for the provision
408 of family and medical leave benefits to paraeducators employed in an
409 educational setting pursuant to this section.]"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	31-49e
Sec. 2	<i>October 1, 2025</i>	31-49h
Sec. 3	<i>October 1, 2025</i>	31-51kk
Sec. 4	<i>October 1, 2025</i>	31-51rr

Section 1	<i>October 1, 2025</i>	31-49e
Sec. 2	<i>October 1, 2025</i>	31-49h
Sec. 3	<i>October 1, 2025</i>	31-51kk
Sec. 4	<i>October 1, 2025</i>	31-51rr