



General Assembly

***Amendment***

***January Session, 2025***

**LCO No. 8000**



Offered by:

SEN. KUSHNER, 24<sup>th</sup> 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 Section 31-49e of the general statutes is repealed and the  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, the Technical Education and Career System, an interdistrict  
88 magnet school operator, including an interdistrict magnet school  
89 operator described in section 10-264s, a state or local charter school, an  
90 endowed or incorporated academy approved by the State Board of  
91 Education pursuant to section 10-76d or a cooperative arrangement  
92 pursuant to section 10-158a;

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

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

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 Section 31-49h of the general statutes is repealed and the  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

104 (a) The board, on behalf of the authority, and for the purpose of  
105 implementing the Paid Family and Medical Leave Insurance Program

106 established in section 31-49g, shall adopt written procedures in  
107 accordance with the provisions of section 1-121 for the purposes of:

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

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

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

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

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

121 (6) Using surplus funds to the extent authorized under sections 31-  
122 49f to 31-49t, inclusive, or any other provisions of the general statutes;

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

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

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

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

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

133 may designate;

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

135 (4) Establish criteria and guidelines for the Paid Family and Medical  
136 Leave Insurance Program to be offered pursuant to this section, sections  
137 31-49f and 31-49g and sections 31-49i to 31-49t, inclusive;

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

140 (6) Design, establish and operate the program to ensure transparency  
141 in the management of the program through oversight and ethics review  
142 of plan fiduciaries;

143 (7) Design and establish a process by which employees and self-  
144 employed individuals or sole proprietors who have enrolled in the  
145 program pursuant to section 31-49m shall contribute a portion of their  
146 subject earnings to the trust;

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

149 (9) Ensure that contributions to the trust collected from employees  
150 and self-employed individuals or sole proprietors who have enrolled in  
151 the program pursuant to section 31-49m shall not be used for any  
152 purpose other than providing compensation to covered employees,  
153 educating and informing persons about the program and paying the  
154 operational, administrative and investment costs of the program;

155 (10) Establish and maintain a secure Internet web site that displays  
156 all public notices issued by the authority and such other information as  
157 the authority deems relevant and necessary for the implementation of  
158 the program and for the education of the public regarding the program;

159 (11) Establish policies, or written procedures in accordance with the  
160 provisions of section 1-121, as appropriate, including, but not limited to,  
161 policies or procedures:

162 (A) Establishing a process to determine whether an individual meets  
163 the requirements for compensation under this section, including the  
164 certification required for establishing eligibility for such compensation;

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

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

172 (D) Ensuring the confidentiality of records and documents relating to  
173 medical certifications, recertifications and medical histories of covered  
174 employees and covered employees' family members pursuant to section  
175 31-5100;

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

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

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

192     (H) Establishing an alternative method of calculating the base period  
193     and base weekly earnings for a covered employee that is employed by a  
194     public school operator or a nonpublic elementary or secondary school  
195     in a position that does not require professional certification under  
196     chapter 166;

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

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

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



225 understanding;

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

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

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

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

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

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

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

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

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

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

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

288 elementary or secondary school, except that a public school operator or  
289 a nonpublic elementary or secondary school is an employer with respect  
290 to its eligible employees;

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

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

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

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

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

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

328 (10) "Municipality" has the same meaning as provided in section 7-  
329 245;

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

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

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

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

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

348 [(15)] (16) "Sibling" means a brother or sister related to a person by

349 (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D)  
350 foster care placement;

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

355 [(17)] (18) "Spouse" means a person to whom one is legally married.

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

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

378 (b) [(1)] Any employee of a political subdivision of the state who has  
379 worked at least twelve months and one thousand two hundred fifty

380 hours for such employer during the previous twelve-month period [, (2)  
381 on or after the effective date of regulations adopted pursuant to  
382 subsection (f) of this section, a paraeducator who has been employed in  
383 an educational setting for at least twelve months by such employer and  
384 for at least nine hundred fifty hours of service with such employer  
385 during the previous twelve-month period, or (3) on or after October 1,  
386 2024, any person employed by a local or regional board of education  
387 who does not hold a professional certification under chapter 166 and has  
388 been employed for at least twelve months by such employer and for at  
389 least nine hundred fifty hours of service with such employer during the  
390 previous twelve-month period] may request leave in order to serve as  
391 an organ or bone marrow donor, provided such employee may be  
392 required, prior to the inception of such leave, to provide sufficient  
393 written certification from the physician of such employee, a physician  
394 assistant or an advanced practice registered nurse of the proposed organ  
395 or bone marrow donation and the probable duration of the employee's  
396 recovery from such donation.

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

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

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

408 (f) The Labor Commissioner shall adopt regulations for the provision  
409 of family and medical leave benefits to paraeducators employed in an  
410 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