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## OLR Bill Analysis

### sHB 5165

#### ***AN ACT EXPANDING CONNECTICUT FAMILY AND MEDICAL LEAVE BENEFITS TO NONCERTIFIED SCHOOL EMPLOYEES.***

#### **SUMMARY**

This bill reduces the number of work hours noncertified school employees need to qualify for unpaid family and medical leave benefits.

Under federal law, all municipal employees, including all public school employees, qualify for unpaid leave and job reinstatement under the Family and Medical Leave Act (FMLA) if they have been employed by the municipality or school district for at least 12 months and worked at least 1,250 hours in the previous 12 months. The bill requires boards of education to provide benefits equal to those provided by the federal FMLA to noncertified employees who have (1) been employed by the board for at least 12 months and (2) worked at least 950 hours for the board during the 12 months before taking the benefit (see BACKGROUND). (Connecticut's FMLA law does not cover municipal employees.)

The bill similarly reduces the work requirement, from 1,250 to 950 hours in the previous 12 months, for noncertified employees to request leave to serve as an organ or bone marrow donor.

Noncertified employees are board of education employees, such as cafeteria workers, janitorial staff, administrative support staff, and security staff, who do not need to hold a professional education certificate like other school professions (e.g., teachers or school social workers). Existing law already allows school paraprofessionals (who are also noncertified employees) to qualify for the leave, including for organ or bone marrow donation, after working 950 hours. The bill also changes the term "school paraprofessional" to "paraeducator" to be consistent with other education law.

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2024

## BACKGROUND

### ***Federal FMLA Provisions***

The federal FMLA provides up to 12 weeks of unpaid leave to employees of all political subdivisions, including towns, cities, boroughs, and school districts. The table below shows the law's provisions.

**Table: Federal FMLA Provisions**

<b><i>Provision</i></b>	<b><i>Brief Description</i></b>
<b>Political subdivisions covered</b>	All
<b>Employees eligible</b>	Those who have worked at least (1) 12 months for the employer and (2) 1,250 hours in the previous 12 months
<b>Leave amount</b>	Up to 12 weeks in one year
<b>Types of leave</b>	For birth, adoption, or foster care; to care for employee's own parent, child, or spouse with a serious health condition; for employee's own serious health condition; or for qualifying exigency because the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active-duty status
<b>Serious health condition or illness</b>	Illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility; or continuing treatment by a health care provider
<b>Health benefits during leave</b>	Employee health insurance must be continued under same conditions as prior to leave, including any required employee contribution
<b>Job reinstatement rights</b>	Must be restored to same position or equivalent in all benefits and other terms and conditions of employment

## COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/07/2024)