



House of Representatives

General Assembly

File No. 79

February Session, 2024

Substitute House Bill No. 5165

House of Representatives, March 21, 2024

The Committee on Labor and Public Employees reported through REP. SANCHEZ, E. of the 24th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. Subsections (a) and (b) of section 31-51rr of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2024*):

4 (a) Each political subdivision of the state shall [grant] provide the
5 same family and medical leave benefits under the federal Family and
6 Medical Leave Act, P.L. 103-3, and 29 CFR 825.112 to (1) any employee
7 of such political subdivision who is [(1)] a party to a marriage in which
8 the other party is of the same sex as the employee, and who has been
9 employed for at least twelve months by such employer and for at least
10 one thousand two hundred fifty hours of service with such employer
11 during the previous twelve-month period, [the same family and medical
12 leave benefits under the federal Family and Medical Leave Act, P.L. 103-
13 3, and 29 CFR 825.112,] which benefits shall be the same as are provided

14 to an employee who is a party to a marriage in which the other party is
15 of the opposite sex of such employee, [or] (2) on or after the effective
16 date of regulations adopted pursuant to subsection (f) of this section, [a
17 school paraprofessional] any paraeducator in an educational setting
18 who has been employed for at least twelve months by such employer
19 and for at least nine hundred fifty hours of service with such employer
20 during the previous twelve-month period, [the same family and medical
21 leave benefits provided under subdivision (1) of this subsection to an
22 employee who has been employed for at least twelve months by such
23 employer and for at least one thousand two hundred fifty hours of
24 service with such employer during the previous twelve-month period]
25 or (3) on or after October 1, 2024, any person employed by a local or
26 regional board of education who does not hold a professional
27 certification under chapter 166 and has been employed for at least
28 twelve months by such employer and for at least nine hundred fifty
29 hours of service with such employer during the previous twelve-month
30 period.

31 (b) (1) Any employee of a political subdivision of the state who has
32 worked at least twelve months and one thousand two hundred fifty
33 hours for such employer during the previous twelve-month period, [or]
34 (2) on or after the effective date of regulations adopted pursuant to
35 subsection (f) of this section, [a school paraprofessional] any
36 paraeducator in an educational setting who has been employed for at
37 least twelve months by such employer and for at least nine hundred fifty
38 hours of service with such employer during the previous twelve-month
39 period, or (3) on or after October 1, 2024, any person employed by a local
40 or regional board of education who does not hold a professional
41 certification under chapter 166 and has been employed for at least
42 twelve months by such employer and for at least nine hundred fifty
43 hours of service with such employer during the previous twelve-month
44 period may request leave in order to serve as an organ or bone marrow
45 donor, provided such employee may be required, prior to the inception
46 of such leave, to provide sufficient written certification from the
47 physician of such employee, a physician assistant or an advanced
48 practice registered nurse of the proposed organ or bone marrow

49 donation and the probable duration of the employee's recovery from
50 such donation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	31-51rr(a) and (b)

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Local and Regional School Districts	STATE MANDATE ¹ - Cost	Minimal	Minimal

Explanation

The bill results in a cost to local and regional school districts beginning in FY 25 by reducing the number of hours that certain non-certified school employees must have worked in the prior year in order to qualify for unpaid family and medical leave benefits.

To the extent that a non-certified employee (1) becomes eligible for these benefits due to the bill's lower threshold, and (2) takes unpaid leave, there is a cost to local and regional school districts to provide overtime for covering employees. Any cost is anticipated to be minimal.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of school employees who choose to take these benefits as a result of the bill.

¹ State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

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

<i>Provision</i>	<i>Brief Description</i>
Political subdivisions covered	All
Employees eligible	Those who have worked at least (1) 12 months for the employer and (2) 1,250 hours in the previous 12 months
Leave amount	Up to 12 weeks in one year
Types of leave	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
Serious health condition or illness	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
Health benefits during leave	Employee health insurance must be continued under same conditions as prior to leave, including any required employee contribution
Job reinstatement rights	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)