Agency Legislative Proposal - 2020 Session

Document Name 110619_DOL_Technical

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Labor

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Lead agency division requesting this proposal: Apprenticeship, Office for Workforce Competitiveness, Employment Services Operations, Unemployment Insurance Benefits, Human Resources/Business Management, and Research

Agency Analyst/Drafter of Proposal: Heidi Lane and Jennifer Devine

Title of Proposal: AAC Technical and Other Changes to the Labor Department Statutes

Statutory Reference: 10-95h, 31-3a, 31-3b, 31-3g, 31-3h, 31-3j, 31-3k, 31-3*l*, 31-3n, 31-3r, 31-3u, 31-3ff, 31-3ii, 31-3pp, 31-22m, 31-22s, 31-230, 31-235

Proposal Summary:

10-95h. Amend statute requiring Department of Labor (DOL) to identify emerging regional, state and national workforce needs over the next 30 years. Reduce to a 10-year forecast as data for a 30-year forecast is not available and the agency regularly forecasts for 10-year cycle.

31-3a. Repeal statute requiring DOL to evaluate manpower needs of the state and occupational qualifications of residents and establish training programs to meet those needs. Statute is duplicative of requirements of Workforce Innovation and Opportunity Act (WIOA) and that work is done by regional workforce boards.

31-3b. Amend statute to remove requirement for DOL to appoint job training coordinator to develop job training programs in state as it is duplicative of requirements of WIOA and is covered by apprenticeship and other training programs. Also remove requirement to establish an interagency program coordinating committee for purposes of coordinating resources to implement job training programs. This is handled by the CT Employment and Training Commission (CETC) and thus duplicative.

31-3g. Repeal statute requiring DOL to develop a program to provide displaced homemakers with job training and placement. WIOA has broadened the definition of displaced homemaker and addresses job training and placement needs for such individuals, making the statute obsolete.

31-3h. Amend statute to update applicable laws, such as replacing the now repealed Job Training Partnership Act with WIOA. Amend statute to apply to all workers in the state, not just to workers 50 years of age or older as targeting select group no longer needed. Delete provision to coordinate electronic hiring campaign for workers 50 years of age or older and submit one time report as it has been completed.

31-3j. Amend statute to update applicable laws, replacing the now repealed Job Training Partnership Act with WIOA.

31-3k. Amend statute to update applicable law, replacing the now repealed Job Training Partnership Act with WIOA, and delete references to private industry council as it no longer exists.

31-3*l*. Amend statute to delete reference to and membership of the private industry council pursuant to the now repealed Job Training Partnership Act as it no longer exists.

31-3n. Amend statute to provide that Labor Commissioner "may" adopt regulations rather than "shall" adopt regulations.

31-3r. Amend statute to update applicable laws, replacing the now repealed Job Training Partnership Act with WIOA.

31-3u. Repeal statute as obsolete.

31-3ff. Repeal statute as it is obsolete because the Job Training Partnership Act has been repealed.

31-3ii. Repeal statute as moot because it required development of adult education pilot program for fiscal years ending in 2004 to 2006 and report was due in 2007.

31-3pp. Amend statute to add a definition of "pre-apprentice" that mirrors statutory change made to section 31-23 in 2018 legislative session.

31-22m. Amend statute to add to definition of "apprentice" that the individual must be registered with the Labor Department, and add a definition of "pre-apprentice" that mirrors

statutory change made to section 31-23 in 2018 legislative session.

31-22s. Repeal statute as obsolete.

46-52a. Amend statute to move administrative functions of Commission on Human Rights and Opportunities from DOL to DAS in alignment with centralization of all agency Human Resources with DAS.

31-230. Amend the unemployment insurance statute regarding the earnings period to use for claimants who have been absent from work due to workers' compensation injury or approved medical leave. More accurately reflects the quarters that may be used to form the special base period to ensure alignment with the agency's unemployment insurance information technology modernization project. The new language clarifies that the quarters must be *consecutive*, but need not be *worked*.

31-235. Amend statute to include Reemployment Services and Eligibility Assessment to reflect current practice.

31-250a. Repeal Low Wage Advisory Board as moot.

PROPOSAL BACKGROUND

◊ Reason for Proposal

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **Yes, WIOA replaced** Job Training Partnership Act and Include Reemployment Services and Eligibility Assessment (RESEA) on 31-235 to reflect current practice.

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)?

(3) Have certain constituencies called for this action? **No**

(4) What would happen if this was not enacted in law this session? **Statutes would not properly reflect applicable law.**

◊ Origin of Proposal ☒ New Proposal ☒ Resubmission

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package? **Most of this bill was proposed last year as the agency's technical bill, HB 7240 (File #982), time expired in the Senate.**

(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **N/A**

(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **DOL**

(4) What was the last action taken during the past legislative session? **Passed House**

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: DOE/Technical Education and Career System (10-95h) **Agency Contact (*name, title, phone*):** Laura Stefon **Date Contacted:** 10/16/18 Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**
Agency Name: DECD (31-3u) **Agency Contact (*name, title, phone*):** Jim Watson **Date Contacted:** 10/16/18 Approve of Proposal ☒ **YES** ☐ **NO** ☐ **Talks Ongoing**
Summary of Affected Agency's Comments None
Agency Name: DAS (46-52a) **Agency Contact (*name, title, phone*):** Erin Choquette **Date Contacted:** Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments None
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State None
Federal

None
Additional notes on fiscal impact N/A

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This technical bill seeks to amend several statutes to set forth appropriate time frames for economic forecasting from 30 years to 10 years; replace references to repealed federal Job Training Partnership Act and replace with current law the Workforce Innovation and Opportunity Act (WIOA) and programmatic changes that have been made under WIOA; update outdated provisions applicable to displaced homemakers and workers over 50 years of age; and repeal requirements for one time programs and reports that are now moot. This bill also seeks to amend statutes to clarify the definition of "apprentice" and add a definition of "pre-apprentice" that mirrors statutory change made to section 31-23 in 2018 legislative session. The bill seeks to move the administrative functions of the Commission on Human Rights and Opportunities from DOL to DAS, in alignment with centralization of all agency Human Resources with DAS. The bill further amends the unemployment insurance statute regarding the earnings period to use for claimants who have been absent from work due to workers' compensation injury or approved medical leave to ensure alignment with the agency's unemployment insurance information technology modernization project. Finally the bill seeks to repeal the Low Wage Advisory Board as it issued its final report and is now moot.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. **N/A**

Insert fully drafted bill here

AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.

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

Sec. 1. Section 10-95h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Not later than November thirtieth each year, the joint standing committees of the General Assembly having cognizance of matters relating to education, higher education and employment advancement and labor shall meet with the chairperson of the Technical Education and Career System board and the superintendent of the Technical Education and Career System, the Labor Commissioner and such other persons as they deem appropriate to consider the items submitted pursuant to subsection (b) of this section.

(b) On or before November fifteenth, annually:

(1) The Labor Commissioner shall submit the following to the joint standing committees of the General Assembly having cognizance of matters relating to education, higher education and employment advancement and labor: (A) Information identifying general economic trends in the state; (B) occupational information regarding the public and private sectors, such as continuous data on occupational movements; and (C) information identifying emerging regional, state and national workforce needs over the next **ten [**thirty**]** years.

(2) The superintendent of the Technical Education and Career System shall submit the following to the joint standing committees of the General Assembly having cognizance of matters relating to education, higher education and employment advancement and labor: (A) Information ensuring that the curriculum of the Technical Education and Career System is incorporating those workforce skills that will be needed for the next **ten [**thirty**]** years, as identified by the Labor Commissioner in subdivision (1) of this subsection, into the technical education and career schools; (B) information regarding the employment status of students who graduate from or complete an approved program of study at the Technical Education and Career System, including, but not limited to: (i) Demographics such as age and gender, (ii) course and program enrollment and completion, (iii) employment status, and (iv) wages prior to enrolling and after graduating; (C) an assessment of the adequacy of the resources available to the Technical Education and Career System as the system develops and refines programs to meet existing and emerging workforce needs; (D) recommendations to the Technical Education and Career System board to carry out the provisions of subparagraphs (A) to (C), inclusive, of this subdivision; (E) information regarding staffing at each technical education and career school for the current academic year; and (F) information regarding the transition process of the Technical Education and Career System as an independent agency, including, but not limited to, the actions taken by the Technical Education and Career System board and the superintendent to create a budget process and maintain programmatic consistency for students enrolled in the technical education and career system. The superintendent shall collaborate with the Labor Commissioner to obtain information as needed to carry out the provisions of this subsection.

Sec. 2. Section 31-3b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[(a) The Labor Commissioner shall appoint a job training coordinator who shall develop and implement innovative programs which will provide (1) job training for (A) workers who are needed by industries planning to locate in Connecticut or by industries located in this state, (B) unskilled entry level workers, (C) workers in need of retraining due to the obsolescence of their skills and (D) workers who need skill training to qualify for advancement, (2) an incentive for the establishment of apprenticeship programs in selected occupations; provided no program shall be developed for occupations where prior skill or training is not typically a prerequisite to hiring, and (3) work training opportunities and placement of the chronically unemployed under section 31-3d.

(b) The Labor Commissioner is authorized to establish an interagency program coordinating committee to coordinate the application of all available resources for the purposes of this section. Said committee shall consist of representatives of various employment and training agencies within the Labor Department and representatives of the Department of Education and the Department of Economic and Community Development.**]**

(a) [(c)**]** The Labor Commissioner may contract with any public or private agency for educational and job training services.

(b) [(d)**]** The Labor Commissioner may accept and receive funds from any public or private source which become available for the purposes of this section and section 31-3d.

Sec. 3. Section 31-3h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is created, within the Labor Department, the Connecticut Employment and Training Commission.

(b) The duties and responsibilities of the commission shall include:

(1) Carrying out the duties and responsibilities of a state [job training coordinating council] **Workforce Development Board** pursuant to the federal **Workforce Innovation and Opportunity Act, 29 USC 3101, [**Job Training Partnership Act, 29 USC 1532,**]** as amended from time to time, **[**a state human resource investment council pursuant to 29 USC 1501 et seq., as amended from time to time,**]** and such other related entities as the Governor may direct;

(2) Reviewing all employment and training programs in the state to determine their success in leading to and obtaining the goal of economic self-sufficiency and to determine if such programs are serving the needs of Connecticut's workers, employers and economy;

(3) Developing a plan for the coordination of all employment and training programs in the state to avoid duplication and to promote the delivery of comprehensive, individualized employment and training services and the reemployment of **all** workers **[**fifty years of age or older**]**. The plan shall contain the commission's recommendations for policies and procedures to enhance the coordination and collaboration of all such programs;

(4) Reviewing and commenting on all employment and training programs enacted by the General Assembly;

(5) Implementing the federal Workforce Innovation and Opportunity Act of 2014, P.L. 113-128, as amended from time to time. Such implementation shall include (A) developing, in consultation with the regional workforce development boards, a single Connecticut workforce development plan that (i) complies with the provisions of said act and section 31-11p, and (ii) includes comprehensive state performance measures for workforce development activities specified in Title I of the federal Workforce Innovation and Opportunity Act of 2014, P.L. 113-128, as amended from time to time, which performance measures comply with the requirements of 20 CFR Part 666.100, (B) making recommendations to the General Assembly concerning the allocation of funds received by the state under said act and making recommendations to the regional workforce development boards concerning the use of formulas in allocating such funds to adult employment and job training activities and youth activities, as specified in said act, (C) providing oversight and coordination of the state-wide employment statistics system required by said act, (D) as appropriate, recommending to the Governor that the Governor apply for workforce flexibility plans and waiver authority under said act, after consultation with the regional workforce development boards, (E) developing performance criteria for regional workforce development boards to utilize in creating a list of eligible providers, and (F) on or before December 31, 1999, developing a uniform individual training accounts voucher system that shall be used by the regional workforce development boards to pay for training of eligible workers by eligible providers, as required under said act;

(6) Developing and overseeing a plan for the continuous improvement of the regional workforce development boards established pursuant to section 31-3k;

(7) Developing incumbent worker, and vocational and manpower training programs, including customized job training programs to enhance the productivity of Connecticut businesses and to increase the skills and earnings of underemployed and at-risk workers, and other programs administered by the regional workforce development boards. The Labor Department, in collaboration with the regional workforce development boards, shall implement any incumbent worker and customized job training programs developed by the commission pursuant to this subdivision;

(8) Developing a strategy for providing comprehensive services to eligible youths, which strategy shall include developing youth preapprentice and apprentice programs through, but not limited to,

technical education and career schools, and improving linkages between academic and occupational learning and other youth development activities; and

[(9) Coordinating an electronic state hiring campaign to encourage the reemployment of workers fifty years of age or older to be administered through the Labor Department's Internet web site, which shall include testimony from various employers that demonstrates the value of hiring and retaining workers fifty years of age or older. Not later than January 1, 2015, the commission shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to labor on the status of such campaign.**]**

Sec. 4. Section 31-3j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in sections 31-3j to 31-3r, inclusive:

(1) "Board" means a regional work force development board established under section 31-3k;

(2) "Commission" means the Connecticut Employment and Training Commission created under section 31-3h;

(3) "Commissioner" means the Labor Commissioner;

(4) "**Workforce Innovation and Opportunity Act," [**"Job Training Partnership Act"**]** means the federal **Workforce Innovation and Opportunity Act, 29 USC 3101, [**Job Training Partnership Act, 29 USC 1501**]** et seq., as from time to time amended;

(5) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough;

(6) "Work force development region" or "region" means an area designated as a service delivery area in accordance with the provisions of the **Workforce Innovation and Opportunity Act [**Job Training Partnership Act**]**.

Sec. 5. Section 31-3k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established within the Labor Department a regional work force development board for each work force development region in the state. Each board shall assess the needs and priorities for investing in the development of human resources within the region and shall coordinate a broad range of employment, education, training and related services that shall be focused on client-

centered, lifelong learning and shall be responsive to the needs of local business, industry, the region, its municipalities and its citizens.

(b) Each board, within its region, shall:

(1) Carry out the duties and responsibilities of a **workforce development board pursuant to [**private industry council under**]** the **Workforce Innovation and Opportunity Act [**Job Training Partnership Act, provided the private industry council within the region elects by a vote of its members to become a board and the Labor Commissioner approves the council as a regional work force development board**]**.

(2) Within existing resources and consistent with the state employment and training information system and any guidelines issued by the commissioner under subsection (b) of section 31-2, (A) assess regional needs and identify regional priorities for employment and training programs, including, but not limited to, an assessment of the special employment needs of unskilled and low-skilled unemployed persons, including persons receiving state-administered general assistance or short-term unemployment assistance, (B) conduct planning for regional employment and training programs, (C) coordinate such programs to ensure that the programs respond to the needs of labor, business and industry, municipalities within the region, the region as a whole, and all of its citizens, (D) serve as a clearinghouse for information on all employment and training programs in the region, (E) prepare and submit an annual plan containing the board's priorities and goals for regional employment and training programs to the commissioner and the commission for their review and approval, (F) review grant proposals and plans submitted to state agencies for employment and training programs that directly affect the region to determine whether such proposals and plans are consistent with the annual regional plan prepared under subparagraph (E) of this subdivision and inform the commission and each state agency concerned of the results of the review, (G) evaluate the effectiveness of employment and training programs within the region in meeting the goals contained in the annual regional plan prepared under subparagraph (E) of this subdivision and report its findings to the commissioner and the commission on an annual basis, (H) ensure the effective use of available employment and training resources in the region, and (I) allocate funds where applicable for program operations in the region.

(3) Provide information to the commissioner concerning (A) all employment and training programs, grants or funds to be effective or available in the region in the following program year, (B) the source and purpose of such programs, grants or funds, (C) the projected amount of such programs, grants or funds, (D) persons, organizations and institutions eligible to participate in such programs or receive such grants or funds, (E) characteristics of clients eligible to receive services pursuant to such programs, grants or funds, (F) the range of services available pursuant to such programs, grants or funds, (G) goals of such programs, grants or funds, (H) where applicable, schedules for submitting requests for proposals, planning instructions, proposals and plans, in connection with such programs, grants or funds, (I) the

program period for such programs, grants or funds, and (J) any other data relating to such programs, grants or funds that the commissioner or the commission deems essential for effective state planning.

(4) Carry out the duties and responsibilities of the local board for purposes of the federal Workforce Innovation and Opportunity Act **[of 2014, P.L. 113-128, as from time to time amended.]**

[(5) Establish a worker training education committee comprised of persons from the education and business communities within the region, including, but not limited to, regional community-technical colleges and technical education and career schools.**]**

(c) Each board shall make use of grants or contracts with appropriate service providers to furnish all program services under sections 31-3j to 31-3r, inclusive, unless the commission concurs with the board that direct provision of a service by the board is necessary to assure adequate availability of the service or that a service of comparable quality can be provided more economically by the board. Any board seeking to provide services directly shall include in the annual regional plan submitted to the commissioner and the commission under subparagraph (E) of subdivision (2) of subsection (b) of this section its plan to provide services directly and appropriate justification for the need to do so. When the decision to provide services directly must be made between annual planning cycles, the board shall submit to the commissioner and the commission a plan of service and appropriate justification for the need to provide services directly. Such plan of service shall be subject to review and approval by the commission.

(d) On October 1, 2002, and annually thereafter, each board shall submit to the Labor Department comprehensive performance measures detailing the results of any education, employment or job training program or activity funded by moneys allocated to the board, including, but not limited to, programs and activities specified in the federal Workforce Innovation and Opportunity Act **[**of 2014, P.L. 113-128, as from time to time amended**]**. Such performance measures shall include, but shall not be limited to, the identity and performance of any vendor that enters into a contract with the board to conduct, manage or assist with such programs or activities, the costs associated with such programs or activities, the number, gender and race of persons served by such programs or activities, the number, gender and race of persons completing such programs or activities, occupational skill types, the number, gender and race of persons who enter unsubsidized employment upon completion of such programs or activities, the number, gender and race of persons who remain in unsubsidized employment six months later and the earnings received by such persons.

Sec. 6. Section 31-3*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The members of a board shall be appointed by the chief elected officials of the municipalities in the region in accordance with the provisions of an agreement entered into by such municipalities. In the

absence of an agreement the appointments shall be made by the Governor. The membership of each board shall satisfy the requirements **[**for a private industry council as provided under the Job Training Partnership Act and the requirements**]** of the **[**federal**]** Workforce Innovation and Opportunity Act **[**of 2014, P.L. 113-128, as from time to time amended. To the extent consistent with such requirements:

(1) Business members shall constitute a majority of each board and shall include owners of businesses, chief executives or chief operating officers of nongovernmental employers, or other business executives who have substantial management or policy responsibilities. Whenever possible, at least one-half of the business and industry members shall be representatives of small businesses, including minority businesses;

(2) the nonbusiness members shall include representatives of community-based organizations, state and local organized labor, state and municipal government, human service agencies, economic development agencies and regional community-technical colleges and other educational institutions, including secondary and postsecondary institutions and regional vocational technical schools;

(3) the nonbusiness representatives shall be selected by the appointing authority from among individuals nominated by the commissioner and the organizations, agencies, institutions and groups set forth in subdivisions (2) and (5) of this section, and each appointing authority shall solicit nominations from the commissioner and the organizations, agencies, institutions and groups set forth in subdivisions (2) and (5) of this section;

(4) labor representatives shall be selected from individuals recommended by recognized state and local labor federations in a manner consistent with the federal Job Training Partnership Act and the federal Workforce Innovation and Opportunity Act of 2014, P.L. 113-128, as from time to time amended;

(5) the board shall represent the interests of a broad segment of the population of the region, including the interests of welfare recipients, persons with disabilities, veterans, dislocated workers, younger and older workers, women, minorities and displaced homemakers; and

(6) in each region where a private industry council has elected by a vote of its members to become a regional work force development board and the commissioner has approved the council as a board, the initial membership of each board shall include, but not be limited to, the business members of the private industry council in the region.**]**

Sec. 7. Section 31-3n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commissioner, in consultation with the commission, **may** **[**shall**]** adopt regulations in accordance with chapter 54 to carry out the provisions of sections 31-3j to 31-3r, inclusive. The

regulations shall establish criteria for the organization and operation of the board and for ensuring that the membership of each board satisfies the requirements of section 31-3*l*.

(b) The commissioner, acting through the commission, shall facilitate communication and exchange of information between the boards and state agencies involved in employment and training.

(c) The commissioner shall distribute all information received under the provisions of sections 31-3j to 31-3r, inclusive, to the commission in order to ensure that the review and coordination duties of the commission are effectively carried out.

(d) The commissioner shall submit each annual regional plan prepared pursuant to subparagraph (E) of subdivision (2) of subsection (b) of section 31-3k, together with the recommendations of the commissioner and the commission, to the Governor for final approval.

(e) The commissioner shall approve, in consultation with the commission, each board established pursuant to section 31-3k which meets the requirements of sections 31-3j to 31-3r, inclusive.

Sec. 8. Section 31-3r of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Nothing in sections 31-3j to 31-3r, inclusive, shall be construed or administered in any manner that would conflict with the requirements of the **Workforce Innovation and Opportunity Act** **[**Job Training Partnership Act**]** or supersede any statutory duties, responsibilities or obligations of any agency or board, including, but not limited to, any local board of education.

Sec. 9. Section 31-3pp of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Department" means the Labor Department;

(2) "Eligible small business" means a business that (A) employed not more than one hundred full-time employees on at least fifty per cent of its working days during the preceding twelve months, (B) has operations in Connecticut, (C) has been registered to conduct business for not less than twelve months, and (D) is in good standing with the payment of all state and local taxes. "Eligible small business" does not include the state or any political subdivision thereof;

(3) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or

indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of said Section 267(c);

(4) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the eligible small business, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, or (D) a member of the same controlled group as the eligible small business;

(5) "Eligible small manufacturer" means an eligible small business described in sectors 31 to 33, inclusive, of the North American Industry Classification System, that employed not more than one hundred employees on at least fifty per cent of its working days during the preceding twelve months.

(b) (1) There is established within the Labor Department a Subsidized Training and Employment program for eligible small businesses and eligible small manufacturers. Said program shall provide grants to such businesses and manufacturers to subsidize, for the first one hundred eighty calendar days after a person is hired, a part of the cost of employment, including any costs related to training. No such business or manufacturer receiving a grant under this section with respect to a new employee or newly hired person may receive a second grant under this section with respect to the same new employee or newly hired person.

(2) At the discretion of the Labor Commissioner, the department may use up to four per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session for the purpose of retaining outside consultants or the Workforce Investment Boards to operate the Subsidized Training and Employment program.

(3) The department shall monitor, in a manner prescribed by the commissioner, such outside consultants or Workforce Investment Boards that operate the Subsidized Training and Employment program. At the discretion of the Labor Commissioner, the department may use up to one per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session in any fiscal year for the purpose of the marketing and operation of the Subsidized Training and Employment program, and the monitoring of the outside consultants or Workforce Investment Boards retained pursuant to subdivision (2) of this subsection.

(c) (1) An eligible small business may apply to the department for a grant to subsidize on-the-job training and compensation for a new employee, where "new employee" means a person who (A) was

unemployed immediately prior to employment, regardless of whether such person collected unemployment compensation benefits as a result of such unemployment, (B) is a resident of a municipality that has (i) an unemployment rate that is equal to or higher than the state unemployment rate as of September 1, 2011, or (ii) a population of eighty thousand or more, and (C) has a family income equal to or less than two hundred fifty per cent of the federal poverty level, adjusted for family size. “New employee” does not include a person who was employed in this state by a related person with respect to the eligible small business during the prior twelve months or a person employed on a temporary or seasonal basis by a retailer, as defined in section 42-371. No small business shall be eligible for a grant under this section for a new employee if such new employee is hired to replace a worker who (i) is currently employed by such small business, or (ii) was terminated by such small business, unless such small business demonstrates just cause for such replacement or termination, if applicable.

(2) Grants to eligible small businesses under the Subsidized Training and Employment program shall be in the following amounts: (A) For the first thirty calendar days a new employee is employed, one hundred per cent of an amount representing the hourly wage of such new employee, exclusive of any benefits, but in no event shall such amount exceed twenty dollars per hour; (B) for the thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount; and (D) for the one hundred fifty-first to one hundred eightieth, inclusive, calendar days, twenty-five per cent of such amount. Grants shall be cancelled as of the date the new employee leaves employment with the eligible small business.

(d) (1) An eligible small manufacturer may apply to the department for a grant to be used to train and compensate persons newly hired by such manufacturer. Any training shall be provided by such manufacturer, and take place on such manufacturer's premises, but no existing formal training program shall be required. The Labor Commissioner, or said commissioner's designee, shall review and approve such manufacturer's description of the proposed training as part of the application. No small manufacturer shall be eligible for a grant under this section for a new employee if such new employee is hired to replace a worker who (A) is currently employed by such small manufacturer, or (B) was terminated by such small manufacturer, unless such small manufacturer demonstrates just cause for such replacement
or termination, if applicable.

(2) Grants awarded to an eligible small manufacturer pursuant to this subsection shall subsidize the costs of training and compensating each person newly hired by such manufacturer. In no event shall a grant exceed the salary of the newly hired person. Maximum amounts of each grant are: For the first full calendar month a newly hired person is employed, up to two thousand five hundred dollars; for the second month, up to two thousand four hundred dollars; for the third month, up to two thousand two hundred dollars; for the fourth month, up to two thousand dollars; for the fifth month, up to one thousand eight hundred dollars; and for the sixth month, up to one thousand six hundred dollars. No

grant shall exceed a total amount of twelve thousand five hundred dollars per newly hired person. A grant may be cancelled as of the date such person leaves employment with the eligible small manufacturer.

(e)(1) An eligible small business or eligible small manufacturer may apply to the department for a grant to subsidize on-the-job training for a preapprentice, where "preapprentice" means a person **[**who is (A) a current student at a public or private high school, preparatory school or institution of higher education, or (B) not more than eighteen years of age and employed under a written agreement with an apprenticeship program sponsor for a term of training and employment not exceeding two thousand hours or twenty-four months.**], student or minor (i) employed under a written agreement with an apprenticeship sponsor for a term of training and employment not exceeding two thousand hours or twenty-four months in duration, and (ii) registered with the Labor Department.** "Preapprentice" does not include a person who was employed in this state by a related person with respect to the eligible small business during the prior twelve months or a person employed on a temporary or seasonal basis by a retailer, as defined in section 42-371.

(2) Grants to eligible small businesses or eligible small manufacturers under the Subsidized Training and Employment program shall be in the following amounts: (A) For the first thirty calendar days a preapprentice is employed, one hundred per cent of an amount representing the cost of on-the-job training for such preapprentice, but in no event shall such amount exceed ten dollars per hour; (B) for the thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount; and (D) for the one hundred fifty-first to one hundred eightieth, inclusive, calendar days, twenty-five per cent of such amount. Grants shall be cancelled as of the date the preapprentice leaves his or her apprenticeship with the eligible small business or eligible small manufacturer.

(f) Not later than July 15, 2012, and annually thereafter, and January 15, 2013, and annually thereafter, the Labor Commissioner shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce and labor. Said report shall include available data, for the six-month period ending on the last day of the calendar month preceding such report, on (1) the number of small businesses that participated in the Subsidized Training and Employment program established pursuant to subsections (c) and (e) of this section, and the general categories of such businesses, (2) the number of small manufacturers that participated in the Subsidized Training and Employment program established pursuant to subsections (d) and (e) of this section, and the general categories of such manufacturers, (3) the number of individuals that received employment, and (4) the most recent estimate of the number of jobs created or maintained.

(g) The Labor Commissioner may adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section.

Sec. 10. Section 31-22m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

When used in sections 31-22m to 31-22q, inclusive, and 31-22u, "apprentice" means a person employed under a written agreement to work at and learn a specific trade**, and registered with the Labor Department**; "apprentice agreement" means a written agreement entered into by an apprentice, or on his behalf by his parent or guardian, with an employer, or with an association of employers and an organization of employees acting as a joint apprenticeship committee, which agreement provides for not less than two thousand hours of work experience in approved trade training consistent with recognized requirements established by industry or joint labor-industry practice and for the number of hours of related and supplemental instructions prescribed by the Connecticut State Apprenticeship Council or which agreement meets requirements of the federal government for on-the-job training schedules which are essential, in the opinion of the Labor Commissioner, for the development of manpower in Connecticut industries; "council" means the Connecticut State Apprenticeship Council**[.] and "preapprentice" means a person, student or minor employed under a written agreement with an apprenticeship sponsor for a term of training and employment not exceeding two thousand hours or twenty-four months in duration, and registered with the Labor Department.**

Sec. 11. Section 46a-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The commission shall consist of nine persons. On and after October 1, 2000, such persons shall be appointed with the advice and consent of both houses of the General Assembly. (1) On or before July 15, 1990, the Governor shall appoint five members of the commission, three of whom shall serve for terms of five years and two of whom shall serve for terms of three years. Upon the expiration of such terms, and thereafter, the Governor shall appoint either two or three members, as appropriate, to serve for terms of five years. On or before July 14, 1990, the president pro tempore of the Senate, the minority leader of the Senate, the speaker of the House of Representatives and the minority leader of the House of Representatives shall each appoint one member to serve for a term of three years. Upon the expiration of such terms, and thereafter, members so appointed shall serve for terms of three years. (2) If any vacancy occurs, the appointing authority making the initial appointment shall appoint a person to serve for the remainder of the unexpired term. The Governor shall select one of the members of the commission to serve as chairperson for a term of one year. The commission shall meet at least once during each two-month period and at such other times as the chairperson deems necessary. Special meetings shall be held on the request of a majority of the members of the commission after notice in accordance with the provisions of section 1-225.

(b) Except as provided in section 46a-57, the members of the commission shall serve without pay, but their reasonable expenses, including educational training expenses and expenses for necessary stenographic and clerical help, shall be paid by the state upon approval of the Commissioner of Administrative Services. Not later than two months after appointment to the commission, each member of the commission shall receive a minimum of ten hours of introductory training prior to voting on any commission matter. Each year following such introductory training, each member shall receive five hours of follow-up training. Such introductory and follow-up training shall consist of instruction on the laws governing discrimination in employment, housing, public accommodation and credit, affirmative action and the procedures of the commission. Such training shall be organized by the managing director of the legal division of the commission. Any member who fails to complete such training shall not vote on any commission matter. Any member who fails to comply with such introductory training requirement within six months of appointment shall be deemed to have resigned from office. Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings held during any calendar year shall be deemed to have resigned from office.

(c) On or before July 15, 1989, the commission shall appoint an executive director who shall be the chief executive officer of the Commission on Human Rights and Opportunities to serve for a term expiring on July 14, 1990. Upon the expiration of such term and thereafter, the executive director shall be appointed for a term of four years. The executive director shall be supervised and annually evaluated by the commission. The executive director shall serve at the pleasure of the commission but no longer than four years from July fifteenth in the year of his or her appointment unless reappointed pursuant to the provisions of this subsection. The executive director shall receive an annual salary within the salary range of a salary group established by the Commissioner of Administrative Services for the position. The executive director (1) shall conduct comprehensive planning with respect to the functions of the commission; (2) shall coordinate the activities of the commission; and (3) shall cause the administrative organization of the commission to be examined with a view to promoting economy and efficiency. In accordance with established procedures, the executive director may enter into such contractual agreements as may be necessary for the discharge of the director's duties.

(d) The executive director may appoint no more than two deputy directors with the approval of a majority of the members of the commission. The deputy directors shall be supervised by the executive director and shall assist the executive director in the administration of the commission, the effectuation of its statutory responsibilities and such other duties as may be assigned by the executive director. Deputy directors shall serve at the pleasure of the executive director and without

tenure. The executive director may remove a deputy director with the approval of a majority of the members of the commission.

(e) The commission shall be within the **[**Labor Department**]** **Department of Administrative Services** for administrative purposes only.

Sec. 12. Section 31-230 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An individual's benefit year shall commence with the beginning of the week with respect to which the individual has filed a valid initiating claim and shall continue through the Saturday of the fifty-first week following the week in which it commenced, provided no benefit year shall end until after the end of the third complete calendar quarter, plus the remainder of any uncompleted calendar week that began in such quarter, following the calendar quarter in which it commenced, and provided further, the benefit year of an individual who has filed a combined wage claim, as described in subsection (b) of section 31-255, shall be the benefit year prescribed by the law of the paying state. In no event shall a benefit year be established before the termination of an existing benefit year previously established under the provisions of this chapter. Except as provided in subsection (b) of this section, the base period of a benefit year shall be the first four of the five most recently completed calendar quarters prior to such benefit year, provided such quarters were not previously used to establish a prior valid benefit year and provided further, the base period with respect to a combined wage claim, as described in subsection (b) of section 31-255, shall be the base period of the paying state, except that for any individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of the employer's sick leave or disability leave policy, the base period shall be the **[**first four of the five most recently worked**]** **four consecutive quarters immediately preceding the most recently worked** quarter**[**s**]** prior to such benefit year, provided such quarters were **[**consecutive and**]** not previously used to establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is no more than twelve calendar quarters prior to the date such individual makes an initiating claim. As used in this section, an initiating claim shall be deemed valid if the individual is unemployed and meets the requirements of subdivisions (1) and (3) of subsection (a) of section 31-235. The base period of an individual's benefit year shall include wages paid by any nonprofit organization electing reimbursement in lieu of contributions, or by the state and by any town, city or other political or governmental subdivision of or in this state or of any municipality to such person with respect to whom such employer is subject to the provisions of this chapter. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For purposes of this section, the term "previously uncovered services" means services that (1) were not employment, as defined in section 31-222, and were not services covered pursuant to section 31-223, at any time during the one-year period ending December 31, 1975; and (2) (A) are agricultural labor, as defined in subparagraph (H) of subdivision (1) of subsection (a) of section 31-222, or domestic service, as defined in subparagraph (J) of

subdivision (1) of subsection (a) of section 31-222, or (B) are services performed by an employee of this state or a political subdivision of this state, as provided in subparagraph (C) of subdivision (1) of subsection (a) of section 31-222, or by an employee of a nonprofit educational institution that is not an institution of higher education, as provided in subparagraph (E)(iii) of subdivision (1) of subsection (a) of section 31-222, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(b) The base period of a benefit year for any individual who is ineligible to receive benefits using the base period set forth in subsection (a) of this section shall be the four most recently completed calendar quarters prior to the individual's benefit year, provided such quarters were not previously used to establish a prior valid benefit year, except that for any such individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of an employer's sick leave or disability leave policy, the base period shall be the **[**four most recently worked calendar**]** **four consecutive quarters immediately preceding the most recently worked** quarter**[**s**]** prior to such benefit year, provided such quarters were **[**consecutive and**]** not previously used to establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is not more than twelve calendar quarters prior to the date such individual makes the initiating claim. If the wage information for an individual's most recently worked calendar quarter is unavailable to the administrator from regular quarterly reports of systematically accessible wage information, the administrator shall promptly contact the individual's employer to obtain such wage information.

Sec. 13. Section 31-235 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found that (1) such individual has made claim for benefits in accordance with the provisions of section 31-240 and has registered for work at the public employment bureau or other agency designated by the administrator within such time limits, with such frequency and in such manner as the administrator may prescribe, provided failure to comply with this condition may be excused by the administrator upon a showing of good cause therefor; (2) except as provided in subsection (b) of this section, such individual is physically and mentally able to work and is available for work and has been and is making reasonable efforts to obtain work, provided the individual shall not be considered to be unavailable for work solely because the individual is attending a school, college or university as a regularly enrolled student during the separation from employment, within the limitations of subdivision (6) of subsection (a) of section 31-236, and provided further, the individual shall not be considered to be lacking in efforts to obtain work if, as a student, such efforts are restricted to employment which does not conflict with the individual's regular class hours as a student, and provided the administrator shall not use prior "patterns of unemployment" of the individual to

determine whether the individual is available for work; (3) such individual has been paid wages by an employer who was subject to the provisions of this chapter during the base period of the current benefit year in an amount at least equal to forty times the individual's benefit rate for total unemployment, provided an unemployed individual who is sixty-two years of age or older and is involuntarily retired under a compulsory retirement policy or contract provision shall be eligible for benefits with respect to any week, notwithstanding subdivisions (1) and (2) of this subsection, if it is found by the administrator that the individual has made claim for benefits in accordance with the provisions of section 31-240, has registered for work at the public employment bureau, is physically and mentally able to work, is available for work, meets the requirements of this subdivision and has not refused suitable work to which the individual has been referred by the administrator; (4) such individual participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling **or Reemployment Services and Eligibility Assessment** system established by the administrator unless the administrator determines that (A) **for purposes of the profiling system only,** the individual has completed such services, or (B) there is justifiable cause for the individual's failure to participate in such services. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, for the administration of **Reemployment Services and Eligibility Assessment and** the profiling system. For purposes of subdivision (2) of this subsection, “patterns of unemployment” means regularly recurring periods of unemployment of the claimant in the years prior to filing the claim in question.

Sec. 14. Sections 31-3a, 31-3g, 31-3u, 31-3ff, 31-3ii, 31-22s, and 31-250a of the general statutes are repealed.

Agency Legislative Proposal - 2020 Session

Document Name: 110619_DOL_ConnOSHA

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Labor

Liaison: Marisa Morello
Phone: 860-263-6502
E-mail: marisa.morello@ct.gov

Lead agency division requesting this proposal: CONN-OSHA

Agency Analyst/Drafter of Proposal: Anne Rugens

Title of Proposal: AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer Under the Connecticut Occupational Safety and Health Act

Statutory Reference: CGS § 31-367

Proposal Summary: This proposal incorporates the Department's long-standing position and modifies the definition of "employer" in the Department of Labor's Connecticut Occupational Safety and Health Act to specifically include "volunteer fire departments" and "volunteer ambulance companies." This proposal is technical in nature and clarifies the Connecticut Department of Labor's jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011).

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No**

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?

(3) Have certain constituencies called for this action?

(4) What would happen if this was not enacted in law this session? **CONN-OSHA would not be able to protect certain volunteer fire departments and volunteer ambulance companies.**

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

(1) *What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?* **DOL first introduced this proposal in 2012. The Goshen First Selectman is opposed to this proposal and that legislative delegation worked against it. However, a series of bi-partisan negotiations with that delegation over the years achieved a compromise in 2015 which is represented in this proposed language.**

(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **This proposal has not been proposed by CT DOL since it died on the Senate Calendar in 2015.**

(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? **At the time Representative (now Senator) Craig Miner, Roberta Willis and Vince Candelora assisted in drafting a bi-partisan compromise. Senators Clark Chapin and Andrew Roraback were strongly opposed to this proposal but have since left the legislature. To this day, Goshen still remains opposed to this proposal.**

- *What was the last action taken during the past legislative session?* **HB 6792 (File 366): AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer Under the Connecticut Occupational Safety Health Act passed the House 132-12 but died on the Senate Calendar. Senator Chapin filed amendments re: Conn-OSHA can't issue a citation unless a person has been seriously injured.**

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*):
Date Contacted:

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments

Will there need to be further negotiation? ☐ **YES** ☐ **NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
No impact if OSHA statutes and regulations are followed.

State
None

Federal
None

Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

CONN-OSHA enforces state occupational safety and health regulations as they apply to state and municipal employees. This proposal incorporates the Department's long-standing position and modifies the definition of "employer" in the Department of Labor's Connecticut Occupational Safety and Health Act to specifically include "volunteer fire departments" and "volunteer ambulance companies." Although this proposal is technical in nature in that it clarifies the Connecticut Department of Labor's jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011), it does have a major policy impact. Specifically, Federal OSHA has determined that it does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of the volunteer departments' affiliation with municipalities. Federal OSHA only has jurisdiction over private entities and does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of its determination that there is no employer/employee relationship. Without passage of this legislation, certain volunteer fire departments and volunteer ambulance companies would not be protected under either state or federal law. Therefore, leaving the safety and health of many volunteer firefighters and ambulance workers unprotected.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT.

Section 1. Subsection (d) of section 31-367 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) "Employer" means the state and any political subdivision thereof, and, **except as provided in section 31-369, as amended by this act, any volunteer fire department and any volunteer ambulance company;**

Sec. 2. Section 31-369 of the general statutes is repealed and the following is substituted in lieu thereof:

(a) This chapter applies to all employers, employees and places of employment in the state except the following: (1) Employees of the United States government; **[**and**]** (2) working conditions of employees over which federal agencies other than the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health; **and (3) any volunteer fire department or volunteer ambulance company that can demonstrate such department or company is regulated by the Occupational Safety and Health Act of 1970 (15 USC 651 et seq.).**

(b) Nothing in this chapter shall be construed to supersede or in any manner affect any workers' compensation law or to enlarge, diminish or affect in any manner common law or statutory rights, duties or liabilities of employers or employees, under any law with respect to injuries, diseases or death of employees arising out of and in the course of employment.

Section 3. Subsection (c) of section 31-382 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2020*):

(c) Any employer who has received a citation for a violation of the requirements of sections 31-369, **as amended by this act**, and 31-370, of any standard or order promulgated pursuant to section 31-372, or of regulations adopted pursuant to this chapter, which violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to one thousand dollars for each such violation**[**,**]**; **however, any volunteer fire department and any volunteer ambulance company shall, for the first such violation, be issued a written warning**.

Agency Legislative Proposal - 2020 Session

Document Name: 110619_DOL_Stop Work Order

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Connecticut Labor Department

Liaison: Marisa Morello
Phone: (860)263-6502
E-mail: Marisa.Morello@ct.gov

Lead agency division requesting this proposal: Connecticut Labor Department

Agency Analyst/Drafter of Proposal: Stephen Lattanzio, Principal Attorney

Title of Proposal: An Act Increasing the Stop Work Order Penalty

Statutory Reference: Conn. Gen. Stat. § 31-69a; § 31-786a

Proposal Summary:
To establish an escalating monetary penalty for a wilful violation of a stop-work order issued pursuant to Conn. Gen. Stat. § 31-76a from one thousand ($1,000.00) dollars per day to a penalty which increases on each successive day of the continuing violation by five hundred ($500.00) dollars per day commencing with the second day of the continuing violation.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary?
(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?
(3) Have certain constituencies called for this action?
(4) What would happen if this was not enacted in law this session?

The civil penalty amount (1,000.00) provided in subsection (a) of Conn. Gen. Stat. § 31-69a, enacted in 2007, has become outdated and insufficient to act as a deterrent of prohibited conduct. An escalating increase in the manner proposed per violation will be more effective, and is consistent with the penalty amounts imposed by neighboring states.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?
(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?
(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?
(4) What was the last action taken during the past legislative session?

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PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Administrative Services
Agency Contact (*name, title, phone*): Erin Choquette, Policy and Legislative Advisor, (860) 713-5276
Date Contacted: 11/6/19

Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments
Click here to enter text.

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: UCONN
Agency Contact (*name, title, phone*): Gail Garber, Government Relations, (860) 486-5519
Date Contacted: 11/6/19

Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**

Summary of Affected Agency's Comments
Click here to enter text.

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
None

State

None
Federal None
Additional notes on fiscal impact Click here to enter text.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

The escalating civil penalty per violation will be a more effective deterrent of prohibited conduct, is consistent with penalty amounts imposed by neighboring states and will result in additional funding to enforce the priorities of the Wage and Workplace Standards Division.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs. The impact of this proposal over time may be measured by the E-wage computer system currently employed by the Wage and Workplace Standards Division of the Connecticut Labor Department. It is anticipated that the increase in penalty will provide an increased disincentive to willfully violate stop work orders.

Insert fully drafted bill here

Conn. Gen. Stat. § 31-69a:

(a) In addition to the penalties provided in this chapter and chapter 568, any employer, officer, agent or other person who violates any provision of this chapter, chapter 557 or subsection (g) of section 31-288 shall be liable to the Labor Department for a civil penalty of three hundred dollars for each

violation of said chapters and for each violation of subsection (g) of section 31-288, except that (1) any person who violates (A) a stop work order issued pursuant to subsection (c) of section 31-76a shall be liable to the Labor Department for a civil penalty of one thousand dollars and each successive day of such violation shall constitute a separate offense the civil penalty of which shall increase at the rate of five hundred dollars per day commencing with the second day of such violation, and (B) any provision of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be liable to the Labor Department for a civil penalty of six hundred dollars for each violation of said sections, and (2) a violation of subsection (g) of section 31-288 shall constitute a separate offense for each day of such violation.

Agency Legislative Proposal - 2020 Session

Document Name: 110419_DOL_PFMLRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092611_SDE_TechRevisions)

State Agency: Department of Labor

Liaison: Marisa Morello
Phone: 860-263-6502
E-mail: marisa.morello@ct.gov

Lead agency division requesting this proposal: Legal Division and Employment Security Appeals Division

Agency Analyst/Drafter of Proposal: Heidi Lane and Erika Foster

Title of Proposal: AAC Revisions to Public Act No. 19-25: An Act Concerning Paid Family and Medical Leave

Statutory Reference: Sec. 12 of P.A. 19-25, 31-51kk, 31-51ll, 31-51oo, 31-51pp, 31-51qq

Proposal Summary:

Sec. 12 of P.A. 19-25. Amend statute to state that aggrieved employees or individuals have 14 calendar days in which to appeal the denial of compensation or imposition of a penalty under the act. Also, remove the requirement that the labor commissioner hold a hearing and render a decision, and amend statute to allow for the labor commissioner or his or her designee to designate a hearing officer to hold a hearing and render a final decision.

31-51kk(1). Amend statute to add a definition of "base period" that mirrors the statutory language in Section 1 of P.A. 19-25 to ensure that the eligibility standard under the CT Family and Medical Leave Act matches the eligibility standard under the Family and Medical Leave Insurance Program.

31-51kk(2). Amend statute to change the definition of an "eligible employee" by removing the requirement that an employee must work for an employer for three months before becoming eligible under the CT Family and Medical Leave Act and replacing it with a requirement that an employee must have earned at least $2,325 during his or her highest earning quarter in the base period. This change ensures that the eligibility standard under the CT Family and Medical Leave Act matches the eligibility standard under the Family and Medical Leave Insurance Program.

31-51kk(18). Amend statute to add a definition of "subject earnings" that mirrors the statutory language in Section 1 of P.A. 19-25 to ensure that the eligibility standard under the CT Family and Medical Leave Act matches the eligibility standard under the Family and Medical Leave Insurance Program.

31-51ll. Amend statute to remove all references to "section 5-248a" as this is obsolete based on the 2017 SEBAC Agreement making the State a covered employer under the CT Family and Medical Leave Act.

31-51oo. Amend statute to remove all references to "section 5-248a" as this is obsolete based on the 2017 SEBAC Agreement making the State a covered employer under the CT Family and Medical Leave Act.

31-51pp. Amend statute to remove all references to "section 5-248a" as this is obsolete based on the 2017 SEBAC Agreement making the State a covered employer under the CT Family and Medical Leave Act. Also, amend statute to remove the requirement that the labor commissioner hold a hearing for all complaints under the CT Family and Medical Leave Act and, instead, allow for the labor commissioner or his or her designee to conduct an investigation of all such complaints; to dismiss complaints lacking jurisdiction or merit and issue a release of jurisdiction allowing a civil complaint to be brought in Superior Court; to require a mandatory settlement conference where an investigation reveals a violation; and to allow for the labor commissioner or his or her designee to designate a hearing officer to hold a hearing and render a final decision.

31-51qq. Amend statute to allow the labor commissioner to adopt regulations and establish procedures to administer the appeals process under the Family and Medical Leave Insurance Program.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No**

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year? **Unknown**

(3) Have certain constituencies called for this action? **No**

(4) What would happen if this was not enacted in law this session?

The hearing process under both the Family and Medical Leave Insurance Program and the CT Family and Medical Leave Act would be administratively cumbersome without these changes and would require a significant increase in time and expense, including State personnel costs. Also, there would be inconsistencies between the eligibility requirements for the Family and Medical Leave Insurance Program and the CT Family and Medical Leave Act resulting in an increased likelihood that employees become eligible for, and actually use, leaves under these laws at different times. This law would not comply with the 2017 SEBAC Agreement, which made the State a covered employer under the CT Family and Medical Leave Act.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?

(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?

(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?

(4) What was the last action taken during the past legislative session?

N/A

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Administrative Services **Agency Contact (*name, title, phone*):** Erin Choquette, Policy & Legislative Advisor, (860)713-5276 **Date Contacted:** 11/06/19 Approve of Proposal ☐ **YES** ☐ **NO** ■ **Talks Ongoing**
Summary of Affected Agency's Comments
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None.
State As outlined in CT DOL's 2019 fiscal note for this bill, the administration of complaints under the Family and Medical Leave Insurance Program and the CT Family and Medical Leave Act will require the agency to incur significant personnel and related costs. The changes proposed herein are designed to create administrative efficiencies in the processing of these complaints and to reduce some of the personnel and related costs. As no funds were appropriated to CT DOL as of this date for the implementation of this legislation, we are unable to quantify the specific amount of savings that these proposed changes would generate.
Federal None.
Additional notes on fiscal impact None.

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

This bill seeks to amend the appeal process under the Paid Family and Medical Leave Insurance Program to specify the deadline for filing appeals and to allow a designated hearing officer, rather than the labor commissioner, to hold hearings and render a final decision. It also clarifies that the CT Department of Labor has the authority to draft regulations regarding the appeal process under the program. This bill also seeks to amend the complaint process under the CT Family and Medical Leave Act so that all complaints are investigated and a settlement

conference can be mandated before a hearing is required. Where an investigation results in a dismissal of a complaint, the complainant may bring a civil action in Superior Court, and, where a violation is found, a designated hearing officer, rather than the labor commissioner, will hold a hearing and render a final decision, which is appealable to the Superior Court. Additionally, this bill seeks to ensure that the eligibility standard under the CT Family and Medical Leave Act matches the eligibility standard under the Family and Medical Leave Insurance Program to reduce the likelihood of employees taking leave under the two laws at different times. Finally, this bill seeks to make clear that State employees are eligible for leave under the CT Family and Medical Leave Act based on the 2017 SEBAC Agreement.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

Substitute Senate Bill No. 1

Public Act No. 19-25

AN ACT CONCERNING PAID FAMILY AND MEDICAL LEAVE.

Sec. 12. (NEW) (*Effective from passage*) Any covered employee aggrieved by a denial of compensation under the Family and Medical Leave Insurance Program or any person aggrieved by the imposition of a penalty imposed pursuant to section 14 of this act may file a complaint with the Labor Commissioner **within fourteen calendar days of the denial of compensation or imposition of penalty which prompted the complaint**. Upon receipt of any such complaint, **[the commissioner shall hold a hearing.] a hearing officer designated by the commissioner or his or her designee shall hold a hearing and render a final decision. [After the hearing, the commissioner shall send each party a written copy of the commissioner's decision.]** The

[commissioner] **designated hearing officer** may award the covered employee or person all appropriate relief, including any compensation or benefits to which the employee otherwise would have been eligible if such denial had not occurred. Any party aggrieved by the decision of the **[commissioner]** **designated hearing officer** may appeal the decision to the Superior Court in accordance with the provisions of chapter 54 of the general statutes.

Sec. 17. Section 31-51kk of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

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

(1) "Base Period" means the first four of the five most recently completed quarters;

[(1)](2) "Eligible employee" means an employee who has **earned not less than two thousand three hundred twenty-five dollars in subject earnings during the employee's highest earning quarter within the base period; [been employed [(A)] for at least [twelve] three months immediately preceding his or her request for leave by the employer with respect to whom leave is requested;] [**and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the leave;**]**

[(2)](3) "Employ" includes to allow or permit to work;

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

[(4)](5) "Employer" means a person engaged in any activity, enterprise or business who employs **[**seventy-five**]** one or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer. **[**, but shall**]** "Employer" does not include **[the state, or]** a municipality, a local or regional board of education, or a **[**private or parochial**]** nonpublic elementary or

secondary school; **[**. The number of employees of an employer shall be determined on October first annually;**]**

[(5)]__**(6)**__ "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions, regardless of whether such benefits are provided by practice or written policy of an employer or through an "employee benefit plan", as defined in Section 1002(3) of Title 29 of the United States Code;

[(6)]__**(7)**__ "Family member" means a spouse, sibling, son or daughter, grandparent, grandchild or parent, or an individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships;

[(7)]__**(8)**__ "Grandchild" means a grandchild related to a person by (A) blood, (B) marriage, (C) adoption by a child of the grandparent, or (D) foster care by a child of the grandparent;

[(8)]__**(9)**__ "Grandparent" means a grandparent related to a person by (A) blood, (B) marriage, (C) adoption of a minor child by a child of the grandparent, or (D) foster care by a child of the grandparent;

[(6)**]** **[(9)]**__**(10)**__ "Health care provider" means (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (B) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (C) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; (E) any health care provider from whom an employer

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

[(7)**] [(10)]**__**(11)**__ "Parent" means a biological parent, foster parent, adoptive parent, stepparent, parent-in-law or legal guardian of an eligible employee or an eligible employee's spouse, **[**or**]** an individual **[**who stood**]** standing in loco parentis to an eligible employee, **[**when the employee was a son or daughter**]** or an individual who stood in loco parentis to the eligible employee when the employee was a child;

[(8)**] [(11)]**__**(12)**__ "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or organized groups of persons;

[(9)**] [(12)]**__**(13)**__ "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

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

[(14)]__**(15)**__ "Sibling" means a brother or sister related to a person by (A) blood, (B) marriage, (C) adoption by a parent of the person, or (D) foster care placement;

[(11)**]** **[(15)]**__**(16)**__ "Son or daughter" means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, **[**who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability**]** or an individual to whom the employee stood in loco parentis when the individual was a child; **[and]**

[(12)**]** **[(16)]**__**(17)**__ "Spouse" means a **[**husband or wife, as the case may be**]** person to whom one is legally married**[.]**__**; and**__

__**(18) "Subject earnings" means total wages, as defined in subsection (b) of section 31-222 of the general statutes, or self-employment income as defined in 26 USC 1402(b), as amended from time to time, that shall not exceed the Social Security contribution and benefit base, as determined pursuant to 42 USC 430, as amended from time to time.**__

Sec. 18. Section 31-51*ll* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) Subject to section 31-51mm, as amended by this act, an eligible employee shall be entitled to a total of **[**sixteen**]** twelve workweeks of leave during any **[**twenty-four-month**]** twelve-month period, such **[**twenty-four-month**]** twelve-month period to be determined utilizing any one of the following methods: (A) **[**Consecutive**]** A calendar **[**years**]** year; (B) any fixed **[**twenty-four-month**]** twelve-month period, such as **[**two consecutive**]** a fiscal **[**years**]** year or a **[**twenty-four-month**]** twelve-month period measured forward from an employee's first date of employment; (C) a **[**twenty-four-month**]** twelve-month period measured forward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act; or (D) a rolling **[**twenty-four-month**]** twelve- month period measured backward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive, as amended by this act. Such employee

may take up to two additional weeks of leave during such twelve-month period for a serious health condition resulting in incapacitation that occurs during a pregnancy.

(2) Leave under this subsection may be taken for one or more of the following reasons:

(A) Upon the birth of a son or daughter of the employee;

(B) Upon the placement of a son or daughter with the employee for adoption or foster care;

(C) In order to care for **[**the spouse, or a son, daughter or parent**]** a family member of the employee, if such **[**spouse, son, daughter or parent**]** family member has a serious health condition;

(D) Because of a serious health condition of the employee;

(E) In order to serve as an organ or bone marrow donor; or

(F) Because of any qualifying exigency, as determined in regulations adopted by the United States Secretary of Labor, arising out of the fact that the spouse, son, daughter or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces, as defined in subsection (a) of section 27-103.

(b) Entitlement to leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section may accrue prior to the birth or placement of a son or daughter when such leave is required because of such impending birth or placement.

(c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section for the birth or placement of a son or daughter may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise. Subject to subdivision (2) of this subsection concerning an alternative position, subdivision (2) of subsection (f) of this section concerning the duties of the employee and subdivision (5) of subsection (b) of section 31-51mm, as amended by this act, concerning sufficient certification, leave under

subparagraph (C) or (D) of subdivision (2) of subsection (a) or under subsection (i) of this section for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction of the total amount of leave to which the employee is entitled under subsection (a) of this section beyond the amount of leave actually taken.

(2) If an employee requests intermittent leave or leave on a reduced leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that (A) has equivalent pay and benefits, and (B) better accommodates recurring periods of leave than the regular employment position of the employee, provided the exercise of this authority shall not conflict with any provision of a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the employee is a part.

(d) Except as provided in subsection (e) of this section, leave granted under subsection (a) of this section may consist of unpaid leave.

(e) (1) If an employer provides paid leave for fewer than **[**sixteen**]** twelve workweeks, the additional weeks of leave necessary to attain the **[**sixteen**]** twelve workweeks of leave required under sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, may be provided without compensation or with compensation through the Family and Medical Leave Insurance Program established in section 3 of this act.

(2) (A) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave or family leave of the employee for leave provided under subparagraph (A), (B) or (C) of subdivision (2) of subsection (a) of this section for any part of the **[**sixteen-week**]** twelve-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of such leave, provided such eligible employee may retain not less than two weeks of such leave.

(B) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) of this section for any part of the **[**sixteen-week**]** twelve-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of leave, provided such eligible employee may retain not less than two weeks of such leave, except that nothing in **[section 5-248a or]** sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(f) (1) In any case in which the necessity for leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section is foreseeable based on an expected birth or placement of a son or daughter, the employee shall provide the employer with not less than thirty days' notice, before the date of the leave is to begin, of the employee's intention to take leave under said subparagraph (A) or (B), except that if the date of the birth or placement of a son or daughter requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(2) In any case in which the necessity for leave under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section is foreseeable based on planned medical treatment, the employee (A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the **[**son, daughter, spouse or parent**]** family member of the employee, as appropriate; and (B) shall provide the employer with not less than thirty days' notice, before the date the leave is to begin, of the employee's intention to take leave under said subparagraph (C), (D) or (E) or said subsection (i), except that if the date of the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(g) In any case in which **[**a husband and wife**]** two spouses entitled to leave under subsection (a) of this section are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to **[**sixteen**]** twelve workweeks during any **[**twenty-four-month**]** twelve-month period, if such leave is taken: (1) Under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section; or (2) to care for a sick **[**parent**]** family member under subparagraph (C) of said subdivision. In any case in which **[**a husband and wife**]** two spouses entitled to leave under subsection (i) of this section are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to twenty-six workweeks during any twelve-month period.

(h) Unpaid leave taken pursuant to sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, shall not be construed to affect an employee's qualification for exemption under chapter 558.

(i) Subject to section 31-51mm, as amended by this act, an eligible employee who is the spouse, son or daughter, parent or next of kin of a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty shall be entitled to a one-time benefit of twenty-six workweeks of leave during any twelve-month period for each armed forces member per serious injury or illness incurred in the line of duty. Such twelve-month period shall commence on an employee's first day of leave taken to care for a covered armed forces member and end on the date twelve months after such first day of leave. For the purposes of this subsection, (1) "next of kin" means the armed forces member's nearest blood relative, other than the covered armed forces member's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the armed forces member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered armed forces member has specifically designated in writing another blood relative as his or her nearest blood relative or any other individual whose close association with the employee is the equivalent of a family member for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the covered armed forces member's next of kin; and (2) "son or daughter" means a biological, adopted or foster child, stepchild, legal ward or child for whom the eligible employee or armed forces member stood in loco parentis and who is any age.

(j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, as amended by this act, shall not run concurrently with the provisions of section 31-313.

(k) Notwithstanding the provisions of sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, all further rights granted by federal law shall remain in effect.

Sec. 20. Section 31-51oo of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, and sections 2 to 16, inclusive, of this act, shall be maintained as medical records pursuant to chapter 563a, except that: (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations; (2) first aid and safety personnel may be informed, when appropriate, if the employee's physical or medical condition might require emergency treatment; and (3) government officials investigating compliance with sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, and sections 2 to 16, inclusive, of this act, or other pertinent law shall be provided relevant information upon request.

Sec. 21. Section 31-51pp of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) (1) It shall be a violation of sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, for any employer to interfere with, restrain or deny the exercise of, or the attempt to exercise, any right provided under said sections.

(2) It shall be a violation of sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, for any employer to discharge or cause to be discharged, or in any other manner discriminate, against any individual for opposing any practice made unlawful by said sections or because such employee has exercised the rights afforded to such employee under said sections.

(b) It shall be a violation of sections **[5-248a and]** 31-51kk to 31-51qq, inclusive, as amended by this act, for any person to discharge or cause to be discharged, or in any other manner discriminate, against any individual because such individual:

(1) Has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to sections 5-248a and 31-51kk to 31-51qq, inclusive, as amended by this act;

(2) Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under said sections; or

(3) Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under said sections.

(c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive, as amended by this act, for any employer to deny an employee the right to use up to two weeks of accumulated sick leave or to discharge, threaten to discharge, demote, suspend or in any manner discriminate against an employee for using, or attempting to exercise the right to use, up to two weeks of accumulated sick leave to attend to a serious health condition of a **[**son or daughter, spouse or parent**]** family member of the employee, or for the birth or adoption of a son or daughter of the employee. For purposes of this subsection, "sick leave" means an absence from work for which compensation is provided through an employer's bona fide written policy providing compensation for loss of wages occasioned by illness, but does not include absences from work for which compensation is provided through an employer's plan, including, but not limited to, a short or long-term disability plan, whether or not such plan is self-insured.

(2) Any employee aggrieved by a violation of this subsection may file a complaint with the Labor Commissioner alleging violation of the provisions of this subsection. Upon receipt of any such

complaint, the commissioner **or his or her designee shall conduct an investigation and make a finding regarding jurisdiction and whether a violation of this subsection has occurred.**

(A) If the commissioner or his or her designee makes a finding that the agency has no jurisdiction or that no violation of this subsection has occurred, the commissioner or his or her designee shall dismiss the complaint and issue a release of jurisdiction allowing the complainant to bring a civil action in Superior Court. Any action brought by the complainant in accordance with this subsection shall be brought not later than ninety days after the date of the release from the commissioner or his or her designee. The employee may be awarded all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages and reestablishment of employee benefits to which the employee otherwise would have been eligible if a violation of this subsection had not occurred.

(B) If the commissioner or his or her designee makes a finding that the agency has jurisdiction and that a violation of this subsection has occurred, the commissioner or his or her designee may, in his or her sole discretion, require the parties to participate in a mandatory settlement conference and, in the absence of a settlement, a hearing officer designated by the commissioner or his or her designee shall hold a hearing and render a final decision[shall hold a hearing. After the hearing, the commissioner shall send each party a written copy of the commissioner's decision]. The **[commissioner] designated hearing officer** may award the employee all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages and reestablishment of employee benefits to which the employee otherwise would have been eligible if a violation of this subsection had not occurred. Any party aggrieved by the decision of the **[commissioner] the designated hearing officer** may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(3) The rights and remedies specified in this subsection are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or under other provisions of law.

Sec. 22. Section 31-51qq of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2020*):

[On or before January 1, 1997**]** Not later than January 1, 2022, the Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish procedures and guidelines necessary to implement the provisions of **section 12 of this act and** sections **[**5-248a and**]** 31-51kk to 31-51qq, inclusive, as amended by this act, including, but not limited to: **[**,**]** (1) **[G]g**uidelines regarding factors to be considered when determining whether an individual's close association with an employee is the equivalent of a family member's, and (2) procedures for **the administration and disposition of complaints, including redress therefor, [hearings and redress, including restoration and restitution, for an employee who believes that there is a violation by the employer of such employee] regarding a violation** of any provision of said sections. **[**In adopting such regulations, the commissioner shall make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal Family and Medical Leave Act of 1993 and the regulations promulgated pursuant to said act.**]**