

*Service Employees
International Union*



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SEIU Local 1973

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CSEA SEIU Local 2001

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New England Healthcare
Employees Union,
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TO: MEMBERS OF THE LABOR & PUBLIC EMPLOYEES
COMMITTEE
FROM: ROBERT RINKER for **CSEA SEIU LOCAL 2001** &
PAUL FILSON for **SEIU STATE LABOR COUNCIL**
DATE: FEBRUARY 11, 2010
RE: 2010 LEGISLATIVE PROPOSAL REGARDING FAMILY &
MEDICAL LEAVE OPTIONS FOR EDUCATION
PARAPROFESSIONALS

Dear Friends:

Our Organizations represent hundreds of education paraprofessionals working in our public school systems throughout Connecticut.

Everyone now understands and agrees that paraprofessionals often have the most demanding jobs working one-on-one with the most demanding students, particularly the ever-growing of students with Autism Spectrum Disorders.

Thank Goodness – state and local policymakers and school officials are starting to recognize the enormous contributions that paraprofessionals make to our educational system. However, there are many important benefits and considerations that are not afforded to our paraprofessionals.

Importantly, paraprofessionals in Connecticut do not legally have access to our important Family & Medical Leave Act options. It's our understanding that paraprofessionals do not have access to these protections because they do not technically work 1,200 total hours per year, as is required by federal law.

We respectfully contend that Education Paraprofessionals should have access to Family & Medical Leave Act Protections. Accordingly, we have drafted a legislative proposal (text below) which mirrors the Family & Medical Leave Act that is afforded to folks who work in State Service (we have used the text of the State Employee Family & Medical Act under Section 5-248a as the framework for our proposal).

WE ARE RESPECTFULLY REQUESTING THE LABOR & PUBLIC EMPLOYEES TO RAISE THIS PROPOSAL FOR A PUBLIC HEARING THIS SESSION. THANKS VERY MUCH FOR YOUR CONSIDERATION!

Text of 2010 Legislative Proposal:

AN ACT PROVIDING FAMILY AND MEDICAL LEAVE OPTIONS TO EDUCATION PARAPROFESSIONALS

Section 1. (NEW) (*Effective January 1, 2011*) (a) For purposes of this section, "child" means a biological, adopted or foster child, stepchild, child of whom a person has legal guardianship or custody, or, in the alternative, a child of a person standing in loco parentis, who is (1) under eighteen years of age, or (2) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Each **employee who works full-time as a paraprofessional in a municipal school system**, shall be entitled to a family leave of absence upon the birth or adoption of a child of such employee, or upon the serious illness of a child, spouse or parent of such employee; and a medical leave of absence upon the serious illness of such employee or in order for such employee to serve as an organ or bone marrow donor. The total amount of time that an employee is entitled to for leaves of absence pursuant to this section shall be twenty-four weeks within any two-year period. Any such leave of absence shall be without pay. Upon the expiration of any such leave of absence, the employee shall be entitled (A) to return to the employee's original job from which the leave of absence was provided or, if not available, to an equivalent position with equivalent pay, except that in the case of a medical leave, if the employee is medically unable to perform the employee's original job upon the expiration of such leave, the **municipal employer of such employee shall** endeavor to find other suitable work for such employee in **municipal** service, and (B) to all accumulated seniority, retirement, fringe benefit and other service credits the employee had at the commencement of such leave. Such service credits shall not accrue during the period of the leave of absence.

(b) The leave of absence benefits granted by this section shall be in addition to any other paid leave benefits **which may otherwise be available to such employee**.

(c) Any employee who requests a medical leave of absence due to the employee's serious illness or a family leave of absence due to the serious illness of a child, spouse or parent pursuant to subsection (a) of this section shall be required by the employee's appointing authority, prior to the inception of such leave, to provide sufficient written certification from the physician of such employee, child, spouse or parent of the nature of such illness and its probable duration. For the purposes of this section, "serious illness" means an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice or residential care facility, or (2) continuing treatment or continuing supervision by a health care provider.

(d) Any employee who requests a medical leave of absence in order to serve as an organ or bone marrow donor pursuant to subsection (a) of this section shall be required by the employee's appointing authority, prior to the inception of such leave, to provide sufficient written certification from the physician of such employee of the proposed organ or bone marrow donation and the probable duration of the employee's recovery period from such donation.

(e) Any employee who requests a family leave of absence pursuant to subsection (a) of this section shall submit to the employee's appointing authority, prior to the inception of such leave, a signed statement of the employee's intent to return to the employee's position in **municipal** service upon the termination of such leave.

(f) Notwithstanding the provisions of **any other statute or regulation to the contrary**, the **employee's municipal employer shall** pay for the continuation of health insurance benefits for the employee during any leave of absence taken pursuant to this section **to the extent that the employee was receiving such benefits from the municipal employer**. In order to continue any other health insurance coverages during such leave, the employee shall contribute that portion of the premium the employee would have been required to contribute had the employee remained an active employee during the leave period.

