

Regulation Review Committee Ready To Consider New Paraprofessional FMLA Regulations

Education Law Notes

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The Connecticut General Assembly's Legislative Regulation Review Committee will consider the Department of Labor's proposed paraprofessional Family Medical Leave Act, or "FMLA" regulations at its April 22, 2014 meeting. Consideration by the Regulation Review Committee is one of the last steps in Connecticut's regulatory approval process, and, barring the unforeseen, it seems very likely that the proposed regulations will be approved by the Committee and become final regulations in the near future.

So why is this important? I wrote a piece on the proposed regulations for the *Connecticut Law Tribune* in January that goes into some detail on the proposed regulations, but the quick synopsis is that back in 2012 the General Assembly passed legislation that carves out a special FMLA reduced-hour eligibility provision for school paraprofessionals. Normally, only school employees who work at least 1,250 hours in the twelve-month period preceding leave are eligible for federal FMLA benefits (boards of education as well as private and parochial schools are not subject to the Connecticut FMLA). Under the 2012 law, however, paras who work at least 950 hours in a twelve-month period will thereafter be eligible for leave benefits consistent with the federal FMLA.

There is, however, a slight catch, one that underscores the importance of the Legislative Regulation Review Committee's April 22 meeting. As noted, the law was passed in 2012, yet it specifies that the FMLA benefit will **only** become available to paraprofessionals upon the adoption of the Department of Labor's implementing regulations. Thus paraprofessionals cannot begin to accrue the requisite 950 hours toward FMLA eligibility until these regulations have been approved and effectuated.

In most cases the Regulation Review Committee approves a draft regulation on the day the regulation comes before it (although often with some technical changes from the agency's draft). Once a regulation is approved by the Committee, a copy is transmitted to the Secretary of State and the regulation becomes officially effective on the date the regulation is posted on the Secretary of State's website, or at a later date specified in the regulation. Normally, the time interval between Regulation Review Committee approval and posting on the Secretary of State's web-site is less than three weeks. With this in mind, then, it appears very likely that the proposed regulations will become effective and the 950-hours-worked clock will start ticking sometime in late April or early May.

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