



General Assembly

January Session, 2007

Committee Bill No. 601

LCO No. 5176

05176SB00601LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT MANDATING EMPLOYERS TO PROVIDE PAID SICK LEAVE TO EMPLOYEES.

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

1 Section 1. (NEW) (*Effective October 1, 2007*) As used in this section
2 and sections 2 to 6, inclusive, of this act:

3 (1) "Child" has the same meaning as "son or daughter" as provided
4 in section 31-51kk of the general statutes;

5 (2) "Employer" means any person, firm, business, educational
6 institution, nonprofit agency, corporation, limited liability company or
7 any other entity that employs fifteen or more persons, excluding the
8 state, any political subdivision of the state or any governmental
9 agency;

10 (3) "Extended family member" means any person who is a relative
11 within the third degree by blood or marriage;

12 (4) "Family violence" has the same meaning as provided in section
13 46b-38a of the general statutes;

14 (5) "Grandparent" means the parent of a parent;

15 (6) "Parent" has the same meaning as provided in section 31-51kk of
16 the general statutes;

17 (7) "Retaliatory personnel action" means a termination, suspension,
18 constructive discharge, demotion, unfavorable reassignment, refusal to
19 promote, disciplinary action or any other adverse employment action
20 taken by an employer against an employee;

21 (8) "Sexual assault" means any act that constitutes a violation of
22 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72b or 53a-73a of the
23 general statutes;

24 (9) "Spouse" has the same meaning as provided in section 31-51kk of
25 the general statutes; and

26 (10) "Stalking" means any act that constitutes a violation of section
27 53a-181c, 53a-181d or 53a-181e of the general statutes.

28 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Each employer shall
29 provide paid sick leave annually to each of such employer's employees
30 in the state. Such paid sick leave shall accrue (1) from the
31 commencement of an employee's employment, (2) at a rate of one hour
32 of sick leave for each forty hours worked by an employee, and (3) in
33 one-hour increments.

34 (b) An employee shall be entitled to the use of accrued paid sick
35 leave beginning on the ninetieth day after the employee's first day of
36 employment, unless the employer agrees to an earlier date. Each
37 employee shall be entitled to carry-over accrued paid sick leave from
38 one year, whether calendar or fiscal, to succeeding years. Each
39 employee shall be entitled to use a minimum of fifty-two hours of
40 accrued paid sick leave per year.

41 (c) Any employer that offers employees paid leave, other than
42 vacation leave, that may be used for the same purposes and under the

43 same conditions as paid sick leave under this section and section 3 of
44 this act shall be deemed to be in compliance with this section.

45 (d) Nothing in this section shall be construed to prevent employers
46 from providing paid leave that is more generous than that required
47 under this section and section 3 of this act.

48 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) An employer shall permit
49 an employee to use paid sick leave:

50 (1) For (A) an employee's mental or physical illness, injury or health
51 condition, (B) the medical diagnosis, care or treatment of an
52 employee's mental or physical illness, injury or health condition, or (C)
53 preventive medical care for an employee;

54 (2) For the care of a spouse, child, parent, person with whom the
55 employee has entered into a civil union, grandparent, extended family
56 member or other person related by blood or affinity whose
57 relationship with the employee is the equivalent of a family
58 relationship with a mental or physical illness, injury or health
59 condition or need for medical diagnosis, care or treatment of a mental
60 or physical illness, injury or health condition or need for preventive
61 medical care; or

62 (3) Where an employee or an individual described in subdivision (2)
63 of this subsection is a victim of family violence, sexual assault or
64 stalking, for medical care or psychological or other counseling for
65 physical or psychological injury or disability, to obtain services from a
66 victim services organization, to relocate due to such family violence,
67 sexual assault or stalking or to participate in any civil or criminal legal
68 proceedings related to or resulting from such family violence, sexual
69 assault or stalking.

70 (b) If an employee's need to use paid sick leave is foreseeable, an
71 employer may require advanced notice, not to exceed seven days prior
72 to the date such leave is to begin, of the intention to use such leave. If

73 the need for such leave is not foreseeable, an employer may require an
74 employee to give notice as soon as practicable. For leave of more than
75 three consecutive days, an employer may require reasonable
76 documentation that such leave is being taken for the purposes
77 permitted by subsection (a) of this section. If such leave is permitted
78 under subdivisions (1) or (2) of said subsection (a), documentation
79 signed by a health care provider who is treating the employee or other
80 individual for whom the employee is using such leave indicating the
81 need for the number of days of such leave shall be considered
82 reasonable documentation. If such leave is permitted under
83 subdivision (3) of said subsection (a), a court record or documentation
84 signed by an employee or volunteer working for a victim services
85 organization, an attorney, police officer or other counselor involved
86 with the victim of family violence, sexual assault or stalking for whom
87 such leave is used shall be considered reasonable documentation.

88 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) No employer shall take
89 retaliatory personnel action or discriminate against an employee
90 because the employee (1) requests or uses paid sick leave in
91 accordance with sections 2 and 3 of this act, or (2) files a complaint
92 with the Labor Commissioner or an action in the Superior Court
93 alleging the employer's violation of sections 2 to 6, inclusive, of this act.

94 (b) (1) Any employee subjected to a retaliatory personnel action in
95 violation of this section may institute a civil action in the Superior
96 Court for the judicial district in which the employer has its principal
97 office in the state. Such action shall be filed not later than two years
98 after the date on which such retaliatory personnel action first occurred.

99 (2) Any employee aggrieved by a failure to provide paid sick leave
100 may institute a civil action in the superior court for the judicial district
101 in which the employer has its principal office in the state. Such action
102 shall be filed not later than two years after the date on which failure to
103 provide paid sick leave first occurred.

104 (c) If an employer is found to have failed to provide paid sick leave

105 as required by section 2 or 3 of this act, the aggrieved employee shall
106 be entitled to (1) recover the full amount of any unpaid sick leave plus
107 any actual damages suffered as the result of the employer's failure to
108 provide such leave, including interest at a rate to be determined by the
109 court, (2) any other legal or equitable relief as may be appropriate to
110 remedy the violation, including, but not limited to, reinstatement of
111 employment and injunctive relief, and (3) reasonable attorney's fees.

112 (d) The Attorney General may bring a civil action in the superior
113 court for the district of Hartford to enforce the provisions of sections 2
114 to 6, inclusive, of this act. The Attorney General may seek injunctive
115 relief, or in addition to or in lieu of such injunctive relief, may seek to
116 impose a fine of one thousand dollars per violation.

117 (e) Any action brought pursuant to this section by an employee may
118 be brought as a class action on behalf of such employee and other
119 persons similarly situated who are residents of this state.

120 (f) Any employer who violates the provisions of sections 2 to 6,
121 inclusive, of this act shall be liable to the Labor Department for a civil
122 penalty of six hundred dollars for each violation.

123 Sec. 5. (NEW) (*Effective October 1, 2007*) If an employer possesses
124 health information or information pertaining to family violence about
125 an employee or an employee's child, parent, spouse, extended family
126 member or other individual described in subsection (a) of section 3 of
127 this act, such information shall be confidential and shall not be
128 disclosed except to the affected employee or with the permission of the
129 affected employee.

130 Sec. 6. (NEW) (*Effective October 1, 2007*) Each employer subject to the
131 provisions of section 2 of this act shall provide notice to each employee
132 at the time of hiring that (1) the employee is entitled to sick leave, the
133 amount of sick leave provided and the terms under which sick leave
134 may be used, (2) retaliation by the employer against the employee for
135 requesting or using sick leave is prohibited, and (3) the employee has a

136 right to file a complaint with the Labor Commissioner or bring a civil
137 action against the employer in Superior Court for any violation of
138 sections 2 to 6, inclusive, of this act. Employers may comply with the
139 provisions of this section by displaying a poster in a conspicuous
140 place, accessible to employees, at the employers' place of business that
141 contains the information required in this subsection in both English
142 and Spanish. The Labor Commissioner may adopt regulations, in
143 accordance with chapter 54 of the general statutes, to establish
144 additional requirements concerning the means by which employers
145 shall provide such notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section
Sec. 2	October 1, 2007	New section
Sec. 3	October 1, 2007	New section
Sec. 4	October 1, 2007	New section
Sec. 5	October 1, 2007	New section
Sec. 6	October 1, 2007	New section

Statement of Purpose:

To allow employees to have mandatory paid sick leave every year.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HANDLEY, 4th Dist.; SEN. PRAGUE, 19th Dist.

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