



General Assembly

Substitute Bill No. 601

January Session, 2007

* SB00601LAB__031507__ *

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

8 (2) "Family violence" has the same meaning as provided in section
9 46b-38a of the general statutes;

10 (3) "Retaliatory personnel action" means a termination, suspension,
11 constructive discharge, demotion, unfavorable reassignment, refusal to
12 promote, disciplinary action or any other adverse employment action
13 taken by an employer against an employee;

14 (4) "Sexual assault" means any act that constitutes a violation of
15 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72b or 53a-73a of the
16 general statutes; and

17 (5) "Stalking" means any act that constitutes a violation of section

18 53a-181c, 53a-181d or 53a-181e of the general statutes.

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

25 (b) An employee shall be entitled to the use of accrued paid sick
26 leave beginning on the ninetieth day after the employee's first day of
27 employment, unless the employer agrees to an earlier date. Each
28 employee shall be entitled to carry-over accrued paid sick leave from
29 one year, whether calendar or fiscal, to succeeding years. Each
30 employee shall be entitled to use a minimum of fifty-two hours of
31 accrued paid sick leave per year.

32 (c) Any employer that offers employees paid leave, other than
33 vacation leave, that may be used for the same purposes and under the
34 same conditions as paid sick leave under this section and section 3 of
35 this act shall be deemed to be in compliance with this section.

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

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

41 (1) For (A) an employee's mental or physical illness, injury or health
42 condition, (B) the medical diagnosis, care or treatment of an
43 employee's mental or physical illness, injury or health condition, or (C)
44 preventive medical care for an employee; or

45 (2) Where an employee is a victim of family violence, sexual assault
46 or stalking, for medical care or psychological or other counseling for
47 physical or psychological injury or disability, to obtain services from a

48 victim services organization, to relocate due to such family violence,
49 sexual assault or stalking or to participate in any civil or criminal legal
50 proceedings related to or resulting from such family violence, sexual
51 assault or stalking.

52 (b) If an employee's need to use paid sick leave is foreseeable, an
53 employer may require advanced notice, not to exceed seven days prior
54 to the date such leave is to begin, of the intention to use such leave. If
55 the need for such leave is not foreseeable, an employer may require an
56 employee to give notice as soon as practicable. For leave of three or
57 more consecutive days, an employer may require reasonable
58 documentation that such leave is being taken for the purposes
59 permitted by subsection (a) of this section. If such leave is permitted
60 under subdivision (1) of said subsection (a), documentation signed by
61 a health care provider who is treating the employee indicating the
62 need for the number of days of such leave shall be considered
63 reasonable documentation. If such leave is permitted under
64 subdivision (2) of said subsection (a), a court record or documentation
65 signed by an employee or volunteer working for a victim services
66 organization, an attorney, police officer or other counselor involved
67 with the employee shall be considered reasonable documentation.

68 Sec. 4. (NEW) (*Effective October 1, 2007*) (a) No employer shall take
69 retaliatory personnel action or discriminate against an employee
70 because the employee (1) requests or uses paid sick leave in
71 accordance with sections 2 and 3 of this act, or (2) files a complaint
72 with the Labor Commissioner alleging the employer's violation of
73 sections 2 to 6, inclusive, of this act.

74 (b) Any employer who violates the provisions of sections 2 to 6,
75 inclusive, of this act shall be liable to the Labor Department for a civil
76 penalty of six hundred dollars for each violation. The Labor
77 Commissioner may award the employee all appropriate relief
78 including rehiring or reinstatement to the employee's previous job,
79 payment of back wages and reestablishment of employee benefits to
80 which the employee otherwise would have been eligible if he had not

81 been subject to such retaliatory personnel action or discriminated
82 against. Any employee who prevails in such a complaint shall be
83 awarded reasonable attorney's fees and costs. Any party aggrieved by
84 the decision of the commissioner may appeal the decision to the
85 Superior Court in accordance with the provisions of chapter 54 of the
86 general statutes.

87 Sec. 5. (NEW) (*Effective October 1, 2007*) If an employer possesses
88 health information or information pertaining to family violence about
89 an employee, such information shall be confidential and shall not be
90 disclosed except to the affected employee or with the permission of the
91 affected employee.

92 Sec. 6. (NEW) (*Effective October 1, 2007*) Each employer subject to the
93 provisions of section 2 of this act shall provide notice to each employee
94 at the time of hiring that (1) the employee is entitled to sick leave, the
95 amount of sick leave provided and the terms under which sick leave
96 may be used, (2) retaliation by the employer against the employee for
97 requesting or using sick leave is prohibited, and (3) the employee has a
98 right to file a complaint with the Labor Commissioner for any violation
99 of sections 2 to 6, inclusive, of this act. Employers may comply with the
100 provisions of this section by displaying a poster in a conspicuous
101 place, accessible to employees, at the employers' place of business that
102 contains the information required in this subsection in both English
103 and Spanish. The Labor Commissioner may adopt regulations, in
104 accordance with chapter 54 of the general statutes, to establish
105 additional requirements concerning the means by which employers
106 shall provide such notice.

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

Sec. 6	<i>October 1, 2007</i>	New section
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LAB *Joint Favorable Subst.*