



General Assembly

Substitute Bill No. 601

January Session, 2007

* SB00601APP 052207 *

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) "Employee" means any person engaged in service to an employer
4 in the business of the employer who is (A) paid on an hourly basis, or
5 (B) not exempt from the minimum wage and overtime compensation
6 requirements of the Fair Labor Standards Act of 1938 and the
7 regulations promulgated thereunder, as from time to time amended;

8 (2) "Employer" means any person, firm, business, educational
9 institution, nonprofit agency, corporation, limited liability company or
10 other entity that employs twenty-five or more persons;

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

13 (4) "Retaliatory personnel action" means any termination,
14 suspension, constructive discharge, demotion, unfavorable
15 reassignment, refusal to promote, disciplinary action or other adverse
16 employment action taken by an employer against an employee;

17 (5) "Sexual assault" means any act that constitutes a violation of
18 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72b or 53a-73a of the
19 general statutes; and

20 (6) "Stalking" means any act that constitutes a violation of section
21 53a-181c, 53a-181d or 53a-181e of the general statutes.

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

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

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

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

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

44 (1) For (A) an employee's mental or physical illness, injury or health
45 condition, (B) the medical diagnosis, care or treatment of an
46 employee's mental or physical illness, injury or health condition, or (C)

47 preventive medical care for an employee; or

48 (2) Where an employee is a victim of family violence, sexual assault
49 or stalking, (A) for medical care or psychological or other counseling
50 for physical or psychological injury or disability, (B) to obtain services
51 from a victim services organization, (C) to relocate due to such family
52 violence, sexual assault or stalking, or (D) to participate in any civil or
53 criminal proceedings related to or resulting from such family violence,
54 sexual assault or stalking.

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

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

78 (b) Any employer who is found by the Labor Commissioner, by a

79 preponderance of the evidence, to have violated the provisions of
80 sections 2 to 6, inclusive, of this act shall be liable to the Labor
81 Department for a civil penalty of six hundred dollars for each
82 violation. The Labor Commissioner may award the employee all
83 appropriate relief, including rehiring or reinstatement to the
84 employee's previous job, payment of back wages and reestablishment
85 of employee benefits to which the employee otherwise would have
86 been eligible if the employee had not been subject to such retaliatory
87 personnel action or discriminated against. Any party aggrieved by the
88 decision of the commissioner may appeal the decision to the Superior
89 Court in accordance with the provisions of chapter 54 of the general
90 statutes.

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

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

JUD *Joint Favorable Subst.*

APP *Joint Favorable*