



General Assembly

Substitute Bill No. 217

February Session, 2008

* SB00217APP__042408__ *

AN ACT MANDATING EMPLOYERS 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, 2008*) As used in this section
2 and sections 2 to 5, inclusive, of this act:

3 (1) "Child" means a biological, adopted or foster child, stepchild or
4 legal ward of an employee;

5 (2) "Day or temporary worker" means an individual who performs
6 work for another on (A) a per diem basis, or (B) an occasional or
7 irregular basis for only the time required to complete such work,
8 whether such individual is paid by the person for whom such work is
9 performed or by an employment agency or temporary help service, as
10 defined in section 31-129 of the general statutes.

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

16 (4) "Employer" means any person, firm, business, educational
17 institution, nonprofit agency, corporation, limited liability company or

18 other entity that employs twenty-five or more persons;

19 (5) "Family violence" has the same meaning as provided in section
20 46b-38a of the general statutes;

21 (6) "Retaliatory personnel action" means any termination,
22 suspension, constructive discharge, demotion, unfavorable
23 reassignment, refusal to promote, disciplinary action or other adverse
24 employment action taken by an employer against an employee;

25 (7) "Sexual assault" means any act that constitutes a violation of
26 section 53a-70, 53a-70a, 53a-70b or 53a-72b of the general statutes or
27 section 53a-71 or 53a-73a of the 2008 supplement to the general
28 statutes; and

29 (8) "Stalking" means any act that constitutes a violation of section
30 53a-181c, 53a-181d or 53a-181e of the general statutes.

31 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) Each employer shall
32 provide paid sick leave annually to each of such employer's employees
33 in the state. Such paid sick leave shall accrue (1) from the
34 commencement of an employee's employment, (2) at a rate of one hour
35 of paid sick leave for each forty hours worked by an employee, and (3)
36 in one-hour increments.

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

44 (c) Any employer that offers employees paid leave, other than
45 vacation leave, that may be used for the same purpose and under the
46 same conditions as paid sick leave under this section and section 3 of
47 this act shall be deemed in compliance with this section.

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

51 (e) Nothing under this section and section 3 of this act shall be
52 applicable to day or temporary workers.

53 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) An employer shall permit
54 an employee to use paid sick leave:

55 (1) For (A) an employee's mental or physical illness, injury or health
56 condition, (B) the medical diagnosis, care or treatment of an
57 employee's mental or physical illness, injury or health condition, or (C)
58 preventive medical care for an employee; or

59 (2) For care of a child with a mental or physical illness, injury or
60 health condition that needs medical diagnosis, care, or treatment of
61 that illness or condition who needs preventative medical care; or

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

69 (b) If an employee's need to use paid sick leave is foreseeable, an
70 employer may require advance notice, not to exceed seven days prior
71 to the date such leave is to begin, of the intention to use such leave. If
72 an employee's need for such leave is not foreseeable, an employer may
73 require an employee to give notice of such intention as soon as
74 practicable. For paid sick leave of three or more consecutive days, an
75 employer may require reasonable documentation that such leave is
76 being taken for the purpose permitted under subsection (a) of this
77 section. If such leave is permitted under subdivisions (1) and (2) of said
78 subsection, documentation signed by a health care provider who is

79 treating the employee or the employee's child indicating the need for
80 the number of days of such leave shall be considered reasonable
81 documentation. If such leave is permitted under subdivision (3) of said
82 subsection, a court record or documentation signed by an employee or
83 volunteer working for a victim services organization, an attorney, a
84 police officer or other counselor involved with the employee shall be
85 considered reasonable documentation.

86 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) No employer shall take
87 retaliatory personnel action or discriminate against an employee
88 because the employee (1) requests or uses paid sick leave in
89 accordance with sections 2 and 3 of this act, or (2) files a compliant
90 with the Labor Commissioner alleging the employer's violation of
91 sections 2 to 5, inclusive, of this act.

92 (b) Any employer who is found by the Labor Commissioner, by a
93 preponderance of the evidence, to have violated the provisions of
94 sections 2 to 5, inclusive, of this act shall be liable to the Labor
95 Department for a civil penalty of six hundred dollars for each
96 violation. The Labor Commissioner may award the employee all
97 appropriate relief, including rehiring or reinstatement to the
98 employee's previous job, payment of back wages and reestablishment
99 of employee benefits to which the employee otherwise would have
100 been eligible if the employee had not been subject to such retaliatory
101 personnel action or discriminated against. Any party aggrieved by the
102 decision of the commissioner may appeal the decision to the Superior
103 Court in accordance with the provisions of chapter 54 of the general
104 statutes.

105 Sec. 5. (NEW) (*Effective October 1, 2008*) Each employer subject to the
106 provisions of section 2 of this act shall, at the time of hiring, provide
107 notice to each employee (1) of the employee's entitlement to sick leave,
108 the amount of sick leave provided and the terms under which sick
109 leave may be used, (2) that retaliation by the employer against the
110 employee for requesting or using sick leave is prohibited, and (3) that
111 the employee has a right to file a compliant with the Labor

112 Commissioner for any violation of sections 2 to 5, inclusive, of this act.
113 Employers may comply with the provisions of this section by
114 displaying a poster in a conspicuous place, accessible to employees, at
115 the employer's place of business that contains the information required
116 by this section in both English and Spanish. The Labor Commissioner
117 may adopt regulations, in accordance with chapter 54 of the general
118 statutes, to establish additional requirements concerning the means by
119 which employers shall provide such notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section

LAB *Joint Favorable Subst.*

JUD *Joint Favorable*

APP *Joint Favorable*