



General Assembly

January Session, 2009

Raised Bill No. 6187

LCO No. 2473

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Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

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 January 1, 2010*) 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, other than a day or temporary
12 worker, engaged in service to an employer in the business of the
13 employer who is (A) paid on an hourly basis, or (B) not exempt from
14 the minimum wage and overtime compensation requirements of the

15 Fair Labor Standards Act of 1938 and the regulations promulgated
16 thereunder, as from time to time amended;

17 (4) "Employer" means any person, firm, business, educational
18 institution, nonprofit agency, corporation, limited liability company or
19 other entity that employs fifty or more persons in the state of
20 Connecticut;

21 (5) "Family violence" has the same meaning as provided in section
22 46b-38a of the general statutes;

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

27 (7) "Sexual assault" means any act that constitutes a violation of
28 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53c-73c of
29 the general statutes.

30 Sec. 2. (NEW) (*Effective January 1, 2010*) (a) Each employer shall
31 provide paid sick leave annually to each of such employer's employees
32 in the state. Such paid sick leave shall accrue (1) from the
33 commencement of an employee's employment, (2) at a rate of one hour
34 of paid sick leave for each forty hours worked by an employee, and (3)
35 in one-hour increments up to a maximum of fifty-two hours per year.

36 (b) An employee shall be entitled to the use of accrued paid sick
37 leave beginning on the one-hundred-twentieth day after the
38 employee's first day of employment, unless the employer agrees to an
39 earlier date. Each employee shall be entitled to carry over a maximum
40 of fifty-two hours of unused accrued paid sick leave from the current
41 year, whether calendar or fiscal, to the following year. Each employee
42 shall be entitled to use a maximum of fifty-two hours of accrued paid
43 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 as paid sick
46 leave under this section and section 3 of this act shall be deemed to be
47 in compliance with this section.

48 (d) Each employer shall pay each employee for paid sick leave at a
49 pay rate equal to the greater of either (1) the normal hourly wage for
50 that employee, or (2) the minimum fair wage rate under section 31-58
51 of the general statutes in effect for the pay period during which the
52 employee used paid sick leave.

53 (e) Nothing in sections 1 to 5, inclusive, of this act shall be construed
54 to (1) prevent employers from providing more paid sick leave than is
55 required under this section and section 3 of this act, (2) diminish any
56 rights provided to any employee under a collective bargaining
57 agreement, or (3) preempt or over-ride the terms of any collective
58 bargaining agreement effective prior to January 1, 2010.

59 (f) Notwithstanding the provisions of sections 1 to 5, inclusive, of
60 this act, and upon the mutual consent of the employee and employer,
61 an employee that chooses to work additional hours or shifts during the
62 same or following pay period, in lieu of hours or shifts missed, shall
63 not use paid sick leave, provided the employer does not require the
64 employee to work such additional hours or shifts.

65 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) An employer shall permit
66 an employee to use paid sick leave:

67 (1) For (A) an employee's illness, injury or health condition, (B) the
68 medical diagnosis, care or treatment of an employee's mental or
69 physical illness, injury or health condition, or (C) preventative medical
70 care for an employee; or

71 (2) For care of a child with a mental or physical illness, injury or
72 health condition that needs medical diagnosis, care, treatment of an
73 illness or condition or needs preventative medical care; or

74 (3) Where an employee is a victim of family violence or sexual

75 assault (A) for medical care or psychological or other counseling for
76 physical or psychological injury or disability, (B) to obtain services
77 from a victim services organization, (C) to relocate due to such family
78 violence or sexual assault, or (D) to participate in any civil or criminal
79 proceedings related to or resulting from such family violence or sexual
80 assault.

81 (b) If an employee's need to use paid sick leave is foreseeable, an
82 employer may require advance notice, not to exceed seven days prior
83 to the date such leave is to begin, of the intention to use such leave. If
84 an employee's need for such leave is not foreseeable, an employer may
85 require an employee to give notice of such intention as soon as
86 practicable. For paid sick leave of three or more consecutive days, an
87 employer may require reasonable documentation that such leave is
88 being taken for the purpose permitted under subsection (a) of this
89 section. If such leave is permitted under subdivisions (1) and (2) of said
90 subsection (a), documentation signed by a health care provider who is
91 treating the employee or the employee's child indicating the need for
92 the number of days of such leave shall be considered reasonable
93 documentation. If such leave is permitted under subdivision (3) of said
94 subsection (a), a court record or documentation signed by an employee
95 or volunteer working for a victim services organization, an attorney, a
96 police officer or other counselor involved with the employee shall be
97 considered reasonable documentation.

98 (c) Nothing in sections 1 to 5, inclusive, of this act shall be deemed
99 to require any employer to provide paid sick leave for an employee's
100 leave for any purpose other than those described in this section.

101 (d) Unless an employee policy or collective bargaining agreement
102 provides for the payment of accrued fringe benefits upon termination,
103 no employee shall be entitled to payment of unused accrued sick time
104 under this section upon termination of employment.

105 Sec. 4. (NEW) (*Effective January 1, 2010*) (a) No employer shall take
106 retaliatory personnel action or discriminate against an employee

107 because the employee (1) requests or uses paid sick leave in
108 accordance with sections 2 and 3 of this act, or (2) files a complaint
109 with the Labor Commissioner alleging the employer's violation of
110 sections 2 to 5, inclusive, of this act. The Labor Commissioner shall
111 administer this section within available appropriations.

112 (b) Any employer who is found by the Labor Commissioner, by a
113 preponderance of the evidence, to have violated the provisions of
114 sections 2 to 5, inclusive, of this act shall be liable to the Labor
115 Department for a civil penalty of six hundred dollars for each
116 violation. The Labor Commissioner may award the employee all
117 appropriate relief, including rehiring or reinstatement to the
118 employee's previous job, payment of back wages and reestablishment
119 of employee benefits to which the employee otherwise would have
120 been eligible if the employee had not been subject to such retaliatory
121 personnel action or discriminated against. Any party aggrieved by the
122 decision of the commissioner may appeal the decision to the Superior
123 Court in accordance with the provisions of chapter 54 of the general
124 statutes.

125 Sec. 5. (NEW) (*Effective January 1, 2010*) Each employer subject to the
126 provisions of section 2 of this act shall, at the time of hiring, provide
127 notice to each employee (1) of the employee's entitlement to sick leave,
128 the amount of sick leave provided and the terms under which sick
129 leave may be used, (2) that retaliation by the employer against the
130 employee for requesting or using sick leave is prohibited, and (3) that
131 the employee has a right to file a complaint with the Labor
132 Commissioner for any violation of sections 2 to 5, inclusive, of this act.
133 Employers may comply with the provisions of this section by
134 displaying a poster in a conspicuous place, accessible to employees, at
135 the employer's place of business that contains the information required
136 by this section in both English and Spanish. The Labor Commissioner
137 may adopt regulations, in accordance with chapter 54 of the general
138 statutes, to establish additional requirements concerning the means by
139 which employers shall provide such notice. The Labor Commissioner

140 shall administer this section within available appropriations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	New section

Statement of Purpose:

To require employers with fifty or more employees provide six paid sick days to their employees for use for the employee's sickness, the employee's child's sickness, or to deal with sexual assault or family violence issues.

[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.]