



General Assembly

Amendment

January Session, 2011

LCO No. 7087

SB0091307087SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

To: Senate Bill No. 913

File No. 76

Cal. No. 97

(As Amended)

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

1 Strike section 5 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 5. (NEW) (*Effective January 1, 2012*) (a) No employer shall take
4 retaliatory personnel action or discriminate against a service worker
5 because the service worker (1) requests or uses paid sick leave in
6 accordance with sections 2 and 3 of this act, or (2) files a complaint
7 with the Labor Commissioner alleging the employer's violation of
8 sections 2 to 6, inclusive, of this act.

9 (b) The Labor Commissioner shall advise any service worker who
10 (1) is covered by a collective bargaining agreement that provides for
11 paid sick days, and (2) files a complaint pursuant to subsection (a) of
12 this section, of his or her right to pursue a grievance with his or her
13 collective bargaining agent.

14 (c) Any service worker aggrieved by a violation of the provisions of
15 sections 2 to 6, inclusive, of this act may file a complaint with the Labor
16 Commissioner. Upon receipt of any such complaint, said
17 commissioner may hold a hearing. After the hearing, any employer
18 who is found by the Labor Commissioner, by a preponderance of the
19 evidence, to have violated the provisions of subsection (a) of this
20 section shall be liable to the Labor Department for a civil penalty of
21 five hundred dollars for each violation. Any employer who is found by
22 the Labor Commissioner, by a preponderance of the evidence, to have
23 violated the provisions of sections 2 to 4, inclusive, or section 6 of this
24 act shall be liable to the Labor Department for a civil penalty of up to
25 one hundred dollars for each violation. The Labor Commissioner may
26 award the service worker all appropriate relief, including the payment
27 for used paid sick leave, rehiring or reinstatement to the service
28 worker's previous job, payment of back wages and reestablishment of
29 employee benefits to which the service worker otherwise would have
30 been eligible if the service worker had not been subject to such
31 retaliatory personnel action or discriminated against. Any party
32 aggrieved by the decision of the commissioner may appeal the
33 decision to the Superior Court in accordance with the provisions of
34 chapter 54 of the general statutes.

35 (d) The Labor Commissioner shall administer this section within
36 available appropriations."