



General Assembly

Amendment

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LCO No. 7812

SB0091307812HR0

Offered by:
REP. AMAN, 14th Dist.

To: Senate Bill No. 913

File No. 76

Cal. No. 555

(As Amended by Senate Amendment Schedule "A")

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

1 After subsection (e) of section 3, insert the following:

2 "(f) Any service worker who is terminated from employment for use
3 of paid sick leave for purposes other than those described in this
4 section shall be ineligible for benefits pursuant to chapter 567 of the
5 general statutes."

6 After the last section, add the following and renumber sections and
7 internal references accordingly:

8 "Sec. 501. Subsection (a) of section 31-236 of the general statutes is
9 repealed and the following is substituted in lieu thereof (*Effective*
10 *January 1, 2012*):

11 (a) An individual shall be ineligible for benefits:

12 (1) If the administrator finds that the individual has failed without
13 sufficient cause either to apply for available, suitable work when
14 directed so to do by the Public Employment Bureau or the
15 administrator, or to accept suitable employment when offered by the
16 Public Employment Bureau or by an employer, such ineligibility to
17 continue until such individual has returned to work and has earned at
18 least six times such individual's benefit rate. Suitable work means
19 either employment in the individual's usual occupation or field or
20 other work for which the individual is reasonably fitted, provided such
21 work is within a reasonable distance of the individual's residence. In
22 determining whether or not any work is suitable for an individual, the
23 administrator may consider the degree of risk involved to such
24 individual's health, safety and morals, such individual's physical
25 fitness and prior training and experience, such individual's skills, such
26 individual's previous wage level and such individual's length of
27 unemployment, but, notwithstanding any other provision of this
28 chapter, no work shall be deemed suitable nor shall benefits be denied
29 under this chapter to any otherwise eligible individual for refusing to
30 accept work under any of the following conditions: (A) If the position
31 offered is vacant due directly to a strike, lockout or other labor dispute;
32 (B) if the wages, hours or other conditions of work offered are
33 substantially less favorable to the individual than those prevailing for
34 similar work in the locality; (C) if, as a condition of being employed,
35 the individual would be required to join a company union or to resign
36 from or refrain from joining any bona fide labor organization; (D) if the
37 position offered is for work which commences or ends between the
38 hours of one and six o'clock in the morning if the administrator finds
39 that such work would constitute a high degree of risk to the health,
40 safety or morals of the individual, or would be beyond the physical
41 capabilities or fitness of the individual or there is no suitable
42 transportation available from the individual's home to or from the
43 individual's place of employment; or (E) if, as a condition of being
44 employed, the individual would be required to agree not to leave such
45 position if recalled by the individual's former employer;

46 (2) (A) If, in the opinion of the administrator, the individual has left
47 suitable work voluntarily and without good cause attributable to the
48 employer, until such individual has earned at least ten times such
49 individual's benefit rate, provided whenever an individual voluntarily
50 leaves part-time employment under conditions that would render the
51 individual ineligible for benefits, such individual's ineligibility shall be
52 limited as provided in subsection (b) of this section, if applicable, and
53 provided further, no individual shall be ineligible for benefits if the
54 individual leaves suitable work (i) for good cause attributable to the
55 employer, including leaving as a result of changes in conditions
56 created by the individual's employer, (ii) to care for the individual's
57 spouse, child, or parent with an illness or disability, as defined in
58 subdivision (16) of this subsection, (iii) due to the discontinuance of
59 transportation, other than the individual's personally owned vehicle,
60 used to get to and from work, provided no reasonable alternative
61 transportation is available, (iv) to protect the individual, the
62 individual's child, the individual's spouse or the individual's parent
63 from becoming or remaining a victim of domestic violence, as defined
64 in section 17b-112a, provided such individual has made reasonable
65 efforts to preserve the employment, but the employer's account shall
66 not at any time be charged with respect to any voluntary leaving that
67 falls under subparagraph (A)(iv) of this subdivision, (v) for a
68 separation from employment that occurs on or after July 1, 2007, to
69 accompany a spouse who is on active duty with the armed forces of
70 the United States and is required to relocate by the armed forces, but
71 the employer's account shall not at any time be charged with respect to
72 any voluntary leaving that falls under subparagraph (A)(v) of this
73 subdivision, or (vi) to accompany such individual's spouse to a place
74 from which it is impractical for such individual to commute due to a
75 change in location of the spouse's employment, but the employer's
76 account shall not be charged with respect to any voluntary leaving
77 under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion
78 of the administrator, the individual has been discharged or suspended
79 for felonious conduct, conduct constituting larceny of property or
80 service, the value of which exceeds twenty-five dollars, or larceny of

81 currency, regardless of the value of such currency, wilful misconduct
82 in the course of the individual's employment, or participation in an
83 illegal strike, as determined by state or federal laws or regulations,
84 until such individual has earned at least ten times the individual's
85 benefit rate; provided an individual who (i) while on layoff from
86 regular work, accepts other employment and leaves such other
87 employment when recalled by the individual's former employer, (ii)
88 leaves work that is outside the individual's regular apprenticeable
89 trade to return to work in the individual's regular apprenticeable trade,
90 (iii) has left work solely by reason of governmental regulation or
91 statute, or (iv) leaves part-time work to accept full-time work, shall not
92 be ineligible on account of such leaving and the employer's account
93 shall not at any time be charged with respect to such separation, unless
94 such employer has elected payments in lieu of contributions;

95 (3) During any week in which the administrator finds that the
96 individual's total or partial unemployment is due to the existence of a
97 labor dispute other than a lockout at the factory, establishment or other
98 premises at which the individual is or has been employed, provided
99 the provisions of this subsection do not apply if it is shown to the
100 satisfaction of the administrator that (A) the individual is not
101 participating in or financing or directly interested in the labor dispute
102 that caused the unemployment, and (B) the individual does not belong
103 to a trade, class or organization of workers, members of which,
104 immediately before the commencement of the labor dispute, were
105 employed at the premises at which the labor dispute occurred, and are
106 participating in or financing or directly interested in the dispute; or (C)
107 the individual's unemployment is due to the existence of a lockout. A
108 lockout exists whether or not such action is to obtain for the employer
109 more advantageous terms when an employer (i) fails to provide
110 employment to its employees with whom the employer is engaged in a
111 labor dispute, either by physically closing its plant or informing its
112 employees that there will be no work until the labor dispute has
113 terminated, or (ii) makes an announcement that work will be available
114 after the expiration of the existing contract only under terms and

115 conditions that are less favorable to the employees than those current
116 immediately prior to such announcement; provided in either event the
117 recognized or certified bargaining agent shall have advised the
118 employer that the employees with whom the employer is engaged in
119 the labor dispute are ready, able and willing to continue working
120 pending the negotiation of a new contract under the terms and
121 conditions current immediately prior to such announcement;

122 (4) During any week with respect to which the individual has
123 received or is about to receive remuneration in the form of (A) wages
124 in lieu of notice or dismissal payments, including severance or
125 separation payment by an employer to an employee beyond the
126 employee's wages upon termination of the employment relationship,
127 unless the employee was required to waive or forfeit a right or claim
128 independently established by statute or common law, against the
129 employer as a condition of receiving the payment, or any payment by
130 way of compensation for loss of wages, or any other state or federal
131 unemployment benefits, except mustering out pay, terminal leave pay
132 or any allowance or compensation granted by the United States under
133 an Act of Congress to an ex-serviceperson in recognition of the ex-
134 serviceperson's former military service, or any service-connected pay
135 or compensation earned by an ex-serviceperson paid before or after
136 separation or discharge from active military service, or (B)
137 compensation for temporary disability under any workers'
138 compensation law;

139 (5) Repealed by P.A. 73-140;

140 (6) If the administrator finds that the individual has left
141 employment to attend a school, college or university as a regularly
142 enrolled student, such ineligibility to continue during such attendance;

143 (7) Repealed by P.A. 74-70, S. 2, 4;

144 (8) If the administrator finds that, having received benefits in a prior
145 benefit year, the individual has not again become employed and been
146 paid wages since the commencement of said prior benefit year in an

147 amount equal to the greater of three hundred dollars or five times the
148 individual's weekly benefit rate by an employer subject to the
149 provisions of this chapter or by an employer subject to the provisions
150 of any other state or federal unemployment compensation law;

151 (9) If the administrator finds that the individual has retired and that
152 such retirement was voluntary, until the individual has again become
153 employed and has been paid wages in an amount required as a
154 condition of eligibility as set forth in subdivision (3) of section 31-235;
155 except that the individual is not ineligible on account of such
156 retirement if the administrator finds (A) that the individual has retired
157 because (i) such individual's work has become unsuitable considering
158 such individual's physical condition and the degree of risk to such
159 individual's health and safety, and (ii) such individual has requested of
160 such individual's employer other work that is suitable, and (iii) such
161 individual's employer did not offer such individual such work, or (B)
162 that the individual has been involuntarily retired;

163 (10) Repealed by P.A. 77-426, S. 6, 19;

164 (11) Repealed by P.A. 77-426, S. 6, 19;

165 (12) Repealed by P.A. 77-426, S. 17, 19;

166 (13) If the administrator finds that, having been sentenced to a term
167 of imprisonment of thirty days or longer and having commenced
168 serving such sentence, the individual has been discharged or
169 suspended during such period of imprisonment, until such individual
170 has earned at least ten times such individual's benefit rate;

171 (14) If the administrator finds that the individual has been
172 discharged or suspended because the individual has been disqualified
173 under state or federal law from performing the work for which such
174 individual was hired as a result of a drug or alcohol testing program
175 mandated by and conducted in accordance with such law, until such
176 individual has earned at least ten times such individual's benefit rate;

177 (15) If the individual is a temporary employee of a temporary help
178 service and the individual refuses to accept suitable employment when
179 it is offered by such service upon completion of an assignment until
180 such individual has earned at least six times such individual's benefit
181 rate; [and]

182 (16) If the individual is a service worker, as defined in section 1 of
183 this act, and the individual was terminated from employment for use
184 of paid sick leave for purposes other than those described in section 3
185 of this act; and

186 ~~[(16)]~~ (17) For purposes of subparagraph (A)(ii) of subdivision (2) of
187 this subsection, "illness or disability" means an illness or disability
188 diagnosed by a health care provider that necessitates care for the ill or
189 disabled person for a period of time longer than the employer is
190 willing to grant leave, paid or otherwise, and "health care provider"
191 means (A) a doctor of medicine or osteopathy who is authorized to
192 practice medicine or surgery by the state in which the doctor practices;
193 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor
194 authorized to practice by the state in which such person practices and
195 performs within the scope of the authorized practice; (C) an advanced
196 practice registered nurse, nurse practitioner, nurse midwife or clinical
197 social worker authorized to practice by the state in which such person
198 practices and performs within the scope of the authorized practice; (D)
199 Christian Science practitioners listed with the First Church of Christ,
200 Scientist in Boston, Massachusetts; (E) any medical practitioner from
201 whom an employer or a group health plan's benefits manager will
202 accept certification of the existence of a serious health condition to
203 substantiate a claim for benefits; (F) a medical practitioner, in a practice
204 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,
205 who practices in a country other than the United States, who is
206 licensed to practice in accordance with the laws and regulations of that
207 country; or (G) such other health care provider as the Labor
208 Commissioner approves, performing within the scope of the
209 authorized practice. For purposes of subparagraph (B) of subdivision
210 (2) of this subsection, "wilful misconduct" means deliberate

211 misconduct in wilful disregard of the employer's interest, or a single
212 knowing violation of a reasonable and uniformly enforced rule or
213 policy of the employer, when reasonably applied, provided such
214 violation is not a result of the employee's incompetence and provided
215 further, in the case of absence from work, "wilful misconduct" means
216 an employee must be absent without either good cause for the absence
217 or notice to the employer which the employee could reasonably have
218 provided under the circumstances for three separate instances within a
219 twelve-month period. Except with respect to tardiness, for purposes of
220 subparagraph (B) of subdivision (2) of this subsection, each instance in
221 which an employee is absent for one day or two consecutive days
222 without either good cause for the absence or notice to the employer
223 which the employee could reasonably have provided under the
224 circumstances constitutes a "separate instance". For purposes of
225 subdivision (15) of this subsection, "temporary help service" means any
226 person conducting a business that consists of employing individuals
227 directly for the purpose of furnishing part-time or temporary help to
228 others; and "temporary employee" means an employee assigned to
229 work for a client of a temporary help service."