



General Assembly

February Session, 2014

Raised Bill No. 5269

LCO No. 1393



Referred to Committee on COMMERCE

Introduced by:
(CE)

***AN ACT CREATING PARITY BETWEEN PAID SICK LEAVE BENEFITS
AND OTHER EMPLOYER-PROVIDED BENEFITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-57r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2015*):

3 As used in this section and sections 31-57s to 31-57w, inclusive, as
4 amended by this act:

5 (1) "Child" means a biological, adopted or foster child, stepchild,
6 legal ward of a service worker, or a child of a service worker standing
7 in loco parentis, who is (A) under eighteen years of age; or (B) eighteen
8 years of age or older and incapable of self-care because of a mental or
9 physical disability;

10 (2) "Day or temporary worker" means an individual who performs
11 work for another on (A) a per diem basis, or (B) an occasional or
12 irregular basis for only the time required to complete such work,
13 whether such individual is paid by the person for whom such work is

14 performed or by an employment agency or temporary help service, as
15 defined in section 31-129;

16 (3) "Employee" means an individual engaged in service to an
17 employer in the business of the employer;

18 (4) "Employer" means any person, firm, business, educational
19 institution, nonprofit agency, corporation, limited liability company or
20 other entity that employs fifty or more individuals in the state, [in any
21 one quarter in the previous year,] which shall be determined [on
22 January first, annually. Such determination shall be made based upon
23 the wage information submitted to the Labor Commissioner by the
24 employer pursuant to subsection (j) of section 31-225a] based on the
25 employer's payroll for the week containing October first, annually.
26 "Employer" does not include: (A) Any business [establishment
27 classified in] that is primarily engaged in activities that would be
28 included in sector 31, 32 or 33 in the North American Industrial
29 Classification System, or (B) any nationally chartered organization
30 exempt from taxation under Section 501(c)(3) of the Internal Revenue
31 Code of 1986, or any subsequent corresponding internal revenue code
32 of the United States, as from time to time amended, that provides all of
33 the following services: Recreation, child care and education;

34 (5) "Family violence" has the same meaning as provided in section
35 46b-38a;

36 (6) "Retaliatory personnel action" means any termination,
37 suspension, constructive discharge, demotion, unfavorable
38 reassignment, refusal to promote, disciplinary action or other adverse
39 employment action taken by an employer against an employee or a
40 service worker;

41 (7) "Service worker" means an employee primarily engaged in an
42 occupation with one of the following broad or detailed occupation
43 code numbers and titles, as defined by the federal Bureau of Labor
44 Statistics Standard Occupational Classification system or any successor

45 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and
46 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093
47 Social and Human Service Assistants; (E) 21-1094 Community Health
48 Workers; (F) 21-1099 Community and Social Service Specialists, All
49 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070
50 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered
51 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;
52 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-
53 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050
54 Health Practitioner Support Technologists and Technicians; (R) 29-2060
55 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
56 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;
57 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-
58 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091
59 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and
60 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation
61 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and
62 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040
63 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria
64 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-
65 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)
66 35-9090 Miscellaneous Food Preparation and Serving Related Workers;
67 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping
68 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)
69 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010
70 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010
71 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care
72 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line
73 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021
74 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-
75 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)
76 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers
77 and Messengers; (ZZ) 43-6010 Secretaries and Administrative
78 Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data

79 Entry and Information Processing Workers; (CCC) 43-9030 Desktop
80 Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing
81 Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except
82 Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070
83 Office Machine Operators, Except Computer; (HHH) 43-9080
84 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ)
85 43-9190 Miscellaneous Office and Administrative Support Workers;
86 (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry
87 and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food
88 Processing Workers; (NNN) 53-3010 Ambulance Drivers and
89 Attendants, Except Emergency Medical Technicians; (OOO) 53-3020
90 Bus Drivers; or (PPP) 53-3040 Taxi Drivers and Chauffeurs, and is (i)
91 paid on an hourly basis, or (ii) not exempt from the minimum wage
92 and overtime compensation requirements of the Fair Labor Standards
93 Act of 1938 and the regulations promulgated thereunder, as amended
94 from time to time. "Service worker" does not include day or temporary
95 workers;

96 (8) "Sexual assault" means any act that constitutes a violation of
97 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a;
98 [and]

99 (9) "Spouse" means a husband or wife, as the case may be; [.] and

100 (10) "Year" means any three-hundred-sixty-five-day period used by
101 an employer to calculate employee benefits.

102 Sec. 2. Section 31-57s of the general statutes is repealed and the
103 following is substituted in lieu thereof (*Effective January 1, 2015*):

104 (a) Each employer shall provide paid sick leave annually to each of
105 such employer's service workers in the state. Such paid sick leave shall
106 accrue (1) beginning January 1, 2012, or for a service worker hired after
107 said date, beginning on the service worker's date of employment, (2) at
108 a rate of one hour of paid sick leave for each forty hours worked by a
109 service worker, and (3) in one-hour increments up to a maximum of

110 forty hours per [calendar] year. Each service worker shall be entitled to
111 carry over up to forty unused accrued hours of paid sick leave from
112 the current [calendar] year to the following [calendar] year, but no
113 service worker shall be entitled to use more than the maximum
114 number of accrued hours, as described in subdivision (3) of this
115 subsection, in any year.

116 (b) A service worker shall be entitled to the use of accrued paid sick
117 leave upon the completion of the service worker's six-hundred-
118 eightyeth hour of employment from January 1, 2012, if the service
119 worker was hired prior to January 1, 2012, or if hired after January 1,
120 2012, upon the completion of the service worker's six-hundred-
121 eightyeth hour of employment from the date of hire, unless the
122 employer agrees to an earlier date. A service worker shall not be
123 entitled to the use of accrued paid sick leave if such service worker did
124 not work an average of ten or more hours [a] per week for the
125 employer in the most recent complete [calendar] quarter.

126 (c) An employer shall be deemed to be in compliance with this
127 section if the employer offers any other paid leave, or combination of
128 other paid leave that (1) may be used for the purposes of section 31-57t,
129 as amended by this act, and (2) is accrued in total at a rate equal to or
130 greater than the rate described in subsections (a) and (b) of this section.
131 For the purposes of this subsection, "other paid leave" may include, but
132 not be limited to, paid vacation, personal days or paid time off.

133 (d) Each employer shall pay each service worker for paid sick leave
134 at a pay rate equal to the greater of either (1) the normal hourly wage
135 for that service worker, or (2) the minimum fair wage rate under
136 section 31-58 in effect for the pay period during which the employee
137 used paid sick leave. For any service worker whose hourly wage varies
138 depending on the work performed by the service worker, the "normal
139 hourly wage" shall mean the average hourly wage of the service
140 worker in the pay period prior to the one in which the service worker
141 used paid sick leave.

142 (e) Notwithstanding the provisions of this section and sections 31-
143 57t to 31-57w, inclusive, as amended by this act, and upon the mutual
144 consent of the service worker and employer, a service worker who
145 chooses to work additional hours or shifts during the same or
146 following pay period, in lieu of hours or shifts missed, shall not use
147 accrued paid sick leave.

148 Sec. 3. Subsection (b) of section 31-57t of the general statutes is
149 repealed and the following is substituted in lieu thereof (*Effective*
150 *January 1, 2015*):

151 (b) If a service worker's need to use paid sick leave is foreseeable, an
152 employer may require advance notice, not to exceed seven days prior
153 to the date such leave is to begin, of the intention to use such leave. If a
154 service worker's need for such leave is not foreseeable, an employer
155 may require a service worker to give notice of such intention as soon as
156 practicable. For paid sick leave of three or more consecutive days, an
157 employer may require reasonable documentation that such leave is
158 being taken for [the purpose] one of the purposes permitted under
159 subsection (a) of this section. If such leave is permitted under
160 subdivision (1) or (2) of subsection (a) of this section, documentation
161 signed by a health care provider who is treating the service worker or
162 the service worker's child or spouse indicating the need for the number
163 of days of such leave shall be considered reasonable documentation. If
164 such leave is permitted under subdivision (3) of subsection (a) of this
165 section, a court record or documentation signed by a service worker or
166 volunteer working for a victim services organization, an attorney, a
167 police officer or other counselor involved with the service worker shall
168 be considered reasonable documentation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	31-57r
Sec. 2	<i>January 1, 2015</i>	31-57s
Sec. 3	<i>January 1, 2015</i>	31-57t(b)

Statement of Purpose:

To (1) clarify that all manufacturers are exempt from the paid sick leave law, (2) allow employers to administer paid sick leave on the same annual basis as other benefits, and (3) allow employers to determine their number of employees in the same manner as for the purposes of the state's Family and Medical Leave Act.

[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.]