



Senate

General Assembly

File No. 274

February Session, 2014

Senate Bill No. 242

Senate, April 2, 2014

The Committee on Labor and Public Employees reported through SEN. HOLDER-WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING SICK LEAVE FOR TEACHER ASSISTANTS AND RADIOLOGIC TECHNOLOGISTS.

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

1 Section 1. Subdivision (7) of section 31-57r of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2014*):

4 (7) "Service worker" means an employee primarily engaged in an
5 occupation with one of the following broad or detailed occupation
6 code numbers and titles, as defined by the federal Bureau of Labor
7 Statistics Standard Occupational Classification system or any successor
8 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and
9 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093
10 Social and Human Service Assistants; (E) 21-1094 Community Health
11 Workers; (F) 21-1099 Community and Social Service Specialists, All
12 Other; (G) 25-4020 Librarians; (H) 25-9040 Teacher Assistants; (I) 29-
13 1050 Pharmacists; [(I)] (J) 29-1070 Physician Assistants; [(J)] (K) 29-1120

14 Therapists; [(K)] (L) 29-1140 Registered Nurses; [(L)] (M) 29-1150
15 Nurse Anesthetists; [(M)] (N) 29-1160 Nurse Midwives; [(N)] (O) 29-
16 1170 Nurse Practitioners; [(O)] (P) 29-2020 Dental Hygienists; [(P)] (Q)
17 29-2040 Emergency Medical Technicians and Paramedics; [(Q)] (R) 29-
18 2050 Health Practitioner Support Technologists and Technicians; [(R)]
19 (S) 29-2034 Radiologic Technologists; (T) 29-2060 Licensed Practical
20 and Licensed Vocational Nurses; [(S)] (U) 31-1011 Home Health Aides;
21 [(T)] (V) 31-1012 Nursing Aides, Orderlies and Attendants; [(U)] (W)
22 31-1013 Psychiatric Aides; [(V)] (X) 31-9091 Dental Assistants; [(W)] (Y)
23 31-9092 Medical Assistants; [(X)] (Z) 33-9032 Security Guards; [(Y)]
24 (AA) 33-9091 Crossing Guards; [(Z)] (BB) 35-1010 Supervisors of Food
25 Preparation and Serving Workers; [(AA)] (CC) 35-2010 Cooks; [(BB)]
26 (DD) 35-2020 Food Preparation Workers; [(CC)] (EE) 35-3010
27 Bartenders; [(DD)] (FF) 35-3020 Fast Food and Counter Workers; [(EE)]
28 (GG) 35-3030 Waiters and Waitresses; [(FF)] (HH) 35-3040 Food
29 Servers, Nonrestaurant; [(GG)] (II) 35-9010 Dining Room and Cafeteria
30 Attendants and Bartender Helpers; [(HH)] (JJ) 35-9020 Dishwashers;
31 [(II)] (KK) 35-9030 Hosts and Hostesses, Restaurant, Lounge and
32 Coffee Shop; [(JJ)] (LL) 35-9090 Miscellaneous Food Preparation and
33 Serving Related Workers; [(KK)] (MM) 37-2011 Janitors and Cleaners,
34 Except Maids and Housekeeping Cleaners; [(LL)] (NN) 37-2019
35 Building Cleaning Workers, All Other; [(MM)] (OO) 39-3030 Ushers,
36 Lobby Attendants and Ticket Takers; [(NN)] (PP) 39-5010 Barbers,
37 Hairdressers, Hairstylists and Cosmetologists; [(OO)] (QQ) 39-6010
38 Baggage Porters, Bellhops and Concierges; [(PP)] (RR) 39-9010 Child
39 Care Workers; [(QQ)] (SS) 39-9021 Personal Care Aides; [(RR)] (TT) 41-
40 1010 First-Line Supervisors of Sales Workers; [(SS)] (UU) 41-2011
41 Cashiers; [(TT)] (VV) 41-2021 Counter and Rental Clerks; [(UU)] (WW)
42 41-2030 Retail Salespersons; [(VV)] (XX) 43-3070 Tellers; [(WW)] (YY)
43 43-4080 Hotel, Motel and Resort Desk Clerks; [(XX)] (ZZ) 43-4170
44 Receptionists and Information Clerks; [(YY)] (AAA) 43-5020 Couriers
45 and Messengers; [(ZZ)] (BBB) 43-6010 Secretaries and Administrative
46 Assistants; [(AAA)] (CCC) 43-9010 Computer Operators; [(BBB)]
47 (DDD) 43-9020 Data Entry and Information Processing Workers;
48 [(CCC)] (EEE) 43-9030 Desktop Publishers; [(DDD)] (FFF) 43-9040

49 Insurance Claims and Policy Processing Clerks; [(EEE)] (GGG) 43-9050
50 Mail Clerks and Mail Machine Operators, Except Postal Service; [(FFF)]
51 (HHH) 43-9060 Office Clerks, General; [(GGG)] (III) 43-9070 Office
52 Machine Operators, Except Computer; [(HHH)] (III) 43-9080
53 Proofreaders and Copy Markers; [(III)] (KKK) 43-9110 Statistical
54 Assistants; [(JJJ)] (LLL) 43-9190 Miscellaneous Office and
55 Administrative Support Workers; [(KKK)] (MMM) 51-3010 Bakers;
56 [(LLL)] (NNN) 51-3020 Butchers and Other Meat, Poultry and Fish
57 Processing Workers; [(MMM)] (OOO) 51-3090 Miscellaneous Food
58 Processing Workers; [(NNN)] (PPP) 53-3010 Ambulance Drivers and
59 Attendants, Except Emergency Medical Technicians; [(OOO)] (QQQ)
60 53-3020 Bus Drivers; or [(PPP)] (RRR) 53-3040 Taxi Drivers and
61 Chauffeurs, and is (i) paid on an hourly basis, or (ii) not exempt from
62 the minimum wage and overtime compensation requirements of the
63 Fair Labor Standards Act of 1938 and the regulations promulgated
64 thereunder, as amended from time to time. "Service worker" does not
65 include day or temporary workers;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	31-57r(7)

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 15 \$	FY 16 \$
Various Local and Regional School Districts	STATE MANDATE - Cost	See Below	See Below

Explanation

The bill provides a paid sick leave benefit for Teacher Assistants (TAs). It is uncertain how many TAs currently receive paid sick leave. It is estimated that there are 37,000 TAs currently working in Connecticut, of which approximately 12,000 would be eligible to accrue paid sick leave. Teacher’s assistants earn approximately \$13-\$15 per hour. To the extent that a local or regional school district does not provide paid sick leave, the bill would result in a cost. The cost would be dependent on the number of days a district has to provide a substitute TA to cover for the TA on paid sick leave. The cost would be dependent on the number of days and the hourly rate, paid to the substitute.

Under current law, any covered employee aggrieved by a violation of paid sick leave provisions may file a complaint with the Labor Commissioner, who may hold a hearing and assess a civil penalty or award other relief. Since passage of the law in 2011, the Department of Labor (DOL) has received 30 complaints and opened corresponding investigations, but has not held any hearings. It is not anticipated that expansion of paid sick leave provisions under the bill would necessitate additional staffing or outside expertise for DOL.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of sick days and the hourly rate paid to the substitute.

OLR Bill Analysis**SB 242*****AN ACT CONCERNING SICK LEAVE FOR TEACHER ASSISTANTS AND RADIOLOGIC TECHNOLOGISTS.*****SUMMARY:**

This bill expands the service workers eligible to earn paid sick leave to include teacher's assistants and radiologic technologists, as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system.

Under this classification system, teacher's assistants (1) perform duties that are instructional in nature or deliver direct services to students or parents and (2) serve in a position for which a teacher has ultimate responsibility for designing and implementing educational programs and services. They do not include graduate teaching assistants. Radiologic technologists take x-rays and CAT scans or introduce nonradioactive materials into a patient's blood stream for diagnostic purposes. They include technologists who specialize in other scanning modalities, but not diagnostic medical sonographers or MRI technologists.

As under the law for other covered service workers, eligible teacher's assistants and radiologic technologists:

1. must work for employers (excluding manufacturers and certain nonprofit entities) with at least 50 employees who do not provide their employees with at least one hour of sick leave for every 40 hours worked;
2. must be paid on an hourly basis or subject to the federal Fair Labor Standards Act's minimum wage and overtime requirements (which generally cover hourly wage employees

but not salaried managers and professionals);

3. begin accruing sick leave on the later of January 1, 2012 or their date of hire; and
4. cannot use the leave (a) until they have worked at least 680 hours after the benefit starts accruing and (b) unless they have worked an average of 10 hours per week for the employer during the most recently completed calendar quarter.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Related Bill

HB 5269, reported favorably by the Commerce Committee, changes the method for determining whether an employer must provide sick leave and the timeframe for accruing the leave.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 3 (03/18/2014)