



General Assembly

January Session, 2015

Raised Bill No. 6784

LCO No. 3581



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT EXPANDING PAID SICK LEAVE.

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 Section 31-57r of the general statutes is repealed and the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, 2016*):

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] an employee, or a child of [a service
7 worker] an employee standing in loco parentis, who is (A) under
8 eighteen years of age; or (B) eighteen years of age or older and
9 incapable of self-care because of a mental or 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 (2) "Chain business" means any group of businesses that (A) share a
17 common owner or principal owning not less than thirty per cent of
18 each business, and (B) (i) engage in the same business, or (ii) operate
19 pursuant to a written franchise agreement or arrangement as described
20 in subsection (b) of section 42-133e;

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

23 (4) "Employer" means any person, firm, business, chain business,
24 educational institution, nonprofit agency, corporation, limited liability
25 company or other entity that employs [fifty] ten or more individuals in
26 the state, which shall be determined based on such person's, firm's,
27 business', chain business', educational institution's, nonprofit agency's,
28 corporation's, limited liability company's or other entity's payroll for
29 the week containing October first, annually. "Employer" does not
30 include [: (A) Any] any business establishment classified in sector 31,
31 32 or 33 in the North American Industrial Classification System; [, or
32 (B) any nationally chartered organization exempt from taxation under
33 Section 501(c)(3) of the Internal Revenue Code of 1986, or any
34 subsequent corresponding internal revenue code of the United States,
35 as from time to time amended, that provides all of the following
36 services: Recreation, child care and education;]

37 (5) "Family member" means a spouse, child, sibling, parent,
38 grandparent or grandchild and includes stepparents, stepchildren,
39 stepsiblings and adoptive relationships;

40 [(5)] (6) "Family violence" has the same meaning as provided in
41 section 46b-38a;

42 [(6)] (7) "Retaliatory personnel action" means any termination,
43 suspension, constructive discharge, demotion, unfavorable
44 reassignment, refusal to promote, disciplinary action or other adverse

45 employment action taken by an employer against an employee; [or a
46 service worker;]

47 [(7) "Service worker" means an employee primarily engaged in an
48 occupation with one of the following broad or detailed occupation
49 code numbers and titles, as defined by the federal Bureau of Labor
50 Statistics Standard Occupational Classification system or any successor
51 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and
52 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093
53 Social and Human Service Assistants; (E) 21-1094 Community Health
54 Workers; (F) 21-1099 Community and Social Service Specialists, All
55 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070
56 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered
57 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;
58 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-
59 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050
60 Health Practitioner Support Technologists and Technicians; (R) 29-2060
61 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
62 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;
63 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-
64 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091
65 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and
66 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation
67 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and
68 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040
69 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria
70 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-
71 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)
72 35-9090 Miscellaneous Food Preparation and Serving Related Workers;
73 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping
74 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)
75 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010
76 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010
77 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care

78 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line
79 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021
80 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-
81 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)
82 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers
83 and Messengers; (ZZ) 43-6010 Secretaries and Administrative
84 Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data
85 Entry and Information Processing Workers; (CCC) 43-9030 Desktop
86 Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing
87 Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except
88 Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070
89 Office Machine Operators, Except Computer; (HHH) 43-9080
90 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ)
91 43-9190 Miscellaneous Office and Administrative Support Workers;
92 (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry
93 and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food
94 Processing Workers; (NNN) 53-3010 Ambulance Drivers and
95 Attendants, Except Emergency Medical Technicians; (OOO) 53-3020
96 Bus Drivers; (PPP) 53-3040 Taxi Drivers and Chauffeurs; or (QQQ) 29-
97 2034 Radiologic Technologists, and is (i) paid on an hourly basis, or (ii)
98 not exempt from the minimum wage and overtime compensation
99 requirements of the Fair Labor Standards Act of 1938 and the
100 regulations promulgated thereunder, as amended from time to time.
101 "Service worker" does not include day or temporary workers;]

102 (8) "Sexual assault" means any act that constitutes a violation of
103 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a;

104 (9) "Spouse" means a husband or wife, as the case may be; and

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

107 Sec. 2. Section 31-57s of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective January 1, 2016*):

109 (a) Each employer shall provide paid sick leave annually to each of
110 such employer's [service workers] employees in the state. Such paid
111 sick leave shall accrue (1) beginning January 1, 2012, or for [a service
112 worker] an employee hired after said date, beginning on the [service
113 worker's] employee's date of employment, (2) at a rate of one hour of
114 paid sick leave for each forty hours worked by [a service worker] an
115 employee, and (3) in one-hour increments up to a maximum of [forty]
116 fifty-six hours per year. Each [service worker] employee shall be
117 entitled to carry over up to [forty] fifty-six unused accrued hours of
118 paid sick leave from the current year to the following year, but no
119 [service worker] employee shall be entitled to use more than the
120 maximum number of accrued hours, as described in subdivision (3) of
121 this subsection, in any year.

122 (b) [A service worker] An employee shall be entitled to the use of
123 accrued paid sick leave upon the completion of [the service worker's
124 six-hundred-eightieth hour] one hundred twenty calendar days of
125 employment from January 1, 2012, if the [service worker] employee
126 was hired prior to January 1, 2012, or if hired after January 1, 2012,
127 upon the completion of [the service worker's six-hundred-eightieth
128 hour] one hundred twenty calendar days of employment from the date
129 of hire, unless the employer agrees to an earlier date. [A service
130 worker] An employee shall not be entitled to the use of accrued paid
131 sick leave if [such service worker] he or she did not work an average of
132 ten or more hours per week for the employer in the most recent
133 complete quarter.

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

141 (d) Each employer shall pay each [service worker] employee for
142 paid sick leave at a pay rate equal to the greater of either (1) the normal
143 hourly wage for that [service worker] employee, or (2) the minimum
144 fair wage rate under section 31-58 in effect for the pay period during
145 which the employee used paid sick leave. For any [service worker]
146 employee whose hourly wage varies depending on the work
147 performed by the [service worker] employee, "normal hourly wage"
148 means the average hourly wage of the [service worker] employee in
149 the pay period prior to the one in which [the service worker] he or she
150 used paid sick leave.

151 (e) Notwithstanding the provisions of this section and sections 31-
152 57t to 31-57w, inclusive, as amended by this act, and upon the mutual
153 consent of the [service worker] employee and employer, [a service
154 worker] an employee who chooses to work additional hours or shifts
155 during the same or following pay period, in lieu of hours or shifts
156 missed, shall not use accrued paid sick leave.

157 (f) No employer shall (1) terminate any employee, (2) dismiss any
158 employee, or (3) transfer any employee from one worksite to another
159 solely in order to not qualify as an employer, as defined in section 31-
160 57r, as amended by this act.

161 Sec. 3. Section 31-57t of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective January 1, 2016*):

163 (a) An employer shall permit [a service worker] an employee to use
164 the paid sick leave accrued pursuant to section 31-57s, as amended by
165 this act:

166 (1) For (A) [a service worker's] an employee's illness, injury or
167 health condition, (B) the medical diagnosis, care or treatment of [a
168 service worker's] an employee's mental illness or physical illness,
169 injury or health condition, or (C) preventative medical care for [a
170 service worker] an employee;

171 (2) For (A) [a service worker's child's or spouse's] an employee's
172 family member's illness, injury or health condition, (B) the medical
173 diagnosis, care or treatment of [a service worker's child's or spouse's]
174 an employee's family member's mental or physical illness, injury or
175 health condition, or (C) preventative medical care for a [child or
176 spouse of a service worker] family member of the employee; and

177 (3) Where [a service worker] an employee is a victim of family
178 violence or sexual assault (A) for medical care or psychological or
179 other counseling for physical or psychological injury or disability, (B)
180 to obtain services from a victim services organization, (C) to relocate
181 due to such family violence or sexual assault, or (D) to participate in
182 any civil or criminal proceedings related to or resulting from such
183 family violence or sexual assault.

184 (b) If [a service worker's] an employee's need to use paid sick leave
185 is foreseeable, an employer may require advance notice, not to exceed
186 seven days prior to the date such leave is to begin, of the intention to
187 use such leave. If [a service worker's] an employee's need for such
188 leave is not foreseeable, an employer may require [a service worker] an
189 employee to give notice of such intention as soon as practicable. For
190 paid sick leave of three or more consecutive days, an employer may
191 require reasonable documentation that such leave is being taken for
192 one of the purposes permitted under subsection (a) of this section. If
193 such leave is permitted under subdivision (1) or (2) of subsection (a) of
194 this section, documentation signed by a health care provider who is
195 treating the [service worker] employee or the [service worker's child or
196 spouse] employee's family member indicating the need for the number
197 of days of such leave shall be considered reasonable documentation. If
198 such leave is permitted under subdivision (3) of subsection (a) of this
199 section, a court record or documentation signed by [a service worker]
200 an employee or volunteer working for a victim services organization,
201 an attorney, a police officer or other counselor involved with the
202 [service worker] employee shall be considered reasonable
203 documentation.

204 (c) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
205 this act, shall be deemed to require any employer to provide paid sick
206 leave for [a service worker's] an employee's leave for any purpose
207 other than those described in this section.

208 (d) Unless an employee policy or collective bargaining agreement
209 provides for the payment of accrued fringe benefits upon termination,
210 no [service worker] employee shall be entitled to payment of unused
211 accrued sick leave under this section upon termination of employment.

212 (e) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
213 this act, shall be construed to prohibit an employer from taking
214 disciplinary action against [a service worker] an employee who uses
215 paid sick leave provided under sections 31-57s to 31-57w, inclusive, as
216 amended by this act, for purposes other than those described in this
217 section.

218 Sec. 4. Section 31-57u of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective January 1, 2016*):

220 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
221 this act, shall be construed to (1) prevent employers from providing
222 more paid sick leave than is required under sections 31-57s to 31-57w,
223 inclusive, as amended by this act, (2) diminish any rights provided to
224 any employee [or service worker] under a collective bargaining
225 agreement, or (3) preempt or override the terms of any collective
226 bargaining agreement effective prior to January 1, 2012.

227 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
228 this act, shall be construed to prohibit an employer (1) from
229 establishing a policy whereby [a service worker] an employee may
230 donate unused accrued paid sick leave to another [service worker]
231 employee, and (2) who provides more paid sick leave than is required
232 under sections 31-57s to 31-57w, inclusive, as amended by this act, for
233 the purposes described in subdivision (1) of subsection (a) of section
234 31-57t, as amended by this act, from limiting the amount of such leave

235 [a service worker] an employee may use for other purposes.

236 (c) Any termination of [a service worker's] an employee's
237 employment by an employer, whether voluntary or involuntary, shall
238 be construed as a break in service. Should any [service worker]
239 employee subsequently be rehired by the employer following a break
240 in service, the [service worker] employee shall (1) begin to accrue sick
241 leave in accordance with section 31-57s, as amended by this act, and (2)
242 shall not be entitled to any unused hours of paid sick leave that had
243 been accrued prior to the [service worker's] employee's break in
244 service unless agreed to by the employer.

245 Sec. 5. Section 31-57w of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective January 1, 2016*):

247 Each employer subject to the provisions of section 31-57s, as
248 amended by this act, shall, at the time of hiring, provide notice to each
249 [service worker] employee (1) of the entitlement to sick leave for
250 [service workers] employees, the amount of sick leave provided to
251 [service workers] employees and the terms under which sick leave
252 may be used, (2) that retaliation by the employer against the [service
253 worker] employee for requesting or using sick leave for which the
254 [service worker] employee is eligible is prohibited, and (3) that the
255 [service worker] employee has a right to file a complaint with the
256 Labor Commissioner for any violation of this section and of sections
257 31-57s to 31-57v, inclusive, as amended by this act. Employers may
258 comply with the provisions of this section by displaying a poster in a
259 conspicuous place, accessible to [service workers] employees, at the
260 employer's place of business that contains the information required by
261 this section in both English and Spanish. The Labor Commissioner
262 may adopt regulations, in accordance with chapter 54, to establish
263 additional requirements concerning the means by which employers
264 shall provide such notice. The Labor Commissioner shall administer
265 this section within available appropriations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2016</i>	31-57r
Sec. 2	<i>January 1, 2016</i>	31-57s
Sec. 3	<i>January 1, 2016</i>	31-57t
Sec. 4	<i>January 1, 2016</i>	31-57u
Sec. 5	<i>January 1, 2016</i>	31-57w

Statement of Purpose:

To expand paid sick leave in the state.

[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.]