



House of Representatives

General Assembly

File No. 65

January Session, 2017

House Bill No. 5278

House of Representatives, March 16, 2017

The Committee on Labor and Public Employees reported through REP. PORTER of the 94th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING PAID SICK LEAVE FOR EMERGENCY
MEDICAL DISPATCHERS AND CALL RECEIVING OPERATORS.***

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 Section 31-57r of the general statutes is repealed and the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 October 1, 2017*):

3 As used in this section and sections 31-57s to 31-57w, inclusive:

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

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

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

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

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

31 (5) "Family violence" has the same meaning as provided in section
32 46b-38a;

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

38 (7) "Service worker" means an employee primarily engaged in an
39 occupation with one of the following broad or detailed occupation
40 code numbers and titles, as defined by the federal Bureau of Labor
41 Statistics Standard Occupational Classification system or any successor
42 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and
43 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093
44 Social and Human Service Assistants; (E) 21-1094 Community Health

45 Workers; (F) 21-1099 Community and Social Service Specialists, All
46 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070
47 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered
48 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;
49 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-
50 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050
51 Health Practitioner Support Technologists and Technicians; (R) 29-2060
52 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
53 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;
54 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-
55 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091
56 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and
57 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation
58 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and
59 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040
60 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria
61 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-
62 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)
63 35-9090 Miscellaneous Food Preparation and Serving Related Workers;
64 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping
65 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)
66 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010
67 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010
68 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care
69 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line
70 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021
71 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-
72 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)
73 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers
74 and Messengers; (ZZ) 43-5031 Police, Fire and Ambulance Dispatchers;
75 (AAA) 43-6010 Secretaries and Administrative Assistants; [(AAA)]
76 (BBB) 43-9010 Computer Operators; [(BBB)] (CCC) 43-9020 Data Entry
77 and Information Processing Workers; [(CCC)] (DDD) 43-9030 Desktop
78 Publishers; [(DDD)] (EEE) 43-9040 Insurance Claims and Policy
79 Processing Clerks; [(EEE)] (FFF) 43-9050 Mail Clerks and Mail Machine

80 Operators, Except Postal Service; [(FFF)] (GGG) 43-9060 Office Clerks,
 81 General; [(GGG)] (HHH) 43-9070 Office Machine Operators, Except
 82 Computer; [(HHH)] (III) 43-9080 Proofreaders and Copy Markers;
 83 [(III)] (JJJ) 43-9110 Statistical Assistants; [(JJJ)] (KKK) 43-9190
 84 Miscellaneous Office and Administrative Support Workers; [(KKK)]
 85 (LLL) 51-3010 Bakers; [(LLL)] (MMM) 51-3020 Butchers and Other
 86 Meat, Poultry and Fish Processing Workers; [(MMM)] (NNN) 51-3090
 87 Miscellaneous Food Processing Workers; [(NNN)] (OOO) 53-3010
 88 Ambulance Drivers and Attendants, Except Emergency Medical
 89 Technicians; [(OOO)] (PPP) 53-3020 Bus Drivers; [(PPP)] (QQQ) 53-
 90 3040 Taxi Drivers and Chauffeurs; or [(QQQ)] (RRR) 29-2034
 91 Radiologic Technologists, and is (i) paid on an hourly basis, or (ii) not
 92 exempt from the minimum wage and overtime compensation
 93 requirements of the Fair Labor Standards Act of 1938 and the
 94 regulations promulgated thereunder, as amended from time to time.
 95 "Service worker" does not include day or temporary 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 (9) "Spouse" means a husband or wife, as the case may be; and

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	31-57r

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 18 \$	FY 19 \$
Various Municipalities	STATE MANDATE - Potential Cost	See Below	See Below

Explanation

The bill results in a potential cost to municipalities as it requires employers to provide paid sick leave benefits to emergency dispatchers and call receiving operators. The potential cost to municipalities varies significantly depending on three factors: whether a town already provides paid sick-leave benefits to employees who fall under these job titles, the number of such workers the town employs, and their compensation. It is expected that the number of towns that already provide paid sick leave significantly outweigh those that do not.

Using average compensation figures for medical dispatchers in the state, it is estimated that a municipality would incur a cost of approximately \$20 per hour per employee while providing this benefit.

There is expected to be no fiscal impact on smaller municipalities because they utilize regional, state-run dispatch centers.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: *City of New Haven Benefits Information*
Town of West Hartford Benefits Information

OLR Bill Analysis**HB 5278*****AN ACT CONCERNING PAID SICK LEAVE FOR EMERGENCY MEDICAL DISPATCHERS AND CALL RECEIVING OPERATORS.*****SUMMARY**

This bill adds police, fire, and ambulance dispatchers to the list of employees eligible to qualify for paid sick leave under the state law. The law currently includes 69 job titles listed by the federal Bureau of Labor Statistics' Standard Occupational Classification System number and title.

The "police, fire, and ambulance dispatchers" category (number 43-5031) is for phone or radio dispatchers or operators who handle calls from the public for emergency help.

The bill applies the conditions and requirements of the existing paid sick leave law to the new group (see BACKGROUND).

EFFECTIVE DATE: October 1, 2017

BACKGROUND***Paid Sick Leave Law Requirements***

Under the law, eligible employees accrue one hour of sick leave for every 40 hours worked (CGS § 31-57s).

To be eligible a worker:

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. must not be a day or temporary worker; and
4. cannot use the leave (a) until he or she has worked at least 680 hours after the benefit starts accruing and (b) unless he or she has worked an average of 10 hours per week for the employer during the most recently completed calendar quarter.

Related Bill

HB 6215, reported favorably by the Labor Committee, applies the paid sick leave law to certain types of teachers and instructors, such as tutors and substitute teachers.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 6 (03/02/2017)