



# Senate

General Assembly

**File No. 443**

February Session, 2022

Substitute Senate Bill No. 312

*Senate, April 13, 2022*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE EXPANSION OF CONNECTICUT PAID SICK DAYS.**

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 Section 31-57r of the general statutes is repealed and the  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 July 1, 2022*):

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) a biological, adopted or foster child, stepchild,  
6 legal ward of [a service worker] an employee, or (B) 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 incapable  
9 of self-care because of a mental or physical disability] or an individual  
10 to whom the employee stood in loco parentis when the individual was  
11 a child;

12 [(2) "Day or temporary worker" means an individual who performs

13 work for another on (A) a per diem basis, or (B) an occasional or  
14 irregular basis for only the time required to complete such work,  
15 whether such individual is paid by the person for whom such work is  
16 performed or by an employment agency or temporary help service, as  
17 defined in section 31-129;]

18 [(3)] (2) "Employee" means an individual engaged in service to an  
19 employer in the business of the employer;

20 [(4)] (3) "Employer" means any person, firm, business, educational  
21 institution, nonprofit agency, corporation, limited liability company or  
22 other entity, [that employs fifty or more individuals in the state, which  
23 shall be determined based on such person's, firm's, business',  
24 educational institution's, nonprofit agency's, corporation's, limited  
25 liability company's or other entity's payroll for the week containing  
26 October first, annually. "Employer" does not include: (A) Any business  
27 establishment classified in sector 31, 32 or 33 in the North American  
28 Industrial Classification System, or (B) any nationally chartered  
29 organization exempt from taxation under Section 501(c)(3) of the  
30 Internal Revenue Code of 1986, or any subsequent corresponding  
31 internal revenue code of the United States, as from time to time  
32 amended, that provides all of the following services: Recreation, child  
33 care and education;] provided, for purposes of this section, the Personal  
34 Care Attendant Workforce Council established under section 17b-706a  
35 shall be deemed the employer of any personal care attendants, as  
36 defined in section 17b-706;

37 (4) "Family member" means a spouse, sibling, child, grandparent,  
38 grandchild or parent or an individual related to the employee by blood  
39 or affinity whose close association with the employee is the equivalent  
40 of any such family relationship;

41 (5) "Family violence" has the same meaning as provided in section  
42 46b-38a;

43 (6) "Grandchild" means a grandchild related to a person by: (A)  
44 Blood, (B) marriage, (C) adoption by a child of the grandparent, or (D)

45 foster care by a child of the grandparent;

46 (7) "Parent" means a biological parent, foster parent, adoptive parent,  
47 stepparent, parent-in-law or legal guardian of an employee or an  
48 employee's spouse, an individual standing in loco parentis to an  
49 employee or an individual who stood in loco parentis to the employee  
50 when the employee was a child;

51 (8) "Paid sick leave" means paid time that is provided by an employer  
52 to an employee for the purposes described in section 31-57t, as amended  
53 by this act;

54 ~~[(6)]~~ (9) "Retaliatory personnel action" means any termination,  
55 suspension, constructive discharge, demotion, unfavorable  
56 reassignment, refusal to promote, disciplinary action or other adverse  
57 employment action taken by an employer against an employee; [or a  
58 service worker;]

59 [(7) "Service worker" means an employee primarily engaged in an  
60 occupation with one of the following broad or detailed occupation code  
61 numbers and titles, as defined by the federal Bureau of Labor Statistics  
62 Standard Occupational Classification system or any successor system:  
63 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health  
64 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and  
65 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)  
66 21-1099 Community and Social Service Specialists, All Other; (G) 25-  
67 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician  
68 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-  
69 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170  
70 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040  
71 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health  
72 Practitioner Support Technologists and Technicians; (R) 29-2060  
73 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home  
74 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)  
75 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092  
76 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing  
77 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving

78 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;  
79 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;  
80 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,  
81 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants  
82 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts  
83 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090  
84 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-  
85 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;  
86 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030  
87 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,  
88 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage  
89 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;  
90 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors  
91 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and  
92 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;  
93 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170  
94 Receptionists and Information Clerks; (YY) 43-5020 Couriers and  
95 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;  
96 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and  
97 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;  
98 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)  
99 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;  
100 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine  
101 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy  
102 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous  
103 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;  
104 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing  
105 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;  
106 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency  
107 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi  
108 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,  
109 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum  
110 wage and overtime compensation requirements of the Fair Labor  
111 Standards Act of 1938 and the regulations promulgated thereunder, as  
112 amended from time to time. "Service worker" does not include day or

113 temporary workers;]

114 [(8)] (10) "Sexual assault" means any act that constitutes a violation of  
115 section 53a-70b of the general statutes, revision of 1958, revised to  
116 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or  
117 53a-73a;

118 (11) "Sibling" means a brother or sister related to a person by: (A)  
119 Blood, (B) marriage, (C) adoption by a parent of the person, or (D) foster  
120 care placement;

121 [(9)] (12) "Spouse" means a husband or wife, as the case may be; and

122 [(10)] (13) "Year" means any three-hundred-sixty-five-day period  
123 used by an employer to calculate employee benefits.

124 Sec. 2. Section 31-57s of the general statutes is repealed and the  
125 following is substituted in lieu thereof (*Effective July 1, 2022*):

126 (a) Each employer shall provide paid sick leave annually to each of  
127 such employer's [service workers] employees in the state. Such paid sick  
128 leave shall accrue (1) beginning [January 1, 2012] July 1, 2022, or for [a  
129 service worker] an employee hired after said date, beginning on the  
130 [service worker's] employee's first date of employment, (2) at a rate of  
131 one hour of paid sick leave for each [forty] thirty hours worked by [a  
132 service worker] the employee, and (3) in one-hour increments up to a  
133 maximum of forty hours per year. Each [service worker] employee shall  
134 be entitled to carry over up to forty unused accrued hours of paid sick  
135 leave from the current year to the following year, but no [service  
136 worker] employee shall be entitled to use more, in any year, than the  
137 maximum number of accrued hours, as described in subdivision (3) of  
138 this subsection. [ , in any year] An employer may provide all paid sick  
139 leave that an employee is expected to accrue in a year at the beginning  
140 of the year.

141 (b) [A service worker] An employee shall be entitled to the use of  
142 accrued paid sick leave [upon the completion of the service worker's six-  
143 hundred-eightieth hour of employment from January 1, 2012, if the

144 service worker was hired prior to January 1, 2012, or if hired after  
145 January 1, 2012, upon the completion of the service worker's six-  
146 hundred-eightieth hour of employment from the date of hire, unless the  
147 employer agrees to an earlier date. A service worker shall not be entitled  
148 to the use of accrued paid sick leave if such service worker did not work  
149 an average of ten or more hours per week for the employer in the most  
150 recent complete quarter] as it is accrued. Alternatively, in lieu of  
151 carryover of unused paid sick leave provided pursuant to this  
152 subsection from one year to the next, an employer may pay an employee  
153 for unused paid sick leave provided pursuant to this subsection at the  
154 end of a year and provide the employee with an amount of paid sick  
155 leave that meets or exceeds the requirements of this subsection that is  
156 available for the employee's immediate use at the beginning of the  
157 following year.

158 (c) An employer shall be deemed to be in compliance with this section  
159 if the employer offers any other paid leave, or combination of other paid  
160 leave that (1) may be used for the purposes of, and under the same  
161 conditions as provided in, section 31-57t, as amended by this act, and (2)  
162 is accrued in total at a rate equal to or greater than the rate described in  
163 [subsections] subsection (a) [and (b)] of this section. For the purposes of  
164 this subsection, "other paid leave" may include, but need not be limited  
165 to, paid vacation, personal days or paid time off.

166 (d) Each employer shall pay each [service worker] employee for paid  
167 sick leave at a pay rate equal to the greater of either (1) the normal  
168 hourly wage for that [service worker] employee, or (2) the minimum fair  
169 wage rate, under section 31-58, in effect for the pay period during which  
170 the employee used paid sick leave. For any [service worker] employee  
171 whose hourly wage varies depending on the work performed by the  
172 [service worker] employee, "normal hourly wage" means the average  
173 hourly wage of the [service worker] employee in the pay period prior to  
174 the one in which the [service worker] employee used paid sick leave.

175 [(e) Notwithstanding the provisions of this section and sections 31-  
176 57t to 31-57w, inclusive, and upon the mutual consent of the service

177 worker and employer, a service worker who chooses to work additional  
178 hours or shifts during the same or following pay period, in lieu of hours  
179 or shifts missed, shall not use accrued paid sick leave.]

180 (e) An employee who is exempt from overtime requirements under  
181 the provisions of 29 USC 213 (a)(1), as amended from time to time, shall  
182 be assumed to work forty hours in each work week for purposes of paid  
183 sick leave accrual, unless their normal work week is less than forty  
184 hours, in which case paid sick leave shall accrue based upon the hours  
185 worked in that normal work week.

186 (f) If an employee is transferred to a separate division, entity or  
187 location but remains employed by the same employer, the employee  
188 shall retain and be entitled to use all paid sick leave accrued or received  
189 by the employee at the prior division, entity or location. If a different  
190 employer succeeds or takes the place of an existing employer, each  
191 employee of the original employer, who remains employed by the  
192 successor employer, shall retain and be entitled to use all paid sick leave  
193 the employee accrued or received while employed by the original  
194 employer.

195 (g) An employer may not require, as a condition of an employee  
196 taking paid sick leave, that the employee search for or find a  
197 replacement worker to cover the hours for which the employee is using  
198 paid sick leave.

199 [(f)] (h) No employer shall (1) terminate any employee, (2) dismiss  
200 any employee, or (3) transfer any employee from one worksite to  
201 another solely in order to not qualify as an employer, as defined in  
202 section 31-57r, as amended by this act.

203 Sec. 3. Section 31-57t of the general statutes is repealed and the  
204 following is substituted in lieu thereof (*Effective July 1, 2022*):

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

208 (1) For (A) [a service worker's] an employee's illness, injury or health  
209 condition, (B) the medical diagnosis, care or treatment of [a service  
210 worker's] an employee's mental illness or physical illness, injury or  
211 health condition, or (C) preventative medical care for [a service worker]  
212 an employee;

213 (2) For (A) [a service worker's child's or spouse's] an employee's  
214 family member's illness, injury or health condition, (B) the medical  
215 diagnosis, care or treatment of [a service worker's child's or spouse's] an  
216 employee's family member's mental or physical illness, injury or health  
217 condition, or (C) preventative medical care for a [child or spouse of a  
218 service worker; and] family member of an employee;

219 (3) For (A) closure of the employer's place of business by order of a  
220 public official due to a public health emergency, (B) an employee's need  
221 to care for a family member whose school or place of care has been  
222 closed by order of a public official due to a public health emergency, or  
223 (C) an employee's need to care for oneself or a family member when it  
224 is determined, by (i) a health authority having jurisdiction, (ii) an  
225 employer of the employee or employee's family member, or (iii) a health  
226 care provider, that the employee or family member's presence in the  
227 community may jeopardize the health of others because of such  
228 employee's exposure to a communicable illness, whether or not the  
229 employee or family member has actually contracted the communicable  
230 illness; and

231 [(3)] (4) Where [a service worker] an employee or an employee's  
232 family member is a victim of family violence or sexual assault, (A) for  
233 medical care or psychological or other counseling for physical or  
234 psychological injury or disability, (B) to obtain services from a victim  
235 services organization, (C) to relocate due to such family violence or  
236 sexual assault, or (D) to participate in any civil or criminal proceedings  
237 related to or resulting from such family violence or sexual assault.

238 (b) If [a service worker's] an employee's need to use paid sick leave is  
239 foreseeable, an employer may require advance notice, not to exceed  
240 seven days prior to the date such leave is to begin, of the intention to use



241 such leave. If [a service worker's] an employee's need for such leave is  
242 not foreseeable, an employer may require [a service worker] an  
243 employee to give notice of such intention as soon as practicable. For paid  
244 sick leave of three or more consecutive days, an employer may require  
245 reasonable documentation that such leave is being taken for one of the  
246 purposes permitted under subsection (a) of this section. If such leave is  
247 permitted under subdivision (3) of subsection (a) of this section, a  
248 written statement from the employee affirming that the employee is  
249 taking or has taken paid sick leave for a qualifying purpose of  
250 subdivision (3) of subsection (a) of this section shall be considered  
251 reasonable documentation. Such written statement for leave pursuant  
252 to subdivision (3) of subsection (a) of this section may be written in the  
253 employee's first language and need not be notarized or in any particular  
254 format. If such leave is permitted under subdivision (1) or (2) of  
255 subsection (a) of this section, documentation signed by a health care  
256 provider who is treating the [service worker] employee or the [service  
257 worker's child or spouse] employee's family member indicating the  
258 need for the number of days of such leave shall be considered  
259 reasonable documentation. If such leave is permitted under subdivision  
260 [(3)] (4) of subsection (a) of this section, a court record or documentation  
261 signed by [a service worker] an employee or volunteer working for a  
262 victim services organization, an attorney, a police officer or other  
263 counselor involved with the [service worker] employee shall be  
264 considered reasonable documentation. An employer may not require  
265 such documentation to explain the nature of the illness or the details of  
266 the family violence or sexual assault. If an employer chooses to require  
267 documentation for paid sick leave under this section and the employer  
268 does not offer health insurance to the employee, the employer shall pay  
269 all out-of-pocket expenses the employee incurs in obtaining the  
270 documentation. If the employee has health insurance, the employer  
271 shall pay any costs charged to the employee by the health care provider  
272 for providing the specific documentation required by the employer. The  
273 employer shall pay any costs charged to the employee for  
274 documentation of family violence or sexual assault required by the  
275 employer.

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

280 (d) Unless an employee policy or collective bargaining agreement  
281 provides for the payment of accrued fringe benefits upon termination,  
282 no [service worker] employee shall be entitled to payment of unused  
283 paid accrued sick leave under this section upon termination of  
284 employment.

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

290 Sec. 4. Section 31-57u of the general statutes is repealed and the  
291 following is substituted in lieu thereof (*Effective July 1, 2022*):

292 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by  
293 this act, shall be construed to (1) prevent employers from providing  
294 more paid sick leave than is required under said sections, [31-57s to 31-  
295 57w, inclusive,] (2) diminish any rights provided to any employee [or  
296 service worker] under a collective bargaining agreement, or (3) preempt  
297 or override the terms of any collective bargaining agreement effective  
298 prior to January 1, 2012.

299 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by  
300 this act, shall be construed to prohibit an employer (1) from establishing  
301 a policy whereby [a service worker] an employee may donate unused  
302 accrued paid sick leave to another [service worker] employee, and (2)  
303 who provides more paid sick leave than is required under sections 31-  
304 57s to 31-57w, inclusive, as amended by this act, for the purposes  
305 described in subdivision (1) of subsection (a) of section 31-57t, as  
306 amended by this act, from limiting the amount of such leave [a service  
307 worker] an employee may use for other purposes.

308 (c) Any termination of [a service worker's] an employee's  
309 employment by an employer, whether voluntary or involuntary, shall  
310 be construed as a break in service. Should any [service worker]  
311 employee subsequently be rehired by the employer following a break in  
312 service, the [service worker] employee shall (1) begin to accrue sick  
313 leave [in accordance with section 31-57s] immediately upon rehire, and  
314 (2) shall [not] be entitled to any unused hours of paid sick leave that had  
315 been accrued prior to the [service worker's] employee's break in service,  
316 [unless agreed to by the employer.]

317 Sec. 5. Section 31-57v of the general statutes is repealed and the  
318 following is substituted in lieu thereof (*Effective July 1, 2022*):

319 (a) No employer shall take retaliatory personnel action or  
320 discriminate against an employee because the employee (1) requests or  
321 uses paid sick leave either in accordance with sections 31-57s and 31-57t,  
322 as amended by this act, or in accordance with the employer's own paid  
323 sick leave policy, as the case may be, or (2) files a complaint with the  
324 Labor Commissioner alleging the employer's violation of sections 31-57s  
325 to 31-57w, inclusive, as amended by this act.

326 (b) The Labor Commissioner shall advise any employee who (1) is  
327 covered by a collective bargaining agreement that provides for paid sick  
328 days, and (2) files a complaint pursuant to subsection (a) of this section  
329 of [his or her] the employee's right to pursue a grievance with [his or  
330 her] the employee's collective bargaining agent.

331 (c) Any employee aggrieved by a violation of the provisions of  
332 sections 31-57s to 31-57w, inclusive, as amended by this act, may file a  
333 complaint with the Labor Commissioner. Upon receipt of any such  
334 complaint, said commissioner may hold a hearing. After the hearing,  
335 any employer who is found by the Labor Commissioner, by a  
336 preponderance of the evidence, to have violated the provisions of  
337 subsection (a) of this section shall be liable to the Labor Department for  
338 a civil penalty of five hundred dollars for each violation. Any employer  
339 who is found by the Labor Commissioner, by a preponderance of the  
340 evidence, to have violated the provisions of sections 31-57s to 31-57u,

341 inclusive, as amended by this act, or section 31-57w, as amended by this  
342 act, shall be liable to the Labor Department for a civil penalty of up to  
343 one hundred dollars for each violation. The Labor Commissioner may  
344 award the employee all appropriate relief, including the payment for  
345 used paid sick leave, rehiring or reinstatement to the employee's  
346 previous job, payment of back wages and reestablishment of employee  
347 benefits to which the employee otherwise would have been eligible if  
348 the employee had not been subject to such retaliatory personnel action  
349 or discriminated against. Any party aggrieved by the decision of the  
350 commissioner may appeal the decision to the Superior Court in  
351 accordance with the provisions of chapter 54.

352 (d) The Labor Commissioner, the Attorney General or any person  
353 aggrieved by a violation of any provision of sections 31-57s to 31-57w,  
354 inclusive, as amended by this act, or any entity a member of which is  
355 aggrieved by a violation of said sections, may bring a civil action in a  
356 court of competent jurisdiction against the employer for such violation.  
357 Such action may be brought by a person aggrieved by violation of this  
358 section without first filing an administrative complaint.

359 ~~[(d)]~~ (e) The Labor Commissioner shall administer this section within  
360 available appropriations.

361 Sec. 6. Section 31-57w of the general statutes is repealed and the  
362 following is substituted in lieu thereof (*Effective July 1, 2022*):

363 (a) Each employer subject to the provisions of section 31-57s, as  
364 amended by this act, shall, at the time of hiring, provide notice to each  
365 [service worker] employee (1) of the entitlement to sick leave for [service  
366 workers] employees, the amount of sick leave provided to [service  
367 workers] employees and the terms under which sick leave may be used,  
368 (2) that retaliation by the employer against the [service worker]  
369 employee for requesting or using sick leave for which the [service  
370 worker] employee is eligible is prohibited, and (3) that the [service  
371 worker] employee has a right to file a complaint with the Labor  
372 Commissioner for any violation of this section and of sections 31-57s to  
373 31-57v, inclusive, as amended by this act. [Employers] Each employer

374 [may] shall comply with the provisions of this section by (A) displaying  
375 a poster in a conspicuous place, accessible to [service workers]  
376 employees, at the employer's place of business that contains the  
377 information required by this section in both English and Spanish, except  
378 in the case where the employer does not maintain a physical workplace  
379 or an employee teleworks or performs work through a web-based or  
380 application-based platform, notification shall be sent via electronic  
381 communication or a conspicuous posting on a web-based or  
382 application-based platform, and (B) providing written notice to each  
383 employee not later than January 1, 2023, or at the time of hire, whichever  
384 is later. The Labor Commissioner [may adopt regulations, in accordance  
385 with chapter 54, to establish additional requirements concerning the  
386 means by which employers shall provide such notice. The Labor  
387 Commissioner shall administer this section within available  
388 appropriations.] shall provide such posters and model written notice to  
389 all employers. Each employer shall include in the record of hours  
390 worked, wages earned and deductions required by section 31-13a, the  
391 number of hours, if any, of paid sick leave accrued or received by the  
392 employee and the number of hours of paid sick leave used by the  
393 employee in the calendar year.

394 (b) Each employer shall retain records documenting hours worked by  
395 employees and paid sick leave taken by employees for a period of three  
396 years and shall allow the Labor Commissioner access to such records,  
397 with appropriate notice and at a mutually agreeable time, to monitor  
398 compliance with the requirements of this section. When an issue arises  
399 as to an employee's entitlement to paid sick leave under this section, if  
400 the employer does not maintain or retain adequate records  
401 documenting hours worked by the employee and paid sick leave taken  
402 by the employee or does not allow reasonable access to such records, it  
403 shall be presumed that the employer has violated this section, absent  
404 clear and convincing evidence otherwise.

405 (c) The Labor Commissioner may coordinate implementation and  
406 enforcement of this section and sections 31-57s to 31-57v, inclusive, as  
407 amended by this act, and shall adopt regulations in accordance with the

408 provisions of chapter 54 to implement the provisions of said sections.

409 (d) The Labor Commissioner may develop and implement a  
410 multilingual outreach program to inform employees, parents and  
411 persons who are under the care of a health care provider about the  
412 availability of paid sick leave. Such program shall include the  
413 distribution of notices and other written materials in English, Spanish  
414 and any language that is the first language spoken by not less than five  
415 per cent of the state's population to all child care and elder care  
416 providers, domestic violence shelters, schools, hospitals, community  
417 health centers and other health care providers.

418 (e) The Labor Commissioner shall administer this section within  
419 available appropriations.

420 Sec. 7. Subsection (a) of section 31-397 of the general statutes is  
421 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
422 *2022*):

423 (a) The Labor Commissioner, in consultation with the Commissioner  
424 of Public Health, shall encourage the development of occupational  
425 health clinics by making grants-in-aid to public and nonprofit  
426 organizations. Such grants-in-aid shall be used to facilitate the  
427 development and operation of such clinics, including, but not limited to,  
428 preproject development, site acquisition, development, improvement  
429 and operating expenses. Such grants-in-aid may be used for activities  
430 involved in occupational disease evaluation, treatment and prevention,  
431 particularly when such activities are not compensated by other sources.  
432 Priority for such grants-in-aid may be given to organizations providing  
433 services for working age populations, including, but not limited to,  
434 migrant and contingent workers, where health disparities or work  
435 structure interfere with the provision of occupational health care  
436 services. Such grants-in-aid shall not be used to compensate any  
437 occupational health clinic for any activities that utilize commercial  
438 services or involve grants or contracts received from an outside party.  
439 The commissioner shall consult with the Occupational Health Clinics  
440 Advisory Board prior to making any such grant. For purposes of this

441 subsection, "contingent worker" means an individual whose  
 442 employment is of a temporary and sporadic nature and may include,  
 443 but need not be limited to, (1) an agricultural worker, (2) an independent  
 444 contractor, as defined in section 36a-485, or [a day or temporary worker,  
 445 as defined in section 31-57r] (3) an individual who performs work for  
 446 another on (A) a per diem basis, or (B) an occasional or irregular basis  
 447 for only the time required to complete such work, whether such  
 448 individual is paid by the person for whom such work is performed or  
 449 by an employment agency or temporary help service, as defined in  
 450 section 31-129.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	31-57r
Sec. 2	July 1, 2022	31-57s
Sec. 3	July 1, 2022	31-57t
Sec. 4	July 1, 2022	31-57u
Sec. 5	July 1, 2022	31-57v
Sec. 6	July 1, 2022	31-57w
Sec. 7	July 1, 2022	31-397(a)

**Statement of Legislative Commissioners:**

In Section 1(1) "person" was changed to "an employee" for clarity; in Section 3(a)(2) "an employee's" was added before "family member's" for clarity and in Subpara. (C) "of an employee" was added after "family member" for clarity; in Section 3(a)(3) subparagraph and clause designators were added and "an employee's need to" was added after subparagraph designator (C) for clarity; and in Section 3(b) "employee's" was added before "family member" for clarity.

**LAB**      *Joint Favorable Subst.*

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:**

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Social Services, Dept.; Department of Developmental Services	GF - Cost	See Below	See Below
Labor Dept.	GF - Cost	292,588	302,753
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	111,290	114,073
Social Services, Dept.; Department of Developmental Services	GF - Potential Revenue Loss	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which expands the state’s current paid sick leave law, results in: 1) a cost to the Department of Social Services (DSS) and the Department of Developmental Services (DSS) beginning in FY 23, 2) a cost to the Department of Labor (DOL) of \$403,878 in FY 23 and \$416,826 in FY 24, and 3) a potential loss of federal revenue.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.53% of payroll in FY 23.



Expanding those covered under the paid sick leave law, as well as expanding the covered leave itself, results in an additional cost to DOL to administer.<sup>2</sup> Specifically, DOL would need two additional Wage Enforcement Agents and one Staff Attorney for a total cost of \$385,878 in FY 23 and \$395,526 in FY 24, including salaries and benefits. There are also associated overhead costs estimated at \$18,000 for FY 23 and \$21,300 for FY 24 for computers, office supplies, etc.

The bill also results in a cost to DSS and DDS associated with paid sick leave for personal care attendants (PCAs). Cost components include (1) payment to PCAs for sick leave, (2) payment to PCAs to provide necessary services to Medicaid consumers while another PCA is taking sick leave, and (3) enhanced contract costs for the PCA Workforce Council to administer paid sick leave benefits.

The bill also requires the PCA Workforce Council to act on behalf of consumer employers of PCAs for purposes of the bill. This is anticipated to increase state contract costs to support the administration of paid sick leave benefits through fiscal intermediaries.

Additionally, since most DSS and DDS consumers with funding for PCAs are enrolled in a Home and Community-Based Medicaid waiver, the bill may also result in a potential federal revenue loss to the extent the bill's provisions conflict with Medicaid waiver requirements.

### ***The Out Years***

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

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<sup>2</sup> The current paid sick leave law covers employers with over 50 employees (excluding manufacturers and some non-profits) and only applies to 69 job classifications. The bill expands coverage to all private-sector employers, which includes an estimated 130,000 employers and 1.6 million workers.

**OLR Bill Analysis****sSB 312*****AN ACT CONCERNING THE EXPANSION OF CONNECTICUT PAID SICK DAYS.*****SUMMARY**

This bill expands the state's paid sick leave law in numerous ways. The current paid sick leave law generally requires employers with at least 50 employees to provide up to 40 hours of paid sick leave annually to their "service workers" in certain specified occupations. The bill expands the law by, among other things:

1. covering all private-sector employers and employees under it;
2. broadening the range of family members for whom an employee may use the leave;
3. increasing the rate at which employees accrue leave and removing the waiting period before they may use it; and
4. broadening the reasons employees may use the leave to include events such as closures due to a public health emergency and quarantines.

The bill limits the extent to which employers may require employees to provide documentation to support their reasons for taking leave by (1) limiting the details that can be required in the documentation and (2) requiring an employer to pay an employee's out-of-pocket expenses for getting the required documentation.

It expands the current law's enforcement mechanisms by allowing anyone aggrieved by a violation to bring a lawsuit against an employer without first filing an administrative complaint with the labor commissioner. It also expands current employer notice requirements by

requiring employers to give written notice to each employee about the paid sick leave law. The bill also sets employer recordkeeping requirements that, among other things, require (1) employee “pay stubs” to include an employee’s accrued paid sick time and use for the calendar year and (2) employers to maintain their paid sick leave records for three years.

It also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: July 1, 2022

## **§§ 1 & 3 — COVERED EMPLOYERS, EMPLOYEES, & FAMILY MEMBERS**

### ***Employers and Employees***

The current paid sick leave law covers private sector employers with at least 50 employees, except manufacturers and certain non-profits. The bill covers all private sector employers regardless of their size, industry, or non-profit status. For providing paid sick leave under the bill, it also makes the state’s Personal Care Attendant Workforce Council the employer of people who provide personal care assistance (PCAs) under a state-funded program, such as the Connecticut Home Care Program for Elders. (The consumer for whom the PCA provides services is, generally, otherwise considered the PCA’s employer.)

The bill also expands current law to cover all private sector employees, rather than only the specified “service worker” occupations covered by current law. It also includes the day or temporary workers excluded from the current paid sick day law.

### ***Family Members (§§ 1 & 3)***

Current law allows covered employees to use paid sick time to care for their child (or a minor or disabled child for whom they stand in place of a parent) or spouse. The bill broadens the range of “family members” that employees may use paid sick time to care for to include their adult children, siblings, parents, grandparents, grandchildren, and anyone related by blood or affinity whose close association is the equivalent of these family members. Under the bill, children, siblings, parents, and

grandchildren include those relations by blood, marriage, adoption, or foster care.

## **§§ 2 & 4 — LEAVE ACCRUAL AND AVAILABILITY**

### ***Leave Accrual***

The bill increases the rate at which employees accrue leave time, from one hour per every 40 hours worked to one hour per every 30 hours worked. It also allows employers to provide an employee, at the beginning of the year, with all of the sick leave that the employer expects the employee to accrue in the year.

The bill specifies that employees exempt from federal law's overtime pay requirements must be assumed to work 40 hours per week for leave accrual purposes, unless their normal work week is less than 40 hours. If it is, then their leave accrual must be based on their normal work week. (Current law does not explicitly address this issue.)

Under current law, an employee's termination is a break in service and the employee's previously accrued sick time does not carry over if the employee is rehired by the same employer. The bill instead entitles a re-employed employee to any sick time he or she previously accrued with the employer (§ 4).

The bill requires that employees maintain their accrued paid sick time when (1) they transfer to a separate division, entity, or location with the same employer or (2) when a different employer succeeds or replaces an existing employer. (Current law does not explicitly address either of these issues.)

### ***Leave Availability***

Under current law, employees must work 680 hours for their employer before they can use their leave. The bill instead allows employees to use their leave as it is accrued. It also allows employees to use the leave regardless of how much they work by eliminating a provision in current law that allows employees to use leave only if they average at least 10 work hours per week.

***Replacements & Shift Swapping***

The bill prohibits employers from requiring employees taking paid sick leave to look for or find a replacement employee to cover their hours while on leave. It also removes a provision in current law that prohibits an employer from requiring employees to use their accrued paid sick leave if they choose to work additional hours or shifts during the same or following pay period, in place of hours or shifts missed.

***Leave Carryover***

The law, unchanged by the bill, allows eligible employees to carryover up to 40 hours of unused accrued sick leave from one year to the next. The bill also allows employers to pay employees for their unused sick leave at the end of the year, instead of letting the leave carryover to the next year. If they do so, the employer must give the employee at least the same amount of paid sick leave required by the bill and allow for its immediate use at the beginning of the next year.

***Other Employer-Provided Paid Leave***

The current paid sick leave law deems an employer in compliance with its requirements to give leave if the employer offers other paid leave that may be used for the same purposes as provided in the law. The bill requires that employees also be able to use the other paid leave under the same conditions for the exception to apply.

**§ 3 — LEAVE USES & DOCUMENTATION**

The bill expands the reasons why an employee may use sick leave to include when (1) the employer's place of business is closed by order of a public official due to a public health emergency or (2) an employee needs to care for a family member whose school or place of care has been closed by such an order.

It also allows for leave if the employee needs to care for him or herself or a family member under quarantine (i.e., when it has been determined that the employee or family member's presence in the community may jeopardize others' health because of their exposure to a communicable disease, regardless of whether they actually contracted it). The

determination for a quarantine must be made by a health authority with jurisdiction, a health care provider, or the employee's or family member's employer.

Current law allows an employee to use paid sick leave if he or she was a victim of family violence or sexual assault and needs leave to do certain things (e.g., get counseling or participate in civil or criminal proceedings). The bill also allows employees to use the leave if their family member is a victim of family violence or sexual assault and needs to do these same things.

### ***Documentation***

Under certain circumstances, current law allows employers to require employees to provide documentation to support their reasons for taking leave. The bill limits this authority by prohibiting employers from requiring documentation that explains the nature of the illness or, if the employee is taking leave due to family violence or sexual assault, the details of the domestic violence or sexual assault.

If the employer requires documentation but does not offer health insurance, the bill requires the employer to pay all out-of-pocket expenses for getting the documentation. If the employee has health insurance, the employer must pay any costs charged to the employee for the documentation. The employer must pay any costs charged to the employee for getting documentation for leave related to family violence or sexual assault.

Under the bill, if a leave is taken due to a closure under a public health emergency order or a quarantine, a written statement from the employee affirming that the he or she is taking paid sick leave for one of these qualifying purposes must be considered reasonable documentation. The statement may be written in the employee's first language and does not have to be notarized or in any particular format.

## **§ 5 — LAWSUITS**

The bill expands the current law's enforcement provisions to also allow the labor commissioner, the attorney general, a person aggrieved

by a violation of the paid sick leave law, or an entity in which the person is a member to bring a lawsuit against an employer without first filing an administrative complaint with the labor commissioner. Under current law, someone aggrieved by a violation may file a complaint with the labor commissioner and then appeal the commissioner's decision to the Superior Court.

## **§ 6 — EMPLOYER NOTICE AND RECORDS**

Current law requires employers to notify employees about certain provisions of the paid sick leave law and allows them to do so by displaying a poster in the workplace. The bill instead requires employers to give written notice to each employee about these provisions and display a poster about them in the workplace. They must do this by January 1, 2023, or when an employee is hired, whichever is later. If the employer does not maintain a physical workplace, or an employee teleworks or works through a web-based or app-based platform, the bill requires the employer to meet the poster requirement through electronic communication or a posting on a web-based or app-based platform. It also requires the labor commissioner, within available appropriations, to provide posters and model written notices to employers.

The bill requires that employee "pay stubs" include an employee's accrued paid sick time and use for the calendar year. It also requires employers to maintain their paid sick leave records for three years and give the labor commissioner access to them, with appropriate notice and at a mutually agreeable time (the bill does not specify when this three-year period begins). If an issue arises over an employee's entitlement to paid sick leave and the employer does not have the required records, the bill requires that it be presumed that the employer violated the law's notice and records requirements, absent clear and convincing evidence otherwise.

## **§ 6 — DOL OUTREACH PROGRAM & REGULATIONS**

The bill allows the labor commissioner, within available appropriations, to develop and implement a multilingual outreach

program to inform people about the paid sick leave law. The program must include notices and other written material in English, Spanish, and any language that is the first language spoken by at least 5% of the state’s population. These must be distributed to all child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers, and other health care providers.

Lastly, the bill requires the labor commissioner to adopt regulations to implement the paid sick time law. Current law allows her to adopt regulations about the law’s notice requirements. The bill also explicitly allows her to coordinate the law’s implementation and enforcement.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 4 (03/24/2022)