

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-312

AN ACT CONCERNING THE EXPANSION OF CONNECTICUT PAID SICK

Title: DAYS.

Vote Date: 3/24/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/8/2022

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

The purpose of S.B. 312 is to increase the number of paid sick days and ensure domestic worker coverage when workers call in sick. This bill outlines all the possible reasons why a worker may use their sick-time, and states that an employer cannot discipline them for using their allotted time. This bill will protect workers who feel as though they cannot utilize their accrued sick time or ask for paid sick time in fear that they will be punished.

SUBSTITUTE LANGUAGE:

The substitute language for this bill inserts that if employees are unable to carryover unused paid sick leave from the previous year, an employer may pay their employee the amount of paid sick leave that would have been awarded. The substitute language details what happens when an employee works less than 40 hours a week, and how an employee can retain their accrued paid sick leave if they change locations under the original employer. The substitute language explains that an employee may use their paid sick leave to care for family members who contracted disease or illness. The substitute language states that an employee does not need to provide documentation to explain the nature of the illness/ family violence/ sexual assault to be awarded paid sick leave because it is a violation of privacy. The substitute language inserts that employees who experienced a violation of this bill and were deprived of paid sick-leave or faced discipline because of it may file an administrative complaint through the Labor Commissioner or the Attorney General against their employer. The substitute language states that employers must retain records of paid sick leave for 3 years, so the records are accessible to the Labor Commissioner in case of complaint. The substitute

language states that the Labor Commissioner can develop ways of outreach, so employees are aware of their rights to paid sick leave. The substitute language includes COVID-19 sick leave and describes the sick leave procedures surrounding the virus.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Developmental Services, Commissioner, Jordan A. Scheff, opposes the bill because the bill would require significant additional resources to fund back-up or substitute staff while also paying current staff for sick days. If this bill moves forward, additional resources would be necessary to fund the additional temporary staff that would be necessary while the regular staff are out sick.

Connecticut Department of Labor, Commissioner, Dante Bartolomeo, opposes the bill. If passed as written, the bill will have a significant fiscal impact on CT DOL given the substantial increase in eligible workers for sick leave. The expansion would require the agency to hire additional staff in the Wage and Workplace Standards Division as well as Legal Division to accommodate the increased inquiries, complains, and hearings that may result.

Connecticut Department of Social Services opposes the bill. They do not support the Personal Care Attendant Workforce Council acting on behalf of all Medicaid participants who currently hire and manage their own personal attendants. Funds are not currently in the DSS budget, and funds are not included in the Governor's proposed budget to fund an expansion of family and medical paid time off.

NATURE AND SOURCES OF SUPPORT:

Black and Brown United in Action support this bill. They state that over 90% of domestic workers are women, over 50% are Black, Hispanic or Aidan women, and the median wage for such workers averages approximately 12 dollars an hour. Black and Brown workers are overrepresented in industries that do not provide paid sick days and are far more likely to lack access to the benefits of white workers. Domestic workers have been significantly left out of vital employee protections and benefits in the workplace, and they urge passage of the bill to provide much needed coverage to these essential workers.

Connecticut Coalition Against Domestic Violence, Director of Public Policy and Communications, Liza Andrews, supports this bill because without paid sick days, workers are forced to either go to work sick or miss their paycheck, sometimes resulting in losing their job entirely. For survivors of domestic violence, missing a paycheck or losing their job will make them more financially dependent on their abuser and less able to leave because of the inability to financially support themselves.

Connecticut Education Association, Legal Counsel, Melanie I. Kolek, supports this bill because the pandemic has illustrated the importance of providing workers the opportunity to tend to their health and the health of their families in the collective effort to prevent the spread of COVID-19, and illnesses in general. The bill would prevent parents who are forced to stay home and care for children from taking unpaid leave if they had accumulated sick leave.

Universal Health Care Foundation of Connecticut supports the bill because expanding paid sick leave is an issue of social and racial justice. Workers of color are overrepresented in industries that do not provide paid sick days, and low-wage workers and workers of color are already less likely to have access to paid sick leave. Communities of color have faced the most severe economic and health consequences of the COVID-19 pandemic. Inequality in access to paid sick leave only deepens the harm and economic injustice and disproportionately affects women workers because women are the expected caregivers in most households.

The following individuals support the bill because access to paid sick leave is more important than ever, following the COVID-19 pandemic. Many domestic and essential workers are often without access to paid sick days, as they continue to work on the frontlines of the crisis. Without paid sick days, workers are forced to go to work sick or lose pay (or even lose their job entirely). These individuals believe that the current law leaves out workers who need to care for loved ones while financially supporting their families:

Director of Region 9A International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Beverley Brakeman, Community and Affiliates Relations Manager of National Alliance on Mental Illness Connecticut, Thomas Burr, Executive Director of The Office for Catholic Social Justice Ministry of the Archdiocese of Hartford, Lynn Campbell, Retired Priest, Father John Cooney, Director of Collaborative Center for Justice, Dwayne David Paul, Member of Unidad Latina en Accion, Norma De Leon, Resident of Torrington, Meghan Dubois, Chair of Connecticut Communist Party, Joelle Fishman, State Director of Connecticut Working Families, Sarah Ganong, Policy Director of the Connecticut Women's Education and Legal Fund, Madeline Granato, State Director of Pro-Choice Connecticut, Liz Gustafson, President of AFL-CIO, Ed Hawthorne, Executive Director at Family Values at Work, Josephine Kalipeni, Co-President of A Better Balance, Sherry Leiwant, Health Equity Solutions, Samantha Lew MSW, Registered Nurse, Michelle Macary, District Director and Vice President of Service Employees International Union, Rochelle Palache, Reverend of Unitarian Universalist Society, Josh Pawelek, Member of Unidad Latina en Accion and Recovery For All Coalition, Adriana Rodriguez, Member of ULA and Recovery For All Coalition, Abigahi Tepale, Member of ULA and Recovery For All Coalition, Wendy De La Cruz Chief of Staff at AFT Connecticut, Stuart Savelkoul, Medical Oncologist at Yale New Haven Hospital, Dr. Andrea Silber, President of Danbury Nurses Union, Janice Stauffer, Resident of Willimantic, Carol Williams, President of CSEA SEIU Local 2001, Travis Woodward, SEIU Member, Stacey Zimmerman, and Resident of Middletown, Zach Zarrow.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Alliance of YMCAs, John Cattelan, opposes this bill. They cite the enormous amount of financial stress during the past two years due to the pandemic and suggest delaying this legislation until the state is fully recovered from the negative impacts of the pandemic.

Connecticut Business and Industry Association, Vice President of Public Policy, Eric Gjede; opposes the bill because since its enactment in 2012, CT's paid sick leave law has proven costly for Connecticut businesses employing service workers, and this bill will only expand the previous law, forcing employers to provide up to five days of paid leave per year, something that is impossible for small businesses.

Connecticut Food Association, Wayne Pesce, opposes the bill because changing sick time laws will not determine the success of that business enterprise but rather the relationships employers have with their employees will result in failure or success.

Insurance Association of Connecticut, General Counsel, Brooke Foley; opposes the bill because it significantly increases costs for Connecticut businesses and unfairly places the financial burden for employee absences related to COVID-19 on employers.

National Federation of Independent Business opposes the bill. They state the expansion is unnecessary and would represent a dramatic policy shift at a time when small businesses are struggling just to maintain their operations, deal with historic staffing shortages, and increasing inflationary pressures. This bill will harm existing small and mid-sized business in the state and discourage expansion and relocation of new businesses to the state. This is an economically harmful mandate. Most small businesses don't have a Human Resource department or staff to manage the paperwork requirements needed to comply. The bill could confuse and place restrictions on paid time off that do not exist currently.

New England Convenience Store and Energy Marketers Association, Director of Government Affairs, Brian P. Morgan, opposes the bill because now is not the time to impose additional rules on retailers; during unprecedented labor shortages, rising inflation supply chain shortages, and a changing landscape where the daily rush of customers is flattening throughout the day as commuting routines have been upended.

Reported by: Molly Lukiwsky

Date: 4/4/2022