



General Assembly

February Session, 2022

Raised Bill No. 312

LCO No. 2501



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

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 Section 31-57r of the general statutes is repealed and the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] person standing in loco parentis [, who is (A) under eighteen
8 years of age; or (B) eighteen years of age or older and incapable of self-
9 care because of a mental or physical disability] or an individual to whom
10 the employee stood in loco parentis when the individual was a child;

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

15 performed or by an employment agency or temporary help service, as
16 defined in section 31-129;]

17 [(3)] (2) "Employee" means an individual engaged in service to an
18 employer in the business of the employer;

19 [(4)] (3) "Employer" means any person, firm, business, educational
20 institution, nonprofit agency, corporation, limited liability company or
21 other entity, [that employs fifty or more individuals in the state, which
22 shall be determined based on such person's, firm's, business',
23 educational institution's, nonprofit agency's, corporation's, limited
24 liability company's or other entity's payroll for the week containing
25 October first, annually. "Employer" does not include: (A) Any business
26 establishment classified in sector 31, 32 or 33 in the North American
27 Industrial Classification System, or (B) any nationally chartered
28 organization exempt from taxation under Section 501(c)(3) of the
29 Internal Revenue Code of 1986, or any subsequent corresponding
30 internal revenue code of the United States, as from time to time
31 amended, that provides all of the following services: Recreation, child
32 care and education] provided, for purposes of this section, the Personal
33 Care Attendant Workforce Council established under section 17b-706a
34 shall be deemed the employer of any personal care attendants, as
35 defined in section 17b-706;

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

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

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

45 (7) "Parent" means a biological parent, foster parent, adoptive parent,

46 stepparent, parent-in-law or legal guardian of an employee or an
47 employee's spouse, an individual standing in loco parentis to an
48 employee or an individual who stood in loco parentis to the employee
49 when the employee was a child;

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

53 ~~[(6)]~~ (9) "Retaliatory personnel action" means any termination,
54 suspension, constructive discharge, demotion, unfavorable
55 reassignment, refusal to promote, disciplinary action or other adverse
56 employment action taken by an employer against an employee; [or a
57 service worker;]

58 [(7) "Service worker" means an employee primarily engaged in an
59 occupation with one of the following broad or detailed occupation code
60 numbers and titles, as defined by the federal Bureau of Labor Statistics
61 Standard Occupational Classification system or any successor system:
62 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
63 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
64 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
65 21-1099 Community and Social Service Specialists, All Other; (G) 25-
66 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
67 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
68 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
69 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
70 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
71 Practitioner Support Technologists and Technicians; (R) 29-2060
72 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
73 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
74 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
75 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
76 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
77 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
78 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;

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

113 [(8)] (10) "Sexual assault" means any act that constitutes a violation of
114 section 53a-70b of the general statutes, revision of 1958, revised to
115 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
116 53a-73a;

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

120 [(9)] (12) "Spouse" means a husband or wife, as the case may be; and

121 [(10)] (13) "Year" means any three-hundred-sixty-five-day period
122 used by an employer to calculate employee benefits.

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

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

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

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

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

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

174 [(e) Notwithstanding the provisions of this section and sections 31-
175 57t to 31-57w, inclusive, and upon the mutual consent of the service
176 worker and employer, a service worker who chooses to work additional

177 hours or shifts during the same or following pay period, in lieu of hours
178 or shifts missed, shall not use accrued paid sick leave.]

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

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

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

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

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

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

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

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

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

229 [(3)] (4) Where [a service worker] an employee or an employee's
230 family member is a victim of family violence or sexual assault (A) for
231 medical care or psychological or other counseling for physical or
232 psychological injury or disability, (B) to obtain services from a victim
233 services organization, (C) to relocate due to such family violence or
234 sexual assault, or (D) to participate in any civil or criminal proceedings
235 related to or resulting from such family violence or sexual assault.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

370 Commissioner for any violation of this section and of sections 31-57s to
371 31-57v, inclusive, as amended by this act. [Employers] Each employer
372 [may] shall comply with the provisions of this section by (A) displaying
373 a poster in a conspicuous place, accessible to [service workers]
374 employees, at the employer's place of business that contains the
375 information required by this section in both English and Spanish, except
376 in the case where the employer does not maintain a physical workplace
377 or an employee teleworks or performs work through a web-based or
378 application-based platform, notification shall be sent via electronic
379 communication or a conspicuous posting on a web-based or
380 application-based platform, and (B) providing written notice to each
381 employee not later than January 1, 2023, or at the time of hire, whichever
382 is later. The Labor Commissioner [may adopt regulations, in accordance
383 with chapter 54, to establish additional requirements concerning the
384 means by which employers shall provide such notice. The Labor
385 Commissioner shall administer this section within available
386 appropriations] shall provide such posters and model written notice to
387 all employers. Each employer shall include in the record of hours
388 worked, wages earned and deductions required by section 31-13a, the
389 number of hours, if any, of paid sick leave accrued or received by the
390 employee and the number of hours of paid sick leave used by the
391 employee in the calendar year.

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

403 (c) The Labor Commissioner may coordinate implementation and

404 enforcement of this section and sections 31-57s to 31-57v, inclusive, as
405 amended by this act, and shall adopt regulations in accordance with the
406 provisions of chapter 54 to implement the provisions of said sections.

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

416 (e) The Labor Commissioner shall administer this section within
417 available appropriations.

418 Sec. 7. (NEW) (*Effective from passage*) As used in this section and
419 sections 8 to 12, inclusive, of this act:

420 (1) "Child" means a biological, adopted or foster child, stepchild, or
421 legal ward of an employee, or a child of a person standing in loco
422 parentis to an employee, or an individual to whom the employee stood
423 in loco parentis when the individual was a minor child;

424 (2) "COVID-19" means the respiratory disease designated by the
425 World Health Organization on February 11, 2020, as coronavirus 2019,
426 and any related mutation thereof recognized by the World Health
427 Organization as a communicable respiratory disease;

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

430 (4) "Employer" means any person, firm, business, educational
431 institution, nonprofit organization, corporation, limited liability
432 company or other entity, except that the Personal Care Attendant
433 Workforce Council established under section 17b-706a of the general

434 statutes shall act on behalf of the employer of all personal care
435 attendants, as defined in section 17b-706 of the general statutes.
436 "Employer" does not include the federal government;

437 (5) "Family member" means the employee's spouse, as defined in
438 section 31-51kk of the general statutes, child, parent, grandparent,
439 grandchild or sibling, whether related to the employee by blood,
440 marriage, adoption or foster care, or an individual related to the
441 employee by blood or affinity whose close association with the
442 employee is the equivalent of those family relationships;

443 (6) "Parent" means a biological parent, foster parent, adoptive parent,
444 stepparent, parent-in-law of the employee or legal guardian of an
445 employee or an employee's spouse, an individual standing in loco
446 parentis to an employee, or an individual who stood in loco parentis to
447 the employee when the employee was a minor child; and

448 (7) "Retaliatory personnel action" means any termination,
449 suspension, constructive discharge, demotion, unfavorable
450 reassignment, refusal to promote, reduction of hours, disciplinary
451 action or other adverse employment action taken by an employer
452 against an employee.

453 Sec. 8. (NEW) (*Effective from passage*) (a) (1) Each employer shall
454 provide to each of its employees COVID-19 sick leave in addition to any
455 paid sick leave provided by the employer pursuant to section 31-57s of
456 the general statutes, as amended by this act. The COVID-19 sick leave
457 shall be (A) in the amount of eighty hours for each employee who
458 regularly works forty or more hours per week, or (B) equal to the
459 number of hours the employee is regularly scheduled to work or works
460 in a two-week period, whichever is greater, for each employee who
461 regularly works less than forty hours per week.

462 (2) An employee exempt from overtime requirements under 29 USC
463 213(a)(1), as amended from time to time, shall be assumed to work forty
464 hours per week for purposes of calculating COVID-19 sick leave, unless
465 such employee regularly works less than forty hours per week, in which

466 case the COVID-19 sick leave shall be provided based upon the number
467 of hours regularly worked per week. An employee who regularly works
468 less than forty hours per week, but whose number of work hours varies
469 each week, shall be provided COVID-19 sick leave using the average
470 number of hours per week the employee was scheduled to work in the
471 six-month period immediately preceding the date on which the
472 employee utilizes COVID-19 sick leave, including the hours of any leave
473 taken by the employee, except that, if the employee did not work any
474 hours over such period, the average shall be the reasonable expectation
475 of the employee, at the time the employee was hired, of the average
476 number of hours per week the employee would be regularly scheduled
477 to work.

478 (b) COVID-19 sick leave shall be provided one time to each employee
479 and shall be immediately available for use for any of the purposes
480 described in subsection (c) of this section beginning on the effective date
481 of this section, regardless of the time such employee has been employed
482 by the employer. An employee shall be entitled to use COVID-19 sick
483 leave retroactively beginning on July 20, 2021, until four weeks after the
484 expiration of the public health and civil preparedness emergencies
485 declared by the Governor on March 10, 2020, or any extension of such
486 declarations.

487 (c) An employee shall be entitled to take COVID-19 sick leave when
488 the employee is unable to perform the functions of the job of such
489 employee, including through telework, due to any of the following
490 reasons related to COVID-19:

491 (1) The employee's need to (A) self-isolate and care for oneself
492 because the employee has been diagnosed with COVID-19 or is
493 experiencing symptoms of COVID-19, (B) seek preventive care
494 concerning COVID-19, (C) seek or obtain medical diagnosis, care or
495 treatment if experiencing symptoms of COVID-19, or (D) seek or obtain
496 COVID-19 immunization or immunizations, including booster doses, or
497 recover from any injury, disability, illness or condition related to such
498 immunizations or booster doses;

499 (2) The employee's need to comply with an order or determination to
500 self-isolate, on the basis that the employee's physical presence at work
501 or in the community would likely jeopardize the employee's health, the
502 health of other employees or the health of an individual in the
503 employee's household because of (A) possible exposure to COVID-19,
504 or (B) the employee is exhibiting of symptoms of COVID-19, regardless
505 of whether the employee has been diagnosed with COVID-19;

506 (3) The employee's need to care for a family member who is (A) self-
507 isolating, seeking preventive care or seeking or obtaining medical
508 diagnosis, care, treatment or immunizations or booster doses, or
509 recovering from such immunizations or booster doses, for the purposes
510 described in subdivision (1) of this subsection, or (B) self-isolating due
511 to an order or determination as described in subdivision (2) of this
512 subsection;

513 (4) The employee's inability to work or telework because the
514 employee is (A) prohibited from working by the employer due to health
515 concerns related to the potential transmission of COVID-19, (B) subject
516 to an individual or general local, state or federal quarantine or isolation
517 order, including a shelter-in-place or stay-at-home order, related to
518 COVID-19, or (C) seeking or awaiting the results of a diagnostic test for,
519 or a medical diagnosis of, COVID-19 and such employee has been
520 exposed to COVID-19 or the employee's employer has requested such
521 test or diagnosis;

522 (5) The employee's need to care for a family member when the care
523 provider of such family member is unavailable due to COVID-19 or if
524 the family member's school or place of care has been closed by a local,
525 state or federal public official or at the discretion of the school or place
526 of care, due to COVID-19, including if a school or place of care (A) is
527 physically closed but providing virtual learning instruction, (B) requires
528 or makes optional virtual learning instruction, or (C) requires or makes
529 available a hybrid of in-person and virtual learning instruction models;
530 or

531 (6) The employee's inability to work because the employee has a
532 health condition that may increase susceptibility to or risk of COVID-19,
533 including, but not limited to, age, heart disease, asthma, lung disease,
534 diabetes, kidney disease or a weakened immune system.

535 (d) An order or determination made pursuant to subdivision (2) of
536 subsection (c) of this section or subparagraph (B) of subdivision (3) of
537 subsection (c) of this section shall be made by a local, state or federal
538 public official, a health authority having jurisdiction, a health care
539 provider or the employer of the employee or the employee's family
540 member. Such order or determination need not be specific to such
541 employee or family member.

542 (e) Each employer shall pay each employee for COVID-19 sick leave
543 at a pay rate equal to the greater of (1) the normal hourly wage for that
544 employee, or (2) the minimum fair wage rate under section 31-58 of the
545 general statutes in effect for the pay period during which the employee
546 used COVID-19 sick leave. For any employee whose hourly wage varies
547 depending on the work performed by the employee, "normal hourly
548 wage" means the average hourly wage of the employee in the pay period
549 prior to the one in which the employee uses COVID-19 sick leave.

550 (f) The employee shall provide advance notice to the employer of the
551 need for COVID-19 sick leave as soon as practicable only when the need
552 for COVID-19 sick leave is foreseeable and the employer's place of
553 business has not been closed.

554 (g) Notwithstanding any provision of sections 7 to 12, inclusive, of
555 this act, no documentation from an employee shall be required by an
556 employer for COVID-19 sick leave.

557 (h) If an employee is transferred to a separate division, entity or
558 location, but remains employed by the same employer, the employee
559 shall retain and be entitled to use all COVID-19 sick leave the employee
560 accrued or received in accordance with the provisions of sections 7 to
561 12, inclusive, of this act, at the prior division, entity or location. If a
562 different employer succeeds or takes the place of an existing employer,

563 each employee of the original employer who remains employed by the
564 successor employer shall retain and be entitled to use all COVID-19 sick
565 leave the employee accrued or received in accordance with the
566 provisions of sections 7 to 12, inclusive, of this act, while employed by
567 the original employer.

568 (i) An employer shall not require, as a condition of an employee's
569 taking COVID-19 sick leave, that the employee search for or find a
570 replacement worker to cover the hours during which the employee is
571 using COVID-19 sick leave.

572 Sec. 9. (NEW) (*Effective from passage*) (a) Nothing in sections 7 to 12,
573 inclusive, of this act shall be construed to: (1) Discourage or prohibit an
574 employer from the adoption or retention of a COVID-19 sick leave, paid
575 sick leave or other paid leave policy more generous than the one
576 required pursuant to section 8 of this act, including providing more
577 leave than required under said section; (2) diminish any rights provided
578 to any employee under a collective bargaining agreement; or (3) prohibit
579 an employer from establishing a policy whereby an employee may
580 donate unused COVID-19 sick leave to another employee.

581 (b) An employee may first use the COVID-19 sick leave provided
582 pursuant to section 8 of this act prior to using sick leave permitted
583 pursuant to section 31-57t of the general statutes, as amended by this
584 act. An employer may not require an employee to use other paid leave
585 provided by the employer to the employee before the employee uses the
586 COVID-19 sick leave.

587 Sec. 10. (NEW) (*Effective from passage*) (a) It shall be unlawful for an
588 employer or any other person to interfere with, restrain or deny the
589 exercise of, or the attempt to exercise, any right protected under sections
590 7 to 12, inclusive, of this act. No employer shall take retaliatory
591 personnel action or discriminate against an employee because the
592 employee (1) requests or uses COVID-19 sick leave in accordance with
593 the provisions of sections 7 to 12, inclusive, of this act, or (2) files a
594 complaint with the Labor Commissioner alleging the employer's

595 violation of any provision of said sections.

596 (b) The Labor Commissioner shall advise any employee, who (1) is
597 covered by a collective bargaining agreement that provides for COVID-
598 19 sick leave, and (2) files a complaint pursuant to subsection (a) of this
599 section, of the employee's right to pursue a grievance with the
600 employee's collective bargaining agent.

601 (c) Any employee aggrieved by a violation of any provision of
602 sections 7 to 12, inclusive, of this act, may file a complaint with the Labor
603 Commissioner. Upon receipt of any such complaint, the Labor
604 Commissioner may hold a hearing. After the hearing, any employer
605 who is found by the Labor Commissioner, by a preponderance of the
606 evidence, to have violated any provision of this section shall be liable to
607 the Labor Department for a civil penalty in an amount consistent with
608 the penalties provided in section 31-57v of the general statutes, as
609 amended by this act. The Labor Commissioner may award the employee
610 appropriate relief consistent with the provisions of said section. Any
611 party aggrieved by the decision of the Labor Commissioner may appeal
612 the decision to the Superior Court in accordance with the provisions of
613 section 4-183 of the general statutes.

614 (d) Any person aggrieved by a violation of any provision of sections
615 7 to 12, inclusive, of this act, the Labor Commissioner, the Attorney
616 General or any entity a member of which is aggrieved by a violation of
617 any provision of sections 7 to 12, inclusive, of this act, may bring a civil
618 action in a court of competent jurisdiction against the employer
619 violating said sections. Such action may be brought by a person
620 aggrieved by a violation of this section without first filing an
621 administrative complaint.

622 (e) The Labor Commissioner shall administer this section within
623 available appropriations.

624 Sec. 11. (NEW) (*Effective from passage*) (a) Each employer subject to the
625 provisions of sections 7 to 12, inclusive, of this act shall, at the time of
626 hiring or not later than fourteen days after the effective date of this

627 section, whichever is later, provide written notice to each employee (1)
628 of the entitlement to COVID-19 sick leave, the amount of COVID-19 sick
629 leave provided and the terms under which COVID-19 sick leave may be
630 used, (2) that retaliatory personnel actions by the employer are
631 prohibited, and (3) of the right to file a complaint with the Labor
632 Commissioner or file a civil action for any violation of sections 7 to 12,
633 inclusive, of this act. Each employer shall also display a poster in a
634 conspicuous place, accessible to employees, at the employer's place of
635 business that contains the information required by this section in both
636 English and Spanish, provided in cases where the employer does not
637 maintain a physical workplace, or an employee teleworks or performs
638 work through a web-based or application-based platform, notification
639 shall be sent via electronic communication or a conspicuous posting in
640 the web-based or application-based platform. The Labor Commissioner
641 shall provide such posters and model written notices to all employers.
642 Additionally, employers shall include in the record of hours worked,
643 wages earned and deductions required by section 31-13a of the general
644 statutes, the number of hours, if any, of COVID-19 sick leave received
645 by each employee, as well as any use of COVID-19 sick leave in the
646 calendar year.

647 (b) Each employer shall retain records documenting hours worked by
648 employees and COVID-19 sick leave taken by employees, for a period
649 of three years, and shall allow the Labor Commissioner access to such
650 records, with appropriate notice and at a mutually agreeable time, to
651 monitor compliance with the requirements of this section. When an
652 issue arises as to an employee's entitlement to COVID-19 sick leave
653 under this section, if the employer does not maintain or retain adequate
654 records documenting hours worked by the employee and COVID-19
655 sick leave taken by the employee, or does not allow reasonable access to
656 such records, it shall be presumed that the employer has violated this
657 section absent clear and convincing evidence otherwise.

658 (c) The Labor Commissioner may coordinate implementation and
659 enforcement of sections 7 to 12, inclusive, of this act and shall adopt
660 regulations, in accordance with the provisions of chapter 54 of the

661 general statutes, for such purposes.

662 (d) The Labor Commissioner may develop and implement a
663 multilingual outreach program to inform employees, parents and
664 persons who are under the care of a health care provider about the
665 availability of COVID-19 sick leave. This program may include the
666 development of notices and other written materials in English and in
667 other languages. The Labor Commissioner shall administer this section
668 within available appropriations.

669 Sec. 12. (NEW) (*Effective from passage*) Unless otherwise required by
670 law, an employer shall not require disclosure of the details of an
671 employee's or an employee's family member's health information as a
672 condition for providing COVID-19 sick leave in accordance with
673 sections 7 to 12, inclusive, of this act. If an employer possesses health
674 information about an employee or an employee's family member, such
675 information shall be treated as confidential and not disclosed except to
676 such employee or with the permission of such employee.

677 Sec. 13. Subsection (a) of section 31-397 of the general statutes is
678 repealed and the following is substituted in lieu thereof (*Effective October*
679 *1, 2022*):

680 (a) The Labor Commissioner, in consultation with the Commissioner
681 of Public Health, shall encourage the development of occupational
682 health clinics by making grants-in-aid to public and nonprofit
683 organizations. Such grants-in-aid shall be used to facilitate the
684 development and operation of such clinics, including, but not limited to,
685 preproject development, site acquisition, development, improvement
686 and operating expenses. Such grants-in-aid may be used for activities
687 involved in occupational disease evaluation, treatment and prevention,
688 particularly when such activities are not compensated by other sources.
689 Priority for such grants-in-aid may be given to organizations providing
690 services for working age populations, including, but not limited to,
691 migrant and contingent workers, where health disparities or work
692 structure interfere with the provision of occupational health care

693 services. Such grants-in-aid shall not be used to compensate any
 694 occupational health clinic for any activities that utilize commercial
 695 services or involve grants or contracts received from an outside party.
 696 The commissioner shall consult with the Occupational Health Clinics
 697 Advisory Board prior to making any such grant. For purposes of this
 698 subsection, "contingent worker" means an individual whose
 699 employment is of a temporary and sporadic nature and may include,
 700 but need not be limited to, (1) an agricultural worker, (2) an independent
 701 contractor, as defined in section 36a-485, or [a day or temporary worker,
 702 as defined in section 31-57r] (3) an individual who performs work for
 703 another on (A) a per diem basis, or (B) an occasional or irregular basis
 704 for only the time required to complete such work, whether such
 705 individual is paid by the person for whom such work is performed or
 706 by an employment agency or temporary help service, as defined in
 707 section 31-129.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	31-57r
Sec. 2	<i>July 1, 2022</i>	31-57s
Sec. 3	<i>July 1, 2022</i>	31-57t
Sec. 4	<i>July 1, 2022</i>	31-57u
Sec. 5	<i>July 1, 2022</i>	31-57v
Sec. 6	<i>July 1, 2022</i>	31-57w
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>October 1, 2022</i>	31-397(a)

Statement of Purpose:

To expand paid sick days and domestic worker coverage.

[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.]