
OLR Bill Analysis

sHB 6668

AN ACT MODERNIZING THE PAID SICK DAYS STATUTES.

SUMMARY

This bill expands the state's paid sick leave law in various ways. The current law generally requires certain employers with at least 50 employees to give their "service workers" in certain specified occupations up to 40 hours of paid sick leave annually. The bill expands the requirement to give paid sick leave to cover all private sector employers with at least 11 employees. It requires employers with 10 or fewer employees to give their employees unpaid sick leave under the same conditions and requirements that otherwise apply to the paid sick leave law, as amended by the bill.

Among other things, the bill also:

1. makes all private-sector employees eligible for sick leave (with pay requirements depending on their employer's size),
2. broadens the range of family members for whom an employee may use the leave,
3. increases the rate at which employees accrue leave, and
4. broadens 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 limiting the details that can be required in the documentation. It also sets employer recordkeeping requirements that, among other things, require (1) employee pay records to include an employee's accrued sick

time and use and (2) employers to keep their sick leave records for three years.

The bill also allows the labor commissioner to adopt regulations to implement the sick leave law (§ 7). Current law only allows her to adopt regulations about the law’s notice requirements.

Lastly, the bill makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2024

§§ 1 & 2 — COVERED EMPLOYERS, EMPLOYEES, & FAMILY MEMBERS

Employers & Employees

The current paid sick leave law covers private sector employers with at least 50 employees, except manufacturers and certain non-profits. The bill expands the law’s coverage to all private sector employers regardless of their size, industry, or non-profit status. However, it only extends the requirement to give paid sick leave to employers with at least 11 employees. The bill requires employers with 10 or fewer employees to give their employees unpaid, job protected sick leave under the same provisions that the law, as amended by the bill, otherwise requires for paid sick leave. The bill specifies that the employees counted for these purposes are those who do work for compensation on a full-time, part-time, or temporary basis.

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 day or temporary workers excluded from the current law.

Family Members

Current law allows covered employees to use paid sick leave to care for their minor 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” for whom employees may use sick leave to include their adult children, siblings, and parents. Under the bill, siblings and parents

include those relations by blood, marriage, adoption, or foster care (“children” already include those relations under current law).

The bill also redefines a “spouse” under the law, from being a husband or wife, to someone legally married to an employee under the laws of any state or a domestic partner of an employee as registered under the laws of any state or political subdivision.

§ 2 — LEAVE ACCRUAL AND AVAILABILITY

Leave Accrual

Starting on January 1, 2024, the bill increases the rate at which employees accrue leave, from one hour per every 40 hours worked to one hour per every 30 hours worked. As under current law, the maximum amount of leave that an employee can accrue is 40 hours per year.

By law, covered employees are entitled to carry over up to 40 unused accrued hours of sick leave from one year to the next. The bill also specifies that an employer may give an employee all sick leave that the employee is expected to accrue at the beginning of the year.

By law, an employee’s termination is a break in service and the employee’s previously accrued sick leave does not carry over if the employee is rehired by the same employer. The bill specifies that the employee’s sick leave begins accruing immediately upon rehire.

The bill also requires that employees maintain their accrued sick leave when (1) they transfer to a separate division, entity, or location with the same employer or (2) 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. Under the bill, however, employees are not entitled to use the leave until they have worked for their employer for 680 hours after January 1, 2024, if they were hired before that date. If they are hired after that date, then they must work

for 680 hours after the date they were hired. As under current law, employees are also not entitled to use the leave if they worked an average of less than 10 hours per week in the most recent complete quarter.

Replacements and Shift Swapping

The bill prohibits employers from requiring employees to look for or find a replacement to cover their hours while they take sick leave.

Accrual Offset for Small Employers

Under the bill, if an employer with 10 or fewer employees provides paid sick leave consistent with the above requirements, it is only responsible for providing an annual amount of unpaid, job-protected sick leave that equals the difference between its paid leave and the unpaid leave required by the bill (e.g., a small employer that offered 32 hours of paid sick leave would have to offer an additional eight hours of unpaid sick leave to reach the 40 hours of total available sick leave required by the bill).

§ 3 — LEAVE USES & DOCUMENTATION

Expanded Leave Uses

The bill expands the reasons why an employee may use sick leave to include when the employer's place of business or a family member's school or place of care is closed by a public official's order due to a public health emergency.

It also allows for leave if the employee or a family member is under quarantine (i.e., when it has been determined that the employee or family member may jeopardize others' health because they contracted a communicable disease). The quarantined employee or family member must be unable to work via telework or other remote work technology, and 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 allows employees to use sick 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.

Under the bill, if a leave is taken due to a closure under a public health emergency order or a quarantine, the following must be considered reasonable documentation: (1) a licensed medical professional's documentation of the communicable disease lab test or diagnosis or (2) documentation signed by a health care provider who treated the employee or family member indicating the need for the number of days of leave.

§ 6 — EMPLOYER NOTICE AND RECORDS

Current law requires employers to notify employees about certain provisions of the sick leave law and allows them to meet this requirement by displaying a poster in the workplace. The bill requires the labor commissioner, within available appropriations, to make a model poster available to employers.

If an employer does not maintain a physical workplace, or an employee teleworks or works through a web-based or app-based platform, the bill allows the employer to meet the notice requirement by posting the information on a web-based or app-based platform. The bill also requires the labor commissioner, within available appropriations, to make a model of this information available to all employers.

The bill requires that employee "pay stubs" include an employee's sick time accrued and used during the year. It also requires employers

to maintain these records for three years and give the labor commissioner access to them, with appropriate notice and at a mutually agreeable time, to monitor compliance with the bill's record keeping requirements.

BACKGROUND

Related Bill

sSB 1178, reported favorably by the Labor and Public Employees Committee, also expands the paid sick leave law. Among other differences with this bill, however, it (1) requires all employers, except certain construction contractors, to give their employees paid sick leave; (2) broadens the law to include a wider range of family members; (3) increases the maximum annual leave allowed from 40 to 80 hours; and (4) allows aggrieved employees to bring a lawsuit against an employer.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 2 (03/21/2023)