



House of Representatives

General Assembly

File No. 473

January Session, 2023

Substitute House Bill No. 6668

House of Representatives, April 6, 2023

The Committee on Labor and Public Employees reported through REP. SANCHEZ, E. of the 24th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT MODERNIZING THE PAID SICK DAYS STATUTES.

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 Section 31-57r of the general statutes is repealed and the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 January 1, 2024*):

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 biological, adopted or foster child, stepchild, legal
6 ward of [a service worker] an employee, or a child of [a service worker]
7 an employee standing in loco parentis [, who is (A) under eighteen years
8 of age; or (B) eighteen years of age or older and incapable of self-care
9 because of a mental or physical disability] or an individual to whom the
10 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;]

33 (4) "Family member" means a spouse, sibling, child or parent of an
34 employee;

35 (5) "Family violence" has the same meaning as provided in section
36 46b-38a;

37 (6) "Parent" means a biological, adoptive or foster parent, stepparent,
38 parent-in-law or legal guardian of an employee or an employee's
39 spouse, an individual standing in loco parentis to an employee or an
40 individual who stood in loco parentis to the employee when the
41 employee was a child;

42 [(6)] (7) "Retaliatory personnel action" means any termination,
43 suspension, constructive discharge, demotion, unfavorable

44 reassignment, refusal to promote, disciplinary action or other adverse
45 employment action taken by an employer against an employee; [or a
46 service worker;]

47 [(7) "Service worker" means an employee primarily engaged in an
48 occupation with one of the following broad or detailed occupation code
49 numbers and titles, as defined by the federal Bureau of Labor Statistics
50 Standard Occupational Classification system or any successor system:
51 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
52 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
53 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
54 21-1099 Community and Social Service Specialists, All Other; (G) 25-
55 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
56 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
57 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
58 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
59 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
60 Practitioner Support Technologists and Technicians; (R) 29-2060
61 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
62 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
63 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
64 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
65 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
66 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
67 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
68 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
69 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
70 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
71 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
72 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
73 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
74 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
75 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
76 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
77 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
78 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors

79 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
80 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
81 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
82 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
83 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
84 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
85 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
86 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
87 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
88 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
89 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
90 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
91 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
92 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
93 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
94 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
95 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
96 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
97 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
98 wage and overtime compensation requirements of the Fair Labor
99 Standards Act of 1938 and the regulations promulgated thereunder, as
100 amended from time to time. "Service worker" does not include day or
101 temporary workers;]

102 (8) "Sexual assault" means any act that constitutes a violation of
103 section 53a-70b of the general statutes, revision of 1958, revised to
104 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
105 53a-73a;

106 (9) "Sibling" means a brother or sister related to a person by blood,
107 marriage, adoption by a parent of the individual or foster care
108 placement;

109 [(9)] (10) "Spouse" means a [husband or wife, as the case may be]
110 person who is legally married to an employee under the laws of any
111 state or a domestic partner of an employee as registered under the laws

112 of any state or political subdivision; and

113 ~~[(10)]~~ (11) "Year" means any three-hundred-sixty-five-day period
114 used by an employer to calculate employee benefits.

115 Sec. 2. Section 31-57s of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective January 1, 2024*):

117 (a) (1) Each employer that employs eleven or more employees to
118 perform work for compensation on a full-time, part-time or temporary
119 basis shall provide paid sick leave annually to each of such employer's
120 [service workers] employees in the state. Each employer that employs
121 ten or fewer employees to perform work for compensation on a full-
122 time, part-time or temporary basis shall provide unpaid, job-protected
123 sick leave annually to each of such employer's employees in the state.

124 (2) Such [paid] sick leave shall accrue [(1)] (A) beginning January 1,
125 [2012] 2024, for current employees, or for [a service worker] an
126 employee hired after said date, beginning on the [service worker's]
127 employee's date of employment, [(2)] (B) at a rate of one hour of [paid]
128 sick leave for each [forty] thirty hours worked by [a service worker] such
129 employee, and [(3)] (C) in one-hour increments up to a maximum of
130 forty hours per year.

131 (3) Each [service worker] employee shall be entitled to carry over up
132 to forty unused accrued hours of [paid] sick leave from the current year
133 to the following year, but no [service worker] employee shall be entitled
134 to use more than [the maximum number of accrued hours, as described
135 in subdivision (3) of this subsection,] forty hours of sick leave in any
136 year. An employer may provide all sick leave that an employee is
137 expected to accrue in a year at the beginning of such year.

138 (4) Notwithstanding the provisions of subdivisions (1) to (3),
139 inclusive, of this subsection, if an employer that employs ten or fewer
140 employees provides paid sick leave consistent with the requirements of
141 this section, such employer shall only be responsible for providing an
142 annual amount of unpaid, job-protected sick leave in an amount equal

143 to the difference of the amount required pursuant to subdivision (1) of
144 this subsection and the amount of paid sick leave such employer
145 provides.

146 (b) [A service worker] An employee shall be entitled to the use of
147 accrued [paid] sick leave upon the completion of [the service worker's]
148 such employee's six-hundred-eightieth hour of employment from
149 January 1, [2012] 2024, if the [service worker] employee was hired prior
150 to January 1, [2012] 2024, or if such employee was hired after January 1,
151 [2012] 2024, upon the completion of the [service worker's] employee's
152 six-hundred-eightieth hour of employment from the date of hire, unless
153 the employer agrees to an earlier date. [A service worker] An employee
154 shall not be entitled to the use of accrued [paid] sick leave if such [service
155 worker] employee did not work an average of ten or more hours per
156 week for the employer in the most recent complete quarter.

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 section 31-57t, as amended
160 by this act, and (2) is accrued in total at a rate equal to or greater than
161 the rate described in [subsections] subsection (a) [and (b)] of this section.
162 For the purposes of this subsection, "other paid leave" may include, but
163 need not be limited to, paid vacation, personal days or paid time off.

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

173 (e) Notwithstanding the provisions of this section and sections 31-57t
174 to 31-57w, inclusive, as amended by this act, and upon the mutual
175 [consent] agreement of the [service worker] employee and employer, [a

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

179 (f) (1) If an employee is transferred by an employer to another
180 division, entity or worksite, but remains employed by such employer,
181 such employee shall retain and may use all sick leave accrued at such
182 prior division, entity or worksite.

183 (2) If another employer succeeds or takes the place of the original
184 employer, each employee of the original employer who remains
185 employed by such other employer shall retain and may use all sick leave
186 accrued while employed by the original employer.

187 (g) No employer shall require an employee to search for or find a
188 replacement to cover the hours for which such employee is using sick
189 leave as a condition of taking such sick leave.

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

194 Sec. 3. Section 31-57t of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective January 1, 2024*):

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

199 (1) For (A) [a service worker's] an employee's illness, injury or health
200 condition, (B) the medical diagnosis, care or treatment of [a service
201 worker's] an employee's mental illness or physical illness, injury or
202 health condition, or (C) preventative medical care for [a service worker]
203 an employee;

204 (2) For (A) a [service worker's child's or spouse's] family member's
205 illness, injury or health condition, (B) the medical diagnosis, care or

206 treatment of a [service worker's child's or spouse's] family member's
207 mental or physical illness, injury or health condition, or (C) preventative
208 medical care for a [child or spouse of a service worker; and] family
209 member;

210 (3) For (A) closure, by order of a public official due to a public health
211 emergency of (i) an employer's place of business, or (ii) a family
212 member's school or place of care, or (B) a determination by a (i) health
213 authority having jurisdiction, (ii) employer of an employee, (iii)
214 employer of a family member, or (iv) a health care provider, that such
215 employee or family member may jeopardize the health of others due to
216 such employee or family member contracting a communicable illness,
217 provided such employee is unable to carry out required work activities
218 via telework or other remote work technology; and

219 [(3)] (4) Where [a service worker] an employee or family member is a
220 victim of family violence or sexual assault (A) for medical care or
221 psychological or other counseling for physical or psychological injury
222 or disability, (B) to obtain services from a victim services organization,
223 (C) to relocate due to such family violence or sexual assault, or (D) to
224 participate in any civil or criminal proceedings related to or resulting
225 from such family violence or sexual assault.

226 (b) If [a service worker's] an employee's need to use [paid] sick leave
227 is foreseeable, an employer may require advance notice, not to exceed
228 seven days prior to the date such leave is to begin, of the intention to use
229 such sick leave. If [a service worker's] an employee's need for such sick
230 leave is not foreseeable, an employer may require [a service worker] an
231 employee to give notice of such intention as soon as practicable. For
232 [paid] sick leave of three or more consecutive days, an employer may
233 require reasonable documentation that such leave is being taken for one
234 of the purposes permitted under subsection (a) of this section. If such
235 leave is permitted under subdivision (1) or (2) of subsection (a) of this
236 section, documentation signed by a health care provider who is treating
237 the [service worker] employee or [the service worker's child or spouse]
238 family member indicating the need for the number of days of such leave

239 shall be considered reasonable documentation. If such sick leave is
240 permitted under subdivision (3) of subsection (a) of this section,
241 documentation by a licensed medical professional of the laboratory test
242 or diagnosis of a communicable disease or documentation signed by a
243 health care provider, who treated an employee or family member,
244 indicating the need for the number of days of such leave shall be
245 considered reasonable documentation. If such sick leave is permitted
246 under subdivision [(3)] (4) of subsection (a) of this section, a court record
247 or documentation signed by [a service worker] an employee or
248 volunteer working for a victim services organization, an attorney, a
249 police officer or other counselor involved with the [service worker]
250 employee shall be considered reasonable documentation. No employer
251 shall require an employee to provide any documentation to explain the
252 nature of the illness or the details of the family violence or sexual assault.

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

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

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

267 Sec. 4. Section 31-57u of the general statutes is repealed and the
268 following is substituted in lieu thereof (*Effective January 1, 2024*):

269 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
270 this act, shall be construed to (1) prevent employers from providing

271 more [paid] sick leave than is required under said sections, [31-57s to
272 31-57w, inclusive,] (2) diminish any rights provided to any employee [or
273 service worker] under a collective bargaining agreement, or (3) preempt
274 or override the terms of any collective bargaining agreement effective
275 prior to January 1, 2012.

276 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
277 this act, shall be construed to prohibit an employer (1) from establishing
278 a policy whereby [a service worker] an employee may donate unused
279 accrued [paid] sick leave to another [service worker] employee, and (2)
280 who provides more [paid] sick leave than is required under sections 31-
281 57s to 31-57w, inclusive, as amended by this act, for the purposes
282 described in subdivision (1) of subsection (a) of section 31-57t, as
283 amended by this act, from limiting the amount of such sick leave [a
284 service worker] an employee may use for other purposes.

285 (c) Any termination of [a service worker's] an employee's
286 employment by an employer, whether voluntary or involuntary, shall
287 be construed as a break in service. Should any [service worker]
288 employee subsequently be rehired by the employer following a break in
289 service, the [service worker] employee shall (1) begin to accrue sick
290 leave [in accordance with section 31-57s] immediately upon rehire, and
291 (2) shall not be entitled to any unused hours of [paid] sick leave that had
292 been accrued prior to the [service worker's] employee's break in service
293 unless agreed to by the employer.

294 Sec. 5. Section 31-57v of the general statutes is repealed and the
295 following is substituted in lieu thereof (*Effective January 1, 2024*):

296 (a) No employer shall take retaliatory personnel action or
297 discriminate against an employee because the employee (1) requests or
298 uses [paid] sick leave either in accordance with sections 31-57s, as
299 amended by this act, and 31-57t, as amended by this act, or in
300 accordance with the employer's own [paid] sick leave policy, as the case
301 may be, or (2) files a complaint with the Labor Commissioner alleging
302 the employer's violation of sections 31-57s to 31-57w, inclusive, as
303 amended by this act.

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

309 (c) Any employee aggrieved by a violation of the provisions of
310 sections 31-57s to 31-57w, inclusive, as amended by this act, may file a
311 complaint with the Labor Commissioner. Upon receipt of any such
312 complaint, said commissioner may hold a hearing. After the hearing,
313 any employer who is found by the Labor Commissioner, by a
314 preponderance of the evidence, to have violated the provisions of
315 subsection (a) of this section shall be liable to the Labor Department for
316 a civil penalty of five hundred dollars for each violation. Any employer
317 who is found by the Labor Commissioner, by a preponderance of the
318 evidence, to have violated the provisions of sections 31-57s to 31-57u,
319 inclusive, as amended by this act, or section 31-57w, as amended by this
320 act, shall be liable to the Labor Department for a civil penalty of up to
321 one hundred dollars for each violation. The Labor Commissioner may
322 award the employee all appropriate relief, including the payment for
323 used [paid] sick leave, rehiring or reinstatement to the employee's
324 previous job, payment of back wages and reestablishment of employee
325 benefits to which the employee otherwise would have been eligible if
326 the employee had not been subject to such retaliatory personnel action
327 or discriminated against. Any party aggrieved by the decision of the
328 commissioner may appeal the decision to the Superior Court in
329 accordance with the provisions of chapter 54.

330 (d) The Labor Commissioner shall administer this section within
331 available appropriations.

332 Sec. 6. Section 31-57w of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective January 1, 2024*):

334 (a) Each employer subject to the provisions of section 31-57s, as
335 amended by this act, shall, at the time of hiring, provide notice to each
336 [service worker] employee (1) of the entitlement to sick leave for [service

337 workers] employees, the amount of sick leave provided to [service
338 workers] employees and the terms under which sick leave may be used,
339 (2) that retaliation by the employer against the [service worker]
340 employee for requesting or using sick leave for which the [service
341 worker] employee is eligible is prohibited, and (3) that the [service
342 worker] employee has a right to file a complaint with the Labor
343 Commissioner for any violation of this section and of sections 31-57s to
344 31-57v, inclusive, as amended by this act. Employers may comply with
345 the provisions of this section by displaying a poster in a conspicuous
346 place, accessible to [service workers] employees, at the employer's place
347 of business that contains the information required by this section in both
348 English and Spanish. The Labor Commissioner shall make a model of
349 such poster available to all employers. For employers that do not
350 maintain a physical workplace or for employees that telework or
351 perform work through a web-based or application-based platform,
352 employers may comply with the provisions of this section by posting
353 such information on a web-based or application-based platform. The
354 Labor Commissioner shall make a model of such information available
355 to all employers. The Labor Commissioner may adopt regulations, in
356 accordance with chapter 54, to establish additional requirements
357 concerning the means by which employers shall provide such notice.
358 The Labor Commissioner shall administer this section within available
359 appropriations.

360 (b) Each employer shall include in the record required under section
361 31-13a: (1) The number of hours, if any, of sick leave accrued by the
362 employee, and (2) the number of hours of sick leave used by the
363 employee during the year. Each employer shall retain such records for
364 a period of three years and shall allow the Labor Commissioner, with
365 appropriate notice and at a mutually agreed upon time, to access such
366 records in order to monitor compliance with the requirements of this
367 section.

368 Sec. 7. (NEW) (*Effective January 1, 2024*) The Labor Commissioner may
369 adopt regulations, in accordance with the provisions of chapter 54 of the
370 general statutes, to implement the provisions of sections 31-57s to 31-

371 57w, inclusive, of the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2024	31-57r
Sec. 2	January 1, 2024	31-57s
Sec. 3	January 1, 2024	31-57t
Sec. 4	January 1, 2024	31-57u
Sec. 5	January 1, 2024	31-57v
Sec. 6	January 1, 2024	31-57w
Sec. 7	January 1, 2024	New section

Statement of Legislative Commissioners:

In Section 2(a)(2) ", for current employees" was added after "2024" for clarity, and in Section 2(b) "such employee was" was added before "hired" for clarity.

LAB Joint Favorable Subst. -LCO

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 24 \$	FY 25 \$
Labor Dept.	GF - Cost	171,562	324,402
State Comptroller - Fringe Benefits ¹	GF - Cost	62,330	127,776
Labor Dept.	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which expands paid or unpaid sick leave to approximately 1.6 million workers, results in a cost to (1) the Department of Labor (DOL) of \$171,562 in FY 24 (partial year cost) and \$324,402 in FY 25 and (2) the State Comptroller- Fringe Benefits account of \$62,330 (partial year cost) in FY 24 (partial year cost) and \$127,776 in FY 25, as well as a potential minimal revenue gain associated with civil penalties from violations.²

In order to administer the expanded sick leave provisions, DOL would require two Wage Enforcement Agents (\$89,177 for salary and \$38,186 for fringe benefits each) and one Staff Attorney (\$112,769 for salary and \$48,288 for fringe benefits) along with associated equipment/overhead costs of \$26,000.

¹The 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 42.82% of payroll in FY 24.

² Civil penalties for violations of the state's sick leave provisions range from \$100 to \$500 per violation.

Sections 5 allows that appeals to decisions made by the Labor Commissioner may be brought in Superior Court. This does not result in any fiscal impact to the state or municipalities. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation. The ongoing revenue impact identified above would continue into the future subject to the number of violations found.

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)