



General Assembly

January Session, 2023

**Governor's Bill No. 6668**

LCO No. 4027



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:

Request of the Governor Pursuant  
to Joint Rule 9

***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 Section 31-57r of the general statutes is repealed and the  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 job-protected, unpaid  
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, or for [a service worker] an employee hired after said date,  
126 beginning on the [service worker's] employee's date of employment,  
127 [(2)] (B) at a rate of one hour of [paid] sick leave for each [forty] thirty  
128 hours worked by [a service worker] such employee, and [(3)] (C) in one-  
129 hour increments up to a maximum of forty hours per year.

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

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

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

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

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

172 (e) Notwithstanding the provisions of this section and sections 31-57t  
173 to 31-57w, inclusive, as amended by this act, and upon the mutual  
174 [consent] agreement of the [service worker] employee and employer, [a  
175 service worker] an employee who chooses to work additional hours or  
176 shifts during the same or following pay period, in lieu of hours or shifts  
177 missed, shall not use accrued [paid] sick leave.

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

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

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

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

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

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

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

203 (2) For (A) a [service worker's child's or spouse's] family member's  
204 illness, injury or health condition, (B) the medical diagnosis, care or  
205 treatment of a [service worker's child's or spouse's] family member's  
206 mental or physical illness, injury or health condition, or (C) preventative  
207 medical care for a [child or spouse of a service worker; and] family

208 member;

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

218 ~~[(3)]~~ (4) Where [a service worker] an employee or family member is a  
219 victim of family violence or sexual assault (A) for medical care or  
220 psychological or other counseling for physical or psychological injury  
221 or disability, (B) to obtain services from a victim services organization,  
222 (C) to relocate due to such family violence or sexual assault, or (D) to  
223 participate in any civil or criminal proceedings related to or resulting  
224 from such family violence or sexual assault.

225 (b) If [a service worker's] an employee's need to use [paid] sick leave  
226 is foreseeable, an employer may require advance notice, not to exceed  
227 seven days prior to the date such leave is to begin, of the intention to use  
228 such sick leave. If [a service worker's] an employee's need for such sick  
229 leave is not foreseeable, an employer may require [a service worker] an  
230 employee to give notice of such intention as soon as practicable. For  
231 [paid] sick leave of three or more consecutive days, an employer may  
232 require reasonable documentation that such leave is being taken for one  
233 of the purposes permitted under subsection (a) of this section. If such  
234 leave is permitted under subdivision (1) or (2) of subsection (a) of this  
235 section, documentation signed by a health care provider who is treating  
236 the [service worker] employee or [the service worker's child or spouse]  
237 family member indicating the need for the number of days of such leave  
238 shall be considered reasonable documentation. If such sick leave is  
239 permitted under subdivision (3) of subsection (a) of this section,  
240 documentation by a licensed medical professional of the laboratory test



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

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

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

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

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

268 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by  
269 this act, shall be construed to (1) prevent employers from providing  
270 more [paid] sick leave than is required under said sections, [31-57s to  
271 31-57w, inclusive,] (2) diminish any rights provided to any employee [or  
272 service worker] under a collective bargaining agreement, or (3) preempt

273 or override the terms of any collective bargaining agreement effective  
274 prior to January 1, 2012.

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

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

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

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

303 (b) The Labor Commissioner shall advise any employee who (1) is  
304 covered by a collective bargaining agreement that provides for [paid]

305 sick days, and (2) files a complaint pursuant to subsection (a) of this  
306 section of [his or her] the employee's right to pursue a grievance with  
307 [his or her] the employee's collective bargaining agent.

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

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

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

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

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

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

367 Sec. 7. (NEW) *(Effective January 1, 2024)* The Labor Commissioner may  
368 adopt regulations, in accordance with the provisions of chapter 54 of the  
369 general statutes, to implement the provisions of sections 31-57s to 31-  
370 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	<i>January 1, 2024</i>	31-57r
Sec. 2	<i>January 1, 2024</i>	31-57s
Sec. 3	<i>January 1, 2024</i>	31-57t
Sec. 4	<i>January 1, 2024</i>	31-57u
Sec. 5	<i>January 1, 2024</i>	31-57v
Sec. 6	<i>January 1, 2024</i>	31-57w
Sec. 7	<i>January 1, 2024</i>	New section

**Statement of Purpose:**

To implement the Governor's budget recommendations.

*[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.]*