AN ACT EXPANDING CONNECTICUT PAID SICK DAYS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 31-57r of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

As used in this section and sections 31-57s to 31-57w, inclusive, as amended by this act:

(1) "Child" means (A) a biological, adopted or foster child, stepchild, legal ward of (a service worker, or) an employee, (B) a child of (a service worker) an employee standing in loco parentis, (who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability] or (C) an individual to whom the employee stood in loco parentis when the individual was a child;

(2) "Day or temporary worker" means an individual who performs work for another on (A) a per diem basis, or (B) an occasional or irregular basis for only the time required to complete such work, whether such individual is paid by the person for whom such work is
performed or by an employment agency or temporary help service, as defined in section 31-129;]

[(3)] (2) "Employee" means an individual engaged in service to an employer in the business of the employer, except that it does not include an employee who is a member of a construction-related trade person employee organization that is a party to a multi-employer health plan in which more than one employer is required to contribute to such plan and such plan is maintained pursuant to one or more collective bargaining agreements between a construction-related trade person employee organization or organizations and employers;

[(4)] (3) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that employs fifty or more individuals in the state, which shall be determined based on such person's, firm's, business', educational institution's, nonprofit agency's, corporation's, limited liability company's or other entity's payroll for the week containing October first, annually. "Employer" does not include: (A) Any business establishment classified in sector 31, 32 or 33 in the North American Industrial Classification System, or (B) any nationally chartered organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, that provides all of the following services: Recreation, child care and education] individuals in the state, except that it does not include an employer who participates in a multi-employer health plan in which more than one employer is required to contribute to such plan and such plan is maintained pursuant to one or more collective bargaining agreements between a construction-related trade person employee organization or organizations and employers;

(4) "Family member" means (A) a spouse, sibling, child, grandparent, grandchild or parent of an employee, or (B) an individual related to an employee by blood or affinity, whose close association with the employee is the equivalent of any such family relationship;
(5) "Family violence" has the same meaning as provided in section 46b-38a;

(6) "Grandchild" means a grandchild related to a person by blood, marriage, adoption by a child of the grandparent or foster care by a child of the grandparent;

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

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

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

[(7) "Service worker" means an employee primarily engaged in an occupation with one of the following broad or detailed occupation code numbers and titles, as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system or any successor system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and Human Service Assistants; (E) 21-1094 Community Health Workers; (F) 21-1099 Community and Social Service Specialists, All Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health Practitioner Support Technologists and Technicians; (R) 29-2060
Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers and Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and Information Processing Workers; (CCC) 43-9030 Desktop Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous Office and Administrative Support Workers; (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers; (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists, and is (i) paid on an hourly basis, or (ii) not exempt from the minimum wage and overtime compensation requirements of the Fair Labor Standards Act of 1938 and the regulations promulgated thereunder, as amended from time to time. "Service worker" does not include day or temporary workers;]

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

(11) "Sibling" means a brother or sister related to an employee by blood, marriage or adoption by a parent of the employee or by foster care placement;

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

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

Sec. 2. Section 31-57s of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) Each employer shall provide paid sick leave annually to each of such employer's service workers employees in the state. Such paid sick leave shall accrue (1) beginning [January 1, 2012] July 1, 2023, or for [a service worker] an employee hired after said date, beginning on the [service worker's] employee's first date of employment, (2) at a rate of one hour of paid sick leave for each [forty] thirty hours worked by [a service worker] an employee, and (3) in one-hour increments up to a maximum of [forty] eighty hours per year. [Each service worker] An employer may provide its employees with a greater amount of paid sick leave or provide paid sick leave at a faster rate than required by this subsection. Each employee shall be entitled to carry over up to forty unused accrued hours of paid sick leave from the current year to the following year, but no [service worker] employee shall be entitled to use
more than the maximum number of accrued hours, as described in subdivision (3) of this subsection in any year. In lieu of carry over of unused paid sick leave from the current year to the following year, an employer may provide an employee with an amount of paid sick leave that meets or exceeds the requirements of this subsection that is available for the employee's immediate use at the beginning of the following year.

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

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

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

[(e) Notwithstanding the provisions of this section and sections 31-57t to 31-57w, inclusive, and upon the mutual consent of the service worker and employer, a service worker who chooses to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, shall not use accrued paid sick leave.]

(e) An employee who is exempt from overtime requirements under the provisions of 29 USC 213(a)(1), as amended from time to time, shall be presumed to work forty hours each work week for purposes of paid sick leave accrual, except each such employee, whose normal work week is less than forty hours, shall accrue paid sick leave based upon the hours worked in such normal work week.

(f) (1) If an employee is transferred by an employer to another division, entity or worksite but remains employed by such employer, such employee shall retain and may use all paid sick leave accrued or received by the employee while working at such prior division, entity or worksite.

(2) If another employer succeeds or takes the place of an existing employer, each employee of the original employer who remains employed by such other successor employer shall retain and may use all paid sick leave accrued or received while employed by the original employer.

(g) No employer shall require an employee to search for or find a replacement to work the hours for which such employee is using paid sick leave.

[(f)] (h) No employer shall (1) terminate any employee, (2) dismiss any employee, or (3) transfer any employee from one worksite to another solely in order to not qualify as an employer, as defined in section 31-57r, as amended by this act.
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(i) For the purposes of sections 31-57r to 31-57w, inclusive, as amended by this act, relating to the accrual and use of paid sick leave, the Personal Care Attendant Workforce Council established under section 17b-706a shall be considered an employer of any personal care attendants, as defined in section 17b-706.

Sec. 3. Section 31-57t of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

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

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

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

(3) For (A) closure, by order of a public official due to a public health emergency, of (i) an employer's place of business, or (ii) a family member's school or place of care, or (B) determination, by (i) a health authority having jurisdiction, (ii) employer of the employee, (iii) employer of a family member, or (iv) a health care provider, that such employee or family member poses a risk to the health of others due to such employee or family member's exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness; and
(3) (4) Where [a service worker] an employee or an employee's family member is a victim of family violence or sexual assault (A) for medical care or psychological or other counseling for physical or psychological injury or disability, (B) to obtain services from a victim services organization, (C) to relocate due to such family violence or sexual assault, or (D) to participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

(b) If [a service worker's] an employee's need to use paid sick leave is foreseeable, an employer may require advance notice, not to exceed seven days prior to the date such leave is to begin, of the intention to use such leave. If [a service worker's] an employee's need for such leave is not foreseeable, an employer may require [a service worker] an employee to give notice of such intention as soon as practicable. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation that such leave is being taken for one of the purposes permitted under subsection (a) of this section. If such leave is permitted under subdivision (1) or (2) of subsection (a) of this section, documentation signed by a health care provider who is treating the [service worker] employee or [the service worker's child or spouse] an employee's family member indicating the need for the number of days of such leave shall be considered reasonable documentation. If such sick leave is permitted under subdivision (3) of subsection (a) of this section, a written statement from an employee affirming that such employee is using or has used paid sick leave for the purpose of said subdivision shall be considered reasonable documentation. Such written statement may be written in the employee's primary language and need not be notarized or in any particular format. If such leave is permitted under subdivision [(3)] (4) of subsection (a) of this section, a court record or documentation signed by [a service worker] an employee or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the [service worker] employee shall be considered reasonable documentation. An employer may not require an employee to provide any documentation to explain the nature of the illness or the details of the family violence or sexual assault. If an
employer requires an employee to provide documentation for paid sick leave under this section and (1) such employer does not offer health insurance to the employee, such employer shall pay all out-of-pocket expenses the employee incurs in obtaining the documentation, or (2) if an employee has health insurance, the employer shall pay any costs charged to such employee by the employee's health care provider for providing the specific documentation required by the employer. The employer shall pay any costs charged to an employee for documentation of family violence or sexual assault required by the employer.

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

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

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

Sec. 4. Section 31-57u of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

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

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

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

Sec. 5. Section 31-57v of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

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

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

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

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

[(d)] (e) The Labor Commissioner shall administer this section within available appropriations.
Sec. 6. Section 31-57w of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) Each employer subject to the provisions of section 31-57s, as amended by this act, shall, at the time of hiring, provide notice to each [service worker] employee (1) of the entitlement to paid sick leave for [service workers] employees, the amount of paid sick leave provided to [service workers] employees and the terms under which paid sick leave may be used, (2) that retaliation by the employer against the [service worker] employee for requesting or using paid sick leave for which the [service worker] employee is eligible is prohibited, and (3) that the [service worker] employee has a right to file a complaint with the Labor Commissioner or bring a civil action in the Superior Court for any violation of this section and of sections 31-57s to 31-57v, inclusive, as amended by this act. [Employers may] Each employer shall comply with the provisions of this section by (A) displaying a poster in a conspicuous place, accessible to [service workers] employees, at the employer's place of business that contains the information required by this section in both English and Spanish. [The Labor Commissioner may adopt regulations, in accordance with chapter 54, to establish additional requirements concerning the means by which employers shall provide such notice. The Labor Commissioner shall administer this section within available appropriations.] for employers that do not maintain a physical workplace or for employees that telework or perform work through a web-based or application-based platform, employers shall comply with the provisions of this section by sending such information via electronic communication or by a conspicuous posting of such information on a web-based or application-based platform, and (B) providing written notice to each employee not later than January 1, 2024, or at the time of hire, whichever is later. The Labor Commissioner shall create a model of such poster and written notice available to all employers on the Labor Department's Internet web site.

(b) Each employer shall include in the record required under section 31-13a, (1) the number of hours, if any, of paid sick leave accrued by or provided to the employee, and (2) the number of hours, if any, of paid
sick leave used by the employee during the calendar year. Each employer shall retain such records for a period of three years and shall allow the Labor Commissioner, with appropriate notice and at a mutually agreeable time, access to such record in order to monitor compliance with the requirements of this section. If an employer does not retain adequate records documenting hours worked by an employee and paid sick leave used by such employee or does not allow reasonable access to such records, it shall be presumed that such employer has violated this section, provided there is not clear and convincing evidence otherwise.

(c) The Labor Commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section and sections 31-57s to 31-57v, inclusive, as amended by this act.

(d) The Labor Commissioner may develop and implement a multilingual outreach program in order to inform employees, parents and persons who are under the care of a health care provider about the availability of paid sick leave. Such program shall include the distribution of notices and other written materials to all providers of child care services, as described in section 19a-77, elder care providers, domestic violence shelters, local and regional boards of education and governing entities of nonpublic schools, hospitals, community health centers and other health care providers. Such materials shall be in English, Spanish and any language that is the first language spoken by not less than five per cent of the state's population.

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

Sec. 7. Subsection (a) of section 31-397 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) The Labor Commissioner, in consultation with the Commissioner of Public Health, shall encourage the development of occupational health clinics by making grants-in-aid to public and nonprofit
organizations. Such grants-in-aid shall be used to facilitate the
development and operation of such clinics, including, but not limited to,
preproject development, site acquisition, development, improvement
and operating expenses. Such grants-in-aid may be used for activities
involved in occupational disease evaluation, treatment and prevention,
particularly when such activities are not compensated by other sources.
Priority for such grants-in-aid may be given to organizations providing
services for working age populations, including, but not limited to,
migrant and contingent workers, where health disparities or work
structure interfere with the provision of occupational health care
services. Such grants-in-aid shall not be used to compensate any
occupational health clinic for any activities that utilize commercial
services or involve grants or contracts received from an outside party.
The commissioner shall consult with the Occupational Health Clinics
Advisory Board prior to making any such grant. For purposes of this
subsection, "contingent worker" means an individual whose
employment is of a temporary and sporadic nature and may include,
but not be limited to, (1) an agricultural worker, (2) an independent
contractor, as defined in section 36a-485, or (a day or temporary worker,
as defined in section 31-57r) (3) an individual who performs work for
another on (A) a per diem basis, or (B) an occasional or irregular basis
for only the time required to complete such work, whether such
individual is paid by the person for whom such work is performed or
by an employment agency or temporary help service, as defined in
section 31-129.

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Statement of Purpose:
To expand Connecticut paid sick days' law to (1) cover all private-sector employers and employees, (2) broaden the range of family members employees may use leave for, (3) increase rate at which employees accrue leave, (4) broaden reasons employees may use leave, and (5) increase the maximum amount of hours an employee may accrue.

[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.]