

Connecticut's Paid Sick Leave Law

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November 9, 2023 | 2023-R-0282

Issue

This report describes Connecticut's paid sick leave law ([CGS § 31-57r et seq.](#), as amended by [PA 23-101](#), §§ 7-8).

Summary

Initially enacted in 2011 ([PA 11-52](#)), Connecticut's paid sick leave law generally requires most employers with at least 50 employees to give certain employees ("service workers") up to 40 hours of paid sick leave each year. Under the law, service workers accrue one hour of paid leave for each 40 hours worked but they cannot use the leave until they have worked at least 680 hours for their employer. Employers must provide the paid sick leave at a pay rate that equals either the service worker's normal hourly wage or the state's minimum hourly wage, whichever is greater. If a worker's hourly wage varies depending on the work they perform, their normal hourly wage is their average hourly wage in the pay period before they used their paid sick leave ([CGS § 31-57s\(d\)](#)).

Service workers may use the sick leave for their own, their spouse's, or their child's (1) illness, injury, or health condition; (2) medical diagnosis, care, or treatment; or (3) preventative medical care. They may also use their sick leave for a "mental health wellness day" or for certain reasons related to being a victim of family violence or sexual assault. Employers may require service workers to provide certain documentation to support leaves of at least three consecutive days.

Under the law, an employer can also meet these requirements by offering any other type of paid leave (e.g., paid vacation, personal days, paid time off), or combination of other paid leave, that accrues at the same rate and can be used for the same reasons ([CGS § 31-57s\(c\)](#)).

The paid sick leave law requires employers to give service workers a notice about the rights and protections it provides. It allows anyone aggrieved by an alleged violation to file a complaint with the labor commissioner, who may impose civil penalties and order other appropriate relief such as rehiring or payment of back wages. Parties can appeal the commissioner’s decision to Superior Court.

Covered Employers and “Service Workers”

Employers

Connecticut’s paid sick leave law applies to employers that employ at least 50 people in the state, however this does not include (1) manufacturers (i.e., businesses classified in sectors 31, 32, or 33 of the North American Industrial Classification System) or (2) nationally chartered, nonprofit, tax-exempt 501(c)(3) organizations that provide recreation, child care, and education services (e.g., the YMCA).

Under the law, an employer’s number of employees must be annually determined based on its payroll for the week containing October 1. Employers cannot terminate or dismiss an employee, or transfer an employee to a different worksite, solely to exempt themselves from coverage under the law ([CGS §§ 31-57r\(4\) & 31-57s\(f\)](#)).

Employees and Service Workers

An “employee” under the law is anyone engaged in service to an employer in the employer’s business ([CGS § 31-57r\(3\)](#)). However, employers only have to provide paid sick leave to those employees who are also “service workers” under the law. To qualify as a service worker, an employee must be primarily engaged in a certain type of occupation (see Table 1) and either be (1) paid on an hourly basis or (2) subject to the federal Fair Labor Standards Act’s minimum wage and overtime compensation [requirements](#). Service workers do not include day or temporary workers (i.e., those who work on either a per diem basis or an occasional or irregular basis, for only the time needed to complete the work, whether they are paid by the person for whom the work is performed or by an employment agency or temporary help service). Table 1 below shows the specific occupations, as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system, that may be considered service workers ([CGS § 31-57r\(7\)](#)).

Table 1: Service Worker Occupations

Ambulance Drivers and Attendants, Except Emergency Medical Technicians	Baggage Porters, Bellhops, and Concierges	Bakers	Barbers, Hairdressers, Hairstylists, and Cosmetologists
Bartenders	Building Cleaning Workers, All Other	Bus Drivers	Butchers and Other Meat, Poultry, and Fish Processing Workers
Cashiers	Child Care Workers	Community Health Workers	Community and Social Service Specialists, All Other
Computer Operators	Cooks	Counter and Rental Clerks	Couriers and Messengers
Crossing Guards	Data Entry and Information Processing Workers	Dental Assistants	Dental Hygienists
Desktop Publishers	Dining Room and Cafeteria Attendants and Bartender Helpers	Dishwashers	Emergency Medical Technicians and Paramedics
Fast Food and Counter Workers	First-Line Supervisors of Sales Workers	Food Preparation Workers	Food Servers, Non-Restaurant
Food Service Managers	Health Practitioner Support Technologists and Technicians	Home Health Aides	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop
Hotel, Motel, and Resort Desk Clerks	Insurance Claims and Policy Processing Clerks	Janitors and Cleaners, Except Maids and Housekeeping Cleaners	Librarians
Licensed Practical and Licensed Vocational Nurses	Mail Clerks and Mail Machine Operators, Except Postal Service	Medical and Health Services Managers	Medical Assistants
Miscellaneous Food Preparation and Serving Related Workers	Miscellaneous Food Processing Workers	Miscellaneous Office and Administrative Support Workers	Nurse Anesthetists
Nurse Midwives	Nurse Practitioners	Nursing Aides, Orderlies, and Attendants	Office Clerks, General
Office Machine Operators, Except Computer	Personal Care Aides	Pharmacists	Proofreaders and Copy Markers
Psychiatric Aides	Physician Assistants	Radiologic Technologists	Receptionists and Information Clerks
Registered Nurses	Retail Salespersons	Secretaries and Administrative Assistants	Security Guards
Social and Human Service Assistants	Social Workers	Supervisors of Food Preparation and Serving Workers	Statistical Assistants
Taxi Drivers and Chauffeurs	Tellers	Therapists	Ushers, Lobby Attendants, and Ticket Takers
Waiters and Waitresses			

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Accrual

The law requires employers to give their service workers paid sick leave annually. Under the law, service workers begin accruing the leave when they start working for the employer, and accrue one hour of leave for every 40 hours worked, up to a maximum of 40 accrued hours in any year (i.e. any 365-day period the employer uses to calculate employee benefits). They may carry over up to 40 hours of unused accrued sick leave from one year to the next, but they are not entitled to use more than 40 accrued hours in any year ([CGS § 31-57s\(a\)](#)).

Service workers are not entitled to use their accrued sick leave (1) until they have worked at least 680 hours (e.g., 17, 40-hour weeks) for their employer, unless the employer agrees to an earlier date, or (2) unless they have worked at least 10 hours per week for their employer, on average, in the most recent complete quarter ([CGS § 31-57s\(b\)](#)).

Under the law, service workers are not entitled to payment for any unused accrued paid sick leave upon termination of employment unless it is required by an employee policy or collective bargaining agreement ([CGS § 31-57t\(d\)](#)). Any termination of a service worker's employment by an employer is a break in service. If the employer rehires the worker after a break in service, then the worker must begin accruing paid sick leave again and is not entitled to any unused sick leave that had been accrued before the break in service, unless the employer agrees to it ([CGS § 31-57u\(c\)](#)).

Permitted Uses

Employers must allow their service workers to use accrued paid sick leave for their own, their spouse's, or their child's (1) illness, injury, or health condition; (2) medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or (3) preventative medical care ([CGS § 31-57t\(a\)](#)). Service workers may also use their sick leave for a mental health wellness day (i.e., a day to attend to their own emotional and psychological well-being instead of attending a regularly scheduled shift) ([PA 23-101](#), §§ 7-8).

The law also requires employers to allow service workers to use their accrued paid sick leave for the following reasons if they or their child is a victim of family violence or sexual assault (as long as the worker is not the perpetrator or alleged perpetrator):

1. for medical care or psychological or other counseling for physical or psychological injury or disability,
2. to obtain services from a victim services organization,
3. to relocate due to the violence or assault, or
4. to participate in a related or resulting civil or criminal legal proceeding ([PA 23-101](#), § 8).

The law additionally specifies that it does not (1) require employers to provide paid sick leave for any other purposes other than those listed above ([CGS § 31-57t\(c\)](#)) or (2) prohibit an employer from taking disciplinary action against a service worker who uses paid sick leave for any other purposes ([CGS § 31-57t\(e\)](#)).

Under the law, if a service worker and employer mutually consent, when the service worker chooses to work additional hours or shifts during the same or following pay period, instead of the hours or shifts missed, he or she does not have to use accrued paid sick leave ([CGS § 31-57s\(e\)](#)).

Employee Notice and Documentation

The law allows employers to require that service workers provide up to seven days advance notice when they have a foreseeable need to use paid sick leave. If the need for the leave is not foreseeable, an employer can require a service worker to provide notice as soon as practicable.

If the leave lasts for at least three consecutive days, an employer can require reasonable documentation to support the reason for the leave. If the leave is for mental or physical illness, treatment of an illness or injury, mental or physical diagnosis, or preventive medical care, then “reasonable documentation” is documentation signed by a treating health care provider that indicates the need for the number of days of the leave. If the leave is for family violence or sexual assault, then reasonable documentation is a court record or documentation signed by a service worker or volunteer working for a victim services organization, an attorney, police officer, or other counselor involved with the service worker ([CGS § 31-57t\(b\)](#)).

Other Provisions

The law specifies that it does not prevent employers from (1) providing more paid sick leave than required by the law, (2) limiting the use of any sick leave that they provide that exceeds the law’s requirements, or (3) establishing a policy that allows service workers to donate their unused accrued sick leave to other service workers. It also specifies that it does not diminish any rights given to an employee or service worker under a collective bargaining agreement ([CGS § 31-57u](#)).

Employer Notice Requirement

The law requires each employer covered by the paid sick leave law to notify each service worker when they are hired that the (1) service worker is entitled to paid sick leave, including the amount provided, and the terms under which it can be used; (2) employer cannot retaliate against the worker for requesting or using sick leave; and (3) worker can file a complaint with the labor commissioner for a violation of the paid sick leave law. Employers can comply by displaying a poster with the required information in English and Spanish in a conspicuous place, accessible to service workers, at the employer’s place of business ([CGS § 31-57w](#)).

Enforcement

The law prohibits employers from retaliating or discriminating against employees because they (1) request or use paid sick leave under the paid sick leave law or the employer's own paid sick leave policy or (2) file a complaint with labor commissioner alleging a violation of the paid sick leave law.

An employee aggrieved by a violation of the paid sick leave law may file a complaint with the labor commissioner, who may hold a hearing upon receiving a complaint. If a complaint is filed by an employee covered by a collective bargaining agreement that provides for paid sick days, the commissioner must advise him or her about their right to pursue a grievance with their collective bargaining agent.

After the hearing, if the commissioner finds that the employer violated the above prohibition on retaliating or discriminating against employees, then the employer is liable to the Department of Labor (DOL) for a \$500 civil penalty for each violation. If the commissioner finds that the employer violated the paid sick leave law's other provisions, then the employer is liable to DOL for a \$100 civil penalty per violation. Findings must be made by a preponderance of the evidence. The commissioner may also award the employee all appropriate relief, including payment for used paid sick leave, rehiring or reinstatement, back wages, and reestablishment of employee benefits. Any party aggrieved by the commissioner's decision may appeal to the Superior Court under the state's Uniform Administrative Procedures Act ([CGS § 31-57v](#)).

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