



**Substitute House Bill No. 5005**

**Public Act No. 24-8**

***AN ACT EXPANDING PAID SICK DAYS IN THE STATE.***

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

Section 1. Section 31-57r of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

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 [,] or 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

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defined in section 31-129;]

[(3)] (2) "Employee" means an individual engaged in service to an employer in the business of the employer. "Employee" does not include (A) an individual who is a member of a construction-related tradesperson employee organization that is a party to a multiemployer 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 tradesperson employee organization or organizations and employers, or (B) a seasonal employee;

[(4)] (3) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that (A) on and after January 1, 2025, employs [fifty or more] twenty-five or more individuals in the state, (B) on and after January 1, 2026, employs eleven or more individuals in the state, and (C) on and after January 1, 2027, employs one 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] January 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;] "Employer" does not include (i) an employer that participates in a multiemployer 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 tradesperson employee organization or

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organizations and employers, or (ii) a self-employed individual;

(4) "Family member" means a spouse, sibling, child, grandparent, grandchild or parent of an employee or an individual related to the employee by blood or affinity whose close association the employee shows to be equivalent to those family relationships;

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

[(6)] (8) "Mental health wellness day" means a day during which [a service worker] an employee attends to such [service worker's] employee's emotional and psychological well-being in lieu of attending a regularly scheduled shift;

(9) "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;

[(7)] (10) "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;

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(8) "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

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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;

(9)] (11) "Seasonal employee" means an employee who works one hundred twenty days or less in any year;

(12) "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;

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

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[(10)] (14) "Spouse" means a [husband or wife, as the case may be] person who is (A) legally married to an employee under the laws of any state, or (B) a domestic partner of an employee registered under the laws of any state or political subdivision; and

[(11)] (15) "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 January 1, 2025*):

(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) (A) beginning (i) January 1, [2012] 2025, for an employee of an employer that employs twenty-five or more individuals in the state, (ii) January 1, 2026, for an employee of an employer that employs eleven or more individuals in the state, or (iii) January 1, 2027, for an employee of an employer that employs one or more individuals in the state, or (B) for [a service worker] an employee hired after said [date] dates, 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 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 any 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 and is available for the employee's immediate use at the beginning of the

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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] on and after the one hundred twentieth calendar day of such employee's employment.

(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 as 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, including unlimited 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] such 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 used] employee uses paid sick leave.

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

(f) 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.

(g) (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.

(h) No employer shall require an employee who will use or is using paid sick leave to search for or find another employee to serve as a replacement for such employee to work the hours that such employee is or was scheduled to work.

[(f)] (i) 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-



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57r, as amended by this act.

Sec. 3. Section 31-57t of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

(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, (C) preventative medical care for [a service worker] an employee's mental or physical health, or (D) a mental health wellness day;

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

(3) For closure by order of a public official, due to a public health emergency, of either (A) an employer's place of business, or (B) a family member's school or place of care;

(4) For a determination by a health authority having jurisdiction, an employer of the employee, an employer of a family member or a health care provider, that such employee or family member poses a risk to the health of others due to such employee's or family member's exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness; and

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[(3)] (5) Where [a service worker] an employee or an employee's family member is [(A)] a victim of family violence or sexual assault, [or (B) the parent or guardian of a child who is a victim of family violence or sexual assault,] provided such [service worker] employee is not the perpetrator or alleged perpetrator of such family violence or sexual assault, for [(i)] (A) medical care or psychological or other counseling for physical or psychological injury or disability, [(ii)] (B) obtaining services from a victim services organization, [(iii)] (C) relocating due to such family violence or sexual assault, or [(iv)] (D) participating in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

(b) [If a service worker'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 need for such leave is not foreseeable, an employer may require a service worker 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 or the service worker's child or spouse indicating the need for the number of days of such leave shall be considered reasonable documentation. If such leave is permitted under subdivision (3) of subsection (a) of this section, a court record or documentation signed by a service worker or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the service worker shall be considered reasonable documentation.] No employer shall require an employee to provide any documentation that such leave is being taken for one of the purposes permitted under subsection (a) of this section.

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(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 January 1, 2025*):

(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 (A) any collective bargaining agreement effective prior to January 1, 2012, or (B) any collective bargaining agreement entered into on or after July 1, 2012, pursuant to chapter 319pp.

(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

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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 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 (1) shall [(1)] begin to accrue sick leave in accordance with section 31-57s, as amended by this act, 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 January 1, 2025*):

(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.

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(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] the 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 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 January 1, 2025*):

(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 (A) the entitlement to paid sick leave for [service workers,] employees, (B) the amount of paid sick leave provided to [service workers] employees, and (C) the terms under which paid sick leave may be used, (2) that retaliation by the employer

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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 for any violation of this section and of sections 31-57s to 31-57v, inclusive, as amended by this act. [Employers may]

(b) Each employer shall comply with the provisions of subsection (a) of this section by (1) 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.] and (2) providing written notice to each employee not later than January 1, 2025, or at the time of hire, whichever is later. The Labor Commissioner shall create a model of such poster and written notice and make such models available to all employers on the Labor Department's Internet web site. 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 subdivision (1) of this subsection by sending such information via electronic communication or by a conspicuous posting of such information on a web-based or application-based platform.

(c) Each employer subject to the provisions of section 31-57s, as amended by this act, 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

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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. Failure by an employer to retain adequate records documenting hours worked by an employee and paid sick leave used by such employee or to allow reasonable access to such records shall be a violation of this subsection. The Labor Commissioner may assess a civil penalty of not more than one hundred dollars for such violation.

(d) 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.

Sec. 7. (*Effective from passage*) (a) There is established a task force to study the establishment of paid sick leave tax credits for employers that employ five or less individuals in the state. The task force shall examine the feasibility of establishing a tax credit for such employers, including whether or how to mitigate any expenses incurred by such employers due to the provisions of sections 31-57r to 31-57w, inclusive, of the general statutes, as amended by this act.

(b) The task force shall consist of the following members:

- (1) One appointed by the speaker of the House of Representatives;
- (2) One appointed by the president pro tempore of the Senate;
- (3) One appointed by the majority leader of the House of Representatives;
- (4) One appointed by the majority leader of the Senate;
- (5) One appointed by the minority leader of the House of Representatives; and
- (6) One appointed by the minority leader of the Senate.

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(c) Any member of the task force appointed under subdivision (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All initial appointments to the task force shall be made not later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees shall serve as administrative staff of the task force.

(g) Not later than January 1, 2025, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2025, whichever is later.

Sec. 8. (*Effective July 1, 2024*) (a) The Labor Commissioner shall ensure the necessary wage enforcement duties and responsibilities of the Labor Department that are associated with the provisions of sections 31-57r to 31-57w, inclusive, of the general statutes, as amended by this act, are performed within available appropriations for the fiscal year ending June 30, 2025.

(b) The Secretary of the Office of Policy and Management shall not make any reductions to expenditures pursuant to the provisions of section 15 of public act 23-204, or make any reductions to allotment



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requisitions or allotments in force pursuant to the provisions of subsection (a) of section 14 of public act 23-204 or section 4-85 of the general statutes, concerning wage enforcement agents within the Labor Department during the fiscal year ending June 30, 2025.

Approved May 21, 2024