



House of Representatives

General Assembly

File No. 357

February Session, 2024

Substitute House Bill No. 5005

House of Representatives, April 9, 2024

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

AN ACT EXPANDING PAID SICK DAYS IN THE STATE.

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

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2 statutes is repealed and the following is substituted in lieu thereof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

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

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

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

19 [(3)] (2) "Employee" means an individual engaged in service to an
20 employer in the business of the employer. "Employee" does not include
21 an individual who is a member of a construction-related trade person
22 employee organization that is a party to a multiemployer health plan in
23 which more than one employer is required to contribute to such plan
24 and such plan is maintained pursuant to one or more collective
25 bargaining agreements between a construction-related trade person
26 employee organization or organizations and employers;

27 [(4)] (3) "Employer" means any person, firm, business, educational
28 institution, nonprofit agency, corporation, limited liability company or
29 other entity that (A) on and after January 1, 2025, employs [fifty or more
30 individuals in the state] twenty-five or more individuals in the state, (B)
31 on and after January 1, 2026, employs eleven or more individuals in the
32 state, and (C) on and after January 1, 2027, employs one or more
33 individuals in the state, which shall be determined based on such
34 person's, firm's, business', educational institution's, nonprofit agency's,
35 corporation's, limited liability company's or other entity's payroll for the
36 week containing October first, annually. "Employer" does not include:
37 [(A) Any business establishment classified in sector 31, 32 or 33 in the
38 North American Industrial Classification System, or (B) any nationally
39 chartered organization exempt from taxation under Section 501(c)(3) of
40 the Internal Revenue Code of 1986, or any subsequent corresponding
41 internal revenue code of the United States, as from time to time
42 amended, that provides all of the following services: Recreation, child
43 care and education;] (i) An employer that participates in a
44 multiemployer health plan in which more than one employer is required
45 to contribute to such plan and such plan is maintained pursuant to one
46 or more collective bargaining agreements between a construction-

47 related trade person employee organization or organizations and
48 employers, or (ii) a self-employed individual;

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

53 (5) "Family violence" has the same meaning as provided in section
54 46b-38a;

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

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

63 [(6)] (8) "Mental health wellness day" means a day during which [a
64 service worker] an employee attends to such [service worker's]
65 employee's emotional and psychological well-being in lieu of attending
66 a regularly scheduled shift;

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

70 [(7)] (10) "Retaliatory personnel action" means any termination,
71 suspension, constructive discharge, demotion, unfavorable
72 reassignment, refusal to promote, disciplinary action or other adverse
73 employment action taken by an employer against an employee; [or a
74 service worker;]

75 [(8) "Service worker" means an employee primarily engaged in an
76 occupation with one of the following broad or detailed occupation code

77 numbers and titles, as defined by the federal Bureau of Labor Statistics
78 Standard Occupational Classification system or any successor system:
79 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
80 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
81 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
82 21-1099 Community and Social Service Specialists, All Other; (G) 25-
83 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
84 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
85 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
86 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
87 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
88 Practitioner Support Technologists and Technicians; (R) 29-2060
89 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
90 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
91 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
92 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
93 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
94 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
95 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
96 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
97 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
98 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
99 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
100 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
101 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
102 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
103 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
104 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
105 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
106 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors
107 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
108 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
109 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
110 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
111 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;

112 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
113 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
114 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
115 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
116 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
117 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
118 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
119 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
120 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
121 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
122 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
123 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
124 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
125 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
126 wage and overtime compensation requirements of the Fair Labor
127 Standards Act of 1938 and the regulations promulgated thereunder, as
128 amended from time to time. "Service worker" does not include day or
129 temporary workers;]

130 [(9)] (11) "Sexual assault" means any act that constitutes a violation of
131 section 53a-70b of the general statutes, revision of 1958, revised to
132 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
133 53a-73a;

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

137 [(10)] (13) "Spouse" means a [husband or wife, as the case may be]
138 person who is (A) legally married to an employee under the laws of any
139 state, or (B) a domestic partner of an employee registered under the laws
140 of any state or political subdivision; and

141 [(11)] (14) "Year" means [any] a three-hundred-sixty-five-day period
142 used by an employer to calculate employee benefits that begins on
143 January first and ends on December thirty-first.

144 Sec. 2. Section 31-57s of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective January 1, 2025*):

146 (a) Each employer shall provide forty hours of paid sick leave
147 annually to each of such employer's [service workers] employees in the
148 state. Such paid sick leave shall [accrue (1) beginning January 1, 2012, or
149 for a service worker hired after said date, beginning on the service
150 worker's date of employment, (2) at a rate of one hour of paid sick leave
151 for each forty hours worked by a service worker, and (3) in one-hour
152 increments up to a maximum of forty hours per year. Each service
153 worker shall be entitled to carry over up to forty unused accrued hours
154 of paid sick leave from the current year to the following year, but no
155 service worker shall be entitled to use more than the maximum number
156 of accrued hours, as described in subdivision (3) of this subsection, in
157 any year] be provided as follows: (1) For employees who have been
158 employed by such employer for one hundred eighty days prior to
159 January 1, 2025, such employer shall provide such employees with the
160 amount of sick leave required pursuant to this section on January 1,
161 2025, (2) for employees who have not been employed by such employer
162 for one hundred eighty days prior to January 1, 2025, an employer shall
163 provide such employees with the amount of sick leave required
164 pursuant to this section upon such employees' one hundred eightieth
165 day of employment with such employer from such employee's date of
166 hire, and (3) for employees hired on or after January 1, 2025, such
167 employer shall provide such employees with the amount of sick leave
168 required pursuant to this section upon such employee's one hundred
169 eightieth day of employment with such employer from such employee's
170 date of hire.

171 (b) [A service worker] An employee shall be entitled to the use of
172 [accrued] received paid sick leave [upon the completion of the service
173 worker's six-hundred-eightieth hour of employment from January 1,
174 2012, if the service worker was hired prior to January 1, 2012, or if hired
175 after January 1, 2012, upon the completion of the service worker's six-
176 hundred-eightieth hour of employment from the date of hire, unless the
177 employer agrees to an earlier date. A service worker shall not be entitled

178 to the use of accrued paid sick leave if such service worker did not work
179 an average of ten or more hours per week for the employer in the most
180 recent complete quarter] immediately.

181 (c) An employer shall be deemed to be in compliance with this section
182 if the employer (1) offers any other paid leave, or combination of other
183 paid leave that [(1)] (A) may be used for the purposes of and under the
184 same conditions provided in section 31-57t, as amended by this act, and
185 [(2)] (B) is [accrued] received in total at a rate equal to or greater than
186 the rate described in subsections (a) and (b) of this section, or (2)
187 provides a one-time payment to each employee equal to forty hours of
188 work at a pay rate equal to the greater of either (A) the normal hourly
189 wage for that employee, or (B) the minimum fair wage rate under
190 section 31-58 in effect at the time of such payment. For the purposes of
191 this subsection, "other paid leave" may include, but need not be limited
192 to, paid vacation, personal days or paid time off.

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

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

209 (f) (1) If an employee is transferred by an employer to another
210 division, entity or worksite but remains employed by such employer,

211 such employee shall retain and may use all paid sick leave received by
212 the employee while working at such prior division, entity or worksite.

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

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

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

225 Sec. 3. Section 31-57t of the 2024 supplement to the general statutes is
226 repealed and the following is substituted in lieu thereof (*Effective January*
227 *1, 2025*):

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

231 (1) For (A) [a service worker's] an employee's illness, injury or health
232 condition, (B) the medical diagnosis, care or treatment of [a service
233 worker's] an employee's mental [illness] or physical illness, injury or
234 health condition, (C) preventative medical care for [a service worker] an
235 employee's mental or physical health, or (D) a mental health wellness
236 day;

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

242 of a service worker; and] an employee's family member for such family
243 member's mental or physical health;

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

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

253 [(3)] (5) Where [a service worker] an employee or an employee's
254 family member is [(A)] a victim of family violence or sexual assault, [or
255 (B) the parent or guardian of a child who is a victim of family violence
256 or sexual assault,] provided such [service worker] employee is not the
257 perpetrator or alleged perpetrator of such family violence or sexual
258 assault, for [(i)] (A) medical care or psychological or other counseling
259 for physical or psychological injury or disability, [(ii)] (B) obtaining
260 services from a victim services organization, [(iii)] (C) relocating due to
261 such family violence or sexual assault, or [(iv)] (D) participating in any
262 civil or criminal proceedings related to or resulting from such family
263 violence or sexual assault.

264 (b) If [a service worker's] an employee's need to use paid sick leave is
265 foreseeable, an employer may require advance notice, not to exceed
266 seven days prior to the date such leave is to begin, of the intention to use
267 such leave. If [a service worker's] an employee's need for such leave is
268 not foreseeable, an employer may require [a service worker] an
269 employee to give notice of such intention as soon as practicable. [For
270 paid sick leave of three or more consecutive days, an employer may
271 require reasonable documentation that such leave is being taken for one
272 of the purposes permitted under subsection (a) of this section. If such
273 leave is permitted under subdivision (1) or (2) of subsection (a) of this
274 section, documentation signed by a health care provider who is treating

275 the service worker or the service worker's child or spouse indicating the
276 need for the number of days of such leave shall be considered
277 reasonable documentation. If such leave is permitted under subdivision
278 (3) of subsection (a) of this section, a court record or documentation
279 signed by a service worker or volunteer working for a victim services
280 organization, an attorney, a police officer or other counselor involved
281 with the service worker shall be considered reasonable documentation.]
282 No employer shall require an employee to provide such employer with
283 documentation showing that such employee took paid sick leave for one
284 of the purposes permitted under subsection (a) of this section.

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

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

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

300 Sec. 4. Section 31-57u of the general statutes is repealed and the
301 following is substituted in lieu thereof (*Effective January 1, 2025*):

302 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
303 this act, shall be construed to (1) prevent employers from providing
304 more paid sick leave than is required under said sections, [31-57s to 31-
305 57w, inclusive,] (2) diminish any rights provided to any employee [or
306 service worker] under a collective bargaining agreement, or (3) preempt

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

309 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
310 this act, shall be construed to prohibit an employer (1) from establishing
311 a policy whereby [a service worker] an employee may donate unused
312 [accrued] paid sick leave to another [service worker] employee, and (2)
313 who provides more paid sick leave than is required under sections 31-
314 57s to 31-57w, inclusive, as amended by this act, for the purposes
315 described in subdivision (1) of subsection (a) of section 31-57t, as
316 amended by this act, from limiting the amount of such leave [a service
317 worker] an employee may use for other purposes.

318 (c) Any termination of [a service worker's] an employee's
319 employment by an employer, whether voluntary or involuntary, shall
320 be construed as a break in service. Should any [service worker]
321 employee subsequently be rehired by the employer following a break in
322 service, the [service worker] employee (1) shall [(1)] begin to [accrue]
323 receive sick leave in accordance with section 31-57s, as amended by this
324 act, and (2) shall not be entitled to any unused hours of paid sick leave
325 that had been [accrued] received prior to the [service worker's]
326 employee's break in service unless agreed to by the employer.

327 Sec. 5. Section 31-57v of the general statutes is repealed and the
328 following is substituted in lieu thereof (*Effective January 1, 2025*):

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

337 (b) The Labor Commissioner shall advise any employee who (1) is
338 covered by a collective bargaining agreement that provides for paid sick

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

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

363 (d) The Labor Commissioner shall administer this section within
364 available appropriations.

365 Sec. 6. Section 31-57w of the general statutes is repealed and the
366 following is substituted in lieu thereof (*Effective January 1, 2025*):

367 (a) Each employer subject to the provisions of section 31-57s, as
368 amended by this act, shall, at the time of hiring, provide notice to each
369 [service worker] employee (1) of (A) the entitlement to paid sick leave
370 for [service workers,] employees, (B) the amount of paid sick leave
371 provided to [service workers] employees, and (C) the terms under

372 which paid sick leave may be used, (2) that retaliation by the employer
373 against the [service worker] employee for requesting or using paid sick
374 leave for which the [service worker] employee is eligible is prohibited,
375 and (3) that the [service worker] employee has a right to file a complaint
376 with the Labor Commissioner for any violation of this section and of
377 sections 31-57s to 31-57v, inclusive, as amended by this act. [Employers
378 may]

379 (b) Each employer shall comply with the provisions of subsection (a)
380 of this section by (1) displaying a poster in a conspicuous place,
381 accessible to [service workers] employees, at the employer's place of
382 business that contains the information required by this section in both
383 English and Spanish, [The Labor Commissioner may adopt
384 regulations, in accordance with chapter 54, to establish additional
385 requirements concerning the means by which employers shall provide
386 such notice. The Labor Commissioner shall administer this section
387 within available appropriations] and (2) providing written notice to
388 each employee not later than January 1, 2025, or at the time of hire,
389 whichever is later. For employers that do not maintain a physical
390 workplace or for employees that telework or perform work through a
391 web-based or application-based platform, employers shall comply with
392 the provisions of subdivision (1) of this subsection by sending such
393 information via electronic communication or by a conspicuous posting
394 of such information on a web-based or application-based platform.

395 (c) Each employer subject to the provisions of section 31-57s, as
396 amended by this act, shall include in the record required under section
397 31-13a (1) the number of hours, if any, of paid sick leave used by the
398 employee during the calendar year, and (2) the number of employees, if
399 any, the employer provides a one-time payment to in lieu of paid sick
400 days during the calendar year. Each employer shall retain such records
401 for a period of three years and shall allow the Labor Commissioner, with
402 appropriate notice and at a mutually agreeable time, access to such
403 record in order to monitor compliance with the requirements of this
404 section. Failure by an employer to retain adequate records documenting
405 hours worked by an employee and paid sick leave used by such

406 employee or to allow reasonable access to such records shall be a
407 violation of this subsection.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2025	31-57r
Sec. 2	January 1, 2025	31-57s
Sec. 3	January 1, 2025	31-57t
Sec. 4	January 1, 2025	31-57u
Sec. 5	January 1, 2025	31-57v
Sec. 6	January 1, 2025	31-57w

Statement of Legislative Commissioners:

The title was changed.

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Labor Dept.	GF - Cost	112,984	203,968
State Comptroller - Fringe Benefits ¹	GF - Cost	38,768	77,537
Labor Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which expands the state's paid sick leave law, results in a cost to (1) the Department of Labor (DOL) of \$112,984 in FY 25 (partial year cost) and \$203,968 in FY 26, and (2) the State Comptroller- Fringe Benefits account of \$38,768 in FY 25 (partial year cost) and \$77,537 in FY 26, as well as a potential minimal revenue gain associated with penalties from violations.

In order to administer the expanded sick leave provisions, DOL would require two Wage Enforcement Agents (annualized individual cost of \$93,984 for salary, \$38,768 for fringe benefits, and \$8,000 for equipment/overhead costs).

The Out Years

The ongoing fiscal impact identified above would continue into the future subject to inflation, number of violations, and penalties paid.

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.25% of payroll in FY 25.

OLR Bill Analysis**sHB 5005*****AN ACT EXPANDING PAID SICK DAYS IN THE STATE.*****SUMMARY**

This bill expands the state's paid sick leave law in numerous ways. The current paid sick leave law generally requires certain employers with at least 50 employees to give up to 40 hours of paid sick leave annually to their "service workers" in certain specified occupations. The bill expands the law by, among other things:

1. covering nearly all private sector employees and employers with at least 25 employees in 2025, those with at least 11 employees in 2026, and then those with at least one employee in 2027 (the bill exempts certain union construction workers and their employers);
2. broadening the range of family members for whom an employee may use the leave;
3. requiring covered employers to annually give their employees 40 hours of the leave at one time, instead of having employees accrue the leave based on how many hours they worked;
4. allowing employers to meet the bill's requirements by giving employees a one-time payment that equals the greater of 40 hours of either their normal hourly wage or the minimum wage;
5. broadening the reasons employees may use the leave to include events like closures due to a public health emergency and quarantines; and
6. prohibiting employers from requiring their employees to provide any documentation to support their reasons for taking leave.

It expands current employer notice requirements by requiring employers to give written notice to each employee about the paid sick leave law. The bill also sets employer recordkeeping requirements that, among other things, require (1) employee “pay stubs” to include an employee’s accrued paid sick time and use for the calendar year and (2) employers to maintain their paid sick leave records for three years.

It also makes numerous minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2025

§§ 1-3 — COVERED EMPLOYERS, EMPLOYEES, & FAMILY MEMBERS

Employers and Employees

The current paid sick leave law covers private sector employers with at least 50 employees, except manufacturers and certain non-profits. The bill gradually expands the law’s coverage to nearly all private sector employers regardless of their size, industry, or non-profit status by extending coverage to employers with at least 25 employees starting January 1, 2025; then to employers with at least 11 employees starting January 1, 2026; and to all employers starting January 1, 2027.

However, it exempts (1) employers that participate in a multi-employer health plan requiring contributions from multiple employers and maintained under a collective bargaining agreement between employers and a construction-related trade person employee organization (e.g., union) or organizations; (2) the employees who are members of an employee organization that is a party to one of these health plans; and (3) self-employed people (as the bill does not define “self-employed,” it is unclear if this exempts the self-employed from having to give paid sick leave to their employees, if they have any).

The bill also expands current law to cover all private sector employees (except for the union construction workers described above), rather than only the specified “service worker” occupations (e.g., home health aides, nurses, security guards, janitors, and cashiers) covered by current law. It also includes the day or temporary workers excluded

from the current law.

Family Members (§§ 1 & 3)

Current law allows covered employees to use paid sick leave to care for their minor or disabled child (or child for whom they stand in place of a parent) or spouse. The bill broadens the range of “family members” for whom employees may use paid sick leave to include their adult children, siblings, parents, grandparents, and grandchildren, and anyone related to the employee by blood or affinity whose close association the employee shows to be equivalent to those family members.

Under the bill, siblings and grandchildren include those relations by blood, marriage, adoption, or foster care, as is the case for children under current law. Parents include a biological, foster, or adoptive parent, stepparent, parent-in-law, legal guardian, and someone who stands or stood in the place of a parent.

Under current law, a “spouse” is a husband or wife, as the case may be. Under the bill, a spouse is instead (1) someone who is legally married to an employee under the laws of any state, or (2) an employee’s domestic partner registered under the laws of any state or political subdivision.

§ 2 — LEAVE PROVISION AND AVAILABILITY

Leave Provision

Under current law employees accrue one hour of leave per every 40 hours worked. The bill instead requires covered employers to give their employees 40 hours of leave annually. When an employer must give an employee the leave depends on when the employee began working for the employer, as shown in the table below. (It is unclear how this schedule would apply to those employers whose coverage is phased in during 2026 and 2027.)

Table: When to Provide 40 Hours of Leave Annually Under the Bill

<i>When Employee Began Working for the Employer</i>	<i>When the Employer Must Give the Employee 40 Hours of Leave</i>
At least 180 days before January 1, 2025	January 1, 2025
Less than 180 days before January 1, 2025	On the employee's 180th day of employment with the employer
On or after January 1, 2025	On the employee's 180th day of employment with the employer

The bill requires that employees maintain their received paid sick leave when (1) they transfer to a separate division, entity, or location with the same employer or (2) a different employer succeeds or replaces an existing employer. Current law does not explicitly address either of these issues.

Leave Availability

Under current law, employees must work 680 hours for their employer before they can use their accrued leave. The bill instead allows employees to use their leave immediately. It also allows employees to use the leave regardless of how much they work by eliminating a provision in current law that allows employees to use leave only if they average at least 10 work hours per week in the most recent complete quarter.

Replacements and Shift Swapping

The bill prohibits employers from requiring employees taking paid sick leave to look for or find a replacement to cover the hours they were scheduled to work.

Leave Carryover

Current law entitles covered employees to carry over up to 40 unused accrued hours of paid sick leave from one year to the next, but prohibits them from using more than 40 hours of the leave per year. The bill removes these provisions and does not otherwise specify how unused leave time must be handled.

Other Employer-Provided Leave & Alternative Compliance

The current paid sick leave law deems an employer in compliance with its requirements if the employer offers other paid leave that the employee can use for the same reasons allowed under the paid sick leave law. The bill requires that employees also be able to use the other paid leave under the same conditions for the exception to apply.

It also deems an employer in compliance if the employer gives an employee a one-time payment equal to 40 hours of work at a pay rate that equals the greater of either the employee's normal hourly wage or the state minimum wage.

§ 3 — LEAVE USES & DOCUMENTATION

The bill expands the reasons why an employee may use sick leave to include when the employer's place of business or a family member's school or place of care is closed by order of a public official due to a public health emergency.

It also allows for leave if the employee or a family member is under quarantine (i.e., when it has been determined that the employee or family member poses a risk to others' health due to their exposure to a communicable disease, regardless of whether they actually contracted it). The determination for a quarantine must be made by a health authority with jurisdiction, a health care provider, or the employee's or family member's employer.

Under current law, an employee may use paid sick leave for preventative medical care for themselves or a covered family member. The bill specifies that this includes preventative care for mental or physical health.

Current law also allows an employee to use paid sick leave if he or she was a victim of family violence or sexual assault and needs leave to do certain things (e.g., get counseling or participate in civil or criminal proceedings). The bill allows employees to use the leave if their family member is a victim of family violence or sexual assault and needs to do these same things.

Documentation

Under certain circumstances, current law allows employers to require employees to provide documentation to support their reasons for taking leave. The bill instead prohibits employers from requiring any documentation showing that the employee took the leave for one of the reasons allowed.

§ 6 — EMPLOYER NOTICE AND RECORDS

Current law requires employers to notify employees about certain provisions of the paid sick leave law when they are hired (e.g., how leave accrues and how it may be used) and allows them to meet this requirement by displaying a poster in the workplace. The bill requires employers to display this poster and additionally requires them to give each employee written notice about these provisions by January 1, 2025, or when an employee is hired, whichever is later.

If the employer does not maintain a physical workplace, or an employee teleworks or works through a web- or app-based platform, the employer must meet the notice requirement by sending the information through electronic communication or conspicuously posting it on a web- or app-based platform. The bill eliminates a provision in current law that requires the commissioner to administer the current law's notice requirements within available appropriations.

The bill requires that employee "pay stubs" include how many (1) hours of paid sick leave the employee used during the calendar year and (2) employees to whom the employer gave the one-time payment instead of paid sick days during the calendar year. (It is unclear why an employee's pay stub would need to indicate how many employees the employer gave a one-time payment to). The bill also requires employers to maintain these paid sick leave records for three years and give the labor commissioner access to them, with appropriate notice and at a mutually agreeable time, to monitor compliance with the bill's recordkeeping requirements.

Lastly, the bill allows the labor commissioner to adopt regulations to implement the paid sick leave law. Current law only allows her to adopt regulations about the law's notice requirements.

BACKGROUND

Related Bills

sSB 7 and sSB 12, reported favorably by the Labor and Public Employees Committee, similarly expand the paid sick leave law, although, among other things, they (1) do not phase in their expansion to smaller employers; (2) continue to require that employees accrue their leave based on their hours worked, rather than annually providing a set amount all at once; and (3) do not allow employers to meet the sick leave requirement by giving employees a lump-sum payment.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/21/2024)