



House of Representatives

File No. 617

General Assembly

February Session, 2024 **(Reprint of File No. 357)**

Substitute House Bill No. 5005
As Amended by House Amendment
Schedule "B"

Approved by the Legislative Commissioner
April 26, 2024

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2 statutes is repealed and the following is substituted in lieu thereof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 (A) an individual who is a member of a construction-related
22 tradesperson employee organization that is a party to a multiemployer
23 health plan in which more than one employer is required to contribute
24 to such plan and such plan is maintained pursuant to one or more
25 collective bargaining agreements between a construction-related
26 tradesperson employee organization or organizations and employers,
27 or (B) a seasonal employee;

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

47 maintained pursuant to one or more collective bargaining agreements
48 between a construction-related tradesperson employee organization or
49 organizations and employers, or (ii) a self-employed individual;

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

54 (5) "Family violence" has the same meaning as provided in section
55 46b-38a;

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

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

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

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

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

76 (8) "Service worker" means an employee primarily engaged in an

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

112 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
113 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
114 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
115 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
116 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
117 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
118 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
119 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
120 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
121 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
122 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
123 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
124 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
125 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
126 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
127 wage and overtime compensation requirements of the Fair Labor
128 Standards Act of 1938 and the regulations promulgated thereunder, as
129 amended from time to time. "Service worker" does not include day or
130 temporary workers;

131 (9)] (11) "Seasonal employee" means an employee who works one
132 hundred twenty days or less in any year;

133 (12) "Sexual assault" means any act that constitutes a violation of
134 section 53a-70b of the general statutes, revision of 1958, revised to
135 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
136 53a-73a;

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

140 [(10)] (14) "Spouse" means a [husband or wife, as the case may be]
141 person who is (A) legally married to an employee under the laws of any
142 state, or (B) a domestic partner of an employee registered under the laws
143 of any state or political subdivision; and

144 [(11)] (15) "Year" means any three-hundred-sixty-five-day period
145 used by an employer to calculate employee benefits.

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

148 (a) Each employer shall provide paid sick leave annually to each of
149 such employer's [service workers] employees in the state. Such paid sick
150 leave shall accrue (1) (A) beginning (i) January 1, [2012] 2025, for an
151 employee of an employer that employs twenty-five or more individuals
152 in the state, (ii) January 1, 2026, for an employee of an employer that
153 employs eleven or more individuals in the state, or (iii) January 1, 2027,
154 for an employee of an employer that employs one or more individuals
155 in the state, or (B) for [a service worker] an employee hired after said
156 [date] dates, beginning on the [service worker's] employee's first date of
157 employment, (2) at a rate of one hour of paid sick leave for each [forty]
158 thirty hours worked by [a service worker] an employee, and (3) in one-
159 hour increments up to a maximum of forty hours per year. [Each service
160 worker] An employer may provide its employees with a greater amount
161 of paid sick leave or provide paid sick leave at a faster rate than required
162 by this subsection. Each employee shall be entitled to carry over up to
163 forty unused accrued hours of paid sick leave from the current year to
164 the following year, but no [service worker] employee shall be entitled to
165 use more than the maximum number of accrued hours, as described in
166 subdivision (3) of this subsection, in any year. In lieu of any carry-over
167 of unused paid sick leave from the current year to the following year, an
168 employer may provide an employee with an amount of paid sick leave
169 that meets or exceeds the requirements of this subsection and is
170 available for the employee's immediate use at the beginning of the
171 following year.

172 (b) [A service worker] An employee shall be entitled to the use of any
173 accrued paid sick leave [upon the completion of the service worker's six-
174 hundred-eightieth hour of employment from January 1, 2012, if the
175 service worker was hired prior to January 1, 2012, or if hired after
176 January 1, 2012, upon the completion of the service worker's six-

177 hundred-eightieth hour of employment from the date of hire, unless the
178 employer agrees to an earlier date. A service worker shall not be entitled
179 to the use of accrued paid sick leave if such service worker did not work
180 an average of ten or more hours per week for the employer in the most
181 recent complete quarter] on and after the one hundred twentieth
182 calendar day of such employee's employment.

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

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

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

208 (f) An employee who is exempt from overtime requirements under

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

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

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

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

228 [(f)] (i) No employer shall (1) terminate any employee, (2) dismiss any
229 employee, or (3) transfer any employee from one worksite to another
230 solely in order to not qualify as an employer, as defined in section 31-
231 57r, as amended by this act.

232 Sec. 3. Section 31-57t of the 2024 supplement to the general statutes is
233 repealed and the following is substituted in lieu thereof (Effective January
234 1, 2025):

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

238 (1) For (A) [a service worker's] an employee's illness, injury or health

239 condition, (B) the medical diagnosis, care or treatment of [a service
240 worker's] an employee's mental [illness] or physical illness, injury or
241 health condition, (C) preventative medical care for [a service worker] an
242 employee's mental or physical health, or (D) a mental health wellness
243 day;

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

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

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

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

271 (b) [If a service worker's need to use paid sick leave is foreseeable, an
272 employer may require advance notice, not to exceed seven days prior to
273 the date such leave is to begin, of the intention to use such leave. If a
274 service worker's need for such leave is not foreseeable, an employer may
275 require a service worker to give notice of such intention as soon as
276 practicable. For paid sick leave of three or more consecutive days, an
277 employer may require reasonable documentation that such leave is
278 being taken for one of the purposes permitted under subsection (a) of
279 this section. If such leave is permitted under subdivision (1) or (2) of
280 subsection (a) of this section, documentation signed by a health care
281 provider who is treating the service worker or the service worker's child
282 or spouse indicating the need for the number of days of such leave shall
283 be considered reasonable documentation. If such leave is permitted
284 under subdivision (3) of subsection (a) of this section, a court record or
285 documentation signed by a service worker or volunteer working for a
286 victim services organization, an attorney, a police officer or other
287 counselor involved with the service worker shall be considered
288 reasonable documentation.] No employer shall require an employee to
289 provide any documentation that such leave is being taken for one of the
290 purposes permitted under subsection (a) of this section.

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

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

300 (e) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
301 this act, shall be construed to prohibit an employer from taking
302 disciplinary action against [a service worker] an employee who uses
303 paid sick leave provided under sections 31-57s to 31-57w, inclusive, as

304 amended by this act, for purposes other than those described in this
305 section.

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

308 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
309 this act, shall be construed to (1) prevent employers from providing
310 more paid sick leave than is required under said sections, [31-57s to 31-
311 57w, inclusive,] (2) diminish any rights provided to any employee [or
312 service worker] under a collective bargaining agreement, or (3) preempt
313 or override the terms of (A) any collective bargaining agreement
314 effective prior to January 1, 2012, or (B) any collective bargaining
315 agreement entered into on or after July 1, 2012, pursuant to chapter
316 319pp.

317 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
318 this act, shall be construed to prohibit an employer (1) from establishing
319 a policy whereby [a service worker] an employee may donate unused
320 accrued paid sick leave to another [service worker] employee, and (2)
321 who provides more paid sick leave than is required under sections 31-
322 57s to 31-57w, inclusive, as amended by this act, for the purposes
323 described in subdivision (1) of subsection (a) of section 31-57t, as
324 amended by this act, from limiting the amount of such leave [a service
325 worker] an employee may use for other purposes.

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

335 Sec. 5. Section 31-57v of the general statutes is repealed and the

336 following is substituted in lieu thereof (*Effective January 1, 2025*):

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

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

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

369 commissioner may appeal the decision to the Superior Court in
370 accordance with the provisions of chapter 54.

371 (d) The Labor Commissioner shall administer this section within
372 available appropriations.

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

375 (a) Each employer subject to the provisions of section 31-57s, as
376 amended by this act, shall, at the time of hiring, provide notice to each
377 [service worker] employee (1) of (A) the entitlement to paid sick leave
378 for [service workers,] employees, (B) the amount of paid sick leave
379 provided to [service workers] employees, and (C) the terms under
380 which paid sick leave may be used, (2) that retaliation by the employer
381 against the [service worker] employee for requesting or using paid sick
382 leave for which the [service worker] employee is eligible is prohibited,
383 and (3) that the [service worker] employee has a right to file a complaint
384 with the Labor Commissioner for any violation of this section and of
385 sections 31-57s to 31-57v, inclusive, as amended by this act. [Employers
386 may]

387 (b) Each employer shall comply with the provisions of subsection (a)
388 of this section by (1) displaying a poster in a conspicuous place,
389 accessible to [service workers] employees, at the employer's place of
390 business that contains the information required by this section in both
391 English and Spanish, [. The Labor Commissioner may adopt
392 regulations, in accordance with chapter 54, to establish additional
393 requirements concerning the means by which employers shall provide
394 such notice. The Labor Commissioner shall administer this section
395 within available appropriations.] and (2) providing written notice to
396 each employee not later than January 1, 2025, or at the time of hire,
397 whichever is later. The Labor Commissioner shall create a model of such
398 poster and written notice and make such models available to all
399 employers on the Labor Department's Internet web site. For employers
400 that do not maintain a physical workplace or for employees that

401 telework or perform work through a web-based or application-based
402 platform, employers shall comply with the provisions of subdivision (1)
403 of this subsection by sending such information via electronic
404 communication or by a conspicuous posting of such information on a
405 web-based or application-based platform.

406 (c) Each employer subject to the provisions of section 31-57s, as
407 amended by this act, shall include in the record required under section
408 31-13a (1) the number of hours, if any, of paid sick leave accrued by or
409 provided to the employee, and (2) the number of hours, if any, of paid
410 sick leave used by the employee during the calendar year. Each
411 employer shall retain such records for a period of three years and shall
412 allow the Labor Commissioner, with appropriate notice and at a
413 mutually agreeable time, access to such record in order to monitor
414 compliance with the requirements of this section. Failure by an
415 employer to retain adequate records documenting hours worked by an
416 employee and paid sick leave used by such employee or to allow
417 reasonable access to such records shall be a violation of this subsection.
418 The Labor Commissioner may assess a civil penalty of not more than
419 one hundred dollars for such violation.

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

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

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

431 (1) One appointed by the speaker of the House of Representatives;

- 432 (2) One appointed by the president pro tempore of the Senate;
- 433 (3) One appointed by the majority leader of the House of
434 Representatives;
- 435 (4) One appointed by the majority leader of the Senate;
- 436 (5) One appointed by the minority leader of the House of
437 Representatives; and
- 438 (6) One appointed by the minority leader of the Senate.
- 439 (c) Any member of the task force appointed under subdivision (1),
440 (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member
441 of the General Assembly.
- 442 (d) All initial appointments to the task force shall be made not later
443 than thirty days after the effective date of this section. Any vacancy shall
444 be filled by the appointing authority.
- 445 (e) The speaker of the House of Representatives and the president pro
446 tempore of the Senate shall select the chairpersons of the task force from
447 among the members of the task force. Such chairpersons shall schedule
448 the first meeting of the task force, which shall be held not later than sixty
449 days after the effective date of this section.
- 450 (f) The administrative staff of the joint standing committee of the
451 General Assembly having cognizance of matters relating to labor and
452 public employees shall serve as administrative staff of the task force.
- 453 (g) Not later than January 1, 2025, the task force shall submit a report
454 on its findings and recommendations to the joint standing committee of
455 the General Assembly having cognizance of matters relating to labor
456 and public employees, in accordance with the provisions of section 11-
457 4a of the general statutes. The task force shall terminate on the date that
458 it submits such report or January 1, 2025, whichever is later.
- 459 Sec. 8. (*Effective July 1, 2024*) (a) The Labor Commissioner shall ensure

460 the necessary wage enforcement duties and responsibilities of the Labor
 461 Department that are associated with the provisions of sections 31-57r to
 462 31-57w, inclusive, of the general statutes, as amended by this act, are
 463 performed within available appropriations for the fiscal year ending
 464 June 30, 2025.

465 (b) The Secretary of the Office of Policy and Management shall not
 466 make any reductions to expenditures pursuant to the provisions of
 467 section 15 of public act 23-204, or make any reductions to allotment
 468 requisitions or allotments in force pursuant to the provisions of
 469 subsection (a) of section 14 of public act 23-204 or section 4-85 of the
 470 general statutes, concerning wage enforcement agents within the Labor
 471 Department during the fiscal year ending June 30, 2025.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2025</i>	31-57r
Sec. 2	<i>January 1, 2025</i>	31-57s
Sec. 3	<i>January 1, 2025</i>	31-57t
Sec. 4	<i>January 1, 2025</i>	31-57u
Sec. 5	<i>January 1, 2025</i>	31-57v
Sec. 6	<i>January 1, 2025</i>	31-57w
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>July 1, 2024</i>	New section

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 - Potential Revenue Gain	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 overhead costs).

Section 8 of the bill prohibits the Office of Policy and Management (OPM) from applying holdbacks to personal services expenditures for wage enforcement agents within the Department of Labor (DOL) for FY

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.

25. To the extent OPM would have applied such holdbacks in FY 25, this results in (1) additional Personal Services funds being available to DOL for that fiscal year and (2) a commensurate amount of FY 25 holdbacks being applied against other accounts or agencies.

House "B" adds provisions that (1) establish a task force to study the establishment of paid sick leave tax credits for employers that employ five or less individuals in the state, (2) require the Labor Commissioner to ensure that necessary wage enforcement duties and responsibilities associated with administering paid sick leave are performed within available appropriations for FY 25, and (3) prohibit the Office of Policy and Management (OPM) from applying holdbacks to personal services expenditures for wage enforcement agents within the DOL for FY 25. This does not result in any fiscal impact.

The Out Years

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

OLR Bill Analysis**sHB 5005 (as amended by House "B")******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 (e.g., food service workers, health care workers, and numerous others). 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 seasonal employees and certain union construction workers and their employers);
2. broadening the range of family members for whom an employee may use the leave;
3. increasing the rate at which employees accrue leave and changing the waiting period before they may use it; and
4. broadening the reasons employees may use the leave to include events like closures due to a public health emergency and quarantines.

The bill prohibits employers from requiring their employees to provide documentation to support their reasons for taking leave. It also removes provisions in the current law that generally allow employers to

require employees to give them advance notice about a leave that is foreseeable.

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.

The bill specifies that the paid sick leave law does not preempt or override the terms of any collective bargaining agreement entered into on or after July 1, 2012, under the law that allows certain family child care providers and personal care attendants (PCAs) to collectively bargain with the state (§ 4, see “BACKGROUND”). It also makes numerous minor, technical, and conforming changes.

For FY 25, the bill also (1) requires the labor commissioner to ensure that certain duties and responsibilities for the paid sick leave law are performed within available appropriations and (2) prohibits the Office of Policy and Management (OPM) secretary from reducing certain budgetary expenditures and allotments for the Department of Labor’s (DOL) wage enforcement agents.

Lastly, the bill creates a task force to study establishing a paid sick leave tax credit for employers with five or less employees in the state. The task force must study the feasibility of establishing the tax credit, including whether or how to mitigate any expenses these employers incur due to the paid sick leave law.

*House Amendment “B” replaces the underlying bill and, among other things, (1) requires employees to accrue their sick leave, rather than receive it annually all at once as in the underlying bill; (2) removes a provision that would have allowed employers to meet the sick leave requirement by giving employees a one-time payment equal to 40 hours of their normal hourly wage; (3) adds the provisions on the FY 25 budget; and (4) creates the task force.

EFFECTIVE DATE: January 1, 2025, except that the provisions on the (1) FY 25 budget are effective July 1, 2024, and (2) task force are effective upon passage.

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

Employers

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 tradesperson employee organization (e.g., union) or organizations; (2) 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).

Employees

The bill also expands current law to cover nearly all private sector employees, except for seasonal employees and the union construction workers described above, rather than only the specified "service worker" occupations covered by current law (e.g., home health aides, nurses, security guards, janitors, and cashiers). It also covers the day or temporary workers excluded from the current law. Under the bill, "seasonal employees" are employees who work 120 days or less in any year.

For determining the sick leave law's applicability, the number of an

employer's employees is based on the employees on the employer's payroll for a particular week each year. Under current law, this is the payroll for the week with each October 1. The bill changes this to the payroll for the week with each January 1.

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, 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 ACCRUAL AND AVAILABILITY

Leave Accrual

The bill increases the rate at which employees accrue leave, from one hour per every 40 hours worked to one hour per every 30 hours worked. For newly covered employers and employees, the leave begins accruing on the January 1 that they become covered by the law (i.e., 2025 for employers with at least 25 employees, 2026 for employers with at least 11 employees, and 2027 for employers with at least one employee). Employees hired after those dates begin accruing the leave on their first day of employment. The bill also specifies that employers may give their

employees more paid sick leave at a faster rate than required by the bill.

The bill requires that employees exempt from federal law's overtime pay requirements be presumed to work 40 hours per week for leave accrual purposes unless their normal work week is less than 40 hours. If it is, then their leave accrual must be based on their normal work week. (Current law does not explicitly address this issue.)

Under the bill, employees maintain and may use their accrued 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 leave. The bill instead allows employees to use their leave starting on the 120th calendar day of their employment. 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

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 Carry Over

Current law entitles covered employees to carry over up to 40 unused accrued hours of paid sick leave from one year to the next. Under the bill, an employer may give an employee an amount of paid sick leave that meets or exceeds the bill's requirements and is available for the employee to use immediately at the beginning of the next year, instead of carrying over the unused paid sick leave.

Other Employer-Provided Leave

The current paid sick leave law deems an employer in compliance with its requirements if the employer offers other paid leave (e.g., vacation or personal days) that the employee can use for the same reasons allowed under the paid sick leave law. The bill (1) requires that employees also be able to use the other paid leave under the same conditions for the exception to apply and (2) specifies that “other paid leave” includes unlimited paid time off.

§ 3 — LEAVE USES & DOCUMENTATION

Leave Uses

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 the employee or family member poses a risk to others’ health due to their exposure to a communicable disease, regardless of whether they 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 or the employee’s child 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.

Employee Notice and Documentation

Under current law, if an employee’s need for paid sick leave is

foreseeable, an employer may require employees to provide up to seven days' advance notice about it. If the leave is not foreseeable, an employer may require notification from employees as soon as practicable. The bill eliminates both of these provisions, leaving the law silent on the issue.

If the leave lasts for at least three consecutive days, current law also allows employers to require employees to provide documentation to support their reasons for taking leave. The bill instead prohibits employers from requiring their employees to provide any documentation that they are taking the leave for a reason allowed by the law.

§ 6 — EMPLOYER NOTICE AND RECORDS

The 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 may be used). Current law allows them to meet this requirement by displaying a poster in the workplace, but the bill instead requires employers to display this poster. It also requires employers to give each employee written notice about these provisions by January 1, 2025, or when an employee is hired, whichever is later. The bill requires the labor commissioner to create a model poster and written notice and make them available to employers on DOL's website.

If the employer does not maintain a physical workplace, or an employee teleworks or works through a web-based 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-based 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 an employee's accrued paid sick time and use for the calendar year. It 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. Failure to do so is a violation of the bill.

As under existing law, employers found by a preponderance of the evidence to have violated these notice and recordkeeping provisions are liable for a civil penalty of up to \$100 for each violation (CGS § 31-57v).

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

§ 8 — FY 25 BUDGET-RELATED PROVISIONS

The bill requires the labor commissioner to ensure that DOL's necessary wage enforcement duties and responsibilities for the paid sick leave law are performed within available appropriations for FY 25.

It also prohibits the OPM secretary, during FY 25, from reducing any expenditures, allotment requisitions, or allotments in force, as otherwise allowed under the biennial budget act (PA 23-204), for DOL's wage enforcement agents.

§ 7 — TASK FORCE

The bill creates a task force to study establishing a paid sick leave tax credit for employers with five or less employees. The task force must study the feasibility of establishing the tax credit, including whether or how to mitigate any expenses these employers incur due to the paid sick leave law. It must submit a report on its findings and recommendations to the Labor and Public Employees Committee by January 1, 2025, and end on that date or when it submits the report, whichever is later.

Under the bill, the task force consists of six members, with one appointed by each of the six legislative leaders. Task force members may be state legislators. The appointing authorities must make all initial appointments within 30 days after the bill is enacted and fill any vacancy.

The bill requires the House speaker and Senate president pro tempore to select the task force's chairpersons from among the task force

members. The chairpersons must schedule and hold the first meeting within 60 days after the bill is enacted, and the Labor and Public Employees Committee's administrative staff must serve as the task force's administrative staff.

BACKGROUND

Family Child Care Providers and PCAs Who Collectively Bargain With the State

State law allows certain family child care providers and PCAs to collectively bargain with the state over their reimbursement rates, benefits, payment procedures, contract grievance arbitration, training, professional development, and other requirements and opportunities. Covered child care providers include those paid by the state's Care 4 Kids program to provide day care in (1) licensed family day care homes or (2) their own homes for the children of neighbors or relatives. Covered PCAs include those who provide personal care assistance to a consumer under a state-funded program (e.g., the Medicaid Acquired Brain Injury Waiver Program, Medicaid Personal Care Assistance Waiver Program for adults with disabilities, or Connecticut Home Care Program for Elders).

Related Bills

sSB 7 (File 339) and sSB 12 (File 340), reported favorably by the Labor and Public Employees Committee, similarly expand the paid sick leave law, although they do not, among other things, (1) phase in their expansion to smaller employers; (2) prohibit employers from requiring documentation to support an employee's leave; or (3) create a task force.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/21/2024)