



Senate

General Assembly

File No. 340

February Session, 2024

Substitute Senate Bill No. 12

Senate, April 9, 2024

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT EXPANDING ACCESS TO 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2 statutes is repealed and the following is substituted in lieu thereof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 October 1, 2024*):

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 legal ward of [a service worker, or] an employee, (B) a child of [a service
8 worker] an employee standing in loco parentis, [who is (A) under
9 eighteen years of age; or (B) eighteen years of age or older and incapable
10 of self-care because of a mental or physical disability] or (C) an
11 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 employs [fifty or more individuals in the state, which
30 shall be determined based on such person's, firm's, business',
31 educational institution's, nonprofit agency's, corporation's, limited
32 liability company's or other entity's payroll for the week containing
33 October first, annually. "Employer" does not include: (A) Any business
34 establishment classified in sector 31, 32 or 33 in the North American
35 Industrial Classification System, or (B) any nationally chartered
36 organization exempt from taxation under Section 501(c)(3) of the
37 Internal Revenue Code of 1986, or any subsequent corresponding
38 internal revenue code of the United States, as from time to time
39 amended, that provides all of the following services: Recreation, child
40 care and education;] individuals in the state. "Employer" does not
41 include an employer that participates in a multiemployer health plan in
42 which more than one employer is required to contribute to such plan
43 and such plan is maintained pursuant to one or more collective
44 bargaining agreements between a construction-related trade person
45 employee organization or organizations and employers;

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

50 (5) "Family violence" has the same meaning as provided in section
51 46b-38a;

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

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

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

63 ~~[(6)]~~ (9) "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 ~~[(7)]~~ (10) "Retaliatory personnel action" means any termination,
68 suspension, constructive discharge, demotion, unfavorable
69 reassignment, refusal to promote, disciplinary action or other adverse
70 employment action taken by an employer against an employee; [or a
71 service worker;]

72 [(8) "Service worker" means an employee primarily engaged in an
73 occupation with one of the following broad or detailed occupation code
74 numbers and titles, as defined by the federal Bureau of Labor Statistics
75 Standard Occupational Classification system or any successor system:
76 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health

77 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
78 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
79 21-1099 Community and Social Service Specialists, All Other; (G) 25-
80 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
81 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
82 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
83 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
84 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
85 Practitioner Support Technologists and Technicians; (R) 29-2060
86 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
87 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
88 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
89 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
90 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
91 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
92 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
93 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
94 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
95 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
96 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
97 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
98 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
99 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
100 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
101 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
102 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
103 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors
104 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
105 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
106 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
107 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
108 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
109 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
110 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
111 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)

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

127 [(9)] (11) "Sexual assault" means any act that constitutes a violation of
128 section 53a-70b of the general statutes, revision of 1958, revised to
129 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
130 53a-73a;

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

134 [(10)] (13) "Spouse" means a [husband or wife, as the case may be]
135 person who is (A) legally married to an employee under the laws of any
136 state, or (B) a domestic partner of an employee registered under the laws
137 of any state or political subdivision; and

138 [(11)] (14) "Year" means any three-hundred-sixty-five-day period
139 used by an employer to calculate employee benefits.

140 Sec. 2. Section 31-57s of the general statutes is repealed and the
141 following is substituted in lieu thereof (*Effective October 1, 2024*):

142 (a) Each employer shall provide paid sick leave annually to each of

143 such employer's [service workers] employees in the state. Such paid sick
144 leave shall accrue (1) beginning [~~January 1, 2012~~] October 1, 2024, or for
145 [a service worker] an employee hired after said date, beginning on the
146 [service worker's] employee's first date of employment, (2) at a rate of
147 one hour of paid sick leave for each [forty] thirty hours worked by [a
148 service worker] an employee, and (3) in one-hour increments up to a
149 maximum of forty hours per year. [Each service worker] An employer
150 may provide its employees with a greater amount of paid sick leave or
151 provide paid sick leave at a faster rate than required by this subsection.
152 Each employee shall be entitled to carry over up to forty unused accrued
153 hours of paid sick leave from the current year to the following year, but
154 no [service worker] employee shall be entitled to use more than the
155 maximum number of accrued hours, as described in subdivision (3) of
156 this subsection, in any year. In lieu of any carry-over of unused paid sick
157 leave from the current year to the following year, an employer may
158 provide an employee with an amount of paid sick leave that meets or
159 exceeds the requirements of this subsection and is available for the
160 employee's immediate use at the beginning of the following year.

161 (b) [A service worker] An employee shall be entitled to the use of any
162 accrued paid sick leave [upon the completion of the service worker's six-
163 hundred-eightieth hour of employment from January 1, 2012, if the
164 service worker was hired prior to January 1, 2012, or if hired after
165 January 1, 2012, upon the completion of the service worker's six-
166 hundred-eightieth hour of employment from the date of hire, unless the
167 employer agrees to an earlier date. A service worker shall not be entitled
168 to the use of accrued paid sick leave if such service worker did not work
169 an average of ten or more hours per week for the employer in the most
170 recent complete quarter] on and after the one hundredth day of such
171 employee's employment.

172 (c) An employer shall be deemed to be in compliance with this section
173 if the employer offers any other paid leave, or combination of other paid
174 leave that (1) may be used for the purposes of, and under the same
175 conditions as provided in, section 31-57t, as amended by this act, and (2)
176 is accrued in total at a rate equal to or greater than the rate described in

177 [subsections] subsection (a) [and (b)] of this section. For the purposes of
178 this subsection, "other paid leave" may include, but need not be limited
179 to, paid vacation, personal days or paid time off.

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

190 [(e) Notwithstanding the provisions of this section and sections 31-
191 57t to 31-57w, inclusive, and upon the mutual consent of the service
192 worker and employer, a service worker who chooses to work additional
193 hours or shifts during the same or following pay period, in lieu of hours
194 or shifts missed, shall not use accrued paid sick leave.]

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

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

206 (2) If another employer succeeds or takes the place of an existing
207 employer, each employee of the original employer who remains
208 employed by such other successor employer shall retain and may use

209 all paid sick leave accrued or received while employed by the original
210 employer.

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

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

218 Sec. 3. Section 31-57t of the 2024 supplement to the general statutes is
219 repealed and the following is substituted in lieu thereof (*Effective October*
220 *1, 2024*):

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

224 (1) For (A) [a service worker's] an employee's illness, injury or health
225 condition, (B) the medical diagnosis, care or treatment of [a service
226 worker's] an employee's mental [illness] or physical illness, injury or
227 health condition, (C) preventative medical care for [a service worker] an
228 employee for mental or physical health, or (D) a mental health wellness
229 day;

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

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

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

247 ~~[(3)]~~ (5) Where [a service worker] an employee or an employee's
248 family member is [(A)] a victim of family violence or sexual assault, [or
249 (B) the parent or guardian of a child who is a victim of family violence
250 or sexual assault,] provided such [service worker] employee is not the
251 perpetrator or alleged perpetrator of such family violence or sexual
252 assault, for [(i)] (A) medical care or psychological or other counseling
253 for physical or psychological injury or disability, [(ii)] (B) obtaining
254 services from a victim services organization, [(iii)] (C) relocating due to
255 such family violence or sexual assault, or [(iv)] (D) participating in any
256 civil or criminal proceedings related to or resulting from such family
257 violence or sexual assault.

258 (b) (1) If [a service worker's] an employee's need to use paid sick leave
259 is foreseeable, an employer may require advance notice, not to exceed
260 seven days prior to the date such leave is to begin, of the intention to use
261 such leave. If [a service worker's] an employee's need for such leave is
262 not foreseeable, an employer may require [a service worker] an
263 employee to give notice of such intention as soon as practicable.

264 (2) For paid sick leave of three or more consecutive days, an employer
265 may require reasonable documentation that such leave is being taken
266 for one of the purposes permitted under subsection (a) of this section. If
267 such leave is permitted under subdivision (1) or (2) of subsection (a) of
268 this section, documentation signed by a health care provider who is
269 treating the [service worker] employee or the [service worker's child or
270 spouse] employee's family member indicating the need for the number
271 of days of such leave shall be considered reasonable documentation. If
272 such sick leave is permitted under subdivision (3) or (4) of subsection

273 (a) of this section, a written statement from an employee affirming that
274 such employee is using or has used paid sick leave for the purpose of
275 said subdivision shall be considered reasonable documentation. Such
276 written statement may be written in the employee's primary language.
277 No employer shall require such written statement to be notarized or in
278 any particular format. If such leave is permitted under subdivision [(3)]
279 (5) of subsection (a) of this section, a court record or documentation
280 signed by [a service worker] an employee or a volunteer working for a
281 victim services organization, an attorney, a police officer or other
282 counselor involved with the [service worker] employee shall be
283 considered reasonable documentation. No employer shall require an
284 employee to provide any documentation to explain the nature of the
285 illness or the details of the family violence or sexual assault.

286 (3) If an employer requires an employee to provide documentation
287 for paid sick leave under this section and such employer does not offer
288 health insurance to the employee, the employer shall pay all out-of-
289 pocket expenses the employee incurs in obtaining the documentation. If
290 an employee has health insurance, the employer shall pay any costs
291 charged to such employee by the employee's health care provider for
292 providing the specific documentation required by the employer. An
293 employer shall pay any costs charged to an employee for documentation
294 of family violence or sexual assault required by the employer.

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

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

304 (e) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
305 this act, shall be construed to prohibit an employer from taking

306 disciplinary action against [a service worker] an employee who uses
307 paid sick leave provided under sections 31-57s to 31-57w, inclusive, as
308 amended by this act, for purposes other than those described in this
309 section.

310 Sec. 4. Section 31-57u of the general statutes is repealed and the
311 following is substituted in lieu thereof (*Effective October 1, 2024*):

312 (a) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
313 this act, shall be construed to (1) prevent employers from providing
314 more paid sick leave than is required under said sections, [31-57s to 31-
315 57w, inclusive,] (2) diminish any rights provided to any employee [or
316 service worker] under a collective bargaining agreement, or (3) preempt
317 or override the terms of (A) any collective bargaining agreement
318 effective prior to January 1, 2012, or (B) any collective bargaining
319 agreement entered into on or after July 1, 2012, pursuant to chapter
320 319pp.

321 (b) Nothing in sections 31-57s to 31-57w, inclusive, as amended by
322 this act, shall be construed to prohibit an employer (1) from establishing
323 a policy whereby [a service worker] an employee may donate unused
324 accrued paid sick leave to another [service worker] employee, and (2)
325 who provides more paid sick leave than is required under sections 31-
326 57s to 31-57w, inclusive, as amended by this act, for the purposes
327 described in subdivision (1) of subsection (a) of section 31-57t, as
328 amended by this act, from limiting the amount of such leave [a service
329 worker] an employee may use for other purposes.

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

339 Sec. 5. Section 31-57v of the general statutes is repealed and the
340 following is substituted in lieu thereof (*Effective October 1, 2024*):

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

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

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

372 or discriminated against. Any party aggrieved by the decision of the
373 commissioner may appeal the decision to the Superior Court in
374 accordance with the provisions of chapter 54.

375 (d) The Labor Commissioner shall administer this section within
376 available appropriations.

377 Sec. 6. Section 31-57w of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective October 1, 2024*):

379 (a) Each employer subject to the provisions of section 31-57s, as
380 amended by this act, shall, at the time of hiring, provide notice to each
381 [service worker] employee (1) of the entitlement to sick leave for [service
382 workers] employees, the amount of sick leave provided to [service
383 workers] employees and the terms under which sick leave may be used,
384 (2) that retaliation by the employer against the [service worker]
385 employee for requesting or using sick leave for which the [service
386 worker] employee is eligible is prohibited, and (3) that the [service
387 worker] employee has a right to file a complaint with the Labor
388 Commissioner for any violation of this section and of sections 31-57s to
389 31-57v, inclusive, as amended by this act. [Employers may] Each
390 employer shall comply with the provisions of this section by (A)
391 displaying a poster in a conspicuous place, accessible to [service
392 workers] employees, at the employer's place of business that contains
393 the information required by this section in both English and Spanish, [.]
394 The Labor Commissioner may adopt regulations, in accordance with
395 chapter 54, to establish additional requirements concerning the means
396 by which employers shall provide such notice. The Labor Commissioner
397 shall administer this section within available appropriations.] and (B)
398 providing written notice to each employee not later than January 1, 2025,
399 or at the time of hire, whichever is later. The Labor Commissioner shall
400 create a model of such poster and written notice and make such models
401 available to all employers on the Labor Department's Internet web site.
402 For employers that do not maintain a physical workplace or for
403 employees that telework or perform work through a web-based or
404 application-based platform, employers shall comply with the provisions

405 of this section by sending such information via electronic
406 communication or by a conspicuous posting of such information on a
407 web-based or application-based platform.

408 (b) Each employer shall include in the record required under section
409 31-13a (1) the number of hours, if any, of paid sick leave accrued by or
410 provided to the employee, and (2) the number of hours, if any, of paid
411 sick leave used by the employee during the calendar year. Each
412 employer shall retain such records for a period of three years and shall
413 allow the Labor Commissioner, with appropriate notice and at a
414 mutually agreeable time, access to such record in order to monitor
415 compliance with the requirements of this section. Failure by an
416 employer to retain adequate records documenting hours worked by an
417 employee and paid sick leave used by such employee or to allow
418 reasonable access to such records shall be a violation of this subsection.

419 (c) The Labor Commissioner may adopt regulations, in accordance
420 with the provisions of chapter 54, to implement the provisions of this
421 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 | October 1, 2024 | 31-57r |
| Sec. 2 | October 1, 2024 | 31-57s |
| Sec. 3 | October 1, 2024 | 31-57t |
| Sec. 4 | October 1, 2024 | 31-57u |
| Sec. 5 | October 1, 2024 | 31-57v |
| Sec. 6 | October 1, 2024 | 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 | 159,976 | 203,968 |
| State Comptroller - Fringe Benefits ¹ | GF - Cost | 58,153 | 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 \$159,976 in FY 25 (partial year cost) and \$203,968 in FY 26, and (2) the State Comptroller- Fringe Benefits account of \$58,153 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**sSB 12*****AN ACT EXPANDING ACCESS TO 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 almost all private sector employers and employees, except 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 limits the extent to which employers may require employees to provide documentation to support their reasons for taking leave by (1) limiting the details that can be required and (2) requiring an employer to pay an employee's out-of-pocket expenses for getting the required documentation.

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.

EFFECTIVE DATE: October 1, 2024

§§ 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 expands the law's coverage to nearly all private sector employers regardless of their size, industry, or non-profit status. 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 and (2) the employees who are members of an employee organization that is a party to one of these health plans.

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 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, 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. It 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 100 days after they started 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 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. It also removes a provision in current law that prohibits an employer from charging an employee for using their accrued sick leave when the employee, with the employer's mutual consent, agrees to work additional hours or shifts during the same or following pay period instead of the hours or shifts the employee missed.

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 alternatively 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 requires that employees also be able to use the other paid leave under the same conditions for the exception to apply.

§ 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 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 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.

Documentation

Under certain circumstances, current law allows employers to require employees to provide documentation to support their reasons for taking leave. The bill limits this authority by prohibiting employers from requiring documentation that explains the nature of the illness or, if the employee is taking leave due to family violence or sexual assault, the details of the domestic violence or sexual assault (presumably, the documentation must state that the employee needs the leave without explaining why).

If the employer requires documentation but does not offer health insurance, the bill requires the employer to pay all of the employee's out-of-pocket expenses for getting the documentation. If the employee has health insurance, the employer must pay any costs that the employee's health care provider charges to the employee for the documentation. The employer must pay any costs charged to the employee for getting documentation for leave related to family violence or sexual assault.

Under the bill, if a leave is taken due to a closure under a public health emergency order or a quarantine, a written statement from the employee affirming that he or she is taking paid sick leave for one of these reasons must be considered reasonable documentation. The statement may be written in the employee's first language and does not have to be notarized or in any particular format.

§ 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 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.

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 also requires the labor commissioner to create a model poster and written notice and make them available to employers on the Department of Labor's website. It 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 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.

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, reported favorably by the Labor and Public Employees Committee, is substantially similar to this bill, although it does not include the provision on family child care providers and PCAs who collectively bargain with the state.

sHB 5005, reported favorably by the Labor and Public Employees Committee, similarly expands the paid sick leave law, although among other things, it phases in the expansion to smaller employers over two additional years and requires employers to give employees 40 hours of sick leave annually, rather than having them accrue the time over the course of their work hours.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 4 (03/21/2024)