



General Assembly

Substitute Bill No. 217

February Session, * _____ SB00217APP ___ 042408 ___ *

2008

AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES.

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

Section 1. (NEW) (*Effective October 1, 2008*) As used in this section and sections 2 to 5, inclusive, of this act:

(1) "Child" means a biological, adopted or foster child, stepchild or legal ward of an employee;

(2) "Day or temporary worker" means an individual who performs work for another on (A) a per diem basis, or (B) an occasional or irregular basis for only the time required to complete such work, whether such individual is paid by the person for whom such work is performed or by an employment agency or temporary help service, as defined in section 31-129 of the general statutes.

(3) "Employee" means any person engaged in service to an employer in the business of the employer who is (A) paid on an hourly basis, or (B) not exempt from the minimum wage and overtime compensation requirements of the Fair Labor Standards Act of 1938 and the regulations promulgated thereunder, as from time to time amended;

(4) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that employs twenty-five or more persons;

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

(6) "Retaliatory personnel action" means any termination, suspension, constructive discharge, demotion, unfavorable reassignment, refusal to promote, disciplinary action or other adverse employment action taken by an employer against an employee;

(7) "Sexual assault" means any act that constitutes a violation of section 53a-70, 53a-70a, 53a-70b or 53a-72b of the general statutes or section 53a-71 or 53a-73a of the 2008 supplement to the general statutes; and

(8) "Stalking" means any act that constitutes a violation of section 53a-181c, 53a-181d or 53a-181e of the general statutes.

Sec. 2. (NEW) (*Effective October 1, 2008*) (a) Each employer shall provide paid sick leave annually to each of such employer's employees in the state. Such paid sick leave shall accrue (1) from the commencement of an employee's employment, (2) at a rate of one hour of paid sick leave for each forty hours worked by an employee, and (3) in one-hour increments.

(b) An employee shall be entitled to the use of accrued paid sick leave beginning on the ninetieth day after the employee's first day of employment, unless the employer agrees to an earlier date. Each employee shall be entitled to carry over up to fifty-two hours of unused accrued paid sick leave from one year, whether calendar or fiscal, to succeeding years. Each employee shall be entitled to use a maximum of fifty-two hours of accrued paid sick leave per year.

(c) Any employer that offers employees paid leave, other than vacation leave, that may be used for the same purpose and under the same conditions as paid sick leave under this section and section 3 of this act shall be deemed in compliance with this section.

(d) Nothing in this section shall be construed to prevent employers from providing paid leave that is more generous than that required under this section and section 3 of this act.

(e) Nothing under this section and section 3 of this act shall be applicable to day or temporary workers.

Sec. 3. (NEW) (*Effective October 1, 2008*) (a) An employer shall permit an employee to use paid sick leave:

(1) For (A) an employee's mental or physical illness, injury or health condition, (B) the medical diagnosis, care or treatment of an employee's mental or physical illness, injury or health condition, or (C) preventive medical care for an employee; or

(2) For care of a child with a mental or physical illness, injury or health condition that needs medical diagnosis, care, or treatment of that illness or condition who needs preventative medical care; or

(3) Where an employee is a victim of family violence, sexual assault or stalking (A) for medical care or psychological or other counseling for physical or psychological injury or disability, (B) to obtain services from a victim services organization, (C) to relocate due to such family violence, sexual assault or stalking, or (D) to participate in any civil or criminal proceedings related to or resulting from such family violence, sexual assault or stalking.

(b) If an employee's need to use paid sick leave is foreseeable, an employer may require advance notice, not to exceed seven days prior to the date such leave is to begin, of the intention to use such leave. If an employee's need for such leave is not foreseeable, an employer may require an employee to give notice of such intention as soon as practicable. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation that such leave is being taken for the purpose permitted under subsection (a) of this section. If such leave is permitted under subdivisions (1) and (2) of said subsection, documentation signed by a health care provider who is treating the employee or the employee's child indicating the need for the number of days of such leave shall be considered reasonable documentation. If such leave is permitted under subdivision (3) of said subsection, a court record or documentation signed by an employee or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the employee shall be considered reasonable documentation.

Sec. 4. (NEW) (*Effective October 1, 2008*) (a) No employer shall take retaliatory personnel action or discriminate against an employee because the employee (1) requests or uses paid sick leave in accordance with sections 2 and 3 of this act, or (2) files a complaint with the Labor Commissioner alleging the employer's violation of sections 2 to 5, inclusive, of this act.

(b) Any employer who is found by the Labor Commissioner, by a preponderance of the evidence, to have violated the provisions of sections 2 to 5, inclusive, of this act shall be liable to the Labor Department for a civil penalty of six hundred dollars for each violation. The Labor Commissioner may award the employee all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages and reestablishment of employee benefits to which the employee otherwise would have been eligible if the employee had not been subject to such retaliatory personnel action or discriminated against. Any party aggrieved by the decision of the commissioner may appeal the decision to the

Superior Court in accordance with the provisions of chapter 54 of the general statutes.

Sec. 5. (NEW) (*Effective October 1, 2008*) Each employer subject to the provisions of section 2 of this act shall, at the time of hiring, provide notice to each employee (1) of the employee's entitlement to sick leave, the amount of sick leave provided and the terms under which sick leave may be used, (2) that retaliation by the employer against the employee for requesting or using sick leave is prohibited, and (3) that the employee has a right to file a complaint with the Labor Commissioner for any violation of sections 2 to 5, inclusive, of this act. Employers may comply with the provisions of this section by displaying a poster in a conspicuous place, accessible to employees, at the employer's place of business that contains the information required by this section in both English and Spanish. The Labor Commissioner may adopt regulations, in accordance with chapter 54 of the general statutes, to establish additional requirements concerning the means by which employers shall provide such notice.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section

LAB *Joint Favorable Subst.*

JUD *Joint Favorable*

APP *Joint Favorable*

Amendment A



General Assembly
February Session, 2008

Amendment
LCO No. 4900

SB0021704900SDO

Offered by:

SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 217

File No. 68

Cal. No. 92

"AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES. "

In line 18, strike "twenty-five or more persons" and insert "fifty or more persons in the state of Connecticut" in lieu thereof

In line 35, strike "and"

In line 36, after "increments" insert ", and (4) up to a maximum of fifty-two hours per year"

In line 38, strike "ninetieth" and insert "one-hundred twentieth" in lieu thereof

In line 40, strike "up to" and insert "a maximum of" in lieu thereof

In line 41, strike "one" and insert "the current" in lieu thereof

In line 42, strike "succeeding years" and insert "the following year" in lieu thereof

In line 45, strike "and under the"

In line 46, strike "same conditions"

After line 47, insert the following:

"(d) Each employer shall pay each employee for paid sick time at a pay rate that is equal to the normal hourly wage for that employee for the pay period during which the employee used paid sick time or at the state of Connecticut minimum wage, whichever is greater. "

In line 48, strike "(d)" and insert "(e)" in lieu thereof

In line 51, strike "(e)" and insert "(f)" in lieu thereof

After line 85, insert the following:

"(c) Nothing in sections 1 to 7, inclusive, of this act shall be deemed to require any employer to provide paid sick leave for an employee's leave for any purpose other than those described in this section.

(d) Unless an employee policy or collective bargaining agreement provides for the payment of accrued fringe benefits upon termination, no employee shall be entitled to payment of unused accrued sick time under this act upon termination of employment. "

In line 89, strike "compliant" and insert "complaint" in lieu thereof

In line 91, after "act. " insert "The Labor Commissioner shall administer this section within available appropriations. "

In line 111, strike "compliant" and insert "complaint" in lieu thereof

In line 119, after "notice. " insert "The Labor Commissioner shall administer this section within available appropriations. "

Amendment C



General Assembly
February Session, 2008

Amendment

LCO No. **5624**

SB0021705624SDO

Offered by:

SEN. PRAGUE, 19th Dist.

To: Subst. Senate Bill No. 217

File No. 68

Cal. No. 92

"AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES. "

Strike line 18 and insert "other entity that employs fifty or more persons in the state of Connecticut; and"

Strike lines 19 and 20 in their entirety

In line 21, strike "(6)" and insert "(5)" in lieu thereof

In line 24, delete "; " and insert ". " in lieu thereof

Strike lines 25 to 30, inclusive, in their entirety

Strike lines 48 to 50, inclusive, in their entirety and insert in lieu thereof:

"(e) Nothing in sections 1 to 5, inclusive, of this act shall be construed to (1) prevent employers from providing paid sick leave that is more generous than that required under this section and section 3 of this act, (2) diminish any rights provided to any employee under a collective bargaining agreement, or (3) preempt or over-ride the terms of any collective bargaining agreement that has become effective prior to October 1, 2008. "

In line 55, strike "(A) " and strike "mental or physical"

In line 56, strike ", (B) the medical diagnosis, care or treatment of an" and insert "; or" in lieu thereof

Strike lines 57 and 58 in their entirety

In line 59, strike "a mental or physical" and insert "an" in lieu thereof

In line 60, strike "that needs medical diagnosis, care, or treatment of" and insert ". " in lieu thereof

Strike lines 61 to 68, inclusive, in their entirety

In line 81, strike "If such leave is permitted under subdivision (3) of said"

Strike lines 82 to 85, inclusive, in their entirety

Amendment E



General Assembly
February Session, 2008

Amendment
LCO No. **5438**

SB0021705438SRO

Offered by:

SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. **217**

File No. 68

Cal. No. 92

"AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES. "

After line 47, insert the following:

"(d) Notwithstanding the provisions of sections 1 to 5, inclusive, of this act, and upon mutual consent between the employee and employer, an employee that chooses to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, shall not use paid sick leave, provided the employer does not require the employee to work such additional hours or shifts. "

In line 48, strike "(d)" and insert "(e)" in lieu thereof

In line 51, strike "(e)" and insert "(f)" in lieu thereof