



General Assembly

February Session, 2008

**Raised Bill No. 217**

LCO No. 165

\*00165\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

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

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

1 Section 1. (NEW) (*Effective October 1, 2008*) As used in this section  
2 and sections 2 to 6, inclusive, of this act:

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

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

11 (3) "Family violence" has the same meaning as provided in section  
12 46b-38a of the general statutes;

13 (4) "Retaliatory personnel action" means any termination,  
14 suspension, constructive discharge, demotion, unfavorable

15 reassignment, refusal to promote, disciplinary action or other adverse  
16 employment action taken by an employer against an employee;

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

21 (6) "Stalking" means any act that constitutes a violation of section  
22 53a-181c, 53a-181d or 53a-181e of the general statutes.

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

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

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

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

43 (e) Nothing under this section and section 3 of this act shall be  
44 applicable to any employee of an employer who is subject to a

45 collective bargaining agreement with the employer.

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

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

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

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

76       Sec. 4. (NEW) (*Effective October 1, 2008*) (a) No employer shall take  
77 retaliatory personnel action or discriminate against an employee  
78 because the employee (1) requests or uses paid sick leave in  
79 accordance with sections 2 and 3 of this act, or (2) files a compliant  
80 with the Labor Commissioner alleging the employer's violation of  
81 sections 2 to 6, inclusive, of this act.

82       (b) Any employer who is found by the Labor Commissioner, by a  
83 preponderance of the evidence, to have violated the provisions of  
84 sections 2 to 6, inclusive, of this act shall be liable to the Labor  
85 Department for a civil penalty of six hundred dollars for each  
86 violation. The Labor Commissioner may award the employee all  
87 appropriate relief, including rehiring or reinstatement to the  
88 employee's previous job, payment of back wages and reestablishment  
89 of employee benefits to which the employee otherwise would have  
90 been eligible if the employee had not been subject to such retaliatory  
91 personnel action or discriminated against. Any party aggrieved by the  
92 decision of the commissioner may appeal the decision to the Superior  
93 Court in accordance with the provisions of chapter 54 of the general  
94 statutes.

95       Sec. 5. (NEW) (*Effective October 1, 2008*) If an employer possesses  
96 health information or information pertaining to family violence about  
97 an employee, such information shall be confidential and shall not be  
98 disclosed except to the affected employee or with the permission of the  
99 affected employee.

100       Sec. 6. (NEW) (*Effective October 1, 2008*) Each employer subject to the  
101 provisions of section 2 of this act shall, at the time of hiring, provide  
102 notice to each employee (1) of the employee's entitlement to sick leave,  
103 the amount of sick leave provided and the terms under which sick  
104 leave may be used, (2) that retaliation by the employer against the  
105 employee for requesting or using sick leave is prohibited, and (3) that  
106 the employee has a right to file a compliant with the Labor  
107 Commissioner for any violation of sections 2 to 6, inclusive, of this act.

108 Employers may comply with the provisions of this section by  
109 displaying a poster in a conspicuous place, accessible to employees, at  
110 the employer's place of business that contains the information required  
111 by this section in both English and Spanish. The Labor Commissioner  
112 may adopt regulations, in accordance with chapter 54 of the general  
113 statutes, to establish additional requirements concerning the means by  
114 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
Sec. 6	<i>October 1, 2008</i>	New section

**Statement of Purpose:**

To require certain employers to provide certain full-time employees the right to accumulate and use paid sick leave.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*