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Connecticut Law Requires Employers to Provide Paid Sick Leave to Service Employees

On July 1, 2011, Governor Malloy signed into law "An Act Mandating Employers Provide Paid Sick Leave to Employees." Under the Act, which goes into effect on January 1, 2012, employers with 50 or more employees in Connecticut in any one quarter in any prior year must provide paid sick leave to their service employees.

Who Are Service Employees?

Service employees generally include: food service managers; medical and health services managers; social workers; social and human services assistants; community health workers; community and social service specialists; librarians; pharmacists; physician assistants; therapists; registered nurses; nurse anesthetists; nurse midwives; nurse practitioners; dental hygienists; emergency medical technicians and paramedics; health practitioner support technologists and technicians; licensed practical and licensed vocational nurses; home health aides; nursing aides, orderlies and attendants; psychiatric aides; dental assistants; medical assistants; security guards; crossing guards; supervisors of food preparation and serving workers; cooks; food preparation workers; bartenders; fast-food and counter workers; waiters and waitresses; food servers, non-restaurant; dining room and cafeteria attendants and bartender helpers; dishwashers; restaurant, lounge and coffee shop hosts and hostesses; miscellaneous food preparation- and serving-related workers; janitors and cleaners, except maids and housekeeping cleaners; building cleaning workers; ushers, lobby attendants and ticket takers; barbers; hairdressers, hairstylists and cosmetologists; baggage porters, bellhops and concierges; child care workers; personal care aides; first-line supervisors of sales workers; cashiers and counter and rental clerks; retail salespersons; tellers; hotel, motel and resort desk clerks; receptionists and information clerks; couriers and messengers; secretaries and administrative assistants; computer operators; data entry and information-processing workers; desktop publishers; insurance claims and policy-processing clerks; mail clerks and mail machine operators, except postal service; office clerks, general; office machine operators, except computer; proofreaders and copy markers; statistical assistants; miscellaneous office and administrative support workers; bakers; butchers and other meat-, poultry- and fish-processing workers; miscellaneous food-processing workers; ambulance drivers and attendants, except emergency medical technicians; bus drivers, taxi drivers and chauffeurs.

Nonetheless, the Act does *not* apply to those service employees who are: (1) *not* paid on an hourly basis; (2) exempt from minimum wage and overtime compensation requirements; (3) day workers (i.e., paid on a per-diem basis); or (4) temporary employees.

How Much Sick Leave Must Employers Provide and How Does It Accrue?

Under the Act, employers must provide service employees with at least *one hour of paid sick leave for every 40 hours the employee works*, up to a *maximum of 40 hours* of paid sick leave per calendar year. Such paid sick leave will begin to accrue on January 1, 2012, for current employees and immediately upon hire for those employees hired after January 1, 2012. However, unless the employer agrees otherwise, current employees cannot use such leave until they have worked 680 hours after January 1, 2012, and employees hired after January 1, 2012, cannot use such leave until they have worked 680 hours. Employees are entitled to carry over up to 40 unused accrued hours of paid sick leave from one calendar year to the next.

Under What Circumstances Can Employees Use Paid Sick Leave?

Under the Act, eligible service employees may use accrued paid sick leave for the following reasons: (1) the employee's or spouse's or child's illness, injury, health condition, medical diagnosis, care or treatment, or preventive medical care; or (2)

where the employee is the victim of family violence or sexual assault- for treatment, to obtain services from a victim services organization, to relocate due to such family violence or sexual assault, or to participate in any related legal proceedings. Employers can require employees to provide advance notice of no more than seven days for use of paid sick leave, if the use is foreseeable. If the use is not foreseeable, employers may require employees to provide notice as soon as practicable. Moreover, if an employee intends to use or does use three or more consecutive days of paid sick leave, an employer may require him or her to provide reasonable documentation, such as documentation signed by a health care provider, police officer or attorney, confirming that the employee is taking the leave for a permitted purpose.

What If an Employer Already Provides Paid Leave?

An employer will be in compliance with the Act if it already provides paid leave, such as paid sick, vacation or personal days or paid time off, and if that paid leave:(1) may be used for the purposes described above; and (2) accrues in total at a rate at least equal to that described above.

Does the Act Contain Any Other Requirements?

In addition to the foregoing, the Act prohibits employers from discriminating or retaliating against employees for: (1) requesting or using paid sick leave in accordance with the Act; or (2) filing a complaint with the Labor Commissioner alleging that the employer violated the Act. The Act also contains a notice requirement. At the time of hire, employers must provide service employees with notice: (1) of their entitlement to paid sick leave, the amount of such leave and the terms under which they may use such leave; (2) that an employer may not retaliate against them for requesting or using paid sick leave; and (3) that they have the right to file a complaint with the Labor Commissioner about any employer violation. Employers can comply with the notice provision by displaying a poster providing this notice in a conspicuous, accessible place, in both English and Spanish.

Are There Any Penalties for Noncompliance?

Yes, violations of the Act can result in civil penalties of up to $500 per violation. Moreover, the Labor Commissioner may award aggrieved employees "all appropriate relief," including payment for sick leave, rehiring or reinstatement, back pay and reestablishment of benefits.