



General Assembly

**Amendment**

February Session, 2014

LCO No. 5029

**\*HB0526905029HDO\***

Offered by:

REP. PERONE, 137<sup>th</sup> Dist.  
REP. LAVIELLE, 143<sup>rd</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
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To: Subst. House Bill No. 5269

File No. 151

Cal. No. 110

**"AN ACT CREATING PARITY BETWEEN PAID SICK LEAVE BENEFITS AND OTHER EMPLOYER-PROVIDED BENEFITS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 31-57r of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective January 1, 2015*):

5 As used in this section and sections 31-57s to 31-57w, inclusive, as  
6 amended by this act:

7 (1) "Child" means a biological, adopted or foster child, stepchild,  
8 legal ward of a service worker, or a child of a service worker standing  
9 in loco parentis, who is (A) under eighteen years of age; or (B) eighteen  
10 years of age or older and incapable of self-care because of a mental or  
11 physical disability;

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

18 (3) "Employee" means an individual engaged in service to an  
19 employer in the business of the employer;

20 (4) "Employer" means any person, firm, business, educational  
21 institution, nonprofit agency, corporation, limited liability company or  
22 other entity that employs fifty or more individuals in the state, [in any  
23 one quarter in the previous year,] which shall be determined [on  
24 January first, annually. Such determination shall be made based upon  
25 the wage information submitted to the Labor Commissioner by the  
26 employer pursuant to subsection (j) of section 31-225a] based on such  
27 person's, firm's, business', educational institution's, nonprofit agency's,  
28 corporation's, limited liability company's or other entity's payroll for  
29 the week containing October first, annually. "Employer" does not  
30 include: (A) Any business establishment classified in sector 31, 32 or 33  
31 in the North American Industrial Classification System, or (B) any  
32 nationally chartered organization exempt from taxation under Section  
33 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent  
34 corresponding internal revenue code of the United States, as from time  
35 to time amended, that provides all of the following services:  
36 Recreation, child care and education;

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

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

44 (7) "Service worker" means an employee primarily engaged in an  
45 occupation with one of the following broad or detailed occupation  
46 code numbers and titles, as defined by the federal Bureau of Labor  
47 Statistics Standard Occupational Classification system or any successor  
48 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and  
49 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093  
50 Social and Human Service Assistants; (E) 21-1094 Community Health  
51 Workers; (F) 21-1099 Community and Social Service Specialists, All  
52 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070  
53 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered  
54 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;  
55 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-  
56 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050  
57 Health Practitioner Support Technologists and Technicians; (R) 29-2060  
58 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home  
59 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;  
60 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-  
61 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091  
62 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and  
63 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation  
64 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and  
65 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040  
66 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria  
67 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-  
68 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)  
69 35-9090 Miscellaneous Food Preparation and Serving Related Workers;  
70 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping  
71 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)  
72 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010  
73 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010  
74 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care  
75 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line  
76 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021  
77 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-  
78 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)

79 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers  
80 and Messengers; (ZZ) 43-6010 Secretaries and Administrative  
81 Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data  
82 Entry and Information Processing Workers; (CCC) 43-9030 Desktop  
83 Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing  
84 Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except  
85 Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070  
86 Office Machine Operators, Except Computer; (HHH) 43-9080  
87 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ)  
88 43-9190 Miscellaneous Office and Administrative Support Workers;  
89 (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry  
90 and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food  
91 Processing Workers; (NNN) 53-3010 Ambulance Drivers and  
92 Attendants, Except Emergency Medical Technicians; (OOO) 53-3020  
93 Bus Drivers; [or] (PPP) 53-3040 Taxi Drivers and Chauffeurs; or (QQQ)  
94 29-2034 Radiologic Technologists, and is (i) paid on an hourly basis, or  
95 (ii) not exempt from the minimum wage and overtime compensation  
96 requirements of the Fair Labor Standards Act of 1938 and the  
97 regulations promulgated thereunder, as amended from time to time.  
98 "Service worker" does not include day or temporary workers;

99 (8) "Sexual assault" means any act that constitutes a violation of  
100 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a;  
101 [and]

102 (9) "Spouse" means a husband or wife, as the case may be; [.] and

103 (10) "Year" means any three-hundred-sixty-five-day period used by  
104 an employer to calculate employee benefits.

105 Sec. 2. Section 31-57s of the general statutes is repealed and the  
106 following is substituted in lieu thereof (*Effective January 1, 2015*):

107 (a) Each employer shall provide paid sick leave annually to each of  
108 such employer's service workers in the state. Such paid sick leave shall  
109 accrue (1) beginning January 1, 2012, or for a service worker hired after

110 said date, beginning on the service worker's date of employment, (2) at  
111 a rate of one hour of paid sick leave for each forty hours worked by a  
112 service worker, and (3) in one-hour increments up to a maximum of  
113 forty hours per [calendar] year. Each service worker shall be entitled to  
114 carry over up to forty unused accrued hours of paid sick leave from  
115 the current [calendar] year to the following [calendar] year, but no  
116 service worker shall be entitled to use more than the maximum  
117 number of accrued hours, as described in subdivision (3) of this  
118 subsection, in any year.

119 (b) A service worker shall be entitled to the use of accrued paid sick  
120 leave upon the completion of the service worker's six-hundred-  
121 eightieth hour of employment from January 1, 2012, if the service  
122 worker was hired prior to January 1, 2012, or if hired after January 1,  
123 2012, upon the completion of the service worker's six-hundred-  
124 eightieth hour of employment from the date of hire, unless the  
125 employer agrees to an earlier date. A service worker shall not be  
126 entitled to the use of accrued paid sick leave if such service worker did  
127 not work an average of ten or more hours [a] per week for the  
128 employer in the most recent complete [calendar] quarter.

129 (c) An employer shall be deemed to be in compliance with this  
130 section if the employer offers any other paid leave, or combination of  
131 other paid leave that (1) may be used for the purposes of section 31-57t,  
132 as amended by this act, and (2) is accrued in total at a rate equal to or  
133 greater than the rate described in subsections (a) and (b) of this section.  
134 For the purposes of this subsection, "other paid leave" may include, but  
135 not be limited to, paid vacation, personal days or paid time off.

136 (d) Each employer shall pay each service worker for paid sick leave  
137 at a pay rate equal to the greater of either (1) the normal hourly wage  
138 for that service worker, or (2) the minimum fair wage rate under  
139 section 31-58 in effect for the pay period during which the employee  
140 used paid sick leave. For any service worker whose hourly wage varies  
141 depending on the work performed by the service worker, the "normal  
142 hourly wage" shall mean the average hourly wage of the service

143 worker in the pay period prior to the one in which the service worker  
144 used paid sick leave.

145 (e) Notwithstanding the provisions of this section and sections 31-  
146 57t to 31-57w, inclusive, as amended by this act, and upon the mutual  
147 consent of the service worker and employer, a service worker who  
148 chooses to work additional hours or shifts during the same or  
149 following pay period, in lieu of hours or shifts missed, shall not use  
150 accrued paid sick leave.

151 (f) No employer shall (1) terminate any employee, (2) dismiss any  
152 employee, or (3) transfer any employee from one worksite to another  
153 solely in order to not qualify as an employer, as defined in section 31-  
154 57r, as amended by this act.

155 Sec. 3. Subsection (b) of section 31-57t of the general statutes is  
156 repealed and the following is substituted in lieu thereof (*Effective*  
157 *January 1, 2015*):

158 (b) If a service worker's need to use paid sick leave is foreseeable, an  
159 employer may require advance notice, not to exceed seven days prior  
160 to the date such leave is to begin, of the intention to use such leave. If a  
161 service worker's need for such leave is not foreseeable, an employer  
162 may require a service worker to give notice of such intention as soon as  
163 practicable. For paid sick leave of three or more consecutive days, an  
164 employer may require reasonable documentation that such leave is  
165 being taken for [the purpose] one of the purposes permitted under  
166 subsection (a) of this section. If such leave is permitted under  
167 subdivision (1) or (2) of subsection (a) of this section, documentation  
168 signed by a health care provider who is treating the service worker or  
169 the service worker's child or spouse indicating the need for the number  
170 of days of such leave shall be considered reasonable documentation. If  
171 such leave is permitted under subdivision (3) of subsection (a) of this  
172 section, a court record or documentation signed by a service worker or  
173 volunteer working for a victim services organization, an attorney, a  
174 police officer or other counselor involved with the service worker shall

175 be considered reasonable documentation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	31-57r
Sec. 2	<i>January 1, 2015</i>	31-57s
Sec. 3	<i>January 1, 2015</i>	31-57t(b)