

Connecticut Legislature Passes Major Expansion of Paid Sick Leave Law

Article By:

Justin E. Theriault

The Connecticut legislature has approved a major revision to Connecticut's state statute mandating paid sick leave, broadly expanding coverage of the statute over the next several years to nearly every employer and employee in the state.

The Connecticut Senate approved the measure on May 6, 2024, which had previously passed in the House on April 24, 2024. Governor Ned Lamont is expected to sign the legislation into law soon.

Employers, Individuals Covered

Connecticut's paid sick leave law currently applies to employers who employ at least 50 individuals in the State of Connecticut. That threshold will be lowered beginning on the effective date of the new law (expected to be Jan. 1, 2025) and will reduce annually until Jan. 1, 2027, at which time it will apply to employers with one or more employees in the State of Connecticut.

Under the new law, the definition of covered employer will be adjusted as follows:

- As of Jan. 1, 2025 – Employers employing 25 or more individuals in the state
- As of Jan. 1, 2026 – Employers employing 11 or more individuals in the state
- As of Jan. 1, 2027 – Employers employing one or more individuals in the state

Self-employed individuals and employers that participate in multiemployer health plans maintained pursuant to one or more collective bargaining agreements between a construction-related union and employer are not covered employers under the new law.

Of equal importance is the expansion of the individuals who will be guaranteed paid sick leave under the new law. Connecticut's current paid sick leave law only provides a guarantee of paid sick leave to "service workers," a class of worker that was defined in a lengthy and convoluted definition under the statute. Beginning on Jan. 1, 2025, the "service worker" concept will be removed from the law entirely, and covered employers will be required to provide paid sick leave to *all* employees, with limited exceptions for "seasonal employees," defined as employees who work 120 days or less in any year, and for certain unionized employees whose employers participate in a multiemployer health plan pursuant to a collective bargaining agreement.

Accrual, Carry-Over, Retention, Payout of Hours

The current service workers paid sick leave law provides for a maximum accrual of 40 hours per year. It requires that employees be permitted to carry over at least 40 hours of accrued, unused paid sick leave. Those requirements have not been changed and will apply to the broader group of covered employers and employees. The paid sick leave accrual rate, however, will be accelerated to a rate of one hour per 30 hours worked. Under the current service workers paid sick leave law, the minimum rate of accrual is one hour per 40 hours worked.

Additionally, the new law expressly permits employers to provide a bank of paid sick leave at the beginning of a calendar year in lieu of providing carry over, provided that the leave meets the requirements of the law and is immediately available for employee use.

The new law also provides for new protections for employees to retain their accrued leave in certain circumstances. Sick leave is retained by employees who are transferred within an employer to another division, entity, or worksite. Additionally, employees who remain employed after another employer “succeeds or takes the place of” an existing employer must also retain their accrued leave.

Neither the current law nor the new law requires employers to pay out accrued unused paid sick leave at the time of termination of employment.

Employee Eligibility

Although both the current law and new law require that accrual of paid sick leave begins upon hire, employees covered by the new law will become eligible to use paid sick leave after being employed for 120 calendar days. This tenure requirement will replace the current requirement that a service worker must have worked at least 680 hours before being eligible to use paid sick leave.

Use of Leave

The new law substantially expands the permitted reasons for taking paid sick leave. Currently, the law permits the use of sick leave for certain sickness and healthcare-related reasons pertaining to a service worker or the service worker’s spouse or child. The new law expands the use of leave relating to needs of family members well beyond an employee’s spouse or child and tracks the same definition under Connecticut’s Family and Medical Leave Act. The new law’s definition of “family member” includes spouses, siblings, children, grandparents, grandchildren, and parents, as well as individuals who are “related to the employee by blood or affinity whose close association the employee shows to be equivalent of those family relationships.”

Under the new law, employee’s will be permitted to take leave for the following reasons:

- An employee’s or employee’s family member’s illness, injury, or health condition;
- The medical diagnosis, care, or treatment of the employee or employee’s family member;
- Preventive medical care for the employee’s or employee’s family member’s mental or physical health;
- The employee’s own mental health wellness day;

- Closure by order of a public official, due to a public health emergency, of either an employer's place of business or a family member's school or place of care;
- A determination by a health authority, employer of the employee, employer of a family member, or a healthcare provider of whether an employee or employee's family member poses a risk to the health of others due to exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness; and
- Where an employee or employee's family member is a victim of family violence or sexual assault, provided that the employee is not the alleged perpetrator, for the purposes of:
 - Medical care or psychological or other counseling for physical or psychological injury or disability;
 - Obtaining services from a victim services organization;
 - Relocating due to such family violence or sexual assault; or
 - Participating in any civil or criminal proceeding related to or resulting from such family violence or sexual assault.

Also beginning on Jan. 1, 2025, employers will be *prohibited* from requiring employees who will use or are using paid sick leave to search for or find another employee to replace them by working the hours that the employee was scheduled to work.

Additionally, employers will be *prohibited* from requiring an employee to provide any documentation that paid sick leave is being taken for permitted purposes.

Notice/Informational Requirements

The written notice requirements of the current law will be expanded beyond the original "poster" requirement. The new law requires, in addition to postings, individual notice to employees of their rights at the time of hire or Jan. 1, 2025, whichever is later. The new law directs the Connecticut Department of Labor to make acceptable posters and notices available on their web site.

Employers will also be required to add to employee wage records provided at the time of wage payment (e.g., paystubs) information concerning the number of paid sick leave hours accrued by or provided to the employee and the number of hours of paid sick leave, if any, the employee has used during the calendar year. Those records must be retained for three years.

This expansion of Connecticut's paid sick leave requirements will have major impacts on Connecticut employers, both those covered by the existing paid sick leave law and those that will be covered.

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