



General Assembly

January Session, 2021

Raised Bill No. 6537

LCO No. 3761



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING EXPANSION OF PAID SICK DAYS AND DOMESTIC WORKER COVERAGE.

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

1 Section 1. Section 31-57r of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 As used in this section and sections 31-57s to 31-57w, inclusive:

4 (1) "Child" means a biological, adopted or foster child, stepchild, legal
5 ward, [of a service worker, or] or, in the alternative, a child of a [service
6 worker] person standing in loco parentis, [who is (A) under eighteen
7 years of age; or (B) eighteen years of age or older and incapable of self-
8 care because of a mental or physical disability] or an individual to whom
9 the employee stood in loco parentis when the individual was a child;

10 [(2) "Day or temporary worker" means an individual who performs
11 work for another on (A) a per diem basis, or (B) an occasional or
12 irregular basis for only the time required to complete such work,
13 whether such individual is paid by the person for whom such work is
14 performed or by an employment agency or temporary help service, as

15 defined in section 31-129;]

16 [(3)] (2) "Employee" means an individual engaged in service to an
17 employer in the business of the employer;

18 [(4)] (3) "Employer" means any person, firm, business, educational
19 institution, nonprofit agency, corporation, limited liability company or
20 other entity, [that employs fifty or more individuals in the state, which
21 shall be determined based on such person's, firm's, business',
22 educational institution's, nonprofit agency's, corporation's, limited
23 liability company's or other entity's payroll for the week containing
24 October first, annually. "Employer" does not include: (A) Any business
25 establishment classified in sector 31, 32 or 33 in the North American
26 Industrial Classification System, or (B) any nationally chartered
27 organization exempt from taxation under Section 501(c)(3) of the
28 Internal Revenue Code of 1986, or any subsequent corresponding
29 internal revenue code of the United States, as from time to time
30 amended, that provides all of the following services: Recreation, child
31 care and education] except, notwithstanding section 17b-706 or any
32 other special or general law to the contrary, the Personal Care Attendant
33 Workforce Council, as defined in section 17b-706a, shall act on behalf of
34 the employers of all personal care attendants, as defined in section 17b-
35 706, for purposes of this section, sections 7 and 8 of this act and sections
36 31-57s to 31-57x, inclusive;

37 (4) "Family member" means a spouse, sibling, child, grandparent,
38 grandchild or parent, or an individual related to the employee by blood
39 or affinity whose close association with the employee is the equivalent
40 of those family relationships;

41 (5) "Family violence" has the same meaning as provided in section
42 46b-38a;

43 (6) "Grandchild" means a grandchild related to a person by: (A)
44 Blood, (B) marriage, (C) adoption by a child of the grandparent, or (D)
45 foster care by a child of the grandparent;

46 (7) "Grandparent" means a grandparent related to a person by: (A)
47 Blood, (B) marriage, (C) adoption of a minor child by a child of the
48 grandparent, or (D) foster care by a child of the grandparent;

49 (8) "Parent" means a biological parent, foster parent, adoptive parent,
50 stepparent, parent-in-law or legal guardian of an employee or an
51 employee's spouse, an individual standing in loco parentis to an
52 employee, or an individual who stood in loco parentis to the employee
53 when the employee was a child;

54 (9) "Paid sick leave" means paid time that is provided by an employer
55 to an employee for the purposes described in sections 7 and 8 of this act
56 and sections 31-57t, as amended by this act, and 31-57x, as amended by
57 this act;

58 ~~[(6)]~~ (10) "Retaliatory personnel action" means any termination,
59 suspension, constructive discharge, demotion, unfavorable
60 reassignment, refusal to promote, disciplinary action or other adverse
61 employment action taken by an employer against an employee or a
62 service worker;

63 [(7) "Service worker" means an employee primarily engaged in an
64 occupation with one of the following broad or detailed occupation code
65 numbers and titles, as defined by the federal Bureau of Labor Statistics
66 Standard Occupational Classification system or any successor system:
67 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
68 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
69 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
70 21-1099 Community and Social Service Specialists, All Other; (G) 25-
71 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
72 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
73 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
74 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
75 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
76 Practitioner Support Technologists and Technicians; (R) 29-2060
77 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home

78 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
79 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
80 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
81 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
82 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
83 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
84 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
85 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
86 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
87 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
88 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
89 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
90 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
91 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
92 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
93 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
94 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors
95 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
96 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
97 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
98 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
99 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
100 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
101 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
102 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
103 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
104 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
105 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
106 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
107 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
108 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
109 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
110 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
111 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
112 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,

113 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
114 wage and overtime compensation requirements of the Fair Labor
115 Standards Act of 1938 and the regulations promulgated thereunder, as
116 amended from time to time. "Service worker" does not include day or
117 temporary workers;]

118 [(8)] (11) "Sexual assault" means any act that constitutes a violation of
119 section 53a-70b of the general statutes, revision of 1958, revised to
120 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
121 53a-73a;

122 (12) "Sibling" means a brother or sister related to a person by: (A)
123 Blood, (B) marriage, (C) adoption by a parent of the person, or (D) foster
124 care placement;

125 [(9)] (13) "Spouse" means a husband or wife, as the case may be; and

126 [(10)] (14) "Year" means any three-hundred-sixty-five-day period
127 used by an employer to calculate employee benefits.

128 Sec. 2. Section 31-57s of the general statutes is repealed and the
129 following is substituted in lieu thereof (*Effective July 1, 2021*):

130 (a) Each employer shall provide paid sick leave annually to each of
131 such employer's [service workers] employees in the state. Such paid sick
132 leave shall accrue (1) beginning [January 1, 2012] July 1, 2021, or for [a
133 service worker] an employee hired after said date, beginning on the
134 [service worker's] employee's date of employment, (2) at a rate of one
135 hour of paid sick leave for each [forty] thirty hours worked by [a service
136 worker] the employee, and (3) in one-hour increments up to a maximum
137 of forty hours per year. [Each service worker] In addition to any unused
138 paid sick leave provided pursuant to sections 7 and 8 of this act and
139 section 31-57x, each employee shall be entitled to carry over up to forty
140 unused accrued hours of paid sick leave from the current year to the
141 following year, but no [service worker] employee shall be entitled to use
142 more in any year than the maximum number of accrued hours, as
143 described in subdivision (3) of this subsection, in any year, and any

144 additional leave provided pursuant to sections 7 and 8 of this act and
145 section 31-57x. An employer may provide all paid sick leave that an
146 employee is expected to accrue in a year at the beginning of the year.

147 (b) [A service worker] An employee shall be entitled to the use of
148 [accrued] paid sick leave [upon the completion of the service worker's
149 six-hundred-eightieth hour of employment from January 1, 2012, if the
150 service worker was hired prior to January 1, 2012, or if hired after
151 January 1, 2012, upon the completion of the service worker's six-
152 hundred-eightieth hour of employment from the date of hire, unless the
153 employer agrees to an earlier date. A service worker shall not be entitled
154 to the use of accrued paid sick leave if such service worker did not work
155 an average of ten or more hours per week for the employer in the most
156 recent complete quarter] as it is accrued.

157 (c) An employer shall be deemed to be in compliance with this
158 section, sections 7 and 8 of this act and section 31-57x if the employer
159 offers any other paid leave, or combination of other paid leave that [(1)
160 may be used for the purposes of section 31-57t, and (2) is accrued in total
161 at a rate equal to or greater than the rate described in subsections (a) and
162 (b) of this section. For the purposes of this subsection, "other paid leave"
163 may include, but not be limited to, paid vacation, personal days or paid
164 time off] (1) is sufficient to meet the accrual requirements of this section
165 and the amount of paid sick leave required by sections 7 and 8 of this
166 act and section 31-57x; and (2) may be used for the same purposes and
167 under the same conditions as paid sick leave.

168 (d) Each employer shall pay each [service worker] employee for paid
169 sick leave at a pay rate equal to the greater of either (1) the normal
170 hourly wage for that [service worker] employee, or (2) the minimum fair
171 wage rate under section 31-58 in effect for the pay period during which
172 the employee used paid sick leave. For any [service worker] employee
173 whose hourly wage varies depending on the work performed by the
174 [service worker] employee, "normal hourly wage" means the average
175 hourly wage of the [service worker] employee in the pay period prior to
176 the one in which the [service worker] employee used paid sick leave.

177 [(e) Notwithstanding the provisions of this section and sections 31-
178 57t to 31-57w, inclusive, and upon the mutual consent of the service
179 worker and employer, a service worker who chooses to work additional
180 hours or shifts during the same or following pay period, in lieu of hours
181 or shifts missed, shall not use accrued paid sick leave.]

182 (e) Employees who are exempt from overtime requirements under
183 subdivision (1) of subsection (a) of 29 USC Section 213 of the Federal
184 Fair Labor Standards Act shall be assumed to work forty hours in each
185 work week for purposes of paid sick leave accrual unless their normal
186 work week is less than forty hours, in which case paid sick leave accrues
187 based upon that normal work week.

188 (f) If an employee is transferred to a separate division, entity or
189 location, but remains employed by the same employer, the employee is
190 entitled to all paid sick leave accrued or received at the prior division,
191 entity or location and is entitled to use all paid sick leave. When a
192 different employer succeeds or takes the place of an existing employer,
193 all employees of the original employer who remain employed by the
194 successor employer are entitled to all paid sick leave they accrued or
195 received when employed by the original employer, and are entitled to
196 use paid sick leave previously accrued or received.

197 (g) An employer may not require, as a condition of an employee's
198 taking paid sick leave, that the employee search for or find a
199 replacement worker to cover the hours during which the employee is
200 using paid sick leave.

201 [(f)] (h) No employer shall (1) terminate any employee, (2) dismiss
202 any employee, or (3) transfer any employee from one worksite to
203 another solely in order to not qualify as an employer, as defined in
204 section 31-57r, as amended by this act.

205 Sec. 3. Section 31-57t of the general statutes is repealed and the
206 following is substituted in lieu thereof (*Effective July 1, 2021*):

207 (a) An employer shall permit [a service worker] an employee to use

208 the paid sick leave accrued pursuant to section 31-57s, as amended by
209 this act:

210 (1) For (A) [a service worker's] an employee's illness, injury or health
211 condition, (B) the medical diagnosis, care or treatment of [a service
212 worker's] an employee's mental illness or physical illness, injury or
213 health condition, or (C) preventative medical care for [a service worker]
214 an employee;

215 (2) For (A) [a service worker's child's or spouse's] an employee's
216 family member's illness, injury or health condition, (B) the medical
217 diagnosis, care or treatment of [a service worker's child's or spouse's] an
218 employee's family member's mental or physical illness, injury or health
219 condition, or (C) preventative medical care for a [child or spouse of a
220 service worker] family member of an employee; [and]

221 (3) Closure of the employee's place of business by order of a public
222 official due to a public health emergency or an employee's need to care
223 for a family member whose school or place of care has been closed by
224 order of a public official due to a public health emergency, or care for
225 oneself or a family member when it has been determined by the health
226 authorities having jurisdiction, an employer of the employee or
227 employee's family member, or by a health care provider that the
228 employee's or family member's presence in the community may
229 jeopardize the health of others because of his or her exposure to a
230 communicable illness, whether or not the employee or family member
231 has actually contracted the communicable illness; and

232 [(3)] (4) Where [a service worker] an employee or an employee's
233 family member is a victim of family violence or sexual assault (A) for
234 medical care or psychological or other counseling for physical or
235 psychological injury or disability, (B) to obtain services from a victim
236 services organization, (C) to relocate due to such family violence or
237 sexual assault, or (D) to participate in any civil or criminal proceedings
238 related to or resulting from such family violence or sexual assault.

239 (b) If [a service worker's] an employee's need to use paid sick leave is

240 foreseeable, an employer may require advance notice, not to exceed
241 seven days prior to the date such leave is to begin, of the intention to use
242 such leave. If [a service worker's] an employee's need for such leave is
243 not foreseeable, an employer may require [a service worker] an
244 employee to give notice of such intention as soon as practicable. For paid
245 sick leave of three or more consecutive days, an employer may require
246 reasonable documentation that such leave is being taken for one of the
247 purposes permitted under subsection (a) of this section. If such leave is
248 permitted under subdivision (1) or (2) of subsection (a) of this section,
249 documentation signed by a health care provider who is treating the
250 [service worker] employee or the [service worker's] employee's child or
251 spouse indicating the need for the number of days of such leave shall be
252 considered reasonable documentation. If such leave is permitted under
253 subdivision (3) of subsection (a) of this section, a court record or
254 documentation signed by [a service worker] an employee or volunteer
255 working for a victim services organization, an attorney, a police officer
256 or other counselor involved with the [service worker] employee shall be
257 considered reasonable documentation. An employer may not require
258 that the documentation explain the nature of the illness or the details of
259 the domestic violence, sexual assault, harassment or stalking. If an
260 employer chooses to require documentation for paid sick leave under
261 this section and the employer does not offer health insurance to the
262 employee, then the employer is responsible for paying all out-of-pocket
263 expenses the employee incurs in obtaining the documentation. If the
264 employee does have health insurance, the employer is responsible for
265 paying any costs charged to the employee by the health care provider
266 for providing the specific documentation required by the employer. The
267 employer is responsible for paying any costs charged to the employee
268 for documentation of domestic violence, sexual assault, harassment or
269 stalking required by the employer.

270 (c) Nothing in sections 7 and 8 of this act and sections 31-57s to [31-
271 57w] 31-57x, inclusive, as amended by this act, shall be deemed to
272 require any employer to provide paid sick leave for [a service worker's]
273 an employee's leave for any purpose other than those described in this

274 section.

275 (d) Unless an employee policy or collective bargaining agreement
276 provides for the payment of accrued fringe benefits upon termination,
277 no [service worker] employee shall be entitled to payment of unused
278 paid accrued sick leave under this section upon termination of
279 employment.

280 (e) Nothing in sections 7 and 8 of this act and sections 31-57s to [31-
281 57w] 31-57x, inclusive, as amended by this act, shall be construed to
282 prohibit an employer from taking disciplinary action against [a service
283 worker] an employee who uses paid sick leave provided under said
284 sections [31-57s to 31-57w, inclusive,] for purposes other than those
285 described in this section.

286 Sec. 4. Section 31-57u of the general statutes is repealed and the
287 following is substituted in lieu thereof (*Effective July 1, 2021*):

288 (a) Nothing in sections 7 and 8 of this act and sections 31-57s to [31-
289 57w] 31-57x, inclusive, as amended by this act, shall be construed to (1)
290 prevent employers from providing more paid sick leave than is required
291 under said sections, [31-57s to 31-57w, inclusive,] (2) diminish any rights
292 provided to any employee [or service worker] under a collective
293 bargaining agreement, or (3) preempt or override the terms of any
294 collective bargaining agreement effective prior to January 1, 2012.

295 (b) Nothing in sections 7 and 8 of this act and sections 31-57s to [31-
296 57w] 31-57x, inclusive, as amended by this act, shall be construed to
297 prohibit an employer (1) from establishing a policy whereby [a service
298 worker] an employee may donate unused accrued paid sick leave to
299 another [service worker] employee, and (2) who provides more paid
300 sick leave than is required under sections 7 and 8 of this act and sections
301 31-57s to [31-57w] 31-57x, inclusive, as amended by this act, for the
302 purposes described in subdivision (1) of subsection (a) of section 31-57t,
303 as amended by this act, from limiting the amount of such leave [a service
304 worker] an employee may use for other purposes.

305 (c) Any termination of [a service worker's] an employee's
306 employment by an employer, whether voluntary or involuntary, shall
307 be construed as a break in service. Should any [service worker]
308 employee subsequently be rehired by the employer following a break in
309 service, the [service worker] employee shall (1) begin to accrue sick
310 leave [in accordance with section 31-57s] immediately upon rehire, and
311 (2) shall [not] be entitled to any unused hours of paid sick leave that had
312 been accrued prior to the [service worker's] employee's break in service,
313 [unless agreed to by the employer.]

314 Sec. 5. Section 31-57v of the general statutes is repealed and the
315 following is substituted in lieu thereof (*Effective July 1, 2021*):

316 (a) No employer shall take retaliatory personnel action or
317 discriminate against an employee because the employee (1) requests or
318 uses paid sick leave either in accordance with sections 7 and 8 of this act
319 and sections 31-57s, as amended by this act, and [31-57t] 31-57x or in
320 accordance with the employer's own paid sick leave policy, as the case
321 may be, or (2) files a complaint with the Labor Commissioner alleging
322 the employer's violation of sections 7 and 8 of this act and sections 31-
323 57s to [31-57w] 31-57x, inclusive, as amended by this act.

324 (b) The Labor Commissioner shall advise any employee who (1) is
325 covered by a collective bargaining agreement that provides for paid sick
326 days, and (2) files a complaint pursuant to subsection (a) of this section
327 of his or her right to pursue a grievance with his or her collective
328 bargaining agent.

329 (c) Any employee aggrieved by a violation of the provisions of
330 sections 7 and 8 of this act and sections 31-57s to [31-57w] 31-57x,
331 inclusive, as amended by this act, may file a complaint with the Labor
332 Commissioner. Upon receipt of any such complaint, said commissioner
333 may hold a hearing. After the hearing, any employer who is found by
334 the Labor Commissioner, by a preponderance of the evidence, to have
335 violated the provisions of subsection (a) of this section shall be liable to
336 the Labor Department for a civil penalty of five hundred dollars for each

337 violation. Any employer who is found by the Labor Commissioner, by
338 a preponderance of the evidence, to have violated the provisions of
339 sections 7 and 8 of this act and sections 31-57s to [31-57u, inclusive, or
340 section 31-57w] 31-57x, inclusive, as amended by this act, shall be liable
341 to the Labor Department for a civil penalty of up to one hundred dollars
342 for each violation. The Labor Commissioner may award the employee
343 all appropriate relief, including the payment for used paid sick leave,
344 rehiring or reinstatement to the employee's previous job, payment of
345 back wages and reestablishment of employee benefits to which the
346 employee otherwise would have been eligible if the employee had not
347 been subject to such retaliatory personnel action or discriminated
348 against. Any party aggrieved by the decision of the commissioner may
349 appeal the decision to the Superior Court in accordance with the
350 provisions of chapter 54.

351 (d) The Labor Commissioner shall administer this section within
352 available appropriations.

353 (e) The Labor Commissioner, the Attorney General or any person
354 aggrieved by any violation of sections 7 and 8 of this act and sections 31-
355 57s to 31-57x, inclusive, as amended by this act, or any entity a member
356 of which is aggrieved by a violation of said sections, may bring a civil
357 action in a court of competent jurisdiction against an employer violating
358 any of said sections. Such action may be brought by a person aggrieved
359 by violation of this section without first filing an administrative
360 complaint.

361 Sec. 6. Section 31-57w of the general statutes is repealed and the
362 following is substituted in lieu thereof (*Effective July 1, 2021*):

363 (a) Each employer subject to the provisions of [section] sections 7 and
364 8 of this act and sections 31-57s, as amended by this act, and 31-57x, as
365 amended by this act, shall, at the time of hiring, provide notice to each
366 [service worker] employee (1) of the entitlement to sick leave for [service
367 workers] employees, the amount of sick leave provided to [service
368 workers] employees and the terms under which sick leave may be used,

369 (2) that retaliation by the employer against the [service worker]
370 employee for requesting or using sick leave for which the [service
371 worker] employee is eligible is prohibited, and (3) that the service
372 worker has a right to file a complaint with the Labor Commissioner for
373 any violation of this section and of sections 7 and 8 of this act and
374 sections 31-57s to [31-57v] 31-57x, inclusive, as amended by this act.
375 Employers [may] shall comply with the provisions of this section by (A)
376 providing written individual notice to each employee not later than six
377 months after the effective date of this section or at the time of hire,
378 whichever is later, and (B) displaying a poster in a conspicuous place,
379 accessible to [service workers] employees, at the employer's place of
380 business that contains the information required by this section in both
381 English and Spanish; provided, however, that in cases where the
382 employer does not maintain a physical workplace, or an employee
383 teleworks or performs work through a web-based or app-based
384 platform, notification shall be sent via electronic communication or a
385 conspicuous posting in a web-based or app-based platform. The Labor
386 Commissioner [may adopt regulations, in accordance with chapter 54,
387 to establish additional requirements concerning the means by which
388 employers shall provide such notice. The Labor Commissioner shall
389 administer this section within available appropriations] shall provide
390 such posters and model written notices to all employers. Employers
391 shall include in the record of hours worked, wages earned and
392 deductions required by section 31-13a the number of hours, if any, of
393 paid sick leave accrued or received by each employee, as well as any use
394 of paid sick leave in the calendar year.

395 (b) Employers shall retain records documenting hours worked by
396 employees and paid sick leave taken by employees for a period of three
397 years and shall allow the Labor Commissioner access to such records,
398 with appropriate notice and at a mutually agreeable time, to monitor
399 compliance with the requirements of this section. When an issue arises
400 as to an employee's entitlement to paid sick leave under this section, if
401 the employer does not maintain or retain adequate records
402 documenting hours worked by the employee and paid sick leave taken

403 by the employee, or does not allow reasonable access to such records, it
404 shall be presumed that the employer has violated this section, absent
405 clear and convincing evidence otherwise.

406 (c) The Labor Commissioner may coordinate implementation and
407 enforcement of sections 7 and 8 of this act and sections 31-57s to 31-57x,
408 inclusive, as amended by this act, and shall adopt regulations in
409 accordance with the provisions of chapter 54 to implement the
410 provisions of said sections.

411 (d) The Labor Commissioner may develop and implement a
412 multilingual outreach program to inform employees, parents and
413 persons who are under the care of a health care provider about the
414 availability of paid sick leave. Such program shall include the
415 distribution of notices and other written materials in English and
416 Spanish and any language that is the first language spoken by not less
417 than five per cent of the state's population to all child care and elder care
418 providers, domestic violence shelters, schools, hospitals, community
419 health centers and other health care providers.

420 (e) The Labor Commissioner shall administer this section within
421 available appropriations.

422 Sec. 7. (NEW) (*Effective July 1, 2021*) An employer may not require
423 disclosure of details relating to domestic violence, sexual assault,
424 harassment or stalking or the details of an employee's or an employee's
425 family member's health information as a condition of providing paid
426 sick leave under section 8 of this act or sections 31-57s to 31-57x,
427 inclusive, of the general statutes, as amended by this act. If an employer
428 possesses health information or information pertaining to domestic
429 violence, sexual assault, harassment or stalking about an employee or
430 employee's family member, such information shall be treated as
431 confidential and not disclosed except to the affected employee or with
432 the permission of the affected employee.

433 Sec. 8. (NEW) (*Effective July 1, 2021*) (a) An employer shall provide
434 each employee of an employer with additional paid sick leave for

435 COVID-19 purposes, in addition to paid sick leave under sections 31-57s
436 of the general statutes, as amended by this act, and 31-57t of the general
437 statutes, as amended by this act, in the following amounts: (1)
438 Employees who normally work forty or more hours in a week shall be
439 provided not less than eighty hours of additional paid sick leave; or (2)
440 employees who work less than forty hours in a week shall be provided
441 an amount of additional paid sick leave equal to the amount of time the
442 employee is otherwise scheduled to work or works on average in a two-
443 week period, whichever is greater.

444 (b) If an employee described in subdivision (2) of subsection (a) of
445 this section has a schedule that varies from week to week, the employer
446 shall use the following to determine the amount of time worked on
447 average in a two-week period: (1) Subject to subdivision (2) of this
448 subsection, a number equal to the average number of hours that the
449 employee was scheduled per week over the six-month period ending on
450 the date on which the employee takes paid sick leave under this section,
451 including hours for which the employee took leave of any type; (2) if the
452 employee did not work over such period, the reasonable expectation of
453 the employee at the time of hiring of the average number of hours per
454 week that the employee would normally be scheduled to work.

455 (c) The paid sick leave required pursuant to subsection (a) of this
456 section shall be provided to employees immediately for use for any of
457 the purposes described in subsection (d) of this section beginning on the
458 effective date of this section, regardless of how long they have been
459 employed. An employee shall be entitled to use paid sick leave under
460 this section until four weeks following the official termination or
461 suspension of a COVID-19 emergency as declared or proclaimed by the
462 Governor. Paid sick leave under this section shall be made available
463 retroactively to employees employed on the effective date of this
464 section.

465 (d) The paid sick leave required in subsection (a) of this section shall
466 be provided to an employee by an employer when the employee is
467 unable to perform the functions of the position of such employee,

468 including through telework, due to a need for leave for any of the
469 following purposes related to COVID-19: (1) An employee's need to: (A)
470 Self-isolate and care for oneself because the individual is diagnosed with
471 COVID-19; (B) self-isolate and care for oneself because the individual is
472 experiencing symptoms of COVID-19; (C) seek preventive care
473 concerning COVID-19; or (D) seek or obtain medical diagnosis, care, or
474 treatment if experiencing symptoms of COVID-19; (2) an employee's
475 need to comply with an order or determination to self-isolate, on the
476 basis that the employee's physical presence on the job or in the
477 community would jeopardize the employee's health, the health of other
478 employees, or the health of an individual in the employee's household
479 because of: (A) Possible exposure to COVID-19; or (B) exhibiting
480 symptoms of COVID-19, regardless of whether the employee has been
481 diagnosed with COVID-19; (3) an employee's need to take care of a
482 family member who is: (A) Self-isolating, seeking preventive care, or
483 seeking or obtaining medical diagnosis, care, or treatment for the
484 purposes described in this section; or (B) self-isolating due to an order
485 or determination as described in this section; (4) an employee's inability
486 to work or telework because the employee is: (A) Prohibited from
487 working by the employer due to health concerns related to the potential
488 transmission of COVID-19; or (B) subject to an individual or general
489 local, state, or federal quarantine or isolation order, including a shelter-
490 in-place or stay-at-home order, related to COVID-19; (5) an employee's
491 need to take care of a child or other family member when the care
492 provider of such individual is unavailable due to COVID-19, or if the
493 child's or family member's school or place of care has been closed by a
494 local, state or federal public official or at the discretion of the school or
495 place of care due to COVID-19, including if a school or place of care: (A)
496 Is physically closed but providing virtual learning instruction; (B)
497 requires or makes optional virtual learning instruction; or (C) requires
498 or makes available a hybrid of in-person and virtual learning instruction
499 models; or (6) an employee's inability to work because the employee has
500 a health condition that may increase susceptibility to or risk of COVID-
501 19, including, but not limited to, age, heart disease, asthma, lung
502 disease, diabetes, kidney disease, or a weakened immune system.

503 (e) An order or determination pursuant to subdivision (2) or (3) of
 504 subsection (d) of this section shall be made by a local, state, or federal
 505 public official, a health authority having jurisdiction, a health care
 506 provider, or the employer of the employee or employee's family
 507 member. Such order or determination need not be specific to such
 508 employee or family member.

509 (f) An employee may first use the paid sick leave under this section
 510 prior to using paid sick leave for purposes under section 31-57t of the
 511 general statutes, as amended by this act. An employer may not require
 512 an employee to use other paid leave provided by the employer to the
 513 employee before the employee uses the paid sick leave under this
 514 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	31-57r
Sec. 2	<i>July 1, 2021</i>	31-57s
Sec. 3	<i>July 1, 2021</i>	31-57t
Sec. 4	<i>July 1, 2021</i>	31-57u
Sec. 5	<i>July 1, 2021</i>	31-57v
Sec. 6	<i>July 1, 2021</i>	31-57w
Sec. 7	<i>July 1, 2021</i>	New section
Sec. 8	<i>July 1, 2021</i>	New section

Statement of Purpose:

To expand paid sick days and domestic worker coverage.

[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.]