



## Connecticut Becomes First State To Mandate Paid Sick Leave

### Insights

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Gov. Dannel P. Malloy of Connecticut has signed the first state law in the U.S. requiring private employers to provide their employees with paid sick leave.

Connecticut's new law, "An Act Mandating Employers Provide Paid Sick Leave to Employees," goes into effect January 1, 2012. The Act applies to most employers employing 50 or more individuals in the state; manufacturers and tax-exempt organizations that provide recreation, child care, and educational services are exempt.

Covered employers must provide up to 40 hours per year of paid leave to "service workers," defined in the Act as employees paid on an hourly basis and working in any of 68 occupational titles taken from the federal Bureau of Labor Statistics Standard Occupational Classification System. Workers exempt from Fair Labor Standards Act minimum wage and overtime standards (generally, managers, professionals, salespeople, and certain computer professionals) are excluded from coverage, as are day and temporary workers.

Covered service workers will accrue paid sick leave at the rate of one hour for each 40 hours worked and will be entitled to use the leave upon completion of 680 hours of work after the Act goes into effect. A covered employee may take leave for the employee's own, or a child's or spouse's, mental or physical illness, injury, or health condition, including for its diagnosis, care, or treatment. A service worker who is a victim of family violence or sexual assault may use the paid leave in order to obtain medical care, counseling, or assistance from a victim services organization, or to participate in civil or criminal proceedings relating to the violence or assault.

Covered employees must be paid the greater of their normal hourly wage or the minimum fair wage rate under state law. Other paid leave, such as vacation, personal days, or paid time off, can generally be substituted for the mandated paid sick leave, as long as it accrues at the same rate or more quickly.

If the leave is foreseeable, you may require advance notice of up to seven days. If unforeseeable, you may only require notice "as soon as practicable." You may also require "reasonable documentation" that paid sick leave of three or more consecutive days is being taken for the purposes permitted under the Act.

Employers are prohibited from taking any broadly defined "retaliatory personnel action" or discriminating against an employee who requests or uses paid sick leave. Employees who believe they have been denied leave, or retaliated against for taking leave, may file a complaint with the state Labor Commissioner, who may assess a civil penalty of up to \$100 for preventing or interfering with an employee's exercise of rights under the Act, and up to \$500 for retaliatory personnel action or discrimination. The Commissioner may also award an aggrieved employee "all appropriate relief," including but not limited to payment for used sick leave, rehiring or reinstatement, and back pay. The Commissioner's decisions can be appealed to the Superior Court.

Finally, employers are required to provide notice to all service workers of their entitlement to leave under the Act and of the prohibition against retaliation. Employers can comply with this provision by displaying a poster in a conspicuous place accessible to service workers that contains the required information in both English and Spanish.

Covered Connecticut employers should spend time now planning on how to adapt to the state's new sick leave requirement and take all requisite steps to ensure compliance when the Act goes into effect next January.

For more information contact your regular FP attorney.

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*This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.*