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Connecticut First State to Mandate Paid Sick Leave for Employees

Effective January 1, 2012, employers with 50 or more employees in the state of Connecticut must provide paid sick leave to hourly service workers. While many employers provide paid sick leave as a fringe benefit, Connecticut is the first state to require employers to provide paid sick leave to workers. The passage of this law has sparked a national debate regarding paid sick leave, and might be the start of a trend in other states. A summary of some of the elements of the new law is below.

EMPLOYER COVERAGE

The new law is applicable to employers in Connecticut that employed 50 or more individuals (whether full-time or part-time) in any one quarter in the previous year, with limited exemptions for certain types of manufacturers, nonprofit organizations, recreational facilities, child care facilities and educational institutions.

ELIGIBLE EMPLOYEES

Sick leave must be provided to “service workers” who are paid on an hourly basis or are non-exempt under the FLSA. Service workers do not include exempt employees or “day or temporary workers” who perform work on a per diem basis, or who work on an occasional or irregular basis for only the time required to complete the work.

WHO IS A SERVICE WORKER?

The statute contains a detailed list of service workers, including, but not limited to, food service workers, pharmacists, registered nurses, therapists, security guards, food preparation workers (and their supervisors), cooks, servers, fast food workers, janitors, cleaners, first-line supervisors of sales workers, cashiers, retail salespersons, tellers, receptionists, secretaries, administrative assistants, computer operators, data entry workers, insurance claims clerks and other administrative, office and service workers.

SICK LEAVE REQUIRED UNDER THE NEW LAW

Compliance with the new law requires that an employer’s sick leave policy provide for accrual of leave at the rate of one hour of paid sick leave for each 40 hours worked, and a total of accrual of 40 hours of sick leave in one-hour increments. Accrual begins on the very first date of employment (or January 1, 2012 for existing employees). Employees may carry over up to 40 hours of accrued, unused sick leave to the next calendar year, but employees are not permitted to use more than 40 hours of leave in any given year.

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USE OF SICK LEAVE

An eligible employee may begin using sick leave after clocking 680 hours of service from the date of hire (or 680 days of service after January 1, 2012 for existing employees). Paid sick leave may be used for the illness, injury or health condition of the employee, or the employee's child or spouse. Leave can also be taken for purposes of medical diagnosis, care, treatment or preventive treatment. Paid sick leave may also be used where the employee is a victim of family violence or sexual assault.

PART-TIME EMPLOYEES ARE ELIGIBLE

All hourly service workers (excluding day and temporary workers) should accrue paid sick leave under this law, including part-time employees. It may be that a part-time employee will not work the requisite 680 hours to become eligible to use the paid sick leave, but employers should ensure the leave is properly accrued.

EMPLOYEE NOTICE OF LEAVE

Employers may require employees to provide up to seven days of advance notice for foreseeable leave, and to provide notice as soon as practicable for unforeseeable leave. Medical certification may be required in certain circumstances.

FOR MORE INFORMATION

Please contact any member of our **Labor & Employment** group for more information.

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