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Connecticut Significantly Expands Paid Sick Leave

Law and the Workplace on **May 28, 2024**

On May 21, 2024, Governor Ned Lamont signed into law HB 5005, which significantly expands the state's existing paid sick leave law as described below.

Covered Employers and Employees

While Connecticut was the first state to require private employers to provide paid sick leave, its current statute is limited in coverage, as it only applies to employers with 50 or more employees in the state and only requires such employers to provide paid sick leave to employees who meet the definition of service worker (as defined by law). The new law will eliminate the service worker criteria, so that all Connecticut employees are eligible for paid sick leave (with limited exceptions for seasonal employees and certain unionized employees).

The new law will also reduce the minimum employee threshold for meeting the definition of a covered employer in three phases, as follows:

- Effective January 1, 2025: the requirements will apply to employers that employ 25 or more employees in the state;
- Effective January 1, 2026: employers that employ 11 or more employees in in the state will be covered;
- Effective January 1, 2027: employers that employ at least 1 employee in the state will be covered.

Accrual and Carryover Requirements

Under the new law, eligible employees will be entitled to accrue 1 hour of paid sick leave for every 30 hours worked (an increase from the current rate of accrual applicable to service workers, 1 hour for every 40 hours worked), up to a maximum of 40 hours in a year. Employees will be permitted to carry over up to 40 hours of available but unused paid sick leave to the following year; however, employers may limit usage in a given year as described above. In lieu of carryover, employers will be able to frontload the full amount of paid sick leave to employees for their immediate use at the start of each year.

Under the current law, service workers are required to work at least 680 hours before using available paid sick leave. Under the new law, employees can begin using paid sick leave on or after the 120th day of employment.

Permissible Reasons for Taking Sick Leave

The new law will also expand permitted uses for paid sick leave. Currently, eligible service workers may use available sick leave for their own or their spouse or child's sick and safe time reasons. Under the new law, employees will be permitted to use available sick leave to care for a family member, defined broadly to include an employee's spouse, sibling, child, grandparent, grandchild, or parent of an employee or an individual related to the employee by blood or affinity whose close association the employee shows to be equivalent to those family relationships. Employees further will be permitted to use paid sick leave for any of the following purposes:

- For the employee's illness, injury, or health condition; the medical diagnosis, care, or treatment of the employee's mental or physical illness, injury or health condition; preventative medical care for the employee's mental or physical health; or a mental health wellness day;
- For illness, injury, or health condition of the employee's family member; the medical diagnosis, care or treatment of a mental or physical illness, injury or health condition of their family member; or preventative medical care for their family member's mental or physical health;
- For closure by order of a public official, due to a public health emergency, of either the employer's place of business, or a family member's school or place of care;
- For a determination by a health authority having jurisdiction, the employer of the employee or their family member, or a healthcare provider, that such employee or family member poses a risk to the health of others due to such employee's or family member's exposure to a communicable illness, whether or not the employee or family member contracted the communicable illness; and
- Where an employee or their family member is a victim of family violence or sexual assault, provided the employee is not the perpetrator or alleged perpetrator of such family violence or sexual assault, for: (a) medical care or psychological or other counseling for physical or psychological injury or disability; (b) obtaining services from a victim services organization; (c) relocating due to such family violence or sexual assault; or (d) participating in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

Notably, the new law will prohibit employers from requiring an employee to provide any documentation to support their need for leave. In addition, while the current law allows employers to require advance notice of the need for sick leave, the proposed law is silent on this point.

Employer Notice and Recordkeeping Requirements

In addition to displaying a required poster (as is currently required), the new law will also require covered employers to provide each employee with written notice of their rights by January 1, 2025, or at the time of hire, whichever is later. The Connecticut Department of Labor will also be required to publish an updated model poster and written notice for compliance.

Employers will also be required to include in employees' paystubs (i) the number of hours of paid sick leave accrued by or provided to the employee, and (ii) the number of hours of paid sick leave used by the employee during the calendar year. Employers will be required to retain these records for three years.

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