

Connecticut Mandates Paid Sick Leave For Service Workers

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Effective January 1, 2012, employers with 50 or more employees in Connecticut are required to pay sick leave to qualified “service workers.” Connecticut becomes the first state in the country to mandate paid sick leave.

A “service worker” under the law is an employee “primarily engaged” in a broad list of occupations as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system. These occupations include, by way of example only, hotel and restaurant workers, retail salespersons, office clerks, secretaries, security guards, cashiers, nurses, social workers and health care workers. This list is not exhaustive, and a full list of professions can be found at the State of Connecticut’s website. A service worker does not include temporary workers and employees who are exempt from the overtime requirements of the Fair Labor Standards Act.

Employees are eligible for sick leave after 680 hours of employment. An employer must provide one hour of paid sick leave for every 40 hours worked, up to a maximum of 40 hours of sick leave per calendar year. Service workers are permitted to use the paid sick leave for their own illness or the illness of a child or spouse or if they are the victim of family violence or sexual assault. An employer can satisfy its obligations by offering other paid leave, such as vacation, personal days or paid time off so long as it allows employees to use the paid time off for sick leave and so long as the paid time off is granted and accrues in a manner that meets or exceeds the requirements of the law.

Service workers are entitled to carry over up to 40 hours of unused, accrued sick time from one calendar year to the next. However, service workers are not entitled to use more than 40 hours of sick time per year, regardless of how many hours they have in their sick leave bank. Unused sick leave does not need to be paid at termination, unless an employer promises otherwise. Note that, under the new law, service workers who do not average ten or more hours a week in the most recently completed calendar year are not entitled to paid sick leave.

An employer with 50 or more service employees in Connecticut must provide notice to service workers upon hire regarding their entitlement to paid sick leave. A poster in a conspicuous place will satisfy these obligations. Connecticut has also issued a recommended poster.

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