

1. Who are covered employers?

- **Employer** - means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity, including municipalities and the state:
 - January 1, 2025 – employers with 25 or more employees in CT
 - January 1, 2026 – employers with 11 or more employees in CT
 - January 1, 2027 – employers with 1 or more employees in CT
- Number of employees is based on employer's payroll for the week containing January 1st, annually.

2. What employers are exempt?

- Employers with fewer than the above numbers of employees.
- Employers participating in multiemployer health plans, maintained pursuant to one or more collective bargaining agreements between a construction-related tradesperson employee organization(s) and employers.
- Self-employed individuals.

3. Who are covered employees?

- Individuals engaged in service to an employer in the business of the employer.
- Only the following employees are excluded:
 - Seasonal employees; and
 - Individuals who are members of construction-related tradesperson employee organizations that are part of a multiemployer health plan maintained pursuant to one or more collective bargaining agreements between a construction-related tradesperson employee organization(s) and employer.

4. What is a construction-related tradesperson employee organization?

This refers to certain construction worker unions and their employers.

If you are a construction worker in a union, or an employer of construction workers in one or more unions, consult your collective bargaining agreements. If the contract contains an obligation that a multiemployer

health plan be maintained, then the employer and employee covered by that agreement are exempt.

5. What is a seasonal employee?

An employee who works 120 days or less in any year.

6. Does this apply to part-time employees?

Yes. The accrual is not based on full-time status; rather, any covered employee must be allowed to accrue paid sick leave hours based on the hours worked.

7. When does the accrual of paid sick leave start?

- Accrual begins on January 1, 2025, unless the employee was hired after that date.
- If hired after January 1, 2025, the employee's paid sick time begins to accrue on the employee's first date of employment.

8. When may an employee start using the accrued paid sick leave?

- 120 calendar days after their date of hire.
- This is a one-time requirement. Once met, it never needs to be met again for the same employer or an employer that is a successor in interest.
- Employers may waive this requirement or agree to an earlier date to begin counting.

9. What if I have an employee who will work 100 total full-time days, over the course of 6 months? Will this employee be entitled to use accrued paid sick leave?

No. This is a "seasonal employee" because they will not work 120 days or more in any year. However, employers need to be mindful that, if an employee who is hired to work less than 120 days in a year ends up working more than 120 days, the employee would then be entitled to accrue and use paid sick leave.

- 10. How much paid sick leave must an employer provide to an employee per year?**
- Employees must accrue 1 hour of leave for every 30 hours worked.
 - These are hours actually worked and does not include any paid or unpaid time off.
 - An employee can accrue a maximum of 40 hours per year.
 - Employers may be more generous – they may provide accrual at a faster rate and allow accrual of a higher number of hours per year.
 - Employers that choose to provide more paid sick leave than what is required under the statute may limit the reasons for which the extra paid sick leave can be used.
- 11. Is the accrual based on a calendar year?**
- It depends. Employers shall provide the accrual of paid sick leave on a yearly basis, which is determined by any 365-day period it uses to calculate employee benefits.
- 12. At what rate can employees use accrued paid sick leave?**
- Employers are required to allow employees to use accrued paid sick leave in one hour increments regardless of the employer's time-keeping system. Employees are not entitled to use the paid sick leave in lesser increments, unless allowed by the employer.
- 13. Can an employer require employees to submit documentation showing that paid sick leave is being taken for a permitted purpose?**
- No. Employers are prohibited from requiring employees to provide any documentation that their leave is being taken for a permitted purpose.
- 14. Can an employer take disciplinary action against an employee who utilizes paid sick leave for a purpose other than those permitted under the law?**
- Yes. Employers may take disciplinary action against employees who use paid sick leave for purposes other than those described in the law.
- 15. What are the reasons that an employee can use paid sick leave?**
- The employee or their family member is ill, injured or suffering from a health condition.

- The employee or their family member is obtaining a medical diagnosis or treatment of a mental or physical illness or injury.
- The employee or their family member is seeking preventative medical care for either mental or physical health.
- A mental health wellness day.
- For closure by order of a public official, due to a public health emergency, of either (A) an employer's place of business, or (B) a family member's school or place of care.
- A health authority, the employer of the employee or the employee's family member, or a health care provider determines that the employee or employee's family member poses a risk to the health of others because of exposure to a communicable disease.
- If the employee or their family member is a victim of family violence or sexual assault and time off is needed for the following:
 - Medical care;
 - Counseling (psychological or other);
 - Obtaining services from a victim services organization;
 - Relocating; or
 - Participating in civil or criminal proceedings.

Note: the need for leave due to family violence is similar to the leave provided in Connecticut General Statutes § 31-51ss, which provides 12 days of unpaid leave for victims of family violence. However, the 12 unpaid days are in addition to any other leave under § 31-51ss, so employers are prohibited from requiring the service worker to use those days concurrently with the paid sick leave.

16. How does paid sick leave interact with the CT Family and Medical Leave Act (CTFMLA)?

Typically, if the absence qualifies for both paid sick leave and CTFMLA, then the employer can require an employee to use it while the employee is on CTFMLA. However, the CTFMLA law also allows employees to retain up to two weeks of paid time off if they choose to, so if an employee has less than that the employee can request to keep their paid sick leave.

17. What is a family member?

- **Family member**: a spouse, sibling, child, grandparent, grandchild, or parent of an employee, or an individual who is related to the employee by blood or by an affinity whose close association the employee can show to be equivalent to those family relationships.
- **Child**: a biological, adopted, or foster child, stepchild, or legal ward of an employee who is standing in loco parentis, or an individual to whom the employee stood in loco parentis when that individual was a child. The child can be of any age.
- **Grandchild**: related to a person by blood, marriage, adoption, or foster care, by a child of the grandparent.
- **Parent**: a biological, foster, or adoptive parent, stepparent, parent-in-law, or legal guardian of an employee or the employee's spouse. A parent can also be an individual who is now standing (or has previously stood) in loco parentis to an employee.
- **Sibling**: a brother or sister related to the employee by blood, marriage, adoption, or foster care placement.
- **Spouse**: a person who is legally married to an employee under the laws of any state, or a domestic partner of an employee registered under the laws of any state or political subdivision.

18. What is "in loco parentis"?

- This term means "standing in the place of the parents."
- For example, an employee standing in loco parentis for a child has day-to-day responsibilities to care for and/or financially support the child.
- A biological or legal relationship is not necessary.

19. What is a mental health wellness day?

A mental health wellness day is a work day or shift that the employee takes off to attend to their own emotional and psychological well-being.

20. How much notice does an employee need to give an employer before they can use their accrued paid sick leave?

The law does not require the employee to provide their employer advance notice of their need to use paid sick leave. However, when calling out,

employees should do their best to provide notice as soon as practicable in compliance with the employer's regular policy for calling out the day of an absence.

21. Can an employer require employees seeking to use accrued paid sick leave to find another employee to serve as a replacement to work their scheduled hours before they can use their accrued paid sick days?

No. Employers are prohibited from requiring employees to find replacements before allowing them to use their accrued paid sick leave.

22. Can an employee swap shifts with a coworker in lieu of using paid sick leave?

An employee can swap shifts with a coworker instead of using paid sick leave, but it must be both voluntary and mutually consented to by the employees and the employer.

23. Can an employee choose to work additional hours or shifts during the same or following time period instead of using paid sick leave?

Yes, but the employer must agree.

24. I have been terminated. Am I entitled to pay out of my accrued sick leave?

No employer is obligated to pay out accrued paid sick leave upon termination of employment, unless the employer's policy, employment contract, or collective bargaining agreement provides that it will be paid out.

25. When I started my employment, it was unclear if I would be working for them for 120 days or more. It was not clear if I was a seasonal employee or not. Now, it looks like the employment will end on the 130-day mark before the year ends, and I will work at least 30 hours in the additional 10 days. Am I entitled to paid sick leave?

- Yes, your employer will need to look back to your first day of work and provide the number of hours you would have accrued, which you can use for one of the purposes listed above.
- If one of these purposes does not arise before the employment ends, unless your employment contract, the employer's policy, or your

collective bargaining agreement says otherwise, the employer is not obligated to pay out the accrued paid sick leave in the last paycheck.

26. My employer was bought out by a new company, and I am remaining employed with the new company. What happens to my accrued sick leave?

You retain and may use all paid sick leave that was accrued or received under the previous employer, similar to a successor-in-interest.

27. I was transferred to a new division, entity or job site, but I'm still under the same employer. What happens to my accrued sick leave?

You retain and may use all paid sick leave that was accrued or received at the previous division, branch, or site in CT.

28. What happens if an employee does not use all of their 40 accrued hours in one year? Can the employee carry over any accrued unused hours into the next year?

- Up to 40 accrued unused hours can be carried over into the next year, but employees are not entitled to use more than 40 hours of paid sick leave per year.
- An employer may allow employees to accrue and use more than 40 hours of paid sick leave per year, but it is not required to.
- Employers may provide options for any time that the employee accrued but did not use during the year to be paid out at the end of the year.
- In lieu of carry over, employers may front load the amount of paid sick leave that the employee would be entitled to at the beginning of the new year.
- Regardless, employees are entitled to use a maximum of 40 hours of paid sick leave per year and employers are not obligated to provide more.

29. Who is responsible for tracking hours worked, paid sick leave accrued, and paid sick leave used?

- Employers must track and keep records of hours worked and paid sick leave accrued and used for every employee as part of its normal Connecticut General Statutes Section 31-13a record-keeping obligations.

- This can be done electronically per Section 31-13a but only with each employee's consent, and the records must be conveniently, securely, and privately accessible to and printable by the employee.
- These records must be kept for at least 3 years.
- Employers must let CTDOL, with notice at a mutually agreeable time, access those records for monitoring and compliance.
- Failure to maintain and provide reasonable access to these records is a violation of law and may result in a \$100 civil penalty per violation.

30. Do employers need to inform employees of their paid sick leave rights? What do they need to do to inform their employees?

- Yes. Employers must:
 - Display posters in English and Spanish in conspicuous and accessible areas,
 - Provide written notice to each employee no later than either January 1, 2025, or the employee's first day of employment, whichever is later.
(both available on our website)
- Employers with remote employees must either send the posters via e-mail to each remote employee or publish the posters on a digital platform that is known by and accessible to all employees.

31. I am an employer and my employees and I like my paid time off system, but it differs from Connecticut's statutes. Do I have to change it to comply with Connecticut law?

- Employers with alternate paid time off plans may still be in compliance.
- Plans may not give employees less than what they are entitled to under the law.
- Systems that accrue hours at rates and maximum amounts equal to or greater than what is provided in the law will be considered in compliance.

32. What if our paid time off plan allows employees to accrue more than 40 hours of paid sick leave per year?

- Employers who allow for more than 40 hours of PTO may limit the use of the additional hours over 40.
- Employers may apply their normal attendance and time off policy applied to those hours used over 40.
- Employers may require documentation before permitting the use of any hours over 40.

33. Can this new law impact my Collective Bargaining Agreement?

- The changes cannot diminish the rights already granted in a bargaining agreement.
- The changes cannot override terms of any collective bargaining agreement effective January 1, 2012, or July 1, 2012, pursuant to chapter 319pp.

34. Do employees get their normal hourly pay for the sick leave hours they use?

It depends. Each employer must pay either the normal hourly wage for the employee or the minimum fair wage rate under Connecticut General Statutes Sec. 31-58, whichever is greater.

35. Some employees make overtime and/or commissions in addition to their normal hourly wage. How should their paid sick leave hourly pay be calculated?

Overtime and commissions should not be included to determine an employee's normal hourly wage.

36. Some employees' normal hourly wage varies based on the work performed by the employee in a given pay period. How should their paid sick leave hourly pay be calculated?

The normal hourly wage would be the average hourly wage of the employee in the pay period immediately preceding the pay period in which the employee uses paid sick leave.

37. When an employee who is exempt from overtime requirements works more than 40 hours in a work week, do they continue accruing paid sick leave for those additional hours?

- No. Employees who are exempt from overtime are presumed to work 40 hours per week, but will not accrue paid sick leave for any hours worked over 40 hours.
- Employees who are exempt from overtime and whose normal work week is less than 40 hours will accrue paid sick leave for the number of hours normally worked.

38. Are employees allowed to donate their paid sick leave to another employee?

Yes, if an employer establishes a sick leave donation policy. However, there is no requirement for an employer to do so.

39. What is a break in service?

A break in service occurs when an employee separates from their employment, voluntarily or involuntarily.

40. What happens to the employees accrued paid sick leave after a break in service?

- Employees do not retain any unused accrued paid sick leave after a break in service. If an employee returns to work for the employer, they would begin to accrue paid sick leave anew.
- However, returning employees do not have to wait 120 calendar days to be able to use accrued paid sick leave if they have already met that requirement.

41. Can my employer take retaliatory or discriminatory personnel action against me if I ask to use my paid sick leave?

- No.
- Employers are prohibited from discriminating or retaliating against employees who request or use paid sick leave in accordance with the law or the employer's own policy.
- Employers are prohibited from discriminating or retaliating against an employee who files a complaint with the Labor Commissioner alleging violations of the statute.

42. How does an employee file a complaint? What happens during the complaint process?

- Any employee may file a "workplace standards complaint" with CTDOL's Wage and Workplace Standards Division.
 - [Forms&Instructions](#)
- The complaint will be investigated by reviewing the complaint, speaking with the Complainant and Employer, and examining employment records.
- As part of the complaint process, DOL will engage the parties in mediation to try to resolve the complaint.
- DOL has the discretion to determine whether the complaint will go to a hearing.
- If a hearing is held, DOL will hold a formal administrative hearing pursuant to the Uniform Administrative Procedure Act. The parties may either engage a representative or represent themselves at any stage of the complaint process.
- After a formal administrative hearing, if the Labor Commissioner finds that the employer, by a preponderance of the evidence, has violated the act, the employer will be liable for civil penalties.
- Employers found by the Commissioner to be in violation will be liable to CTDOL for a \$100 civil penalty per violation.
- The Commissioner can award the employee payment for used sick leave, reinstatement to the employee's previous position, and payment of back wages.
- The Commissioner can also reestablish any employee benefits that the employee would have received if a violation had not occurred.
- The Commissioner's decision can be appealed to Superior Court. There is no private right of action otherwise.