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Recent Amendment Clarifies Connecticut's Paid Sick Leave Act

A recently-enacted amendment to Connecticut's Paid Sick Leave Act ("Act") will bring welcome changes for employers. On June 6, 2014, Governor Dannel P. Malloy signed into law Public Act 14-128, which changes 1) the method for determining if an employer is exempt from providing paid sick leave, and 2) the time-frame for accruing paid sick leave.

The Act, codified at Connecticut General Statutes §§ 31-57r et seq., requires certain employers with 50 or more employees in Connecticut to provide up to 40 hours of paid sick leave per year to service workers. The statute defines service worker as an hourly, nonexempt employee engaged in one of the occupations listed in Connecticut General Statutes § 31-57r.

COVERED EMPLOYERS

The amendment changes the method for determining if a business employs 50 or more employees. As originally written, that evaluation was made by reviewing the employee counts reported on the previous year's four quarterly earnings reports. If at least 50 individuals were identified in any quarter, the employer would be subject to the Act.

In contrast, under Public Act 14-128, coverage of the Act will be determined based on the number of employees on the payroll for the week containing October 1. To prevent employers from evading coverage, the amendment prohibits employers from terminating, dismissing, or transferring an employee solely in order to avoid qualifying as an employer under the Act.

CALCULATING ACCRUAL

Under current law, employees accrue one hour of sick leave for every 40 hours worked per calendar year. As revised by the amendment, the Act provides that employees accrue one hour of paid sick leave for every 40 hours worked during whatever 365-day period the employer uses to calculate employee benefits. The amendment will simplify accrual for employers that are currently required to calculate paid sick leave time on a different basis than other paid time off.

Employers who have been close to the 50 employee cut-off should review these changes, and all employers should take note of the changes to the accrual methods, which should make it easier to track such time. The amendment will take effect on January 1, 2015.

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