

Publications

Connecticut Expands Its Paid Sick Leave Mandate

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Connecticut's existing paid sick days law requires employers with more than 50 employees that are mostly in specific retail and service occupations (such as food service workers and health care workers) to provide their employees with up to 40 hours of paid sick leave annually. Starting January 1, 2025, however, significantly more Connecticut employers will have to provide their employees with paid sick leave.

Covered Employees and Covered Employers

The expanded sick leave law applies to nearly all employees, not only those in retail and service jobs. The only exceptions are for seasonal and temporary workers who work 120 or fewer days per year and certain construction employees who are covered by multiemployer health plans.

Employers will be phased into coverage under the law, starting with those who have 25 or more employees in Connecticut on January 1, 2025. On January 1, 2026, employers with 11 or more employees will be covered. On January 1, 2027, all employees will be covered regardless of size.

Accrual, Carryover and Frontloading

Under the state's current sick leave law, employees accrue one hour of paid sick leave for every 40 hours worked. Beginning in January, employees will accrue one hour of paid sick leave for every 30 hours worked. Employees can accrue a maximum of 40 hours per year and carryover up to 40 hours of accrued, unused leave.

Alternatively, an employer may frontload 40 hours of leave at the start of each year. If an employer does so, unused leave does not carryover. Employers are also compliant if they offer other paid leave (paid vacation, PTO, or personal days) that can be used in the same manner, under the same conditions, and accrued at the same rate as under the sick leave law.

Sick Leave Use

Employees may use the accrued sick leave starting 120 calendar days after beginning employment. They may only use 40 hours of sick leave per year, which may be taken in one-hour increments. Employees may use sick leave:

- for their own or their family member's illness, injury or health condition;
- for the medical diagnosis, care or treatment of mental illness or physical illness, injury or health condition; and preventative medical care;
- for a "mental health wellness day;"
- when either their place of business or a family member's school or place of care closes by order of a public official due to a public health emergency;
- when a health authority, the employee's employer, the employer of the employee's family member, or a health care provider determines the employee or family member poses a risk because of exposure to a communicable disease; or
- if the employee or family member is a victim of family violence or sexual assault and sick leave is used to obtain medical care, counseling, or victim services, to relocate, or to participate in legal proceedings.

A "family member" means 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 shows to be equivalent to those family relationships.

Employees are not required to provide advance notice of their need to take leave. Employers may not require documentation that sick leave was taken for one of the above reasons.

Pay for Sick Leave

Sick leave is paid at either the employee's normal hourly wage or the Connecticut minimum wage, whichever is greater. Unused sick leave does not have to be paid out upon separation or termination.

Employer Policy, Notice and Recordkeeping

Employers must post notices in English and Spanish. They must also provide written notice by January 1, 2025, or on the employee's date of hire, describing the entitlement to sick leave, the amount provided, the terms of use, the prohibition on retaliation, and the enforcement mechanisms. Employers must keep records of both accrual and use of leave for at least three years.

Enforcement

Employers are prohibited from retaliating or discriminating against employees for their use of sick leave. Employees may file complaints with the Labor Commissioner who is empowered to hold hearings and assess penalties of \$500 for each violation of the leave requirements and \$100 for each violation of the record-keeping requirements. The Commissioner can award other appropriate relief, including reinstatement and back wages.

Employers should review their current time off policies to ensure they comply with the changes in Connecticut law. Contact your Vorys attorney if you have questions about how to comply with the law and similar state and local leave requirements.