

Legal Update Article

Connecticut Expands Permitted Uses of Paid Sick Leave for Service Workers

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Connecticut Governor Ned Lamont has signed a new law that will expand the circumstances in which service workers in Connecticut can use state-mandated paid sick leave. The new law goes into effect October 1, 2023.

Since its original passage in 2012, the Connecticut Paid Sick Leave Law has provided a defined set of “service workers” with certain leave entitlements, including paid sick leave accrual at a rate of one hour for every 40 hours worked, up to a maximum accrual of 40 hours per year. The law also required that service workers be permitted to roll over at least 40 hours of accrued, unused paid sick leave per calendar year.

Employers Affected

The Connecticut Paid Sick Leave Law generally applies to employers with at least 50 employees in Connecticut.

Certain manufacturing employers, as well as nationally chartered non-profits providing recreation, childcare and education services, are exempted.

Employees Covered

The law defines “service workers” as employees in certain occupations on a [specific list](#) of code numbers and titles from the federal Bureau of Labor Statistics Standard Occupational Classification system. The list of occupations that fall within the definition is lengthy and includes office staff, servers, bus drivers, janitors, cashiers, and social workers, amongst many others. Day and temporary workers do not qualify as “service workers” under the law.

Types of Absences Previously Covered

Prior to the passage of this new law, eligible service workers were able to use accrued paid sick leave for the following reasons:

1. For a service worker's illness, injury, or health condition, the medical diagnosis, care, or treatment of a service worker's mental illness or physical illness, injury, or health condition, or preventative medical care for a service worker;
2. For a service worker's child's or spouse's illness, injury, or health condition, the medical diagnosis, care, or treatment of a service worker's child's or spouse's mental or physical illness, injury, or health condition, or preventative medical care for a child or spouse of a service worker; and
3. Where a service worker is a victim of family violence or sexual assault, (a) for medical care or psychological or other counseling for physical or psychological injury or disability, (b) to obtain services from a victim services organization, (c) to relocate due to such family violence or sexual assault, or (d) to participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

New Reasons for Use of Paid Sick Leave

In addition to the above reasons, the new law provides the following two new circumstances in which a service worker can use paid sick leave:

1. For a "mental health wellness day," which is defined as "a day during which a service worker attends to such service worker's emotional and psychological well-being in lieu of attending a regularly scheduled shift."
2. Where a service worker is the parent or guardian of a child who is a victim of 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. However, paid sick leave can be used for these purposes only if the service worker is not the perpetrator or alleged perpetrator of such family violence or sexual assault.

Next Steps

Although the statute does not specifically require the creation of a handbook policy, employers subject to the Connecticut Paid Sick Leave Law should prepare to update relevant handbook policies that do exist ahead of the effective date of these changes.

Employers who were doing so before can continue to substitute other types of paid leave (*e.g.*, general use paid time off, vacation, and so on) for leave required by the Connecticut Paid Sick Leave Law. As has been the case since the original passage of the law, such leave must meet all the criteria required under the Connecticut Paid Sick Leave Law to be a permissible substitute, including the reasons such leave may be used, accrual rates, and annual rollover requirements.

Employers with questions as to the changes to the Connecticut Paid Sick Leave Law should contact a Jackson Lewis attorney.

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