

Municipalities Get Ready: Paid Sick Leave Applies to You Too

By [Daniel Schwartz](#) on December 14th, 2011



What would Noah Webster think?

One of the things that law school teaches you is to read the definitions of words in any new law that is passed. Why? Because a word like “employer” may be defined differently than what you would expect.

That’s a hard concept for real employers to understand. After all, how can you be an “employer” in one part of the law, but not an “employer” in another? Such is the nature of bill drafting.

I’m reminded of that lesson when looking at the Paid Sick Leave Act to determine if towns and cities are covered by the new law. Here is the relevant portion of definition of employer:

“Employer” means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that employs fifty or more individuals in the state in any one quarter in the previous year, which shall be determined on January first, annually. Such determination shall be made based upon the wage information submitted to the Labor Commissioner by the employer pursuant to subsection (j) of section 31-225a of the general statutes.

Now, you might think, on first glance, municipalities are not covered. There’s no explicit reference to them. But the word “other entity” is broad enough to likely cover them. Indeed, according to [the CTDOL](#) and [bill summary prepared by the OLR](#), they are covered, so long as that town meets the 50 or more individual threshold. Arguably, school boards and public and private schools may also be subject as well.

You can see this a little more clearly when you contrast [this definition with the one in Connecticut’s FMLA law](#). That definition states:

“Employer” means a person engaged in any activity, enterprise or business who employs seventy-five or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer, **but shall not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school.**

Since courts presume that the legislature acts logically when it crafts definitions, the difference in definitions is likely to mean something — here, that municipalities aren’t excluded from the paid sick leave law.

If you want to hear more about this law, [Heidi Lane from the Connecticut DOL is speaking to the Connecticut Bar Association’s Labor & Employment Section tonight. Details are here.](#)

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