

## **More Answers (and Questions) Regarding Paid Sick Leave**

By [Daniel Schwartz](#) on December 15th, 2011

Are you tired hearing about Paid Sick Leave (PSL) yet?

Well, be prepared for a lot more because the more we delve into the law the more we all discover little nuances that weren't readily apparent at the start. As a result, there's a bit of finessing going on.

At last night's CBA Labor & Employment Section meeting, CTDOL representative Heidi Lane (often quoted here) came and addressed experienced practitioners' questions. She has a wonderful sense of humor about it all and provided some additional guidance. Because I've addressed this law in numerous posts, I'm going to presume a basic familiarity at this point with the law in this post and will only address the important points.

- There was a bit of confusion left from the post I did with Heidi a week or so ago regarding carryover. She clarified it a bit further. If an employer offers five PTO days at the start of each calendar year (and the employee can use the time as designated PSL), then that satisfies the carryover obligation. This means that in the next year, the employer need only offer the same 5 days to satisfy the law. The front loading of the days is the employer's best bet to avoid any complications.
- If an employer offers say, 8 days of PTO and the employee takes 5 days of it for vacation, she would still be left with 3 days to take as designated PSL. Those days would NOT carryover if the employer offered the same 8 days at the start of the following year.
- What is a "break in service"? The CTDOL will treat seasonal employees as part-time. What this means is suppose the worker works 9 months of the year but gets the summer off, as some school bus drivers do. The department is saying that those employees do not lose their accrued time because it is not really a "break in service".
- If the employer does set up an accrual policy, the paid time off must accrue at the same rate as the law requires (1 hour for every 40 hours worked). Thus, if you accrue on a monthly basis, it will be seen as a violation of the law.
- One question that has arisen is at what rate do restaurants need to pay their waiters for sick time who may be below minimum wage (but who get tips). The CTDOL has simplified the analysis and said that those employees just get minimum wage for their PSL.
- Employers can still dictate that employees give proper notice for certain types of PSL (such as a long-standing doctor's checkup). An employee who fails to give proper notice may not be eligible to take PSL and the employer may choose to discipline the employee in that instance too. Employers can also still require compliance with a call-in policy regarding absences as well.

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