

## About the Series

Laws are often necessary but rarely sufficient for effective policy change. Implementation, the nuts and bolts of moving a law from paper to practice, can make or break a law's intent.

This series of briefs provides overviews of approaches to implementation taken in jurisdictions where **earned sick days** laws have already passed. Both government officials facing the task of implementation and advocates working with those officials can learn from the best practices established in these areas.

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Connecticut

## The First State: Implementing Connecticut's Sick Days Law

When Connecticut became the first state to pass a sick days law, as many as 400,000 service workers were guaranteed the right to take time away from work to recover from illness or care for sick family members.<sup>1</sup> The law passed after earned sick days became a key issue in the governor's race, with the winning candidate, Governor Dan Malloy, supporting the adoption of a law. Indeed, Governor Malloy was the only candidate running for election who supported earned sick days legislation. The successful passage of a state-level sick days law raised hope across the country for the millions of workers who are unable to take paid time off when they are ill.

The Connecticut law, CGS 31-57r, falls under the purview of the state's Department of Labor (DOL), which has provided written guidance based on the legislation. DOL's Wage and Workplace Standards Division is responsible for enforcing the law. The Department went through a five month process of gathering stakeholder input before issuing the guidance in November 2011. Following the issuance of the guidance, the DOL continues to offer technical assistance to employers and respond to questions from employers and employees.

Connecticut's Paid Sick Leave law did not allocate funds for the implementation process; enforcement and the process of writing guidance was to take place using the DOL's existing appropriations. As the state faced a serious budget crunch at the time of implementation, resources for outreach were extremely limited. This brief highlights the steps the DOL took to implement the law, despite the minimal funding available for the process. In addition, the brief offers some insight into what steps could have been taken prior to the passage of the law to avoid

some of the challenges the state faced once implementation began.

Across the country, more states are considering earned sick days legislation; among those states with campaigns for sick days legislation introduced in 2013 are Arizona, Hawaii, Iowa, Maryland, Massachusetts, Oregon, New York, North Carolina, Washington, and Vermont. In addition, in 2013, several more cities passed legislation, including New York City, Portland, and Philadelphia.<sup>2</sup> For advocates and policy makers in these states and cities, Connecticut's implementation process is worth a careful look.

### The Connecticut Paid Sick Leave Law

Connecticut's law applies to hourly, non-exempt services workers such as healthcare, food service/restaurant, janitorial, hospitality, retail, and many other workers.<sup>3</sup> Employers with 50 or more workers in Connecticut are required to comply with the law. Many manufacturers and nationally chartered non-profits are exempt. Workers accrue one hour of sick leave for every forty hours worked, to a maximum of 40 hours per calendar year, beginning on their hire date. Workers can carryover up to 40 hours of unused sick time from one year to the next, but cannot use more than 40 accrued hours in any calendar year.

Employees may begin using their accrued sick time after completing 680 hours of service (approximately 17 weeks of full-time work). To be eligible, they must work an average of 10 hours or more per week in the most recent completed calendar quarter with their employer. Sick days can be used for a worker or his or her family members' recovery from illness, treatment of illness, or preventative medical care. They may also be used for medical or psychological care or other aspects of recovery related to family violence or sexual assault.

### Sick Days on the Web

Like other jurisdictions that have passed earned sick days laws, Connecticut's DOL has a website with information about the state's law. The [website](#) includes:

- An [overview](#) of the law.
- The DOL's [guidance](#) for the law.
- The official poster providing information to employees about the law, available in both [English](#) and [Spanish](#). The poster satisfies the employer's notice obligation under the law.
- A link to the [legislation](#).

In addition to the DOL website, Connecticut's Working Families Party, which advocated for the passage of the state's earned sick days law, also has a [website](#) devoted to sick days. This website, entitled "Sick Days Rights," includes:

- An [overview](#) of the law in Q and A format.
- A page on which workers can [share their stories](#) related to paid sick days (whether or not they have them under the Connecticut law).
- A [summary](#) of the rationale for paid sick days (i.e. public health, economic security, business productivity, etc.).
- A page on which workers can [file a complaint](#).

The goal of Sick Days Rights is twofold: to raise awareness of the law among workers and to gather stories from workers who are benefiting from the law, which may then be used in advocacy to expand the law in CT or pass sick days laws elsewhere in the country.

In other jurisdictions, websites have also been useful tools for agencies implementing earned sick days laws. Seattle's Office for Civil Rights established a [website](#) for the city's Paid Sick and Safe Time Ordinance. San Francisco's Office of Labor Standards Enforcement also offers a [website](#) on the city's Paid Sick Leave Ordinance.

## Best Practice: Consult with Stakeholders to Write an Effective Interpretation of the Law

Connecticut's DOL generated "guidelines" based on the law, which were to articulate what the law meant for employers and employees.<sup>4</sup> According to the DOL's Arthur Perry, Executive Assistant to the Commissioner, and Jennifer Devine, Program Policy Attorney, in order to generate these guidelines, the department met with employer and employee associations, combed the legislative history, and took input from various stakeholders. Department officials also held extensive internal meetings.

The department held seminars and meetings with different stakeholders, such as business associations, law firms that represent management, the Working Families Party, and union leadership. In some cases, law firms or associations that requested such seminars by DOL were trying to inform their clients about the law, so their priorities dovetailed with those of the DOL. In addition to seminars and meetings, DOL staff corresponded with individuals who had questions or input regarding the law. Although the law had already passed during this period of engagement, the most common type of input the DOL received was information about the negative effects employers felt the legislation would have on them. Despite this focus on the perceived harms of the law, DOL officials say that a lot of the feedback they received went toward clarifying the law – rendering it in plain language so that it was more accessible to Connecticut's employers and employees.

The process of writing guidelines started immediately after the law passed in June 2011 and was complete in November 2011.

## Conduct Employer and Employee Outreach

DOL's engagement with employers has extended beyond the process of writing the guidelines. DOL

officials say they continue to receive 10-20 calls or emails per week regarding the law. In addition, the DOL continues to conduct seminars on the law, a service that is free for any group. The frequency of these seminars varies; some months the DOL conducts two, but sometimes several months go by without any seminars. When seminars are held at the DOL, they are open to the public, so anyone may attend.

### Filing Complaints in Connecticut

When employees feel their employers are violating Connecticut's Paid Sick Leave Law, they can file a complaint with the state's Wage and Workplace Standards Division. Jennifer Devine, Program Policy Attorney at DOL, reports that there have been three formal complaints issued since the law was implemented in 2011. One of these was dismissed because the employee was actually a temporary worker – a class of workers not covered under the law. In the second case, the employer did not know about the law. Once informed, the employer came into compliance. The third employer turned out to be exempt from the law.

While complaints are technically required to have complainant's names attached to them, there have been some anonymous complaints to the DOL.

Although some opportunity exists for employees to attend DOL seminars, most of the outreach conducted by the DOL is oriented toward employers. DOL officials point to outreach done by the unions, the Working Families Party, and media coverage of the law as helping to raise awareness among employees.

It is one thing to pass a law, and another thing for those most in need of the law to know about it. According to advocate Lindsey Farrell, Executive Director of Connecticut's Working Families Party, many employees are unaware of the law. Without awareness, enforcement of the law is difficult. (As

noted above, few employees have filed complaints so far. This may be a result of employer compliance, but it may well be due to lack of awareness and fear among employees.) Farrell explained, “Workers need to be confident enough to stand up for their rights. In San Francisco and Seattle, funds were allocated specifically for outreach to employees, including such approaches as advertising about the laws on buses, sending notices home with students in the schools, and participating in community events. (See CLASP’s briefs on [San Francisco](#) and [Seattle’s](#) implementation processes.) However, Connecticut’s DOL was not allocated any new funds to implement the Paid Sick Leave law. As a result, outreach has focused on employers, who are easier to reach – they are already organized in associations and similar collectives. In contrast, employees are more difficult to reach.

San Francisco and Seattle’s budgets for outreach were fairly limited; it’s likely that the amount of money necessary to greatly expand the scope of outreach is relatively insignificant when compared to other government spending. And it’s important to note that the cost of this outreach is a start-up cost that will diminish over time: once workers and employers become familiar with the law, extensive outreach will no longer be necessary and knowledge about the law will spread more organically.

### **Best Practice: Consider the Implications of Legislative Language for Implementation**

In Connecticut, when bills are being considered by legislators, “legislative liaisons” help to coordinate the bills’ language with the practices of the implementing agencies. These liaisons are representatives of the government agency that is charged with implementation of a given law, and their job is to advocate on behalf of the agency. During the legislative process leading up to the passage of Connecticut’s sick days law, legislative liaisons were supposed to help coordinate language for the bill with the DOL. Unfortunately, this process

did not proceed as planned, and the bill passed without input from representatives of DOL. (The liaisons had not seen the final language of the bill.)

### **Tips on Interacting with Unhappy Stakeholders**

One of the Connecticut DOL’s greatest challenges through the implementation process was contending with stakeholders – primarily employers – a number of whom were unhappy not just about the law’s provisions but that fact that a law setting a minimum standard had been enacted. DOL officials needed to gather as much employer feedback as possible, listen to their questions and concerns, and educate them about the law. The DOL’s Arthur Perry, Executive Assistant to the Commissioner, and Jennifer Devine, Program Policy Attorney, offered the following suggestions for dealing with stakeholders who are less-than-enthusiastic about a sick days law:

- Be open to what everyone has to say about the law. Said Devine, “The law is not necessarily clear-cut...so I think you have to be open to looking at it [from different perspectives].”
- Take a neutral stance and be considerate.
- Be clear that the law was passed by the legislature, not the DOL. Perry explained, DOL officials were “not defensive” about the law – this made the “medicine go down” a little bit more easily in their interactions with employers.
- Listen to everyone. “Even though some people were angry about the law, they appreciated that we really tried to listen to them...even if we didn’t ultimately come out on their side,” said Devine.

Lindsay Farrell of Connecticut’s Working Families Party suggests that in other campaigns, advocates may want to place considerable effort in ensuring that adequate communication takes place between the implementing agency and those responsible for writing the legislation. In some cases, including features from other laws that agencies are already

enforcing into the sick days bill may make implementation easier. For example, in Farrell's view, the sick days law in Connecticut could have borrowed from the provision in the Family and Medical Leave Act that bars companies from purposely modifying their workforce size to avert the law. DOL officials also noted that the bill's language was not easily accessible to employers, and much of their interaction with employers during the guideline-writing process suggested that clarification was necessary.

Including even modest funding for outreach in a bill could also make a significant difference. In Seattle, the sick days law allocated funds for the outreach and implementation processes, which went far in enabling the implementing agency to inform the public about the law, especially employees. In San Francisco, the board of supervisors allocated funds for advertising the city's ordinance in order to raise awareness. San Francisco did not add new staff members; however its Office of Labor Standards Enforcement has employees dedicated to sick days and minimum wage. Connecticut's DOL has only one office with 20 staff members to tackle all wage issues.

## Conclusion

Connecticut's experience offers important lessons to both advocates for paid sick leave laws and officials in jurisdictions where such laws have already passed. DOL staff in Connecticut stretched their existing resources in order to conduct an implementation process that strived to be responsive to stakeholders. The Department conducted employer outreach, despite having to contend with some stakeholders who were unhappy that the state had enacted a paid sick leave law. Connecticut's experience suggests that officials are able to make some headway on the critical implementation phase without dedicated funds. However, as evidenced by the experience in other locales, considerably more outreach – especially to employees – can be accomplished with

even modest resources. Advocates for sick days in other jurisdictions may want to push to include in their bills some funding for implementation, particularly initial outreach. At the same time, keeping implementation in mind when writing the bill may help to generate language that is most likely to jibe with existing practices at the implementing agency.

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## Acknowledgments

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## Notes

<sup>1</sup> Applebome, Peter. (4 June, 2011). "In Connecticut, Paid Sick Leave for Service Workers is Approved." *The New York Times*. Retrieved 12 July, 2013, from <http://www.nytimes.com/2011/06/05/nyregion/connecticut-service-workers-to-get-paid-sick-leave.html>.

<sup>2</sup> Philadelphia's law was ultimately vetoed by the Mayor.

<sup>3</sup> For a full list of covered workers, see Sec. 31-57r(7). <http://www.ctdol.state.ct.us/wgwkstnd/SickLeaveLaw.htm>

<sup>4</sup> Connecticut Department of Labor. (11/18/11). "Guidance from the Connecticut Department of Labor Regarding Public Act 11-52: An Act Mandating Employers Provide Paid Sick Leave to Employees. Retrieved 18 July, 2013, from <http://www.ctdol.state.ct.us/wgwkstnd/SickLeaveGuidance.pdf>. These are similar in scope to regulations, but did the Department did not have the legal authority to issue regulations (except in the case of regulations pertaining to the posters required by the DOL for notification of employees of the law).