

## INSIGHTS + NEWS

### Client Alert: Connecticut Private Employer Law Update

BY TRACY THOMAS BOLAND AND CHELSIE A. VOKES • AUGUST 23, 2022

The 2022 Regular Session of the Connecticut General Assembly produced several laws governing the private employment sector. This article summarizes the major points of those laws.

#### MANAGES COMMUNICATION IN THE WORKPLACE

Effective July 1, 2022, Public Act 22-24 (“Act 22-4”) prohibits employers from requiring employees to attend employer-sponsored and/or listen to speeches or communications whose primary purpose is to communicate the employer’s opinion concerning religious or political matters. Act 22-4 expressly does not prohibit (1) communicating legally required information to employees, (2) communicating information to employees that is required to perform their job, (3) casual and voluntary conversations between employees or between an employee and an agent, representative or designee of an employer, and (4) requirements limited to managerial and supervisory employees. Act 22-4 also does not prohibit institutions of higher education from directly or indirectly meeting or communicating with employees in relation to coursework, symposia or an academic program.

While Connecticut employers’ rights to discipline or discharge employees due to their exercise of free speech are limited, Act 22-4 prohibits employers from threatening to discipline or terminate an employee. It also eliminates any right to punitive damages, while still permitting damages for lost wages and attorney’s fees and costs.

#### EXPANDED DISCRIMINATION PROTECTIONS

Effective October 1, 2022, Public Act 22-82 (“Act 22-82”) expands employer obligations under the Connecticut Fair Employment Practice Act (“CFEPA”). Namely, Act 22-82:

- Expands the definition of “employer” under the CFEPA from an employer employing **three** or more employees to an employer employing **one** or more employees.
- Adds “domestic violence victim” as a protected class under the CFEPA. In doing so, employers are prohibited from discriminating against individuals based on their status as a domestic violence victim. It also permits the Connecticut Commission on Human Rights and Opportunities to investigate alleged instances of discrimination based on this status.
- Requires employers to provide a reasonable accommodation, including a reasonable leave of absence, to an employee seeking services related to or attention to injuries caused by domestic violence.
- Provides an undue hardship exception to the reasonable accommodation requirement. It also permits employers to request specified documentation supporting the requested leave of absence.
- Requires employers to keep confidential all information related to the individual’s status as a domestic violence

victim, to the extent permitted by applicable law.

## RECOGNIZING JUNETEENTH AS AN OFFICIAL HOLIDAY

While private employers are not required under Connecticut law to provide holiday leave to their employees, employers who do offer such leave will want to note that under Public Act 22-128, which is effective October 1, 2022, Juneteenth Independence Day (June 19) is now an official state holiday.

## EXPANDED FAMILY AND MEDICAL LEAVE PROTECTIONS

In addition to a number of budgetary provisions, Public Act 22-118 (“Act 22-118”) also prohibits employers from (1) interfering with, restraining, or denying the actual or attempted exercise of, any right provided by Connecticut’s Paid Family and Medical Leave Law (“PFML”), or (2) directly or indirectly discharging or otherwise discriminating against individuals for exercising their rights under the PFML or opposing any practice made unlawful by the PFML.

## ESTABLISHES PANDEMIC PAY FOR ESSENTIAL EMPLOYEES

Act 22-118 also makes available up to \$1,000 in premium pay to private sector essential employees who worked in Connecticut during the COVID-19 pandemic. These amounts will be paid from a \$30 million state fund and will be available on a first-come, first-serve basis. Act 22-118 establishes the process for applying for pandemic pay. It further prohibits employers from (1) disciplining or discharging employees because they have filed for pandemic pay, and/or (2) deliberately misinforming or dissuading employees from applying for pandemic pay.

## SPECIAL LAWS FOR CONTRACTORS/SUBCONTRACTORS AND HOME HEALTH AGENCIES

Public Act 22-17 expands the Connecticut Commissioner of Labor’s authority to cite and penalize subcontractors and contractors who fail to comply with prevailing wage and employee welfare fund requirements. It also requires the Commissioner to maintain a list of contractors and subcontractors violating this law, including those that the Commissioner enters into a settlement agreement with, and to refer to debarment any contractor or subcontractor whose total settlement value exceeds a specified threshold during a particular period.

Act 22-118 prohibits homemaker-companion or home health agencies from entering into contracts with clients that prohibit the hiring of an employee of a homemaker-companion or home health agency.