

# Latest Developments from the Connecticut General Assembly: The Labor and Public Employees Committee has Spoken (Softly, but Firmly)

---

## Working Together

04.03.2018

By Mark Sommaruga

The March 22, 2018 deadline for the General Assembly's **Labor and Public Employees Committee** to approve bills has come and gone. As we expected, the close partisan divide kept the Committee from approving a large number of bills. That being said, and as also forecast in this blog, the gridlock did not keep the Committee from approving and "forwarding" significant bills involving:

- 1) revisions to the Connecticut Family and Medical Leave Act, including a program of paid FMLA leave;
- 2) increases to the minimum wage;
- 3) restrictions on employers inquiring about a job applicant's prior salary history;
- 4) gender pay "equity"; and
- 5) revisions to sexual harassment training requirements for employers; and 6) expansion of paid sick leave.

The following are synopses of the bills that were approved by the Committee.

1. B. No. 5387 **AN ACT CONCERNING PAID FAMILY MEDICAL LEAVE**. This bill would provide paid family and medical leave benefits to eligible employees and also make other changes to the state's Family Medical Leave Act ["FMLA"]. Specifically, this bill would create a "Family and Medical Leave Insurance Program" that will offer up to 12 workweeks of family and medical leave compensation to covered employees during any 12 month period. The Program will be funded by employee contributions to the Family and Medical Leave Insurance Trust Fund, to be collected on or before July 1, 2020, and would begin to provide compensation to employees on and after July 1, 2021. This bill also: (a) extends the applicability of the **state's** FMLA to **all** private sector **employers with at least two employees**; (b) reduces the state FMLA's minimum eligibility requirement for employees, from having to work at least 12 months for the current employer and at least 1000 hours during the previous 12 months, to instead having to work only 6 months for the current employer and at least 500 hours during the previous 12 months; (c) aligns the maximum amount of leave for the Connecticut FMLA with the federal FMLA requirement (i.e., 12 weeks of leave during any 12 month period), **but also provides that an employee**

---

**pullcom.com**  @pullmancomley

**BRIDGEPORT** | **HARTFORD** | **SPRINGFIELD** | **WAKEFIELD** | **WATERBURY** | **WESTPORT** | **WHITE PLAINS**  
203.330.2000 | 860.424.4300 | 413.314.6160 | 401-360-1533 | 203.573.9700 | 203.254.5000 | 914.705.5355

## Latest Developments from the Connecticut General Assembly: The Labor and Public Employees Committee has Spoken (Softly, but Firmly)

---

**can take up to two additional weeks of leave due to a serious health condition during a pregnancy that results in incapacitation;** (d) adds siblings, grandparents, grandchildren, “or any other individual related by blood or whose close association with the employee is the equivalent of a family member” to the list of family members for whom an employee can take FMLA “caregiver” leave; and (e) eliminates an employer’s ability to require an employee taking FMLA leave to use employer-provided paid leave as part of the FMLA leave.

2. B. No. 1 **AN ACT CONCERNING EARNED FAMILY AND MEDICAL LEAVE**. This bill is very similar to **House Bill No. 5387**, above.
3. B. No. 15 **AN ACT CONCERNING FAIR AND EQUAL PAY FOR EQUAL WORK**. This bill would prohibit an employer from inquiring about a prospective employee's wage and salary history before an offer of employment that includes wages has been accepted by the prospective employee, unless the prospective employee has voluntarily disclosed such information. This bill contains an exception for employers acting pursuant to any federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes.
4. B. No. 5386 **AN ACT CONCERNING VARIOUS PAY EQUITY AND FAIRNESS MATTERS**. This bill contains the same provisions set forth in **SB No. 15**, above. However, as amended by the Committee this bill would also allow an employer to inquire of a prospective employee about prior compensation structure (as opposed to the value of such compensation). This bill also would provide that in equal pay lawsuits, employers could avoid an award of compensatory and punitive damages where the employer has: (1) completed in good faith within three years before the date that the employee filed the suit an equal pay analysis of the employer's pay practices that was reasonable in detail and scope in light of the size of the employer; and (2) eliminated any sex-based wage differential for the plaintiff bringing the lawsuit. The court could then award back pay only for the two-year period immediately preceding the filing of the lawsuit, and could award costs and reasonable attorney's fees (but not compensatory or punitive damages).
5. B. No. 5043 **AN ACT PROMOTING A FAIR, CIVIL AND HARASSMENT-FREE WORKPLACE**. This bill would amend the posting requirements for employers with respect to sexual harassment so as to cover all forms of harassment based upon a suspect classification, and to require that such information be communicated to employees on an annual basis. This bill would also expand the anti-harassment training requirements to, *inter alia*, include non-supervisory employees and provide additional detail.
6. B. No. 5044 **AN ACT CONCERNING FAIR TREATMENT OF SICK WORKERS**. This bill would amend the state’s paid sick leave law so act to cover all hourly and non-exempt employees (not just the “service workers” currently covered by the law). This bill would also expand the law to cover all employers with at least 20 employees (as opposed to 50 employees under the current law). The bill would further require employers with fewer than 20 employees to provide unpaid sick leave.

## Latest Developments from the Connecticut General Assembly: The Labor and Public Employees Committee has Spoken (Softly, but Firmly)

---

7. H.B. No. 5388 **AN ACT CONCERNING A FAIR MINIMUM WAGE**. This bill would increase the minimum wage from the current \$10.10/hour to \$12.00/hour on January 1, 2019, \$13.50/hour on January 1, 2020, and \$15.00/hour on January 1, 2021. Thereafter, the minimum wage would be subject to annual indexing/adjustment for inflation.
8. **B. No. 5478 AN ACT CONCERNING TECHNICAL AND MINOR CHANGES TO THE LABOR DEPARTMENT STATUTES**. This bill would make changes in the calculation of the maximum unemployment compensation benefit rate by basing it on the 50% of the average wage of all workers in the State, as opposed to the current 60% of “production and related workers” calculation. The bill further provides that the Department of Labor will rely upon the “Connecticut Quarterly Census of Employment and Wages” for determining such average wage of all workers.
9. **B. No. 5480 AN ACT CONCERNING UNEMPLOYMENT COMPENSATION BENEFITS**. This bill would provide that the maximum benefit rate for unemployment compensation will not increase in any benefit year (commencing in October 2018) if the State has not met at least 70% of its unemployment compensation trust fund solvency target. This bill would also change the treatment of severance pay under the unemployment compensation law. Currently, an employee who receives severance pay is disqualified from receiving benefits until the “severance period” ends – i.e., the severance pay is treated as wages – *unless* the employee was required to waive a right against the employer independently established by statute or common law as a condition of receiving the payments. The bill would eliminate this exception to disqualification. This bill would further make changes in the disqualification from eligibility that currently exists for excessive absences (with each day of absence counting as a separate instance, as opposed to the confusing “one day or two consecutive days” disqualification).
10. **B. No. 5481 AN ACT CONCERNING CHANGES TO THE STATE PERSONNEL ACT**. This bill would change the notice requirement for the posting for examinations for classified positions from two weeks to five business days, and shorten the appeal period for an individual challenging the rejection of an application from two weeks to five business days. The bill also removes from the Department of Administrative Services the power to issue regulations with respect to the reemployment of former state employees who have retired but who have not reached the mandatory retirement age.

**Please note:** Bills affecting labor and employment issues may also be considered by and emerge from other committees. The 2018 session of the General Assembly is scheduled to adjourn on May 9, 2018, so stay tuned to see if any of the above bills are enacted.

**Posted in** Compensation, Unemployment

**Tags:** Minimum Wage, Sexual Harassment, Wages