

Latest Employment & Labor Developments from the Connecticut General Assembly: February 9th Public Hearing

Working Together

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On **Tuesday, February 9, 2021**, the General Assembly's **Labor and Public Employees Committee** will conduct a public hearing on numerous proposed bills. The hearing will take place at **10:00 A.M.** via Zoom and YouTube Live (in light of the ongoing pandemic). Many of these bills (for example, breastfeeding in the workplace, hair-related discrimination, prevailing wage rates, and call center closures) have been considered in prior legislative sessions but never came to fruition. Others (such as the cannabis bill) are new attempts at providing for additional employee rights and restricting employer discretion.

The following are summaries of the bills that are the subject of the hearing:

H.B. No. 5158: AN ACT CONCERNING BREASTFEEDING IN THE WORKPLACE. This bill would amend current laws regarding lactation rooms in the workplace so as to require (provided there is no undue hardship) that such lactation rooms 1) be free from intrusion and shielded from the public while the employee expresses milk, 2) include or be situated near a refrigerator (or an "employee-provided portable cold storage device") where an employee can store expressed breast milk, and 3) include access to an electrical outlet.

H.B. No. 6376: AN ACT CREATING A RESPECTFUL AND OPEN WORLD FOR NATURAL HAIR. This bill would amend that Connecticut Fair Employment Practices Act so as to prohibit discrimination on the basis of ethnic hairstyles (including hair textures) historically associated with race.

H.B. No. 6377: AN ACT CONCERNING LABOR PEACE AGREEMENTS AND A MODERN AND EQUITABLE CANNABIS WORKFORCE. Notwithstanding the broad title, this bill would limit the ability of employers to have policies prohibiting possession, use or consumption of cannabis in the course of employment by an employee unless such policies are in writing, equally applicable to each employee, made available to each

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employee prior to enactment, and “directly related to a clear business necessity”. The bill would prohibit employers from requiring employees as a condition of employment to refrain from using cannabis outside the course of their employment or otherwise discriminating against any employee for so using cannabis (or for being involved in “lawful cannabis commerce”). This bill would not apply to any position or condition of employment governed by federal law or regulation that clearly preempts any of these provisions.

H.B. No. 6378 : AN ACT CODIFYING PREVAILING WAGE CONTRACT RATES. This bill would codify as the “prevailing wage rates” for covered construction contracts those rates established in “dominant” collective bargaining agreements or understandings between employers and labor organizations for the same work in the same trade or occupation in the town in which the project is being constructed.

H.B. No. 6379: AN ACT CONCERNING WORKERS' RIGHTS. This bill would limit the ability to enter into a covenant not to compete to situations where the covenant 1) does not restrict the employee's competitive activities for a period of more than one year following separation from employment; 2) is necessary to protect a legitimate business interest of the employer; 3) is reasonably limited in time, geographic scope and employment restrictions as necessary to protect such business interest; 4) is consistent with other laws of this state and public policy; and 5) is entered into by an employee who receives compensation at an hourly rate of more than twice the minimum fair wage. The bill further provides that the party seeking to enforce a covenant not to compete shall have the burden of proof in any proceeding.

H.B. No. 6380: AN ACT CONCERNING THE DISCLOSURE OF SALARY RANGE FOR A VACANT POSITION. This bill would require employers to disclose to job applicants the salary ranges for vacant positions; this bill would also revise the state’s gender based equal pay act by requiring the provision of “comparable” pay for “comparable” work (instead of the current “equal” pay for “equal” work).

H.B. No. 6381: AN ACT ESTABLISHING A TASK FORCE REGARDING THE STATE WORKFORCE AND RETIRING EMPLOYEES. As the title suggests, this bill would establish a task force to study the state workforce and retiring employees. The task force would study, among other things, the number of managerial and exempt employees that are eligible to retire, succession planning of executive branch agencies in preparation for retirements, and barriers to recruitment into the managerial and exempt workforce.

H.B. No. 6382: AN ACT STRENGTHENING THE PROBATE COURT SYSTEM. This bill would allow Probate Court employees to be considered state employees for the purpose of collective bargaining.

H.B. No. 6383: AN ACT CONCERNING CALL CENTERS AND NOTICE OF CLOSURES. This bill would limit the ability of call centers to relocate or cease operations in Connecticut by requiring them to notify the Commissioner of Labor at least 100 days prior to such relocation (and subjecting them to fines for violations of this provision). In addition, the bill provides that any call center employer that relocates to another state (or country) would be ineligible for any direct or indirect state grants, state guaranteed loans, state tax

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benefits or other state financial support for a period of five years. Such a call center employer would also have to remit the unamortized value of any such state financial support it has received in the previous five years; however, this remittance requirement could be waived if the employer demonstrates that such requirement would: 1) threaten state or national security, 2) result in substantial job loss in this state, or 3) harm the environment.

S.B. No. 836: AN ACT CONCERNING PERMANENT PARTIAL DISABILITY AND PENSION OFFSETS. This bill would prohibit any municipality or special taxing district with a pension and retirement system from diminishing or eliminating any rights or benefits due to a retiree's receipt of "permanent partial disability" workers' compensation benefits. The bill indicates that it shall not be construed to interfere with or diminish the provisions of any previously negotiated collective bargaining agreement.

To repeat my standard warning: The fact that a public hearing has been scheduled on these bills is not necessarily an indication that the Committee will pass them, but it is at least an indication that they are under serious consideration. When these bills advance toward a vote by the Committee and the full General Assembly, we will provide more detail as to their contents. The deadline for the Committee to pass and forward bills out of committee is March 30, 2021.

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Tags: Breastfeeding in the Workplace, Prevailing Wage, Salary