

# The Aftermath: Developments From The 2017 Regular Session of The Connecticut General Assembly Affecting The Workplace

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## Working Together

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The 2017 Regular Session of the Connecticut General Assembly concluded on June 7, 2017 without passing a budget. As such, the General Assembly will eventually have to convene a “special session”. In the meantime, our legislature did pass several bills that will affect the workplace in Connecticut. Among other things, the legislature enacted bills that would strengthen protections in the workplace for pregnant employees and veterans.

The following is a concise description of employment-related bills that were passed by the General Assembly that may be of interest. **Please note:** bills that were not passed by both houses of the General Assembly during the 2017 regular session, such as these bills, may still re-emerge during the special session or as part of the inevitable budget “implementer.” We will provide a more comprehensive summary and discussion of laws that were passed during the 2017 session after the Governor has acted upon all of the relevant bills, after the conclusion of the upcoming “special session”, and after the State has (cross your fingers) passed a budget.

**EMPLOYMENT DISCRIMINATION: House Bill No. 6668** will expand the non-discrimination protections and accommodations employers must make for **pregnant employees**. The bill expands the pregnancy discrimination/accommodations protections to include lactation. The bill lists specific “reasonable accommodations” an employer may be obligated to provide (assuming the employer cannot establish an “undue hardship”), including permission to sit while working, more frequent or longer breaks, periodic rest, assistance with manual labor, job restructuring, light duty assignments, modified work schedules, temporary transfers to less strenuous or hazardous work, time off to recover from childbirth, or break time and appropriate facilities for expressing breast milk. The bill also explicitly prohibits employers from: 1) denying employment opportunities to an employee or person seeking employment due to the employee’s request for a reasonable accommodation due to her pregnancy; 2) forcing an employee or person seeking employment affected by pregnancy to accept a reasonable accommodation if the employee or person seeking employment does not have a known limitation related to her pregnancy, or does not require a reasonable accommodation to perform the essential duties related to her employment; 3) requiring an employee to take a leave of absence if a reasonable accommodation can be provided in lieu of such leave; and 4) retaliating

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against an employee in the terms, conditions or privileges of her employment based upon such employee's request for a reasonable accommodation. **Please note:** In a future post, we will analyze how these provisions may actually constitute a change in an employer's current obligations under the law.

In addition, **Senate Bill No. 917** includes a prohibition against discrimination on the basis of **veteran's status** in the various state statutes prohibiting discrimination (including employment and public accommodations), with such discrimination claims being within the jurisdiction of the Commission on Human Rights and Opportunities. The bill would also extend the state military leave provisions applicable to employers to cover leave by an employee who is serving in **another** state's National Guard.

**WORKERS' COMPENSATION: Public Act 17-27 (House Bill No. 7037)** expressly permits the withholding of child support from workers compensation benefits. **House Bill No. 7132** requires private sector employees making claims for workers' compensation benefits to send a copy of the claim to the employer at the employer's address, provided that the employer has first forwarded its address to the Workers' Compensation Commission (for placement on the Commission's website).

**MUNICIPALITIES: House Bill No. 7093** requires local and state law enforcement units to inform the Police Officer Standards and Training Council ("POST") if they know that a former police officer is applying for a job after the officer was dismissed (or resigned while under investigation) for certain specified serious misconduct. **House No. Bill 7161** requires companies that administer Section 403(b) retirement plans for "political subdivisions" of the state (such as public school districts) to disclose 1) the fee ratio and return, net of fees, for each investment under the plan, and 2) fees paid to any person who provides investment advice (whether directly or through publications) to plan participants. Such disclosures must be made upon plan enrollment and at least annually thereafter. **House Bill No. 7296** allows municipalities that have accrued an unfunded liability to the Municipal Employees Retirement System ("MERS") as of July 1, 2017 to issue bonds to pay for all or part of the unfunded liability, and sets forth procedures for the authorization and issuance of such bonds.

**UNEMPLOYMENT COMPENSATION: House Bill No. 6907** amends the unemployment compensation statutes to exempt the relationship between multi-passenger carriers and contractors under intrastate and interstate passenger carrier permits from the definition of "employee".

**TASK FORCES AND STUDIES: House Bill No. 5590** establishes a task force to study the effectiveness, impact, and cohesiveness of workforce development programs and initiatives in the state. **Senate Bill No. 723** requires a study by the State of the impact that apprenticeship costs have on small businesses. **House Bill No. 6219** requires the State's Commission on Equity and Opportunity to study and recommend ways to provide 1) persons recently released from correctional facilities with enhanced employment opportunities, and 2) tax incentives to employers who provide employment opportunities to persons recently released from correctional facilities.

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**MISCELLANEOUS: Senate Bill No. 548** expands the ability to get a license to work as a hairdresser or cosmetician. Specifically, a person serving as an apprentice could get such a license if he/she has (1) successfully completed the eighth grade, (2) completed an apprenticeship approved by the Department of Labor, and (3) passed a written examination satisfactory to the Department of Public Health.

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