



General Assembly

February Session, 2010

**Raised Bill No. 5284**

LCO No. 1356

\*01356\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING DOMESTIC VIOLENCE VICTIMS AND  
DISCRIMINATORY PRACTICES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46a-60 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) It shall be a discriminatory practice in violation of this section:

4 (1) For an employer, by the employer or the employer's agent,  
5 except in the case of a bona fide occupational qualification or need, to  
6 refuse to hire or employ or to bar or to discharge from employment  
7 any individual or to discriminate against such individual in  
8 compensation or in terms, conditions or privileges of employment  
9 because of the individual's race, color, religious creed, age, sex, marital  
10 status, actual or perceived status as a victim of domestic violence,  
11 national origin, ancestry, present or past history of mental disability,  
12 mental retardation, learning disability or physical disability, including,  
13 but not limited to, blindness;

14 (2) For any employment agency, except in the case of a bona fide

15 occupational qualification or need, to fail or refuse to classify properly  
16 or refer for employment or otherwise to discriminate against any  
17 individual because of such individual's race, color, religious creed, age,  
18 sex, marital status, actual or perceived status as a victim of domestic  
19 violence, national origin, ancestry, present or past history of mental  
20 disability, mental retardation, learning disability or physical disability,  
21 including, but not limited to, blindness;

22 (3) For a labor organization, because of the race, color, religious  
23 creed, age, sex, marital status, actual or perceived status as a victim of  
24 domestic violence, national origin, ancestry, present or past history of  
25 mental disability, mental retardation, learning disability or physical  
26 disability, including, but not limited to, blindness of any individual to  
27 exclude from full membership rights or to expel from its membership  
28 such individual or to discriminate in any way against any of its  
29 members or against any employer or any individual employed by an  
30 employer, unless such action is based on a bona fide occupational  
31 qualification;

32 (4) For any person, employer, labor organization or employment  
33 agency to discharge, expel or otherwise discriminate against any  
34 person because such person has opposed any discriminatory  
35 employment practice or because such person has filed a complaint or  
36 testified or assisted in any proceeding under section 46a-82, 46a-83 or  
37 46a-84;

38 (5) For any person, whether an employer or an employee or not, to  
39 aid, abet, incite, compel or coerce the doing of any act declared to be a  
40 discriminatory employment practice or to attempt to do so;

41 (6) For any person, employer, employment agency or labor  
42 organization, except in the case of a bona fide occupational  
43 qualification or need, to advertise employment opportunities in such a  
44 manner as to restrict such employment so as to discriminate against  
45 individuals because of their race, color, religious creed, age, sex,  
46 marital status, actual or perceived status as a victim of domestic

47 violence, national origin, ancestry, present or past history of mental  
48 disability, mental retardation, learning disability or physical disability,  
49 including, but not limited to, blindness;

50 (7) For an employer, by the employer or the employer's agent: (A)  
51 To terminate a woman's employment because of her pregnancy; (B) to  
52 refuse to grant to that employee a reasonable leave of absence for  
53 disability resulting from her pregnancy; (C) to deny to that employee,  
54 who is disabled as a result of pregnancy, any compensation to which  
55 she is entitled as a result of the accumulation of disability or leave  
56 benefits accrued pursuant to plans maintained by the employer; (D) to  
57 fail or refuse to reinstate the employee to her original job or to an  
58 equivalent position with equivalent pay and accumulated seniority,  
59 retirement, fringe benefits and other service credits upon her  
60 signifying her intent to return unless, in the case of a private employer,  
61 the employer's circumstances have so changed as to make it impossible  
62 or unreasonable to do so; (E) to fail or refuse to make a reasonable  
63 effort to transfer a pregnant employee to any suitable temporary  
64 position which may be available in any case in which an employee  
65 gives written notice of her pregnancy to her employer and the  
66 employer or pregnant employee reasonably believes that continued  
67 employment in the position held by the pregnant employee may cause  
68 injury to the employee or fetus; (F) to fail or refuse to inform the  
69 pregnant employee that a transfer pursuant to subparagraph (E) of this  
70 subdivision may be appealed under the provisions of this chapter; or  
71 (G) to fail or refuse to inform employees of the employer, by any  
72 reasonable means, that they must give written notice of their  
73 pregnancy in order to be eligible for transfer to a temporary position;

74 (8) For an employer, by the employer or the employer's agent, for an  
75 employment agency, by itself or its agent, or for any labor  
76 organization, by itself or its agent, to harass any employee, person  
77 seeking employment or member on the basis of sex. "Sexual  
78 harassment" shall, for the purposes of this section, be defined as any  
79 unwelcome sexual advances or requests for sexual favors or any

80 conduct of a sexual nature when (A) submission to such conduct is  
81 made either explicitly or implicitly a term or condition of an  
82 individual's employment, (B) submission to or rejection of such  
83 conduct by an individual is used as the basis for employment decisions  
84 affecting such individual, or (C) such conduct has the purpose or effect  
85 of substantially interfering with an individual's work performance or  
86 creating an intimidating, hostile or offensive working environment;

87 (9) For an employer, by the employer or the employer's agent, for an  
88 employment agency, by itself or its agent, or for any labor  
89 organization, by itself or its agent, to request or require information  
90 from an employee, person seeking employment or member relating to  
91 the individual's child-bearing age or plans, pregnancy, function of the  
92 individual's reproductive system, use of birth control methods, or the  
93 individual's familial responsibilities, unless such information is  
94 directly related to a bona fide occupational qualification or need,  
95 provided an employer, through a physician may request from an  
96 employee any such information which is directly related to workplace  
97 exposure to substances which may cause birth defects or constitute a  
98 hazard to an individual's reproductive system or to a fetus if the  
99 employer first informs the employee of the hazards involved in  
100 exposure to such substances;

101 (10) For an employer, by the employer or the employer's agent, after  
102 informing an employee, pursuant to subdivision (9) of this subsection,  
103 of a workplace exposure to substances which may cause birth defects  
104 or constitute a hazard to an employee's reproductive system or to a  
105 fetus, to fail or refuse, upon the employee's request, to take reasonable  
106 measures to protect the employee from the exposure or hazard  
107 identified, or to fail or refuse to inform the employee that the measures  
108 taken may be the subject of a complaint filed under the provisions of  
109 this chapter. Nothing in this subdivision is intended to prohibit an  
110 employer from taking reasonable measures to protect an employee  
111 from exposure to such substances. For the purpose of this subdivision,  
112 "reasonable measures" shall be those measures which are consistent

113 with business necessity and are least disruptive of the terms and  
114 conditions of the employee's employment;

115 (11) For an employer, by the employer or the employer's agent, for  
116 an employment agency, by itself or its agent, or for any labor  
117 organization, by itself or its agent: (A) To request or require genetic  
118 information from an employee, person seeking employment or  
119 member, or (B) to discharge, expel or otherwise discriminate against  
120 any person on the basis of genetic information. For the purpose of this  
121 subdivision, "genetic information" means the information about genes,  
122 gene products or inherited characteristics that may derive from an  
123 individual or a family member.

124 (b) (1) The provisions of this section concerning age shall not apply  
125 to: (A) The termination of employment of any person with a contract of  
126 unlimited tenure at an independent institution of higher education  
127 who is mandatorily retired, on or before July 1, 1993, after having  
128 attained the age of seventy; (B) the termination of employment of any  
129 person who has attained the age of sixty-five and who, for the two  
130 years immediately preceding such termination, is employed in a bona  
131 fide executive or a high policy-making position, if such person is  
132 entitled to an immediate nonforfeitable annual retirement benefit  
133 under a pension, profit-sharing, savings or deferred compensation  
134 plan, or any combination of such plans, from such person's employer,  
135 which equals, in aggregate, at least forty-four thousand dollars; (C) the  
136 termination of employment of persons in occupations, including police  
137 work and fire-fighting, in which age is a bona fide occupational  
138 qualification; (D) the operation of any bona fide apprenticeship system  
139 or plan; or (E) the observance of the terms of a bona fide seniority  
140 system or any bona fide employee benefit plan for retirement, pensions  
141 or insurance which is not adopted for the purpose of evading said  
142 provisions, except that no such plan may excuse the failure to hire any  
143 individual and no such system or plan may require or permit the  
144 termination of employment on the basis of age. No such plan which  
145 covers less than twenty employees may reduce the group hospital,

146 surgical or medical insurance coverage provided under the plan to any  
147 employee who has reached the age of sixty-five and is eligible for  
148 Medicare benefits or any employee's spouse who has reached age  
149 sixty-five and is eligible for Medicare benefits except to the extent such  
150 coverage is provided by Medicare. The terms of any such plan which  
151 covers twenty or more employees shall entitle any employee who has  
152 attained the age of sixty-five and any employee's spouse who has  
153 attained the age of sixty-five to group hospital, surgical or medical  
154 insurance coverage under the same conditions as any covered  
155 employee or spouse who is under the age of sixty-five.

156 (2) No employee retirement or pension plan may exclude any  
157 employee from membership in such plan or cease or reduce the  
158 employee's benefit accruals or allocations under such plan on the basis  
159 of age. The provisions of this subdivision shall be applicable to plan  
160 years beginning on or after January 1, 1988, except that for any  
161 collectively bargained plan this subdivision shall be applicable on the  
162 earlier of (A) January 1, 1990, or (B) the later of (i) the expiration date  
163 of the collective bargaining agreement, or (ii) January 1, 1988.

164 (3) The provisions of this section concerning age shall not prohibit  
165 an employer from requiring medical examinations for employees for  
166 the purpose of determining such employees' physical qualification for  
167 continued employment.

168 (4) Any employee who continues employment beyond the normal  
169 retirement age in the applicable retirement or pension plan shall give  
170 notice of intent to retire, in writing, to such employee's employer not  
171 less than thirty days prior to the date of such retirement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	46a-60

***Statement of Purpose:***

To designate individuals who are actual or perceived victims of domestic violence a protected class for employment purposes.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*