



General Assembly

January Session, 2011

Substitute Bill No. 6406

* HB06406LAB 031111 *

**AN ACT CONCERNING EMPLOYER'S RESPONSIBILITIES AND
EMPLOYEE RIGHTS.**

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

1 Section 1. (NEW) (*Effective January 1, 2012*) (a) Each employer, at the
2 time of hiring, shall provide notice to each employee (1) of the
3 employee's entitlements and benefits, whether negotiated or statutory,
4 (2) that retaliation in any form by the employer against the employee
5 for requesting to use or using entitlements and benefits, whether
6 negotiated or statutory, is prohibited, and (3) that the employee has a
7 right to file a complaint with the Labor Commissioner for any violation
8 of this section. Employers may comply with the provisions of this
9 section by displaying a poster in a conspicuous place, accessible to
10 employees, at the employer's place of business that contains the
11 information required by this section in both English and Spanish. The
12 Labor Commissioner may adopt regulations, in accordance with
13 chapter 54 of the general statutes, to establish additional requirements
14 concerning the means by which employers shall provide such notice.
15 The Labor Commissioner shall administer this section within available
16 appropriations.

17 (b) For the purposes of this section and section 2 of this act, (1)
18 "employee" means any person engaged in service to an employer in the
19 business of the employer, who has worked a minimum of five hundred
20 twenty hours for an employer within the past twelve months and is
21 (A) paid on an hourly basis, or (B) not exempt from the minimum

22 wage and overtime compensation requirements of the Fair Labor
23 Standards Act of 1938 and the regulations promulgated thereunder, as
24 amended from time to time. "Employee" does not include (i) day or
25 temporary workers, and (ii) employees of any constituent unit of the
26 state system of higher education, as defined in section 10a-1 of the
27 general statutes, who are part-time or adjunct faculty members,
28 university assistants working less than twenty hours per work,
29 educational assistants or other part time professional employees; (2)
30 "employer" means any person, firm, business, educational institution,
31 nonprofit agency, corporation, limited liability company or other entity
32 that employs fifty or more persons in the state; (3) "entitlements and
33 benefits, whether negotiated or statutory" means paid sick leave,
34 maternity leave, vacation time, medical coverage, prescription drug
35 coverage, dental coverage, vision coverage, employee discounts,
36 family and medical leave, and worker's compensation benefit; and (4)
37 "retaliatory personnel action" means any termination, suspension,
38 constructive discharge, demotion, unfavorable reassignment, refusal to
39 promote, disciplinary action, warning, whether verbal or written or
40 other adverse employment action taken by an employer against an
41 employee.

42 Sec. 2. (NEW) (*Effective January 1, 2012*) (a) No employer shall take
43 retaliatory personnel action or discriminate against an employee
44 because the employee (1) requests or uses entitlements and benefits,
45 whether negotiated or statutory, or (2) files a complaint with the Labor
46 Commissioner alleging the employer's violation of this section. The
47 Labor Commissioner shall administer this section within available
48 appropriations.

49 (b) Any employer who is found by the Labor Commissioner, by a
50 preponderance of the evidence, to have violated the provisions of this
51 section shall be liable to the Labor Department for a civil penalty of six
52 hundred dollars for each violation. The Labor Commissioner may
53 award the employee all appropriate relief, including rehiring or
54 reinstatement to the employee's previous job, payment of back wages
55 and reestablishment of employee benefits to which the employee

56 otherwise would have been eligible if the employee had not been
57 subject to such retaliatory personnel action or discriminated against.
58 Any party aggrieved by the decision of the commissioner may appeal
59 the decisions to the Superior Court in accordance with the provisions
60 of chapter 54 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2012</i>	New section
Sec. 2	<i>January 1, 2012</i>	New section

Statement of Legislative Commissioners:

In subsection (a) of section 2, "in accordance with section 2 of this act" was deleted and "section 2 of this act" was also deleted in subsection (a) and (b) of section 2 and replaced with "this section" for accuracy of reference and to conform with the style of the general statutes.

LAB *Joint Favorable Subst.-LCO*