



## 2013-2016 ACTS AFFECTING EMPLOYMENT

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### ISSUE

This report provides brief summaries of the laws enacted from 2013 through 2016 that affect private-sector employment, organized by topic. A more detailed description of each act can be accessed through the hyperlink in each act's summary. For summaries of acts that more broadly affect business and jobs, see Acts Affecting Business and Jobs for [2013](#), [2014](#), [2015](#), and [2016](#).

### INCOME TAX

#### ***PA 13-8, An Act Concerning Withholding of Income Tax***

This [act](#) allows a Connecticut employer to withhold or divert a portion of an employee's wages as required by another state's income tax laws if the employee (1) works for the employer in the other state or (2) resides in the other state. Under prior law, Connecticut employers could withhold state income tax for another state only if the other state had a reciprocal agreement with Connecticut.

### JOB CREATION/ HIRING/ TRAINING

#### ***PA 14-38, An Act Concerning the Recommendations of the Uniform Regional School Calendar Task Force, Licensure Exemptions for Certain After School Programs and Expanding Opportunities Under the Subsidized Training and Employment Program***

Among other things, this [act](#) expands the Subsidized Training and Employment Program (STEP) by creating a new apprenticeship program to provide grants for small businesses and manufacturers to hire high school and college students.

#### ***PA 14-131, An Act Concerning the Findings of the Military Occupational Specialty Task Force***

Among other things, this [act](#) creates a process for armed forces or National Guard members or veterans to obtain a trade license by substituting their applicable military training for the trade's apprenticeship requirements. It also allows them to



substitute their military training for the security guard or emergency medical technician training and testing needed for licensure.

***PA 14-217, An Act Implementing Provisions of the State Budget for the Fiscal Year Ending June 30, 2015***

Section 197 of this [act](#) requires the Connecticut Employment and Training Commission (CETC) to develop a statewide plan and funding proposal to implement, expand, or improve on (1) contextualized learning programs, (2) career certificate programs, (3) middle college programs, and (4) early college programs. It describes the plan as a way to provide education, training, and placement in available jobs in manufacturing, health care, construction, green industries, and other emerging sectors of the state's economy.

Section 198 of the act requires the Commission on Children (now known as the Commission on Women, Children, and Seniors) to establish a two-generation school readiness plan to promote long-term learning and economic success for low-income families. It must address intergenerational barriers to school and workforce readiness using, among other things, intensified workforce training and targeted education.

***PA 14-225, An Act Implementing the Recommendations of the Legislative Program Review and Investigations Committee on the Reemployment of Older Workers as they Relate to the Labor Department***

This [act](#) creates or expands several initiatives for the state's unemployed workers. It requires the Department of Labor (DOL) to (1) promote the state's apprenticeship programs and (2) convene a working group to determine whether résumé-writing assistance providers at the CTWorks One-Stop Career Centers should be credentialed. The act also creates initiatives specifically for older unemployed workers (those age 50 or older), such as requiring (1) DOL to create a quick-reference guide of the resources available to older unemployed workers and (2) CETC to publicize the benefits of hiring and retaining older workers and include programs for them in their planning. It also creates several workforce development-related initiatives for the state's higher education system to implement.

***PA 15-127, An Act Concerning Minor and Clarifying Changes to the Subsidized Training and Employment Program and Other Statutes Affecting the Labor Department***

Among other things, this [act](#) (1) prohibits eligible businesses and manufacturers from receiving STEP grants for new employees hired to replace workers they (a) currently employ or (b) terminated, unless they demonstrate just cause for replacing or terminating the workers; (2) renames the STEP “new apprentice” program the “pre-apprentice program;” and (3) expands the eligible employees for whom businesses may receive STEP grants.

***PA 16-83, An Act Concerning Fair Chance Employment***

This [act](#) prohibits employers from asking prospective employees about their prior arrests, criminal charges, or convictions on an initial employment application unless the (1) employer must do so under a state or federal law or (2) prospective employee is applying for a position for which the employer must obtain a security or fidelity bond, or an equivalent bond. It also allows a prospective employee or employee to file a complaint with the commissioner alleging an employer's violation of certain other prohibitions on employment-related criminal record checks.

***PA 16-114, An Act Encouraging Middle School and High School Students to Consider Careers in Manufacturing and Concerning Information Posted on the Labor Department's Apprenticeship Web Site***

This [act](#) requires the education commissioner to establish a committee to coordinate efforts to educate middle and high school students about manufacturing careers. The committee must annually (1) compile a catalog of manufacturing training programs at public and private educational institutions in the state and (2) analyze whether current programs available to Connecticut students are meeting workforce needs.

The act also requires the commissioner to develop a (1) program to introduce middle and high school students to manufacturing careers and (2) best practices guide to help local and regional school boards incorporate relationships with the manufacturing industry in their middle school and high school curricula.

The act also requires DOL to update its apprenticeship website by March 1, 2017 with certain information, such as a list of occupations in which apprentices are employed and the coursework and cost of the apprenticeships.

***PA 16-3, May Special Session, An Act Concerning Revenue and Other Items to Implement the Budget for the Biennium Ending June 30, 2017***

Section 23 of this [act](#) establishes a Technology Talent Advisory Committee within the Department of Economic and Community Development to identify shortages of qualified employees in specific technology sectors and develop pilot programs to address those shortages.

**LEAVE**

***PA 13-49, An Act Concerning Military Leave from Employment***

This [act](#) (1) extends employment protections to all members of the state's armed forces who take time off from their employment to perform ordered military duty and (2) expands the type of protected duties to include all ordered military duty instead of only meetings and drills. Workplace protections include (1) being permitted a leave of absence when the member is ordered to military duty, including meetings and drills, during regular working hours, and (2) protection from loss of vacation or holiday privileges, or prejudice in promotions, continuances, or reappointments due to absences. Prior law only afforded these protections to employees who are U.S. Armed Forces reservists or National Guard members.

***PA 14-128, An Act Creating Parity Between Paid Sick Leave Benefits and Other Employer-Provided Benefits***

This [act](#) changes the method for determining if a nonmanufacturing business must provide paid sick leave to certain employees. Under prior law, a business had to provide the leave if it employed at least 50 people in Connecticut during any of the previous year's quarters. Under the act, the business must determine if it meets the annual 50-employee threshold based on the number of employees on its payroll for the week containing October 1.

The act also changes the timeframe for accruing paid sick leave. Under prior law, employees accrued one hour of sick leave for every 40 hours worked per calendar year. Under the act, they accrue one hour of paid sick leave for every 40 hours worked during whatever 365-day year the business uses to calculate employee benefits.

The act also prohibits the business from firing, dismissing, or transferring an employee from one job site to another to come under the 50-employee threshold.

***PA 16-195, An Act Concerning the Connecticut Family and Medical Leave Act and Active Duty Military Service***

This [act](#) requires employers with 75 or more employees to allow eligible employees to take unpaid time off for a qualifying emergency, as determined in regulations adopted by the U.S. labor secretary, because the employee's spouse, child, or parent is on, or has been notified of an impending call or order to, active duty in the armed forces.

**MANDATES ON EMPLOYERS**

***PA 13-53, An Act Concerning Responsibilities of Mandated Reporters of Child Abuse and Neglect***

Among other things, this [act](#) (1) prohibits employers from attempting to prevent employees from reporting child abuse or neglect or testifying in child abuse or neglect hearings and (2) subjects employers to whistleblower penalties, in addition to the current civil penalties, if they take adverse action against employees who report child abuse or neglect.

***PA 13-176, An Act Concerning Employee Access to Personnel Files***

This [act](#) specifies how quickly an employer must provide a current or former employee with access to his or her personnel file. It allows an employer to mail the file to a former employee if they cannot agree on a location for the former employee to inspect the files. The act also requires employers to (1) provide employees with copies of any documentation of a disciplinary action or termination and (2) notify employees that they can include in their personnel file a written statement disagreeing with any information in the disciplinary, termination, or evaluation documents.

***PA 14-27, An Act Concerning the Recommendations of the Connecticut Sentencing Commission with Respect to Certificates of Rehabilitation***

Among other things, this [act](#) allows the Board of Pardons and Paroles or the Judicial Branch's Court Support Services Division to issue certificates of rehabilitation to an eligible offender to relieve him or her of certain barriers to employment or obtaining a credential because of a criminal conviction. It also prohibits employers from discriminating against an applicant or employee based solely on a conviction for which the person received a certificate.

### ***PA 15-6, An Act Concerning Employee Online Privacy***

This [act](#) generally prohibits employers from requesting or requiring an employee or job applicant to (1) provide a user name, password, or other way to access the employee's or applicant's personal online account; (2) authenticate or access such an account in front of the employer; or (3) invite, or accept an invitation from, the employer to join a group affiliated with such an account. It provides exceptions for employer-provided accounts and devices and certain types of investigations.

### ***PA 15-56, An Act Protecting Interns From Workplace Harassment and Discrimination***

This [act](#) prohibits an employer from discriminating against or sexually harassing interns, thus giving interns protections similar to those of paid employees. It makes a violation a "discriminatory practice" under state human rights law, which means a person can file a complaint with the Commission on Human Rights and Opportunities (CHRO) and pursue a civil action in Superior Court.

### ***PA 15-249, An Act Concerning Domestic Service and the Commission on Human Rights and Opportunities***

Among other things, this [act](#) brings domestic workers who work for employers with at least three employees under the employment-related anti-discrimination laws administered by the CHRO. Among other things, it provides them with:

1. protections against employment-related discrimination based on their race, color, religion, age, sex, gender identity, sexual orientation, marital status, national origin, ancestry, or mental or physical disability;
2. certain pregnancy-related protections, including a right to a reasonable leave of absence for a disability resulting from a pregnancy; and
3. protections against sexual harassment.

### ***PA 15-5, June Special Session, An Act Implementing Provisions of the State Budget for the Biennium Ending June 30, 2017, Concerning General Government, Education, Health And Human Services and Bonds of the State***

Workers' compensation law generally requires an employer or its workers' compensation insurer to pay an injured employee's prescription drug costs directly to the provider (i.e., pharmacy). If the employer uses an approved providers list, section 52 of this [act](#) requires the employer to provide a copy of it to an injured employee within two business days after the employee reports a work-related injury or condition to the employer.

### ***PA 16-71, An Act Concerning Human Trafficking***

Among other things, this [act](#) requires operators of hotels, motels, and similar lodgings to ensure that their employees receive training on recognizing potential human trafficking victims and common trafficking activities. The operators must also (1) conduct ongoing awareness campaigns for employees on common human trafficking activities and (2) beginning by October 1, 2017, annually certify in each employee's personnel file that the employee received the training.

## **RETIREMENT**

### ***PA 14-217, An Act Implementing Provisions of the State Budget for the Fiscal Year Ending June 30, 2015***

Sections 180-185 of this [act](#) create the Connecticut Retirement Security Board and require it to (1) conduct a market feasibility study on implementing a publicly administered retirement savings plan and (2) develop a comprehensive proposal for implementing the plan that must include certain goals and design features.

### ***PA 16-29, An Act Creating the Connecticut Retirement Security Program***

This [act](#), as amended by [PA 16-3](#), May Special Session (§§ 95-108), creates the Connecticut Retirement Security Authority to establish a retirement program with Roth individual retirement accounts (IRAs) for eligible private-sector employees, who will be automatically enrolled in the program unless they opt out. The authority can establish criteria and guidelines for the program to (1) offer retirement choices provided by multiple authority-selected vendors, (2) establish a cap on the total annual fees, and (3) provide participants with information regarding each retirement choice's investment performance history.

By January 1, 2018, and in each subsequent year, qualified employers must provide each of their covered employees with certain informational material prepared by the authority. Within 60 days after providing the material, or another time period the authority prescribes, the employers must automatically enroll each of their covered employees in the program at a contribution level the employee selects or a 3% default contribution level. Employers cannot make contributions to the program and employees can opt out by electing a contribution level of zero.

## **UNEMPLOYMENT INSURANCE**

### ***PA 13-141, An Act Concerning the Requirement for Electronic Filing of Quarterly Unemployment Tax Returns***

This [act](#) requires all employers subject to the state's unemployment law to submit their quarterly wage reports to the Department of Labor (DOL) on magnetic tape, diskette, or other electronic means prescribed by the department. It also allows employers to request a waiver from the requirement.

### ***PA 13-288, An Act Improving the Timeliness and Efficiency of the Department of Labor's Unemployment Insurance Tax Operations***

This [act](#) requires employers to electronically notify the labor commissioner within 30 days after (1) becoming subject to the state's unemployment law or (2) acquiring substantially all of the assets, organization, trade, or business, including employees, of another employer subject to the state's unemployment law. It also establishes a \$25 fee for employers who fail to submit their required quarterly wage reports under a proper state unemployment compensation registration number.

### ***PA 15-158, An Act Concerning the Loss of an Operator License Due to a Drug or Alcohol Testing Program and Unemployment Benefits***

This [act](#) expands the circumstances in which a private-sector employer can discharge or suspend an employee without affecting the employer's unemployment taxes. It creates a "non-charge" against an employer's experience rate for employees discharged or suspended because they failed a drug or alcohol test while off duty and subsequently lost a driver's license needed to perform the work for which they were hired. In effect, this allows the discharged or suspended employee to collect unemployment benefits without increasing the employer's unemployment taxes.

### ***PA 16-169, An Act Concerning Unemployment Compensation Appeals and Hearings, Employee Pay Periods and Minor and Technical Revisions to the General Statutes Relating to the Labor Department***

This [act](#) allows employers to pay their employees on a biweekly basis without first obtaining a waiver from DOL, as prior law required. It also makes numerous changes to the unemployment compensation statutes that generally give DOL greater flexibility in processing unemployment claims and appeals.

## **WAGES**

### ***PA 13-117, An Act Increasing the Minimum Fair Wage***

This [act](#) increases the hourly minimum wage from \$8.25 to \$8.70 on January 1, 2014 and from \$8.70 to \$9.00 on January 1, 2015. It increases the “tip credit” in each of those years to keep the employer's share of (1) hotel and waitstaff's wages at \$5.69 and (2) bartenders' wages at \$7.34.

### ***PA 14-1, An Act Concerning Working Families' Wages***

This [act](#) increases the state's minimum hourly wage to (1) \$9.15 on January 1, 2015, (2) \$9.60 on January 1, 2016, and (3) \$10.10 on January 1, 2017. The act does not change the “tip credit” allowed by law.

### ***PA 15-86, An Act Concerning an Employer's Failure to Pay Wages***

This [act](#) generally requires, rather than allows, a court to award double damages plus court costs and attorney's fees if it finds that an employer failed to (1) pay an employee's wages, accrued fringe benefits, or arbitration award or (2) meet the law's requirements for an employee's minimum wage or overtime rates. However, the requirement does not apply if employers show they had a good-faith belief that their underpayments were legal.

### ***PA 15-196, An Act Concerning Pay Equity and Fairness***

This [act](#) prohibits employers from taking certain steps to limit their employees' ability to (1) disclose or discuss the amount of their own wages or another co-worker's voluntarily disclosed wages or (2) ask about a co-worker's wages. Specifically, the act bans employers from (1) prohibiting their employees from such sharing; (2) requiring employees to sign a waiver or document that denies their right to such sharing; and (3) discharging, disciplining, discriminating or retaliating against, or otherwise penalizing employees for such sharing.

### ***PA 16-125, An Act Allowing Employers to Pay Wages Using Payroll Cards***

This [act](#) allows employers to pay their employees through payroll cards under certain conditions. Among other things, an employee must voluntarily and expressly authorize, in writing or electronically, that he or she wishes to be paid with a card. The authorization must be free of any intimidation, coercion, or fear of discharge or reprisal by the employer. In addition, (1) employers must allow employees the option to be paid by check or through direct deposit, (2) the card must be associated with an ATM network that ensures the availability of a

substantial number of in-network ATMs in the state, (3) employees must be able to make at least three free withdrawals per pay period, and (4) none of the employer's costs for using payroll cards may be passed on to employees.

The act also allows employers, regardless of how they pay their employees, to provide them with an electronic record of their hours worked, gross earnings, deductions, and net earnings (i.e., pay stub). To do so, the (1) employee must explicitly consent and (2) employer must (a) provide a way for the employee to access and print the record securely, privately, and conveniently; and (b) incorporate reasonable safeguards to protect the confidentiality of the employee's personal information.

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