

Labor Committee Employer Mandates Enacted Since 2016

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Issue

This report describes the employer mandates introduced in the Labor and Public Employees Committee and subsequently enacted since 2016.

Summary

Since 2016, the state legislature has enacted several laws that originated in the Labor and Public Employees Committee and either created a new requirement for private-sector employers to meet, tightened an existing requirement, or prohibited them from taking certain actions. These public acts are listed chronologically below with brief summaries of the mandates they imposed on private-sector employers (for a complete summary of an act, see the OLR Public Act Summary hyperlinked to it). The list includes only those acts that began as bills in the Labor and Public Employees Committee and were subsequently enacted as either stand-alone public acts or through substantially similar language in the annual budget implementer act.

2016

[PA 16-29](#), *An Act Creating the Connecticut Retirement Security Program* (as amended by [PA 16-3, May Special Session](#), §§ 95-108 & 207)

- Requires qualified employers to provide eligible employees with certain information about the program, automatically enroll them in it, and transmit employee contributions from their wage withholdings (once the program is implemented)

[PA 16-83](#), *An Act Concerning Fair Chance Employment*

- 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

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

- Requires employers to meet numerous conditions when paying their employees through payroll cards (e.g., employers must meet certain notice requirements, employees must be able to make at least three free withdrawals per pay period, and the employer's costs from paying employees with payroll cards cannot be deducted from an employee's pay)

2017

[PA 17-118](#), *An Act Concerning Pregnant Women In the Workplace*

- Requires employers to provide a reasonable workplace accommodation for a pregnant employee or job applicant unless the employer demonstrates that the accommodation would be an undue hardship
- Prohibits employers from (1) limiting, segregating, or classifying an employee in a way that would deprive her of employment opportunities due to her pregnancy; (2) discriminating against an employee or job applicant in the terms or conditions of employment based on her pregnancy; (3) denying employment opportunities to a pregnant employee or applicant because she requested a reasonable accommodation; (4) forcing a pregnant employee or applicant to accept a reasonable accommodation if she does not have a known pregnancy-related limitation or require a reasonable accommodation to perform her job's essential duties; (5) requiring a pregnant employee to take a leave of absence instead of providing a reasonable accommodation; and (6) retaliating against a pregnant employee based on her request for a reasonable accommodation
- Requires employers to provide employees with written notice of their right to be free from discrimination in relation to pregnancy, childbirth, and related conditions

2018

[PA 18-8](#), *An Act Concerning Pay Equity*

- Prohibits employers from asking about a prospective employee's wage and salary history unless (1) the prospective employee voluntarily discloses his or her earnings history; (2) the employer's actions are taken under a federal or state law that specifically authorizes disclosure or verification of salary history for employment purposes; or (3) the employer is only asking about other elements of a prospective employee's compensation structure (e.g.,

stock options), but not their value.

2019

[PA 19-4](#), *An Act Increasing the Minimum Fair Wage*

- Increases the state's minimum hourly wage to (1) \$11.00 on October 1, 2019; (2) \$12.00 on September 1, 2020; (3) \$13.00 on August 1, 2021; (4) \$14.00 on July 1, 2022; and (5) \$15.00 on June 1, 2023
- Starting January 1, 2024, and by each January 1 after that, requires the minimum wage to be adjusted by the annual percent change to the federal employment cost index
- Limits the extent to which employers may pay certain employees a "training wage" that is less than the minimum wage
- Prohibits employers from taking any action to displace, or partially displace, an employee in order to hire minors at a subminimum wage rate.

[PA 19-25](#), *An Act Concerning Paid Family and Medical Leave*

- Requires employers to deduct contributions to the paid family and medical leave insurance (FMLI) program from their employees' wages and remit them to the program
- Starting on January 1, 2022, changes various provisions of the state's Family and Medical Leave Act (FMLA) to (1) cover more employers and employees, (2) give employees an additional two weeks of leave due to a serious health condition that results in incapacitation during pregnancy, (3) limit the extent to which an employer may require an employee taking FMLA leave to use his or her employer-provided paid leave, and (4) expand the range of family members for whom an employee can take FMLA leave or use employer-provided paid sick leave
- Starting July 1, 2022, requires employers to annually notify employees (1) about their entitlement to family and medical leave and family violence leave and the terms under which the leaves may be used; (2) about the opportunity to file a benefit claim under the FMLI program; (3) that employer retaliation against an employee for requesting, applying for, or using family medical leave for which an employee is eligible is prohibited; and (4) that the employee can file a complaint with the labor commissioner

[PA 19-69](#), *An Act Extending Whistleblower Protections to Employees of Businesses Receiving Financial Assistance from the State*

- Prohibits businesses that receive state financial assistance under the commerce and economic and community development laws from taking or threatening to take personnel actions against an employee (i.e., whistleblower) for disclosing information to the state auditors or assisting in a subsequent proceeding

- Requires the recipient's contract for state financial assistance to include a provision that makes the recipient liable for a civil penalty of up to \$5,000 per offense for a retaliatory personnel action taken against a whistleblower employee

2020

None (legislative session suspended due to the COVID-19 pandemic)

2021

[PA 21-2](#), *An Act Creating a Respectful and Open World for Natural Hair*

- Makes it a discriminatory employment practice for employers to discriminate based on a person's hair texture and protective hairstyle (e.g., wigs, headwraps, and hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, and afro puffs)
- (The act, which was emergency certified, is identical to [HB 6376](#), which was reported favorably by the Labor and Public Employees Committee)

[PA 21-27](#), *An Act Concerning Breastfeeding in the Workplace*

- Requires the area that employers must provide for employees to express breast milk to (1) be free from intrusion and shielded from the public while the employee expresses milk; (2) include or be near a refrigerator or employee-provided portable cold storage device in which the employee can store the breast milk; and (3) have access to an electrical outlet.

[PA 21-30](#), *An Act Concerning the Disclosure of Salary Range for a Vacant Position*

- Requires employers to provide job applicants and employees with the wage range of their positions
- Generally requires employers to provide equal pay for comparable (rather than equal) work, subject to certain exceptions (e.g., pay differences based on seniority, merit, education, or training)

[PA 21-43](#), *An Act Concerning a Just Transition to Climate-Protective Energy Production and Community Investment*

- Requires developers of certain renewable energy projects to (1) establish a workforce development program, (2) enter into a community benefits agreement if the project can generate at least five megawatts, and (3) ensure that the contractors and subcontractors on the project meet certain criteria
- Requires that (1) construction workers on covered projects be paid wages and benefits at least equal to those required under the state's prevailing wage law and (2) operations,

maintenance, and security employees in any building or facility created in the project be paid wages and benefits that are at least equal to those required under the state's standard wage law

[PA 21-107](#), *An Act Expanding Workers' Compensation Benefits for Certain Mental or Emotional Impairments Suffered by Health Care Providers in Connection With Covid-19*

- Expands eligibility for workers' compensation benefits for post-traumatic stress injuries to cover (1) emergency medical services personnel; (2) 9-1-1 emergency dispatchers; and (3) under certain circumstances related to COVID-19, health care providers

[PA 21-189](#), *An Act Requiring Employers to Recall Certain Laid-Off Workers in Order of Seniority*

- Requires hotels, lodging houses, food service contractors, and building service enterprises with at least 15 employees to notify the employees they layoff between March 10, 2020, and May 1, 2022, about available positions for which they are qualified and offer the positions to those with the most seniority at the employment site

[PA 21-2](#) (June Special Session), *An Act Concerning Provisions Related to Revenue and Other Items to Implement the State Budget for the Biennium Ending June 30, 2023*

- §§ 3-5 requires employers of certain domestic workers to provide them with written information about (1) their job duties and responsibilities; (2) the availability and accrual of sick leave, rest days, vacation, personal days, and holidays; (3) whether the employer may charge fees or costs for board and lodging and, if so, their amount; and (4) how to file a complaint about a violation of the worker's rights (this provision is substantially similar to [SB 943](#), which was reported favorably by the Labor and Public Employees Committee)
- § 6 establishes notice requirements for call centers that relocate from Connecticut to another country and makes them ineligible to receive state financial support for five years (this provision is substantially similar to [HB 6383](#), which was reported favorably by the Labor and Public Employees Committee)
- § 290 prohibits employers from deliberately misinforming employees about or dissuading them from filing a claim for workers' compensation benefits (this provision is substantially similar to [HB 6478](#) (§ 2), which was reported favorably by the Labor and Public Employees Committee)

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