



CONNECTICUT

QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

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Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.

During even-numbered years, the Connecticut General Assembly is in session from February to May. In odd-numbered years, when the state budget is completed, the session lasts from January to June. The governor has the right to call for a special session after the end of the regular session, while the General Assembly can call for a veto session after the close to override gubernatorial vetoes. New Legislation Effective Dates are typically January 1, July 1, and October 1.

At-Will Employment

Connecticut generally follows the at-will employment doctrine, meaning that either the employer or employee may end the employment relationship at any time. There are exceptions. Connecticut permits a cause of action for wrongful termination of an at-will employee where the discharge “contravenes a clear mandate of public policy.” *Sheets v. Teddy’s Frosted Foods, Inc.*, 179 Conn. 471, 474 (1980). Public policy may be found in constitutional or statutory provisions or in judicially conceived notions. The statutory provisions include prohibitions against discharging an employee for filing a claim for unemployment or workers’ compensation; filing a wage enforcement claim; and exercising federal or state constitutional rights of religious freedom, free speech, or assembly. The public policy exception is quite limited and has been recognized only in situations where the employer’s action violates some law.

Connecticut also permits a cause of action for wrongful termination based on an implied employment contract. To prevail on such a claim, an employee must prove that the employer agreed, either by words, action, or conduct, to not terminate the employee without just cause. *D’Ulisse-Cupo v. Board of Directors of Notre Dame High School*, 202 Conn. 206, 212 n.2 (1987).

Anti-Discrimination Laws

The Connecticut Fair Employment Practices Act

The Connecticut Fair Employment Practices Act (CFEPA) prohibits discrimination on the basis of race, color, religious creed, age, sex, sexual orientation, gender identity or expression, marital or civil union status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability (including, but not limited to, blindness), status as a veteran or status as a victim of domestic violence. Conn. Gen. Stat. § 46a-60. This section applies to Connecticut employers with one or more employees. Discrimination and retaliation are also exceptions to the at-will employment doctrine. Conn. Gen. Stat. § 46a-60.

The CFEPA applies to public-sector employers and private-sector employers with one or more employees.

CROWN Act

The CFEPA defines race to include physical ethnic traits associated with race, including, but not limited to, hair textures and protective hairstyles such as: headwraps, wigs, cornrows, locs, Bantu knots, twists, afros, afro puffs, and individual braids. Conn. Gen. Stat. § 46a-51(23), (24).

Sexual Orientation or Civil Union Status

Employers in Connecticut may not refuse to hire or employ or discharge from employment or discriminate in terms, conditions, or privileges of employment or compensation because of an individual’s sexual orientation or civil union status. The only exception to this rule is in the case of a bona fide occupational qualification or need. Conn. Gen. Stat. § 46a-81c.

Equal Pay

Connecticut wage-and-hour laws prohibit employers from discriminating based on sex in the amount of compensation paid to any employee. Conn. Gen. Stat. § 31-75. Employers are also prohibited from discriminating against any employee who has opposed any discriminatory compensation practice, filed a complaint, or testified or assisted in any proceeding under the law. Conn. Gen. Stat. § 31-75.

Immigration Verification

Connecticut places no additional employment verification procedures on employers beyond federal I-9 compliance. There is no requirement to use E-Verify under Connecticut state laws.

Drug Testing

Under Connecticut law, no employer may require a prospective employee to submit to a urinalysis drug test as part of the application procedure unless the following conditions are met:

- The applicant is informed *in writing* at the time of application of the employer's intent to conduct such a drug test;
- The test is conducted in accordance with statutory procedures, which mandate the methodology for such tests; and
- The applicant is given a copy of any positive drug test result. Conn. Gen. Stat. § 31-51v.

The statute further provides that the results of any such test must be kept confidential and must not be disclosed by the employer or its employees to any person other than any such employee to whom such disclosure is necessary. Drug test results should be treated the same as employee medical records and kept separately from personnel records. Conn. Gen. Stat. § 31-51w. Notably, Connecticut law only specifically regulates urinalysis drug testing. Conn. Gen. Stat. § 31-51u *et seq.*

In addition, Connecticut employers generally cannot require an employee to take a random urinalysis drug test, absent a reasonable suspicion of intoxication. There are exceptions to this rule if such a test is authorized under federal law; the employee works in a position designated as "high risk" or "safety-sensitive" pursuant to regulations adopted by the Labor Commissioner; or if the test is conducted as part of an employee assistance program sponsored or authorized by the employer in which the employee voluntarily participates. Conn. Gen. Stat. § 31-51x.

Jury Duty and Witness Leave

An employer must pay full-time employees regular wages for the first five days, or part thereof, of jury service unless the employer has been excused by the chief court administrator from compensating the employee. To be excused from compensating a juror, an employer must submit a written application to the chief court administrator. The chief administrator must find that the employer is subject to sufficient financial hardship to justify excusing them from the compensation obligation. In cases where an employer is excused from compensating an employee for jury service, the state will compensate the employee for the first five days of jury service, not to exceed \$50 per day. Conn. Gen. Stat. § 51-247.

An employee is not considered a full-time employed juror on any day of jury service in which the person: (1) would not have accrued regular wages if they were not serving as a juror on that day; or (2) would not have worked more than one-half of a shift that extends into another day if they were not serving as a juror on that day. Each juror not considered a full-time employed juror on a particular day is reimbursed by the state of Connecticut for necessary out-of-pocket expenses incurred during that day of jury service, provided the day of service falls within the first five days, or part thereof, of jury service. Conn. Gen. Stat. § 51-247.

An employer may not discharge, penalize, threaten, or otherwise coerce an employee for receiving or responding to a jury summons or for serving on a jury. Conn. Gen. Stat. § 51-247a.

Any employee who has served eight hours of jury duty in any one day is deemed to have worked a legal day's work, and an employer cannot require the employee to work in excess of eight hours, as dictated by Conn. Gen. Stat. § 31-21; Conn. Gen. Stat. § 51-247a.

Employees are likewise entitled to unpaid leave to: respond to a subpoena as a witness in any criminal proceeding; attend a court proceeding or participate in a police investigation related to a criminal case in which the employee is a victim; attend or participate in a court proceeding related to a civil case in which the employee is the victim of family violence; obtain a restraining order or protective order on the employee's behalf. Conn. Gen. Stat. § 54-85b.

Voting Leave

Connecticut state law requires employers to provide all employees with two hours of unpaid time off to vote in case of a state election or any special election for United States senator, representative in Congress, state senator, state representative, or judge of probate. Employees wishing to use this time off must request leave at least two working days before the election. Conn. Gen. Stat. § 31-57y.

Connecticut Family and Medical Leave

Connecticut's Family Medical Leave Act (FMLA) requires the private sector with at least one employee to grant up to 12 weeks of leave during any 12-month period to an eligible employee to care for a newborn or newly placed foster child or for a spouse, child, or parent who has a serious health condition. Employees are eligible for this leave if they have worked for a covered employer for at least three months immediately prior to the request for leave. Leave authorized by this statute is unpaid, but the employee may use, or the employer may require the employee to use, accrued paid vacation, personal, or sick leave before unpaid leave kicks in. Conn. Gen. Stat. Ann. §31-51kk.

Effective in January 2022, Connecticut's Act Concerning Paid Family and Medical Leave covers employees who have earned at least \$2,325 during the highest earning quarter in the first four of the last five quarters; and who are employed or have been employed by a covered employer in the previous 12 weeks. Conn. Gen. Stat. Ann. §31-49e.

Connecticut private employers may also be subject to the federal FMLA.

Paid Sick Leave

Connecticut requires employees to accrue one hour of paid sick leave for every 40 hours worked, up to a maximum of 40 hours per year. The law applies only to employers with 50 or more employees and excludes certain employers, including most manufacturers. The law is further limited to "service workers," as that term is defined by the Bureau of Labor Statistics. Conn. Gen. Stat. § 31-57r *et seq.* Covered employees may use leave for diagnosis, care, or treatment of mental or physical illness, injury, or health condition of, or preventive medical care for, an employee or the employee's spouse or child who is under 18 or incapable of self-care due to mental or physical disability. Starting October 1, 2023, the law allows an employee to take leave if he or she is a victim of family violence or sexual assault, or if the employee is the parent or guardian of a child victim of same. In addition, starting October 1, 2023, covered employees may take a "mental health wellness day" to attend to their emotional and psychological well-being.

Paid Sick Leave will be expanded to cover employers with at least 25 employees in the state on January 1, 2025, and eventually will cover all employers on January 1, 2027. It will likewise expand the definition of which family members an employee may use leave to care for.

Military and Civil Air Patrol Leave

Connecticut employees who, as part of their service in the armed forces of any state, any reserve component of the Armed Forces of the U.S. or the National Guard of any state, are ordered to perform military duty, including meetings or drills, during regular work hours shall be given leave for such purposes. Conn. Gen. Stat. § 27-33a. The statute does not specify the amount of leave available.

Employees who are civil air patrol members are entitled to take unpaid leave to respond to an emergency as declared by the Governor or the U.S. President; to respond to a request for assistance in an emergency, natural disaster, or life-threatening event; or to participate in a required emergency services training or exercise. Conn. Gen. Stat. § 28-17a(b). The statute does not specify the amount of leave available.

Organ Donation Leave

State employees in Connecticut are entitled to up to 15 days of paid leave for recovery after donating an organ to someone. State employees are entitled to up to seven days of paid leave for recovery after donating bone marrow to a person for transplantation. Conn. Gen. Stat. § 5-248k.

Domestic Violence Leave

Connecticut employees are entitled to leave in order to:

- i. Seek attention for injuries caused by domestic violence, including for a child who is a victim of domestic violence, provided the employee is not the perpetrator;
- ii. Obtain services including safety planning from a domestic violence agency or rape crisis center, as a result of domestic violence;
- iii. Obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided the employee is not the perpetrator;
- iv. Take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
- v. Obtain legal services, assist in the prosecution of the offense, or otherwise participate in legal proceedings in relation to the incident or incidents of domestic violence.

Conn. Gen. Stat. Ann. § 46a-60(13).

Employees who are absent under this statute must, within a reasonable time after the absence, provide a certification to the employer explaining the absence, if such a certification is requested. The statute does not specify the amount of leave that an employee may take but only requires that the employer provide a “reasonable” amount of leave. *Id.*

Leave under this section shall not affect any other leave provided under state or federal law.

Pregnancy Leave

Connecticut employees are entitled to an unpaid leave of absence resulting from a pregnancy-related disability. Employers are not required to provide leave if another reasonable accommodation may be provided. Conn. Gen. Stat. § 46a-60. The statute does not specify the amount of leave available but only requires an employer to provide a “reasonable” amount of leave.

Employees who take pregnancy leave, upon their return, are entitled to reinstatement either to: their original job; or an equivalent position with equivalent pay, seniority, retirement, fringe benefits, and other service credits. There may be situations where reinstatement is not possible.

Smoking Laws

Employers with five or more employees must prohibit smoking in any business facility under their control but may designate one or more smoking rooms.

Employers with fewer than five employees must establish one or more work areas sufficient to accommodate any worker who requests to work in a non-smoking area.

- Signs shall be posted to designate non-smoking work areas.
- Signs must be prominently posted and maintained, and removal is punishable by law.
- Physical barriers and ventilation systems shall be used to the extent practicable to minimize the effect of smoking in adjacent non-smoking areas.

The employer must also provide sufficient non-smoking break rooms for their non-smoking employees. Each designated smoking room must meet the following requirements:

- Air from the smoking room shall be exhausted directly to the outside by an exhaust fan.
- No air shall be recirculated into any part of the building.
- The ventilation standard shall comply with the Occupational Safety and Health Act or the Federal Environmental Protection Agency.
- The smoking room shall be located in a nonwork area where no employee is required to enter as part of their work duties.
- The smoking room is for employees only.

Conn. Gen. Stat. § 31-40q.

Break Time to Express Milk

Connecticut labor laws require employers to allow employees who are nursing mothers to express breast milk during meal and rest breaks. Employers are prohibited from discriminating against, disciplining, or taking any adverse employment action against employees for expressing breast milk.

Employers must make reasonable efforts to provide employees who are nursing mothers with private locations where they may express breast milk. The locations shall:

- Be free from intrusion and shielded from the public;
- Include or be situated near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk; and
- Include access to an electrical outlet.

Reasonable efforts to provide the minimum requirements for nursing mothers may not impose an undue hardship on the employer's business. Whether an employer will suffer an undue hardship by providing a nursing mother a private location to express breast milk involves how significant the difficulty or expense of it will be related to such factors as:

- The size of the business;
- Its financial resources; and
- The nature and structure of its operation.

Conn. Gen. Stat. § 31-40w; Guide to Connecticut Breastfeeding Nondiscrimination and Workplace Accommodation Laws.

Meal Breaks

Connecticut labor laws require employers to provide their employees a meal period of at least 30 consecutive minutes if they have worked for seven and one-half or more consecutive hours. Such a period shall be given at some time after the first two hours of work and before the last two hours. The break does not have to be paid.

The Labor Commissioner will exempt an employer from this requirement if one of the following conditions is present:

- Complying with this requirement would endanger public safety;
- The duties of the position can only be performed by one employee;
- The employer employs fewer than five employees on that shift at that one location (this applies only to employees on that particular shift); or
- The employer's operation requires that employees be available to respond to urgent conditions, and the employees are compensated for the meal period.

Conn. Gen. Stat. § 31-51ii.

Minimum Wage, Overtime, and Wage Recordkeeping

Connecticut's current minimum wage is \$15.00 per hour. Conn. Gen. Stat. § 31-58.

Beginning on January 1, 2024, Connecticut's minimum wage will increase each year on January 1.

The amount of the minimum wage increase will be based on the percentage change in the employment cost index or its successor index, for wages and salaries for all civilian workers, as calculated by the U.S. Department of Labor, over the 12-month period ending on June 13 of the preceding year, rounded to the nearest whole cent. Conn. Gen. Stat. § 31-58. The Connecticut Department of Labor may recommend that a scheduled minimum wage increase be suspended if there are two consecutive quarters of negative growth in the state's real gross domestic product as reported by the Bureau of Economic Analysis of the U.S. Department of Commerce. Conn. Gen. Stat. § 31-58.

Connecticut's minimum wage law provides that its minimum wage will be increased to one-half of one percent more than the federal minimum wage when it increases, rounded to the nearest whole cent. Any increase to Connecticut's minimum wage resulting from an increase to the federal minimum wage rate takes effect on the same day as the federal rate change. Conn. Gen. Stat. § 31-58.

Connecticut minimum wage laws do not allow employers to pay student learners less than the standard minimum wage. Employers must pay trainees the standard minimum wage rate unless otherwise exempt.

Provisions governing overtime pay can be found at Conn. Gen. Stat. § 31-58, *et seq.* Generally, if an employee works more than 40 hours a week, they must be compensated at a rate of one and one-half times the regular rate of pay at which they are employed. This does not apply to agricultural employees, executive and administrative employees, automobile salespeople, or any driver where the U.S. Secretary of Transportation has the power to establish qualifications and minimum hours of service.

An employer must keep a true and accurate record of the hours worked by all employees at the place of employment for a period of three years and the wages paid to each employee. Conn. Gen. Stat. § 31-66. The records must include but are not limited to: the employee's name, address, and occupation; total daily and weekly hours worked; overtime wage; total wages; and any required working certificates for minors under the age of 18. *Id.*

Employers must give a new employee at the time of hire written documentation stating the rate of pay, the hours of employment, and wage payment schedules. Employers must also make available to employees, either in writing or through a posted notice maintained in a place accessible to their employees, any employment practices and policies or changes therein with regard to wages, vacation pay, sick leave, health and welfare benefits, and comparable matters. Conn. Gen. Stat. § 31-71f.

Final Payments

When an employer discharges an employee, the employer must pay the employee all wages due no later than the end of the next business day. Conn. Gen. Stat. § 31-71c.

When an employee quits or leaves employment, the employer must pay the employee all wages due by the next regular payday, either through the regular payment channels or by mail. Conn. Gen. Stat. § 31-71c. Connecticut does not require employers to provide paid vacation, and the term "wages" does not include vacation time for purposes of final payments.

When an employee leaves employment as a result of a labor dispute, the employer must pay the employee by the next regular payday. Conn. Gen. Stat. § 31-71c.

Unemployment Insurance

Unemployment insurance benefits provide income to individuals who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed worker searches for suitable work or until an employer can recall the employee to work. Nothing is deducted from the employee's wages to pay for this coverage. Unemployment benefits are administered by the Connecticut Department of Labor and additional information regarding the benefits may be accessed at portal.ct.gov/DOLUI.

Workers' Compensation

The Connecticut Workers' Compensation Act, Conn. Gen. Stat. § 31-275, *et seq.*, applies to every employer in Connecticut, unless the employer has household employees who work fewer than 26 hours per week. Employees who suffer injuries and/or occupational diseases arising out of and in the course of their employment may be eligible to receive several types of benefits under the Act. Under the Act, a workplace injury must be immediately reported to the employer. Failing to report an injury in a timely manner may result in a denial of benefits.

The Act is administered by the Connecticut Workers' Compensation Commission. Additional information regarding the Act may be accessed at wcc.state.ct.us/.

Child Labor

Generally, 14 is the minimum age for employment under Connecticut state law. After the age of 16, any person may be employed by an employer holding a permit issued under Conn. Gen. Stat. § 30-90a. There are restrictions for places of work dealing with minors, as well as restrictions on the hours of the day the minor may work. The laws may be found at the **Connecticut Department of Labor** website. At the age of 18, there are no longer any restrictions on the hours an individual may work.

Gun Laws

Employers in Connecticut have the authority to restrict or prohibit employees from carrying weapons on the job or bringing weapons to the workplace, even if the worker has a state permit to carry a gun. Conn. Gen. Stat. § 29-28(e).

Additional Laws and Regulations

Polygraph Testing

No employer may request or require a prospective employee or current employee to take a polygraph test as a condition of employment. Conn. Gen. Stat. § 31-51g.

Employee Freedom of Speech and Conscience

In May 2022, the Connecticut General Assembly enacted a law protecting employee freedom of speech and conscience that will be effective on July 1, 2023. This law states that any employer who subjects or threatens to subject any employee to discipline or discharge because of the employee's exercise of their First Amendment rights will be liable to the employee for the full amount of gross loss of wages. This law does not apply to religious corporations, entities, associations, educational institutions, or societies that are exempt from the requirements of Title VII of the Civil Rights Act of 1964. Conn. Gen. Stat. § 31-51q.

Marijuana Usage

Medical and recreational marijuana are legal in Connecticut. However, employers are not required to make accommodations for an employee, nor are they required to allow an employee to: (1) perform his or her duties while under the influence of cannabis; (2) possess, use, or otherwise consume cannabis while performing such duties or on the premises of the employer, except the possession of palliative cannabis by a qualifying patient. Conn. Gen. Stat. § 21a-422p. Employers may implement a policy prohibiting the possession, use, or other consumption of cannabis by an employee, with certain exceptions. *Id.*

Erased Criminal Record

Employers in Connecticut may not discriminate in terms, conditions, or privileges of employment or compensation on the basis of erased criminal history record information. Conn. Gen. Stat. § 46a-80d.

Toxic Substances

Employers in Connecticut must post a sign in a viewable location that informs the employees that they have the right to information from their employer regarding the toxic substances that the employer uses or produces in the manufacture of any item, product, or material, or which he uses or produces for purposes of research, experimentation or treatment. An employer must furnish a list of all such toxic substances to the Labor Department. Conn. Gen. Stat. § 31-40k.

Each employee, or his representative, may request in writing from his employer all information relating to toxic substances. Conn. Gen. Stat. § 31-40k.

No employer may discharge or discriminate against an employee who exercises their right to information about toxic substances. Any waiver by an employee or applicant of this right shall be null and void as against public policy. Conn. Gen. Stat. § 31-40o.

Electronic Surveillance

Connecticut employers cannot operate any form of electronic surveillance system, including sound voice or video recording, in areas designed for employees' health or personal comfort such as restrooms, locker rooms, or lounges. Conn. Gen. Stat. § 31-48b.

Connecticut employers cannot intentionally overhear or record a discussion about employment contract negotiations between the two parties unless the employer has the consent of all parties involved in the discussion. Conn. Gen. Stat. § 31-48b.