

CLIENT ALERT: Connecticut Passes Laws Creating Paid Sick Leave and Expanding Discrimination Claims

In recent weeks, Connecticut has passed two pieces of important legislation that will directly impact employers with employees in Connecticut.

Mandatory Paid Sick Leave

On June 8, 2011, Connecticut Governor Dannel Malloy signed into law a bill mandating paid sick leave for many employees, making Connecticut the first state with such a law. The new law, available [here](#), becomes effective on January 1, 2012.

The law requires employers with 50 or more employees to allow hourly, nonexempt “service workers” to accrue one hour of paid sick time for each 40 hours worked, with a maximum of five days accrued per year. “Service worker” is defined by a list of almost 70 occupation code numbers and titles taken from the federal Bureau of Labor Statistics Standard Occupational Classification system, accessible [here](#). Service workers will be entitled to paid sick leave after completing 680 hours of work, measured from January 1, 2012. A service worker will not be entitled to such leave if he or she did not work an average of ten or more hours per week for the employer in the most recent complete calendar quarter. Employees may carry over accrued paid sick leave days for one year and may use that leave for their own condition or that of a family member. However, if an employer already provides other comparable (at least five days) paid leave, like paid vacation, personal days or paid time off, the employer will be deemed to be already in compliance with the paid sick leave requirements. The bill specifically exempts manufacturing companies and nationally chartered nonprofit organizations, day laborers, independent contractors and temporary workers.

Gender Identity As Protected Characteristic

On June 14, 2011, Governor Malloy signed legislation, available [here](#), intended to codify a ruling by the Connecticut Commission on Human Rights and Opportunities that made it illegal to discriminate against transgendered people. The amendment to the Connecticut Human Rights Act revises several sections of the Connecticut general statutes to include “gender identity or expression” among the characteristics protected from discrimination. The revised list of protected characteristics under the state anti-discrimination law will read as follows: color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness. The amendment defines gender identity or expression as follows:

“Gender identity or expression” means a person’s gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person’s physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not

limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held, part of a person's core identity or not being asserted for an improper purpose.

These revisions will become effective October 1, 2011.

For help with any questions about applying these new laws to your particular circumstances, please contact your MBJ attorney.

Nicole S. Corvini is an attorney with Morgan, Brown & Joy, LLP. Nicole may be reached at (617) 523-6666 or at ncorvini@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters.

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