

CLIENT ALERT: Employment Law Updates from the 2021 Session of the Connecticut General Assembly

In its 2021 session, the Connecticut General Assembly passed several pieces of legislation that Connecticut employers should be aware of in anticipation of their October 1, 2021 effective dates, including the following:

Portability of sexual harassment training conducted by the Connecticut Human Rights Organization (“CHRO”)

The Connecticut Fair Employment Practices Act (“CFEPA”) requires employers with three or more employees to provide its workforce with at least two hours of sexual harassment prevention training every ten years. Currently, training must be conducted for new employees within six months of hire. After October 1, 2021, trainings conducted by the CHRO will be considered “portable” for a two-year period, meaning an employer does not need to provide training to a new employee who has attended or taken the CHRO’s sexual harassment prevention training with a previous employer within the two years preceding his or her date of hire. This exemption does not apply to trainings conducted by a third-party entity.

Prohibition on questions regarding an applicant’s age or certain questions that may reveal an applicant’s age

Employers with at least three employees will be prohibited from asking a prospective employee for their age, date of birth, and dates of attendance at or date of graduation from an educational institution on an initial application. Employers should take this opportunity to review their applications closely to ensure compliance with this law. This law does not apply to employers who are requesting or requiring this information (a) based on a bona fide occupational qualification or need, or (b) when such information is required to comply with any provision state or federal law. Employers are encouraged to consult an employment lawyer to ensure these exemptions apply to them before seeking such information from applicants.

Expanded requirements for employer provided workplace lactation room

Currently, employers with one or more employees are required to make “reasonable efforts” to provide a room where employees can express breast milk or breast feed that is in close proximity to the work area, is not a toilet stall, and allows the employee to express breast milk in private. Under the new law, the room must be (1) free from intrusion and shielded from the public while such employee expresses breast milk, (2) include or be situated near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk, and (3) include access to an electrical outlet, provided the foregoing does not create an “undue hardship” for the employer.

Expansion of Connecticut’s Pay Equity law and requirement to disclose wage ranges

Connecticut also expanded its pay equity law. Under the new law, employers are required to:

- (1) provide an applicant for employment the wage range for a position for which the applicant is applying, upon the earliest of (A) the applicant's request, or (B) prior to or at the time the applicant is made an offer of compensation; and
- (2) provide an employee the wage range for the employee's position upon (A) the hiring of the employee, (B) a change in the employee's position with the employer, or (C) the employee's first request for a wage range.

A "wage range" is defined as the "range of wages an employer anticipates relying on when setting wages for a position, and may include reference to any applicable pay scale, previously determined range of wages for the position, actual range of wages for those employees currently holding comparable positions or the employer's budgeted amount for the position."

Notably, the new legislation also modifies the prohibition on sex-based discrimination in the workplace: previously, an employer could not pay an employee of the opposite sex less for "equal" work; under the new law, an employer may not pay an employee of the opposite sex less for "comparable" work. The law also expands on the list of bona fide factors other than sex that can justify a pay disparity; permissible factors now includes credentials, skills, and geographic location, in addition to education, training, and experience.

The foregoing is an overview of some of the new laws and regulations impacting employers in or operating in the state of Connecticut. Employers with questions about these laws or other legal obligations should consult with their MBJ attorney.

Andrea Zoia and Alex Pichette are attorneys with Morgan, Brown & Joy, LLP, and may be reached at (617) 523-6666, or at azoia@morganbrown.com and apichette@morganbrown.com. Morgan, Brown & Joy, LLP focuses exclusively on representing employers in employment and labor matters

This alert was prepared on August 4, 2021.

This publication, which may be considered advertising under the ethical rules of certain jurisdictions, should not be construed as legal advice or a legal opinion on any specific facts or circumstances by Morgan, Brown & Joy, LLP and its attorneys. This newsletter is intended for general information purposes only and you should consult an attorney concerning any specific legal questions you may have.