December 15, 2020

As Deadlines for New Connecticut Laws Approach, Employers Must Be Sure To Comply

Two Connecticut laws enacted in 2019 are about to have significant effects on employers throughout the state: the Time's Up Act, which expanded the state's laws against sexual harassment, and An Act Concerning Paid Family and Medical Leave, which creates a comprehensive system of paid family and medical leave benefits for nearly all employees in Connecticut.

Sexual Harassment Prevention Training Required by February 9, 2021

Among other provisions aimed at curbing workplace sexual harassment, the Time's Up Act requires virtually all Connecticut employers to provide sexual harassment prevention training to their employees. The Time's Up Act, which became effective October 1, 2019, originally required employers to provide the training by October 1, 2020, but that deadline has been extended to February 9, 2021, because of the COVID-19 pandemic.

The particular training requirements vary based on the size of the employer. Employers with three or more employees are required to provide two hours of sexual harassment training to all employees by February 9, 2021. Employers with fewer than three employees are required to provide two hours of sexual harassment training to supervisors by February 9, 2021, or within six months of the employee assuming a supervisory role. Employers that already had provided the requisite training to supervisory employees on or after October 1, 2018, do not need to repeat the training for the same supervisors, but they must provide training to other employees by February 9, 2021.

The Connecticut Commission on Human Rights and Opportunities (CHRO) has created materials that employers may use to satisfy the training requirements. The CHRO's sexual harassment prevention training is available here. Employers may also choose to use other training materials that satisfy the law's requirements or to engage employment counsel to provide the training. Once employers satisfy the initial February 9, 2021 training deadline, they will have to provide periodic supplemental training at least every 10 years.

While the Time's Up Act addresses sexual harassment specifically, Connecticut law also prohibits other types of workplace harassment, including harassment based on an individual's race, color, religious creed, age, gender identity or expression, marital status, national origin, ancestry, and disability. Therefore, Connecticut employers should train their employees on preventing harassment on any prohibited basis. Such training is important to ensure that employees understand the boundaries of appropriate workplace behavior and know what to do when those boundaries are in danger of being crossed.

Day Pitney addressed other aspects of the Time's Up Act, such as expanded notice and posting requirements, shortly after the law was enacted. That publication is available here.

Paid Family and Medical Leave Starts to Take Effect January 1, 2021

Connecticut's Paid Family and Medical Leave law, enacted in 2019, also has an upcoming deadline with which employers will have to comply. The law establishes a Family and Medical Leave Insurance Program that will be funded by employee contributions, and Connecticut employers have to begin collecting those contributions on January 1, 2021.

Most of the Paid Family and Medical Leave Act's requirements will not become effective until January 1, 2022. Those provisions include the expansion of the Connecticut Family and Medical Leave Act by applying it to all employers with at least one employee (rather than only those with 75 or more employees), expanding the definition of "family member" (to include siblings, grandparents, grandchildren and "any person related by blood or whose close relationship with the employee is the equivalent of a family member"), eliminating the minimum number of hours employees must work to be eligible for leave, and

providing for paid leave. Day Pitney addressed these and other aspects of the law shortly after it was enacted. That publication is available here.

Perhaps the most significant change imposed by the Paid Family and Medical Leave Act is that employees will be eligible for compensation during leave taken under the Family and Medical Leave Insurance Program. That compensation will be funded through employee contributions to a state-administered trust fund. Employees are eligible to receive a maximum weekly benefit of up to 95 percent of their regular weekly pay, not to exceed 60 times the minimum wage.

Beginning on January 1, 2021, employees will be responsible for funding the Family and Medical Leave Insurance Program by contributing 0.5 percent of their weekly earnings (up to the Social Security wage base) through a mandatory payroll tax. Unlike under similar laws in neighboring states, Connecticut employers are not responsible for making any contributions to the program. Nevertheless, covered employers may seek permission from the Connecticut Paid Leave Authority to opt out of the program and provide benefits to their employees through a private plan, provided that the benefits provided under the private plan are comparable to those offered under the program and a majority of their employees have agreed to the private plan.

Conclusion

The Time's Up Act and the Paid Family and Medical Leave Act apply to almost every Connecticut employer, including many small businesses that were not previously required to provide sexual harassment prevention training or family and medical leave. Even larger employers that have previously done both will have to grapple with the new requirements. As these laws continue to take effect, employers should be sure to comply with all of their provisions in a timely manner.

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