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2022 Connecticut Employment Law Recap

The past year has been filled with employment law developments in Connecticut. Below are summaries of some of the key laws that were passed or went into effect in 2022, with which Connecticut employers should be sure to comply in 2023.

Connecticut Fair Employment Practices Act Expansion

As we previously discussed here, since October 1, 2022, the Connecticut Fair Employment Practices Act (CFEPA) covers all Connecticut employers with one or more employees, whereas previously, the CFEPA applied only to employers with three or more employees. Additionally, an employee's status as a victim of domestic violence now is a protected class, which means that employers are prohibited from discriminating against employees on this basis.

The amendments to the CFEPA also include additional leave and posting requirements. Connecticut employers must now provide victims of domestic violence with a reasonable leave of absence to allow them to engage in certain activities such as seeking treatment for injuries, obtaining counseling, relocating and obtaining legal services. Employers must post information concerning domestic violence and the resources available to victims of domestic violence in Connecticut. A sample poster can be found here.

Connecticut Family and Medical Leave Act Notice Requirements

As we previously discussed here and here, the Connecticut Family and Medical Leave Act (CTFMLA) expanded considerably as of January 1, 2022. While employers likely had been planning for implementation of the expanded CTFMLA requirements prior to 2022, the new CTFMLA statute includes a notice requirement that may have flown under the radar for some employers. Specifically, beginning on July 1, 2022, Connecticut employers are required to provide written notice to employees addressing the employees' entitlement to job-protected family and medical leave, the terms under which leave may be used, the opportunity to file a claim for compensation under the paid leave program, that retaliation is prohibited and that employees have the right to file a complaint for any violation. The notice must be provided to all employees annually and to all new employees upon hiring. A sample notice can be found here.

Legalization of Recreational Marijuana

Although Connecticut legalized recreational marijuana in 2021, the provisions impacting employers did not take effect until July 1, 2022. Under those provisions, employers are permitted to have policies prohibiting cannabis use by an employee as long as the policies are in writing and made available to each employee. Employers are permitted to take appropriate adverse action if they have a reasonable suspicion of an employee's use of cannabis while engaged in work responsibilities at the workplace or if the employee manifests symptoms of drug impairment while working at the workplace. We previously discussed some of the other key provisions of this law that impact employers here.

Captive Audience Law

Effective July 1, 2022, Connecticut's Act Protecting Employee Freedom of Speech and Conscience amended Connecticut's employee free speech statute. As amended, it is now unlawful for employers to subject or threaten to subject an employee to discipline or discharge on account of the employee's refusal to attend meetings regarding or otherwise listen to speech or

view communications about, the employer's opinion concerning religious or "political matters." The definition of "political matters" includes "the decision to join or support any … labor organization." This new law is currently facing a legal challenge from a coalition of employer groups that contend that the law is an unconstitutional violation of free speech and is preempted by the National Labor Relations Act.

Clean Slate Law

Connecticut's "Clean Slate" law, which provides for the erasure of certain criminal records and employers' consideration of those records, became effective January 1, 2023. Connecticut's "Ban the Box" law already prevents employers from making certain employment decisions based on an employee's or applicant's criminal history or erased criminal records. The Clean Slate law expands these prohibitions by barring employers from mandating any applicant even disclose erased criminal records. The Clean Slate law also prohibits employers from denying employment to applicants based on an applicant's erased criminal history record and from otherwise discriminating against any applicant or employee based on his or her erased criminal history information.

Minimum Wage Increase

Effective July 1, 2022, Connecticut's minimum wage increased from $13 per hour to $14 per hour. The minimum wage will increase to $15 per hour on June 1. Beginning January 1, 2024, Connecticut's minimum wage will be indexed to the Employment Cost Index, which is calculated by the U.S. Department of Labor.

Takeaways

Employers should start off the new year right by reviewing their policies to ensure compliance with all the Connecticut laws that have taken effect over the past year.

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