



A Robinson+Cole Legal Update

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Reminder: Connecticut Employment Laws Effective October 1, 2021

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Several employment-related laws become effective October 1, 2021. As that date is upon us, employers may want to review and ensure consistency with these laws by making any applicable changes to their practices, policies, and procedures. Below is a reminder about the laws to be aware of:

Wage Range Disclosure and Equal Pay. Employers with one or more employees will be required to disclose the wage range for a position to any job applicants before or at the time an offer of compensation is made, or at the applicant's request, whichever occurs first. Recent guidance from the Connecticut Department of Labor (CTDOL), which can be found [here](#), indicates that the term "applicant" is defined broadly to include any individual who applies for a job. The new law also requires employers to disclose the wage range for a current employee's position upon hire, upon a change in the employee's position, or upon the employee's first request for such information. "Wage range" is defined as "the range of wages an employer anticipates relying on when setting wages for a position." CTDOL's guidance suggests that "wage range" may include additional compensation beyond the base salary for a position such as contemplated bonuses and/or commissions, but that purely discretionary payments generally will not constitute wages and are not required to be disclosed.

Further, the law states that employees can demonstrate employment discrimination on the basis of sex if they are paid less than the rate at which the employer pays employees of the opposite sex for **comparable** (previously, the term was "equal") work, when viewed as a composite of skill, effort, and responsibility and performed under similar working conditions. If an employee establishes a wage disparity, the employer will have to demonstrate that the differential in pay is determined by non-discriminatory factors such as seniority, merit, productivity, education, skill, or geographic location. Connecticut employers will now need to establish or have some sense of wage ranges for positions in their organizations, as well as which positions may be considered "comparable," which may require changes to policies, practices, and processes related to recruitment, hiring, and compensation. For more information on this law, please see Robinson+Cole's legal update regarding the legislation [here](#).

Lactation. Connecticut's existing law regarding breastfeeding in the workplace will be modified to require that lactation rooms: (1) be free from intrusion and shielded from the public while the employee expresses milk; (2) include or be situated near a refrigerator or an employee-provided, portable cold storage device in which an employee can store expressed breast milk; and (3) include access to an electrical outlet. Employers with one or more employees must follow these requirements so long as they do not create an undue hardship for the employer. Connecticut employers may wish to revise their EEO, lactation accommodation, and/or break policies and practices and make necessary changes to their workplaces to reflect these legislative changes.

Smoking. The definition of "smoking" under Connecticut law will be changed to "the burning of a lighted cigarette, cigar, pipe or any other similar device, whether containing, wholly or in part, tobacco, cannabis, or hemp." Individuals, including employees, will be prohibited from smoking inside any facility, building, or establishment or within 25 feet of any doorway, operable window or air intake vent of a facility, building,

or establishment. Employers may also choose to ban smoking entirely on the property. Employers will no longer be able to designate a smoking room for employees.

Age Discrimination in Job Applications. Employers with three or more employees will be prohibited from asking about a job applicant's age, date of birth, graduation date(s), or dates of attendance at an educational institution on an initial application for employment. However, the legislation does provide for an exception if the request is based on a bona fide occupational qualification or if the information is required for complying with federal or state law. Connecticut employers would be well-advised to review and revise their current job applications and their hiring and recruitment policies and practices to ensure they are in compliance with these changes.

Sexual Harassment Training. Employers will be able to forgo workplace sexual harassment prevention training for employees who received in-person mandatory training or participated in the online training provided by the Commission on Human Rights and Opportunities (CHRO) under another employer within two years before their hire.

Call Center Relocation. Call centers will be required to provide 100 days' notice to the Labor Commissioner if they plan to relocate their operations outside of Connecticut. The law defines "call center" as an operation through which employees receive telephone calls or electronic communications for the purpose of providing customer service.

In addition to the above laws, which become effective October 1, 2021, employers may also want to consider additional updates to employee handbooks in anticipation of the new year. For example, Family and Medical Leave Act (FMLA) policies may need to be updated to take into account the changes to Connecticut's FMLA law and employee eligibility for paid family leave, which will be effective on January 1, 2022. Please see our previous publications, [here](#) and [here](#), for more information on potential updates to employee handbooks for 2022.

As employers review the new legislation to determine what changes need to be made to their own practices and policies, they may wish to speak with competent legal counsel about ensuring compliance with these laws.

FOR MORE INFORMATION

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