Engage PEO Client Alert - Connecticut

Connecticut Year End Updates

Family and Medical Leave. Age in Hiring.

Lactation Accommodations. Salary Disclosure in Hiring.

Connecticut Rolls Out Family and Medical Leave

What's New: Employees will be eligible to apply to receive partial pay benefits directly through the Connecticut Paid Leave Authority for leave under the *existing* Connecticut Family and Medical Leave Act ("CFMLA"), effective January 1, 2022. Employees may simultaneously receive benefits from the Paid Leave Authority and their employer, but the total combined benefit may not exceed 100% of their regular rate of compensation.

The Connecticut Family and Medical Leave Act applies to most employers with **one** or more employees. The law does not apply to state, municipalities, local or regional education councils, or private or parish primary or secondary schools.

Employees are eligible for leave under the CFMLA if they have been employed with their employer for at least three (3) months before their request for leave. To be eligible for the Paid Family and Medical Leave Program, employees must:

1. have earned at least $2,325 during the employee's highest earning quarter of the first four of the five most recently completed quarters, and
2. either:
    - Be currently employed with a covered employer in Connecticut,
    - Been employed by a covered Connecticut employer in the preceding 12 weeks, or
    - Be self-employed or a sole proprietor and a Connecticut resident who has enrolled in the Connecticut Paid Family and Medical Leave Program.

The Act will provide partial pay benefits for up to 12 weeks of leave in a 12-month period for reasons covered under the CFMLA. In addition, eligible employees who experience a pregnancy-related serious health condition that results in incapacitation will be entitled to two additional weeks of paid leave, for a maximum of 14 weeks.

Covered reasons for leave under the CFMLA include an employee's own serious health condition, to care for a covered family member who has a serious health condition, for the employee to serve as an organ or bone marrow donor, and /or caring for a child following birth, adoption, or foster care placement. Employees may also take a maximum of two weeks of accumulated sick leave upon the birth or adoption of a child, or to tend to the serious health condition of a covered family member.

The update also expands the definition of a "covered family member" which now includes spouse, child, and parent, parent-in-law, grandparent, grandchild, sibling, and any other individual related to the

employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships-

Feel free to read our previous Client Alert on this topic. Employers who offer additional paid leave benefits or have additional questions should discuss their best next steps with their Engage HR Consultant.

No Age Inquiry for Candidates

Employers in Connecticut with at least three employees may not ask about the age of potential employees.

As a best practice, employers should make sure that date of birth and age are not included as questions in their job application or as questions during the hiring process. Clients can download a template employment application from the Engage Forms Library.

Updated Lactation Accommodation Requirements

Connecticut requires employers with at least one employee to permit employees to express breast milk or nurse at their workplace during meal or break periods, at the discretion of the employee. As part of that obligation, employers must also "make reasonable efforts" to provide the employee with a room or private location (that is not a toilet stall) in order for the employee to nurse and/or express milk.

Where it is not an undue hardship on the employer, the room must be (1) shielded from the public and safe from intrusion while the employee nurses and/or expresses milk, (2) located near a refrigerator or portable cold-storage device provided by the employer, where the employee can store milk, and (3) accessible to an electrical outlet.

"Reasonable efforts" are those that do not impose an undue hardship on running and operating the employer's business. An "undue hardship" is one that "requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources and the nature and structure of its operation."

Retaliation and discrimination against employees for the exercise of their right to express breast milk or nurse in the workplace is strictly prohibited.

Salary Disclosure Requirements

Connecticut has a new requirement to disclose wage ranges for open positions that the "employer anticipates relying on when setting wages for a position. These ranges may be based on 1) reference to any applicable pay scale, 2) previously determined range of wages for the position, and/or 3) actual range of wages for those employees currently holding comparable positions or the employer's budgeted amount for the position." Applicants are entitled to this information upon request or before or when an offer is made to the applicant. Employees are entitled to this information upon their first request and when there is "a change in the employee's position."