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2019 LABOR, EMPLOYMENT AND BENEFITS CLIENT BRIEFING UPDATE

Both chambers of the Connecticut legislature have been busy working on employment-related initiatives since our last Labor, Employment and Benefits client briefing on January 31, 2019. Many of the subjects we anticipated being hot topics for 2019 have in fact been the focus of legislative developments on the state level.

We have flagged some key bills that Connecticut employers would be wise to continue to monitor.

PAID FAMILY AND MEDICAL LEAVE (SENATE BILL 1/ HOUSE BILL 5003)

This draft legislation is getting a lot of attention of late. While iterations of this bill have been considered before, a new draft, with major changes was issued in February. The thrust of the bill is twofold. First, it would expand the law, making it more broadly applicable to a wider range of employers and to various types of leave. For example, currently, the Connecticut FMLA laws are only applicable to employers with 75 or more employees. The new law would extend FMLA protection to all employers with at least one employee. Moreover, under the

current draft of the new law, employees would be allowed to take leave to care for in-laws or "individuals who stood *in loco parentis* to the eligible employee when the employees was a child."

Second, the new law would create a paid family leave insurance fund subsidized through a new payroll tax. One of the biggest concerns about this bill is that the proposed .5% payroll tax would be grossly inadequate to fund the program. Perhaps equally, or even more concerning, though, this bill would allow the administrator of the program to unilaterally increase the tax, without a vote if the fund is no longer solvent. Obviously, such unfettered discretion is concerning for many Connecticut employers.

MINIMUM WAGE (PROPOSED HOUSE BILL 5004)

This bill proposes to raise the minimum wage potentially by almost 50%. The details of the bill are still being hammered out, but the CBIA has proposed raising the minimum wage from the current \$10.10 to \$15 per hour by 2023.

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This publication is a summary of legal principles. Nothing in this article constitutes legal advice, which can only be obtained as a result of a personal consultation with an attorney. The information published here is believed accurate at the time of publication, but is subject to change and does not purport to be a complete statement of all relevant issues.

If approved, the increase is expected to be implemented on an incremental basis over several years. Given the potentially significant impact on budgets, employers should pay close attention to this piece of legislation as it progresses.

SEXUAL HARASSMENT TRAINING (PROPOSED HOUSE BILL 5271)

While the details are not yet fully laid out, it is expected that this bill will seek to reintroduce the "Time's Up Act" that died in the 2018 session which we discussed at our January briefing. While it appears that the current draft of this legislation would greatly broaden sexual harassment prevention training requirements, calling for more employees to receive training, the specifics have not yet been determined. The current draft of the bill is available here: <https://www.cga.ct.gov/2019/TO-B/h/pdf/2019HB-05271-R00-HB.PDF>.

Employers may want to consider proactively expanding their sexual harassment training policies to cover more employees even before the bill passes, as we anticipate some iteration of this bill is likely to pass.

EMPLOYMENT APPLICATIONS (PROPOSED HOUSE BILL 6113)

While asking for a date of birth on job applications has been discouraged for some time to avoid the appearance of age-related bias in applicant screening, this bill would outright prohibit an employer from asking about an applicant's date of birth, as well as asking for a date of graduation on employment applications, all with an eye toward improving older workers' employment prospects. To reiterate, regardless of whether this legislation passes, it is never a good idea to inquire about an applicant's date of birth or graduation year as this could be cited by a disappointed older applicant as evidence of age discrimination. The focus should be on education level, skills, experience, and other age-neutral factors pertinent to the job in question.

If you have any questions about how these proposed changes might affect your business or what best practices employers should implement now, please contact Mary Gambardella or Lawrence Peikes.