

Employment Practices Liability

October 6, 2022

October 1, 2022 Connecticut Fair Employment Practices Act Amendments:

Applies to Employers of One, Elected Officials Now Employees, Domestic Violence Victim Protected Class, Entitled to Reasonable Leave of Absence, Posting Requirements

By Robin Kallor, Partner; Rose Kallor, LLP

The CFEPA was amended under Public Act 22-82 effective October 1, 2022.

1. The definition of “employer” under the CFEPA now includes businesses with one or more persons. This is a reduction from three to one.
2. The definition of “employee” now includes any elected or appointed official of a municipality, board, commission, council or other governmental body. The practical implications of this change is that now, municipal entities will be required to provide sexual harassment training to volunteer commission/board members of a municipal entity as well as elected officials. Moreover, these individuals will be entitled to reasonable accommodation for disability, pregnancy and religious needs under the CFEPA. Naturally, they will now also have rights to claim discrimination and harassment under state law.
3. Domestic Violence victim is now a protected class; thus, discrimination against domestic violence victims is now prohibited. The law requires employers to provide a reasonable accommodation to victims in the form of a “reasonable leave of absence” to seek attention for injuries caused by domestic violence or to obtain services due to domestic violence. Thus, employers are prohibited from discriminating against domestic violence victims. Moreover, the law requires employers to post a domestic violence notice and resources available to victims of domestic violence in Connecticut. Note that employers are entitled to provide 12 days of unpaid leave for reasons connected with “family violence” in accordance with Conn. Gen. Stat. 31-51ss, defined differently from “domestic violence.” There is no guidance as to how the two interact, particularly where the 31-51ss states that these 12 days cannot be combined for any other purpose. Thus, we recommend not limiting the leave to twelve days and evaluating the request the same as an analysis for disability discrimination under the Americans with Disabilities Act/CFEPA. Employers may require certain documentation verifying the need for leave within a reasonable time after the absence. As with medical information, the CFEPA requires that employees keep information pertaining to domestic violence

victims confidential to the extent permitted by law. Moreover, employees are permitted to use paid sick leave for this purpose.

The notice that employers must post is hyperlinked here: <https://portal.ct.gov/-/media/CHRO/Publications/PA-22-82-Resources-Poster.pdf>

If you have questions about these new requirements, please contact Robin Kallor at 860-361 7999, rkallor@rosekallor.com, or any other attorney at Rose Kallor, LLP with whom you regularly work.

The attorneys at Rose Kallor, LLP regularly represent and advise private and public sector employers on matters pertaining to the employer-employee relationship, including the selection process, discrimination and harassment related issues and frequently conducts neutral workplace investigations. If you have questions about this legal update, please contact Rose Kallor, LLP at 860-361-7999. If you wish to receive future updates on labor and employment related topics, please contact Jacqueline Smith, CIRMA Marketing and Creative Design Associate at jsmith@ccm-ct.org.

For more information about CIRMA’s Employment Practices Liability Helpline Program, please contact your CIRMA Risk Management Consultant.