



## 2018 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2018 session, the General Assembly passed a number of new laws affecting employers. Except as otherwise noted, the changes are effective **October 1, 2018**. The following material summarizes these new laws, but the specific provisions should be reviewed in the context of specific situations. These new statutes are available online through the General Assembly website at <http://www.cga.ct.gov/>. We will be happy to send you copies of any of these new Public Acts upon your request.*

### Public Act 18-8 An Act Concerning Pay Equity

PA 18-8 generally prohibits employers, including the state and its political subdivisions, from asking, or directing a third-party to ask, about a prospective employee's wage and salary history. The prohibition does not apply (1) if the prospective employee voluntarily discloses his or her wage and salary history or (2) to any actions taken by an employer, employment agency, or its employees or agents under a federal or state law that specifically authorizes the disclosure or verification of salary history for employment purposes.

The new Public Act also allows an employer to ask about the other elements of a prospective employee's compensation structure (e.g., stock options), but the employer may not ask about their value.

Regarding potential violations, PA 18-8 allows prospective employees to bring a lawsuit within two years after an alleged violation of the Act's prohibition on asking about salary histories. Employers can be found liable for compensatory damages, attorneys' fees and costs, punitive damages, and any legal and equitable relief the court deems just and proper. **Effective January 1, 2019**

### Public Act 18-126 An Act Concerning Technical and Minor Changes Labor Statutes

PA 18-126 makes numerous technical and conforming changes in the state's labor statutes. In particular:

- (1) The Act exempts registered pre-apprentices from the law's prohibition on minors 16 or over, but under age 18, working in certain hazardous occupations. It applies to pre-apprenticeships in manufacturing or mechanical establishments, technical education and career schools, and public schools. Under PA 18-126, a pre-apprentice is a person, student, or minor (1) employed under a written agreement with an apprenticeship sponsor for a term of training and employment up to 2,000 hours or 24 months long and (2) registered with the Department of Labor (DOL).
- (2) It expands the type of DOL personnel who can be sent to investigate a wage complaint. Current law authorizes the DOL Commissioner, DOL's Wage and Workplace Standards Director, and DOL's wage enforcement agents to enter an employer's place of business to investigate compliance

with wage payment laws. PA 18-126 allows the Director to assign such authority to his or her designees (which may include wage enforcement agents and wage and hour investigators).

- (3) The Act caps the maximum weekly unemployment benefit at 50% of the average wage of all workers in the state, rather than the current 60% of the average wage paid to the state's production (i.e., manufacturing) workers, as determined under the U.S. Bureau of Labor Statistics' standards for determining average production wages.

Under the Act, the average wage of all workers in the state is calculated under the Connecticut Quarterly Census of Employment and Wages or another method prescribed by the labor commissioner that accurately reflects the average wage of workers in the state. Under current law, the average wage is determined for each year ending June 30. However, PA 18-126 instead requires determination for each year ending March 31.

By law, unchanged by this Act, the commissioner must annually determine a new cap by August 15. It becomes effective on the first Sunday of October, but cannot increase more than \$18 each year. The maximum weekly benefit rate is \$613/week, as of October 1, 2017, with potential additional benefits of up to \$75/week for dependents.

## Special Act 18-5 An Act Concerning Minimum Wages for Providers of State Administered Services

Special Act 18-5 allows the Office of Policy and Management (OPM) secretary to allocate available FY 19 funds to increase the wages of certain employees who provide services to individuals with intellectual disabilities authorized to receive services and supports through the Department of Developmental Services.

This increase applies to private providers of employment, day, and behavioral services and group home services. By December 1, 2018, the Act requires such providers to submit documentation to OPM that such funds will be used only for:

- (1) increasing the minimum wage paid to employees to at least \$14.75 per hour by January 1, 2019 and,
- (2) providing a wage increase (of up to 5%) to employees earning between \$14.76 and \$30.00 per hour by January 1, 2019.

Additionally, OPM must reimburse the providers, within available appropriations, for the cost of employer taxes, increased benefits, and other costs associated with the wage increase provisions. **Effective upon passage.** (The state minimum wage for other employers is \$10.10 as of January 1, 2017).

These materials have been prepared by Shipman & Goodwin LLP for informational purposes only. They are not intended as advertising and should not be considered legal advice. This information is not intended to create, and receipt of it does not create, a lawyer-client relationship. Viewers should not act upon this information without seeking professional counsel. © 2018 Shipman & Goodwin LLP. One Constitution Plaza, Hartford, CT 06103.

