



2017 SESSION CONNECTICUT GENERAL ASSEMBLY

*In its 2017 session, the General Assembly passed a number of new laws affecting employers. Except as otherwise noted, the changes are effective **October 1, 2017**. 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 17-27 Withholding Workers' Compensation Income for Child Support

PA 17-27 requires employers whose employees are subject to an income withholding order for child support to take additional steps when such employees make claims for workers' compensation benefits.

Currently, when an employee under an income withholding order for child support makes such a claim, his or her employer must promptly notify the dependent (i.e., spouse, former spouse, or child owed the support) or the Judicial Branch's Support Enforcement Services as directed (per CGS 52-362(k)). Under PA 17-27, when such an employee makes a claim for workers' compensation benefits, employers must also include a copy of the income withholding order with the first report of occupational illness or injury to the workers' compensation carrier. The carrier must then withhold funds pursuant to the order and pay the withheld funds to the Department of Social Services' Office of Child Support Services. **Effective January 1, 2018**

Public Act 17-127 Veterans as a Protected Class

This new act prohibits discrimination on the basis of a veteran's status in employment, public accommodations, the sale or rental of housing, the granting of credit, and

other laws over which the Commission on Human Rights and Opportunities (CHRO) has jurisdiction. It authorizes any veteran aggrieved by an alleged discriminatory practice to file discrimination complaints with CHRO, which enforces antidiscrimination laws in these areas. A veteran is anyone honorably discharged or released under honorable conditions from active service in the armed forces. PA 17-127 also requires employers of any employees who serve in the National Guard of another state to grant leave for purposes of such services.

Public Act 17-118 Reasonable Accommodation for Pregnant Workers

Public Act 17-118 expands the employment protections provided to pregnant women under the state's anti-discrimination law. It requires employers to provide a reasonable workplace accommodation for a pregnant employee or applicant, unless the employer demonstrates that the accommodation would be an undue hardship.

The new act also prohibits employers from (1) limiting, segregating, or classifying an employee in a way that would deprive her of employment opportunities due to her pregnancy or (2) forcing a pregnant employee or applicant to accept a reasonable accommodation if she does not need one. It also eliminates certain employment protection provisions related to transfers to temporary positions for pregnant workers.

It defines “pregnancy” as pregnancy, childbirth, or related conditions, including lactation; and, it defines “employer” to include the state, municipalities, and any private employer with three or more employees.

The act also requires (1) employers to notify employees of their rights under the bill and (2) the Commission on Human Rights and Opportunities (CHRO) to conduct ongoing public education efforts to inform employers and employees about their rights and responsibilities.

PA 17-118 specifically prohibits employers from failing or refusing to make a reasonable accommodation for a pregnant employee or applicant, unless the employer demonstrates that the accommodation would be an undue hardship. The term “undue hardship” means an action requiring significant difficulty or expense when considering the accommodation’s nature and cost, the employer’s overall financial resources, the employer’s size and facilities, and the effect on the employer’s operations.

“Reasonable accommodations” include:

1. being allowed to sit while working,
2. more frequent or longer breaks,
3. periodic rest,
4. assistance with manual labor,
5. job restructuring,
6. light duty assignments,
7. modified work schedules,
8. temporary transfers to less strenuous or less hazardous work,
9. time off to recover from childbirth, or
10. break time and appropriate facilities for expressing breast milk.

By law, an employer must make reasonable efforts to provide a private room for an employee to express breast milk or breastfeed (CGS § 31-40w).

Posting Notice Of The Address Where An Employee’s Claim For Compensation Should Be Sent

The law generally requires private-sector employees seeking workers’ compensation benefits to submit a written notice of claim for compensation to either a workers’ compensation commissioner or their employer’s last known residence or place of business.

This bill allows employers, except the state and municipalities, to post a copy of where employees must send the notice (presumably a specific address). The posting must be in a workplace location where other labor law posters required by the labor department are prominently displayed.

Under the bill, employers who opt to post such an address must also forward it to the Workers’ Compensation Commission, which must post the address on its website.

By law, within 28 days after receiving an employee’s written notice of claim, an employer must either (1) file a notice contesting liability with the compensation commissioner or (2) begin paying workers’ compensation benefits to the injured employee (and retain the ability to contest the claim for up to a year).

Employers who do neither of these within 28 days of receiving the notice are conclusively presumed to have accepted the claim’s compensability.

Under the bill, if an employer posts an address where employees must send a notice of claim, the countdown to the 28-day deadline begins on the date that the employer receives the notice at the posted address.

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