

# Law of the Workplace

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## CLIENT ALERT

### Legislative Wrap-Up, Part I: Failed Bills

As the legislative season has come to an end, employers should be aware that the bills of concern listed below were not passed this session. Although unlikely, there is a possibility that lawmakers will attempt to revive these dead bills during the General Assembly's special session that convened June 4, 2009 to address the budget.

**H.B. No. 6187, An Act Mandating Employers Provide Paid Sick Leave to Employees.** This was one of the most highly contested bills this session. After passing in the House, this bill was never brought up for debate in the Senate. This bill required employers with 50 or more employees to provide paid sick leave to all employees, at the rate of one hour for every 40 hours worked, up to 52 hours per year. Employees could use the paid sick leave for medical diagnosis, care or treatment of a mental or physical illness or for preventative medical care, whether for the employee or his/her child. Employees would have also been able to use leave for issues pertaining to domestic violence or sexual assault. The failed bill also imposed notice requirements on employers, contained an anti-retaliation provision and a \$600 civil penalty for non-compliant employers.

**H.B. No. 5521, An Act Eliminating Credit Reports as a Basis for Employment Decisions.** In Connecticut, an employer may require applicants to submit to credit checks as a condition of employment. This bill attempted to make such credit checks illegal, except where: (1) the report is substantially related to the job, (2) the report is required by law, or (3) the employer reasonably believes that the employee has violated the law. The bill included a complaint process before the Department of Labor, along with a right of appeal to Superior Court and a civil penalty of at least \$300 for violation of the law.

**S.B. No. 222, An Act Concerning the Tip Credit.** This bill sought to increase the tip credit for hotel and restaurant servers and bartenders. Currently, employers may deduct a credit from service employees and bartenders who customarily and regularly receive gratuities in the amount of 31% and 11% below minimum wage, respectively. This failed bill proposed a change in these percentages to 33.1% and 13.75%, respectively, effective January 1, 2010. This increase would have no effect on the employee's hourly wage, however, because the minimum wage is also scheduled to increase on January 1, 2010 to \$8.25 an hour.

**S.B. No. 365, An Act Concerning Captive Audience Meetings.** This failed bill sought to prohibit employers from "coercing" their employees to attend or participate in meetings sponsored by the employer concerning religious or political issues. The bill includes meetings to address union organizing issues as political meetings. The bill also protected employees from retaliation including discipline for reporting violations under this law. Exempted from the definition of captive audience meetings were casual conversations between employees or between an employee and the employer, so long as participation in the conversations is not required and occurs in the normal course of the employee's duties.

**S.B. No. 362, An Act Concerning Equal Pay for Equal Work.** *Although this bill failed, the prohibition on gender-based wage discrimination was incorporated into Public Act No. 09-101, “An Act Concerning Penalties for Violations of Certain Personnel Files Statutes and Equal Pay for Equal Work.”*

Stay tuned for an update on these sweeping revisions to Connecticut’s equal pay law, as well as the other bills that were signed into law this session.

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This material is intended to provide you with information regarding a noteworthy legal development. It should not be regarded as a substitute for legal advice concerning specific situations in your operation. If you have any questions or would like additional information on this topic, please contact our Firm at (860) 727-8900 or [www.siegeloconnor.com](http://www.siegeloconnor.com).

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