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Effective October 1, 2010, Connecticut will join the ranks of states that prohibit employers from terminating, penalizing, or threatening employees who are victims of family violence. Connecticut employers also must allow victims to take a certain amount of time off from work to address personal issues stemming from family violence.

Connecticut Enacts Employment Protections for Victims of Family Violence

By Patricia E. Reilly and Jennai S. Williams

Connecticut recently enacted legislation, Public Act No. 10-144, that creates additional employment protections for victims of family violence and an allowance of leave time for employees dealing with issues relating to family violence. The new law goes into effect on October 1, 2010.

Currently, Connecticut law forbids employers from terminating, penalizing, threatening, or otherwise coercing employees with respect to their employment because they: (1) are subpoenaed in a criminal proceeding; (2) are a crime victim attending a court proceeding or participating in a criminal investigation; or (3) have a restraining or protective order issued on their behalf. Effective October 1, 2010, this prohibition will be extended to include employees who are victims of family violence and employees who attend or participate in civil proceedings related to cases in which they are victims of family violence. "Family violence" occurs when there is an incident between family or household members that results in threatened or actual physical harm, bodily injury or assault. Furthermore, "family or household member" is defined broadly to include: (1) current and former spouses; (2) parents and children; (3) individuals who are at least 18 years old and related by blood or marriage; (4) individuals that currently reside or formerly resided together and are at least 16 years old; (5) individuals that have a child in common; and (6) individuals that are in, or have recently been in, a dating relationship.

Under the new law, Connecticut employers also will be required to provide time off to family violence victims that reasonably need to: (1) seek medical care or counseling for physical or psychological injuries or disabilities; (2) obtain services from a victim services organization; (3) relocate because of family violence; or (4) participate in any civil or criminal proceeding related to or resulting from family violence.

The new leave requirement applies only to employers that have a minimum of three employees and is capped at 12 days of unpaid leave per calendar year. Employers may provide this benefit in the form of paid leave, but the law does not require them

to do so. Furthermore, the statute states that leave taken under this provision "shall not affect any other leave provided under state or federal law." Although this statutory language is not explained in the legislative history, a reasonable interpretation is that an employee may not be required to take this leave concurrently with other types of state and federally authorized leave.

Employees may be required to provide seven days' notice for foreseeable absences and sign a written statement certifying that the leave is being taken for a purpose authorized under the statute. Employers may request a police or court record or a signed written statement from a licensed professional or victim services organization certifying that the employee is a victim of family violence. These records and statements must be kept confidential, unless the employee is told of the disclosure in advance and the disclosure is required by state or federal law or necessary to protect the employee's safety in the workplace.

Remedies for violation of the law include an award of damages and reasonable attorney's fees and an order rescinding the action of the employer. The law also doubles the time in which an employee may file suit for violation of the statute from 90 to 180 days.

Because this law will become effective on October 1, 2010, it is imperative that Connecticut employers begin reviewing their leave policies to ensure that they comply with the new law. This may require revising employee handbooks and manuals, as well as promulgating new policies that explain the circumstances under which an employee will be granted time off to handle issues stemming from family violence.

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