



Connecticut Department of Labor
Wage & Workplace Standards Division
Public Acts 2021

These legislative summaries are meant for informational purposes only and do not contain the exact language of the legislation.

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July 2021



Public Act 21-25 (Senate Bill 908): An Act Concerning Access To Certain Public Employees By The Exclusive Bargaining Representative Of A Public Employer Bargaining Unit

EFFECTIVE DATE: October 1, 2021

This Public Act provides guidelines for public employers (i.e., the state, municipalities, and local or regional boards of education) regarding the rights of their employees to join or remain members of a union. In addition, it establishes requirements for public employers to provide public employee unions with: 1) certain information about new and current employees; 2) access to new employee orientations; and 3) access to (a) the employees that they represent and (b) government buildings and facilities to conduct meetings with bargaining unit members. This Public Act also specifies that an arbitration over new employee orientations must follow the applicable arbitration procedure already in statute, rather than any procedure prescribed in law.

Public Act 21-43 (Senate Bill 999): An Act Concerning A Just Transition To Climate Protective Energy Production and Community Investment

EFFECTIVE DATE: Upon passage

Among other things, this Public Act requires renewable energy project developers who build a certain type of renewable energy and efficiency construction project “covered project” to now meet Connecticut’s prevailing wage and standard wage laws. Construction workers on these covered projects will be paid wages and benefits at least equal to those required under the state’s prevailing wage law. In addition, operations, maintenance, and security employees in any building or facility created in the project will be paid wages and benefits that are at least equal to those required under Connecticut’s standard wage law. However, the prevailing wage requirement does not apply if the project is covered by a project labor agreement that meets certain requirements. Public Act 21-43 also requires the renewable energy project developers to obtain a sworn statement from any contractors and subcontractors that they have met very specific requirements. Under the Act, the developer must submit the sworn certifications to the CT Department of Labor Commissioner at least 30 days before project construction begins. Some of the items in the sworn statement include a verification that they 1) have obtained all applicable trade licenses, certifications, 2) participated in apprenticeship training through a CT DOL registered apprenticeship program, 3) will follow Connecticut’s prevailing wage and standard wage laws; and 4) have not misclassified and will not misclassify employees as independent contractors. If they do not meet these requirements or if the sworn statement contains false, misleading, or materially inaccurate information, the contractor or subcontractor that prepared it will face debarment.

Finally, these covered project developers must also establish a “workforce development program”, such as a CT DOL Apprenticeship or CT DOL Pre-Apprenticeship program, that gives employees the opportunity to develop skills that will enable them to qualify for higher paying jobs on the covered project.

Public Act 21-32 (Senate Bill 1019): An Act Concerning The Board Of Pardons And Paroles, Erasure Of Criminal Records For Certain Misdemeanor And Felony Offenses, Prohibiting Discrimination Based On Erased Criminal History Record Information And Concerning The Recommendations Of The Connecticut Sentencing Commission With Respect To Misdemeanor Sentences

EFFECTIVE DATE: Various

This Public Act establishes a process to erase records of certain criminal convictions after a specified period following the person's most recent conviction. The Act prohibits discrimination based on someone's erased criminal history in housing, employment, public accommodations, credit, and state agency services. The Act also allows individuals to file housing and employment discrimination complaints with the Commission on Human Rights and Opportunities (CHRO), effective January 1, 2023.

Existing law already prevents employers from taking various actions in relation to job applicants' or employees' criminal history or erased criminal records. Under current law, an applicant or employee allegedly aggrieved by a violation of these laws may file a complaint with the CT Labor commissioner. PA 21-32 specifies that some violations can be discriminatory employment practices under CHRO's jurisdiction. It allows allegedly aggrieved individuals to file a (1) CHRO complaint or (2) lawsuit for declaratory or injunctive relief, damages, or any other remedy allowed by law. The Act also prohibits employers with at least one employee, including the state or municipal employers, from discriminating against someone in pay or employment terms/conditions, based on the person's erased criminal history record information.

Finally, starting October 1, 2021, PA 21-32 prohibits several types of discrimination by state agencies regarding erased criminal history record information. Among other things, the Act: 1) requires state officials to recruit, appoint, assign, train, evaluate, and promote state personnel based on merit and qualifications, without taking an applicant's erased criminal history record information into account; 2) prohibits state departments, boards, or agencies (with some exceptions) from granting, denying, or revoking a person's license because of erased criminal history record information; and 3) requires all educational, vocational guidance programs and all apprenticeship and on-the-job training programs of state agencies, or in which they participate, to be open to all qualified people, without taking erased criminal history record information into account.

Public Act 21-1, June Special Session (Senate Bill 1201): An Act Concerning Responsible And Equitable Regulation Of Adult-Use Cannabis

EFFECTIVE DATE: Various

This Public Act makes multiple changes related to Connecticut's employment, labor, and other laws to establish legal adult recreational use of cannabis (marijuana). It allows individuals age 21 or older to possess, use, or consume cannabis and cannabis products. The Act establishes very specific guidelines, rules, and protections for employers and employees regarding recreational cannabis use. In other words, the Act sets rules for what employers are (1) banned from doing or (2) authorized to do with respect to cannabis. As an example, starting July 1, 2022, except that certain exemptions are effective July 1, 2021, it generally bans certain employer actions, such as penalizing an employee for the employee's use of cannabis prior to employment. However, the Act allows employers to establish a workplace policy prohibiting cannabis possession or use by an employee, except for possession of medical marijuana. The Act also does not prevent an employer from seeking a drug test or a fitness for duty evaluation from an employee or applicant.

Upon passage, PA 21- 1 (June S.S.) also establishes a 15-member Social Equity Council, within the Department of Economic and Community Development (DECD) for administrative purposes only, to promote and encourage full participation in the cannabis industry by people from communities disproportionately harmed by cannabis prohibition. While the CT DOL Commissioner is not a member of the Social Equity Council, the Act requires the Social Equity Council, in coordination with DECD and the CT DOL, to develop a workforce training program to further equity goals, ensure cannabis establishments have access to a well-trained employee applicant pool, and help individuals who live in a disproportionately impacted area find employment in the cannabis industry. \$50 million in state bond funds for the DECD and the Social Equity Council is authorized to use for specified financial assistance and workforce training programs.

As of July 1, 2021, the Act requires that the construction or renovation of any cannabis establishment facility of \$5 million or more have a project labor agreement (PLA) between the project contractors and the establishment. Also, as of July 1, 2021, the Act requires each cannabis establishment licensee to enter into a labor peace agreement with a bona fide labor organization as a condition of its final license approval or other license changes. Under the Act, a "labor peace agreement" means an agreement between a cannabis establishment and a bona fide labor organization (1) under which the owners and management of the establishment agree they will not lock out employees and (2) that prohibits the labor organization from engaging in picketing, work stoppages, or boycotts against the cannabis establishment.

Beginning October 1, 2021, the Act also extends existing law's prohibition on smoking and e-cigarette use in certain establishments and public areas to include cannabis, hemp, and electronic cannabis delivery systems (ECDS). The Act also generally bans smoking (whether tobacco, cannabis, or hemp) and e-cigarette use in workplaces, regardless of the number or employees. It applies to both inside the workplace and outside within 25 feet of a doorway, operable window, or air intake vent.

Public Act 21-27 (House Bill 5158): An Act Concerning Breastfeeding In The Workplace

Effective Date: October 1, 2021

Existing law requires employers to make reasonable efforts to provide a room or other location near the employee's work area, other than a toilet stall, where an employee can express her milk in private during a meal or break period. Essentially, this Public Act specifies that the criteria for the employer-provided areas used by employees to express breast milk (as long as there is no undue hardship to the employer), must (1) be free from intrusion and shielded from the public while the employee expresses milk; (2) include or be near a refrigerator or employee-provided portable cold storage device in which the employee can store her breast milk; and (3) have access to an electrical outlet.

P.A. 21-189, AN ACT REQUIRING EMPLOYERS TO RECALL CERTAIN LAID-OFF WORKERS IN ORDER OF SENIORITY. (Effective from passage)

The Public Act requires certain employers to recall certain laid-off workers in order of seniority. As part of this law, employers are required to submit to DOL an affidavit stating the reasons for laying off an employee. DOL will maintain these affidavits, but does not otherwise have any enforcement authority.

P.A. 21-136, AN ACT CONCERNING COMMERCIAL MORTGAGE LOAN ORIGINATORS (Eff. 10/1/21)

The Public Act excludes commercial mortgage loan originators from the state's overtime pay requirements, as they are considered to be highly compensated employees under federal regulations.

P.A. 21-49, AN ACT CONCERNING THE RECOMMENDATIONS OF THE GOVERNOR'S COUNCIL ON WOMEN AND GIRLS (Eff. 7/1/21)

The Public Act requires appointing authorities for state boards, commissions, committee, and councils with members appointed by the governor or legislators, to, among other things, ensure that the membership is qualified and diverse and closely reflects the state's gender and racial diversity, consistent with applicable law, by 1/1/2026. DOL will work with the appointing authority to ensure this goal is met for related boards, etc.

P.A. 21-141, AN ACT CONCERNING THE LABOR DEPARTMENT'S RECOMMENDED CHANGES TO STATUTES CONCERNING APPRENTICESHIPS AND OTHER LABOR STATUTES (Sections 1-8 and 12, eff. from passage; Sections 9-11, eff. 10/1/21)

This Public Act is DOL's technical bill for this legislative session. It amends several statutes to set forth appropriate time frames for economic forecasting from 30 years to 10 years; replaces references to the repealed federal Job Training Partnership Act and replaces with current law the Workforce Innovation and Opportunity Act (WIOA) and programmatic changes that have been made under WIOA. It further repeals requirements for one time programs and reports that are now moot.

The Act also amends statutes to clarify the definition of "apprentice" and add a definition of "pre-apprentice" that mirrors statutory changes made to CGS sec. 31-23 in the 2018 legislative session. In addition, it corrects the provision that apprentices are registered with the Connecticut State Apprenticeship Council as this is not accurate. Instead the new language accurately reflects that apprentices are registered with the Labor Department and that the Connecticut State Apprenticeship Council recommends rather than adopts standards for apprenticeship and related instruction, as well as policies for effective administration of the apprenticeship statutes.

The Act further amends the unemployment insurance statute regarding the earnings period to use for claimants who have been absent from work due to workers' compensation injury or approved medical leave. This change ensures alignment with the agency's unemployment insurance information technology modernization project. Finally, the Act repeals the Low Wage Advisory Board as it issued its final report and is now moot.

P.A. 21-152, AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENTS OF PUBLIC HEALTH AND CONSUMER PROTECTION AND REQUIRING A REPORT FROM CERTAIN EXECUTIVE BRANCH AGENCIES REGARDING BACKGROUND CHECKS AND THE FEASIBILITY OF ESTABLISHING PRECLEARANCE ASSESSMENTS OF CRIMINAL HISTORY (*Sections 1, 4-6, eff. 10/1/21*)

The Public Act generally makes it easier for health care professionals as well as various tradespeople and other professionals licensed in other states to obtain a Connecticut credential if they reside here. These licenses issued by the Department of Public Health and the Department of Consumer Protection (DCP) include licenses for spouses of an active duty service member permanently stationed here, if that person meets specified experience and background requirements (e.g., has no disciplinary history). This authority applies to electricians; plumbers; solar, heating, piping, and cooling contractors and journeymen; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; gas hearth installer contractors and journeymen; and residential stair lift technicians. The Act also allows DPH or DCP, as applicable, to deny a credential if the commissioner finds it to be in the state's best interest.

Public Act 21-30 (House Bill 6380): An Act Concerning the Disclosure of Salary Range for a Vacant Position

EFFECTIVE DATE: October 1, 2021

This Public Act Gender defines “Wage range” and requires employers to provide job applicants and employees with the wage range for their positions at the time of hire, promotion or upon request. This Public Act additionally updates the statutory language regarding gender wage discrimination by requiring employers to provide equal pay for “comparable,” rather than equal, work.

Public Act 21-154 (House Bill 6378): An Act Codifying Prevailing Wage Contract Rates

EFFECTIVE DATE: October 1, 2021

This Public Act removes the stipulation that the Labor Commissioner hold a hearing to determine the prevailing rate of wages, rather the Labor Commissioner shall adopt the rate based on the stipulations of the collective bargaining agreement for the applicable trade in the town where the project will be conducted. If there is no applicable collective bargaining agreement in place the Labor Commissioner shall adopt prevailing rates in accordance with those set by the US Secretary of Labor. Member benefits such as health care and pensions are added to the payments and contributions to employee welfare funds, the amount of which shall be adopted by the Labor Commissioner, following the aforementioned stipulations.

Budget Implementation Provisions

§§ 3-5 — Domestic Workers Protections

EFFECTIVE DATE: Various

Broadens the categories of written information that employers must provide to certain domestic workers when they are hired about (1) their job duties and responsibilities; (2) the availability of sick leave, rest days, vacation, personal days, and holidays, whether paid or unpaid, and the accrual rate of those days; (3) whether the employer may charge fees or costs for board and lodging and, if so, their amount; and (4) how to file a complaint about a violation of the worker’s rights.; requires the labor commissioner to establish a domestic workers education and training grant program to provide grants to qualified organizations to, among other things, educate domestic workers about various labor laws.

§ 6 — Call Center Notice Requirements

EFFECTIVE DATE: October 1, 2021

Establishes (1) notice requirement for call centers that relocate from Connecticut to another country to notify the labor commissioner at least 100 days before doing so. Violators of the notice requirement will be subjected to a civil penalty of up to \$10,000 per day for each violation but allows the Labor Commissioner to reduce the penalty for just cause. The Labor Commissioner must compile an annual list of each call center whose relocation was subject to the notice requirement. She must make the list publicly available and prominently display a link to it on the Department of Labor website. Among other things, the call center is ineligible for direct or indirect state grants, state guaranteed loans, state tax benefits, or other state financial support for five years. "Call centers" are facilities or operations through which employees receive phone calls or electronic communications to provide customer assistance or service.

§ 32 — Establishment Of The Office Of The Unemployed Workers' Advocate

EFFECTIVE DATE: Upon passage

Requires the Labor Commissioner, within available appropriations, to establish the Office of the Unemployed Workers' Advocate within the CT DOL to assist unemployed people. By October 1, 2021, it requires the Commissioner to designate an "unemployed workers' advocate" to manage the office's daily activities and duties and the advocate must have the qualifications to perform the office's duties, including expertise and experience in unemployment benefits and advocacy for unemployed people's rights.

§§ 147 & 149 — Public Agency Meetings Using Electronic Equipment

EFFECTIVE DATE: July 1, 2021

Authorizes public agencies to conduct meetings using electronic equipment until April 30, 2022, and establishes requirements and procedures for doing so Under the Freedom of Information Act (FOIA). The Act further establishes conditions under which a public agency may resume an interrupted meeting being held by electronic equipment.

§§ 148, 150 & 151 — Electronic Meeting Notices and Postings

EFFECTIVE DATE: July 1, 2021

Allows public agencies to provide meeting notice by electronic transmission. Under current law, agencies must provide the notice by mail. Also requires agencies to post certain notices of adjournment on their websites. Existing law requires public agencies, when a meeting is adjourned because all members are absent, to post a notice of adjournment on or near the door of the meeting's location. The Act requires agencies to also post this notice on their websites, if applicable.

§§ 152 & 153 — Orderly Conduct At Meetings

EFFECTIVE DATE: Upon passage for town meetings and July 1, 2021, for the FOIA provisions

Allows public agencies and town meetings to deny disorderly individuals access to meetings by electronic equipment. Under current law, FOIA allows a public agency's members, when order cannot be restored by removing disorderly individuals, to order the room cleared before continuing with the meeting.

§ 190 — State Agency Purchase Of Personal Protective Equipment (PPE)

EFFECTIVE DATE: Upon passage

Requires state agencies, when purchasing PPE, to make reasonable efforts to purchase at least 25% of it from the list of Connecticut companies compiled by the DAS commissioner that changed their business model to produce PPE to respond to the COVID-19 pandemic.

§§ 203 & 251-252 — Office Of Workforce Strategy

EFFECTIVE DATE: July 1, 2021

Eliminates the Office of Workforce Competitiveness (OWC) within the CT Department of Labor (CT DOL) and replaces it with a new Office of Workforce Strategy (OWS), within the Office of the Governor for administrative purposes only. Establishes the position of chief workforce officer as a department head for OWS who must have knowledge of publicly funded workforce

training programs and must possess the necessary training and experience to perform newly assigned statutory duties. Under current law, the CT DOL Commissioner, with OWC's assistance, serves as the governor's principal workforce development policy advisor and the liaison with local, state, and federal workforce development agencies. The Labor Commissioner coordinates (1) the state's implementation of the federal Workforce Innovation and Opportunity Act of 2014 (WIOA) and (2) state agencies' workforce development activities. The Act transfers these functions and duties to the chief workforce officer, designating him or her as the (1) lead state official for developing employment and training strategies and initiatives and (2) governor's principal advisor for workforce development policy, strategy, and coordination. Specifically, the chief workforce officer must coordinate the state's role in the implementation of WIOA on behalf of the governor and Governor's Workforce Council (i.e., currently, also known as the Connecticut Employment and Training Commission (CETC)), and in consultation with the CT DOL commissioner, who must offer any resources she can make available for this purpose. OWS must provide staff support to the Governor's Workforce Council. Among other things, the chief workforce officer must develop a state workforce strategy and update it as necessary. The chief workforce officer must (1) issue guidance to state agencies, the Governor's Workforce Council, and regional workforce development boards to further the state workforce strategy and the council's workforce development plan and (2) it must be approved by the OPM secretary. The current requirement that CT DOL annually report to the legislature on its two- and five-year forecast of workforce shortages by occupation is repealed.

§§ 212 & 213 — Labor Commissioner's Powers And Duties

EFFECTIVE DATE: July 1, 2021

Removes certain employment-related statistical reporting requirements from the Labor Commissioner's report to the governor and removes certain powers and duties related to employment training programs. Specifically, it removes the requirements that the CT DOL commissioner do the following: 1) administer the coordination of all employment training programs in the state; 2) implement the CETC plan; 3) develop and maintain a comprehensive inventory of all Connecticut employment and training programs; 4) provide staff and other resources to CETC as she can make available; 5) appoint a job training coordinator to develop and implement programs to provide job training, an incentive to establish apprentice programs in selected occupations, and work training and placement for the chronically unemployed; and 6) establish an interagency program coordinating committee to coordinate the application of all available resources for the job training coordinator's initiatives.

§ 223 — Statewide Network Of Job Centers

EFFECTIVE DATE: July 1, 2021

Requires CT DOL, within available resources, to (1) participate in, rather than maintain, a statewide network of job centers and (2) consult and collaborate with the chief workforce officer when undertaking related responsibilities.

§ 252 — DECD Bonding Funds

EFFECTIVE DATE: July 1, 2021

Removes the \$5.25 million cap on the amount of bond money that DECD may allocate to the Labor Commissioner to assist employers with job training or retraining current employees or prospective employees in newly-created jobs, including meeting ISO 9000 quality standards.

§ 270 — Quarterly Reporting Requirements For Employers

EFFECTIVE DATE: July 1, 2021

Requires employers subject to the state's unemployment law to report certain data about each employee in their quarterly wage reports to CT DOL. Specifically, the following data for each employee must also be reported: 1) gender identity, age, race, ethnicity, veteran status, disability status, and highest education completed; 2) home address and address of primary work site; 3) occupational code under the Bureau of Labor Statistics standard occupational classification system; 4) hours and days worked and salary or hourly wage; and 5) employment start date in the current job title and, if applicable, employment end date. The information is not considered a public record and is exempt from disclosure under FOIA. As under existing law, employers, or their agents, may submit a written request for a waiver at least 30 days before the report is due. The requirements do not apply to employers with 49 or fewer employees that have an electronic payroll system.

§§ 275-276 — Paid Family And Medical Leave Appeals

EFFECTIVE DATE: Upon passage

Allows, rather than requires, the Labor Commissioner to conduct a hearing for people aggrieved by a denial of family and medical leave benefits or the imposition of certain anti-fraud penalties. Also, removes a requirement that the appeal to court be made under the Uniform Administrative Procedure Act (UAPA) and specifies that it may be appealed to the judicial district of Hartford or the judicial district where the appellant resides.

§§ 277-278 — The State As An Employer Under CT FMLA

EFFECTIVE DATE: Upon passage

Removes a provision in current law that excludes the State of Connecticut from being an employer covered by the state's Family and Medical Leave Act (FMLA).

§§ 279-281 — CT FMLA Hearings

EFFECTIVE DATE: Upon passage

Requires complaints for FMLA violations to go through additional procedural steps before proceeding to a hearing. The law allows an employee aggrieved by certain violations of the state's FMLA to file a complaint with the Labor Commissioner. Current law requires the Commissioner to hold a hearing on all complaints. The Act instead requires the Commissioner to first investigate and make a finding about jurisdiction and whether a violation occurred before proceeding. If the Commissioner or her designee finds that CT DOL has no jurisdiction or no violation occurred, they must dismiss the complaint and issue a release of jurisdiction that allows the complainant to bring a civil action in Superior Court. If the Commissioner or her designee finds that the agency has jurisdiction and a violation occurred, the Act allows them, in their sole discretion, to require a mandatory settlement conference with the parties. If there is no settlement, they must designate a hearing officer to hold a hearing and render a final decision.