

SURVIVOR STATE EMPLOYMENT GUIDE

CONNECTICUT

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Connecticut law (**Conn. Gen. Stat. 46a-60(b)(1)**), an employer cannot (1) refuse to hire or employ, (2) bar or discharge an individual from employment, or (3) discriminate against any individual in compensation or terms, conditions or privileges of employment because of their status as a victim of domestic violence. Under this section, an employer is defined as “any person or employer with one or more persons in such person's or employer's employ.” Similar anti-discrimination protections for victims of domestic violence now also apply to employment agencies and labor organizations. **This change is effective October 1st, 2022.**

REASONABLE ACCOMMODATIONS

At the time of publication, Connecticut has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Connecticut has three laws related to leave for domestic violence, a law (**Conn. Gen. Stat. 31-51ss**) providing paid or unpaid leave related to domestic violence, a law (**Conn. Gen. Stat 54-85b**) providing leave for victims or witnesses of crimes, and a law (**Conn. Gen. Stat. 46a-60(b)(13)**) prohibiting discrimination for employees taking leave related to domestic violence. The anti-discrimination law related to leave for domestic violence is effective October 1, 2022. Additionally, many employees in Connecticut are entitled to paid sick leave (**Conn. Gen. Stat. 31-57s**).

- **Paid or Unpaid Leave:** Under Connecticut law (**Conn. Gen. Stat. 31-51ss**), if an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary. An employer can limit unpaid leave to twelve days during any calendar year. Under this law, an employer is defined as a “person engaged in business who has three or more employees.” An employee can take leave to:
 - Seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim;
 - Obtain services from a victim services organization on behalf of the victim;
 - Relocate due to such family violence; or
 - Participate in any civil or criminal proceeding related to or resulting from such family violence.

An employer may require the employee to give advance notice, if possible, that they will be taking leave related to domestic violence. If the employer requires advanced notice, it can't be more than seven days in advance. If the employee can't provide advanced notice, the employer can require the employee to provide notice as soon as practicable.

- *Do I need to show proof of domestic violence?* An employer can also request a signed written statement certifying that the employee is using the leave for a purpose authorized by the law. The employer can request that the employee provide a police or court record related to the family violence or a signed written statement that the employee is a victim of family violence, provided such statement is from an employee or agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, or a licensed medical professional or another licensed professional from whom the employee has sought assistance with respect to the family violence.
- **Crime Victim Leave:** Under Connecticut law (**Conn. Gen. Stat 54-85b**), it is prohibited for an employer to penalize, threaten, or retaliate against an employee who is the victim or witness of a crime who takes leave from work for the following reasons:
 - Obeys a legal subpoena to testify in a criminal proceeding;
 - attends a criminal court proceeding or participates in a police investigation in connection with a crime the employee was a victim of or attends a civil court proceeding in connection with employee's status as a victim of domestic violence;
 - receives a restraining order or protective order; or
 - is a victim of family violence;

Under this law, the definition of "crime victim" means an employee who suffers direct or threatened physical, emotional or financial harm as a result of a crime or an employee who is an immediate family member or guardian of a person who suffers such harm and is a minor, physically disabled, or incompetent, or a homicide victim.

- **Job-Protected Leave:** Under Connecticut law (**Conn. Gen. Stat. 46a-60(b)(13)**), it is a discriminatory practice for an employer or the employer's agent to deny an employee a reasonable leave of absence in order to:
 - Seek attention for injuries caused by domestic violence including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child;
 - Obtain services including safety planning from a domestic violence agency or rape crisis center as a result of domestic violence;
 - Obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child;
 - Take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or
 - Obtain legal services, assisting in the prosecution of the offense, or otherwise participate in legal proceedings in relation to the incident or incidents of domestic violence.
- *Do I need to show proof of domestic violence?* If an employee is absent from work for one of these reasons, they must provide certification to the employer when requested by the employer within a reasonable amount of time after the absence. Certification can be:
 - A police report indicating that the employee or the employee's child was a victim of domestic violence;
 - A court order protecting or separating the employee or employee's child from the perpetrator of an act of domestic violence;
 - Other evidence from the court or prosecuting attorney that the employee appeared in court; or

- Documentation from a medical professional, domestic violence counselor, or other health care provider, that the employee or the employee's child was receiving services, counseling or treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.
- **Paid Sick Leave:** Full- and part-time service workers employed by an employer with more than 50 employees in Connecticut are entitled to accrue one hour of paid sick leave for every 40 hours worked, up to 40 accrued hours of paid leave per year. Eligible service workers encompass a broad list of industries defined in the law (**Conn. Gen. Stat. Sec. 31-57r(7)**). Under this law (**Conn. Gen. Stat. Sec. 31-57t**), accrued paid sick leave can be used for:
 - Illness, injury or health condition of the service worker or their child or spouse;
 - Medical diagnosis, care or treatment of the service worker's, or their child's or spouse's mental illness, physical illness injury or health condition;
 - Preventative medical care for the service worker or their child or spouse;
 - Situations where the service worker is a victim of family violence or sexual assault:
 - For medical care or psychological or other counseling for physical or psychological injury or disability;
 - To obtain services from a victim services organization;
 - To relocate due to such family violence or sexual assault; or
 - To participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

If the need to take this leave is foreseeable the service worker should provide notice, not to exceed seven days prior to the leave, of the intention to take the leave or as soon as practicable. If the use of this leave is three or more consecutive days the employer can request reasonable documentation, signed by a treating healthcare provider. If this leave is being taken under the permissible uses related to family violence or sexual assault, such documentation can be a court record or documentation signed by a service worker or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the service worker.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Connecticut law (**Conn. Gen. Stat. Sec. 31-236(a)(2)(A)**), an individual will not be disqualified from receiving benefits for leaving work to protect the individual, or the individual's child, spouse, or parent, from becoming or remaining a victim of domestic violence. The individual must have also made a "reasonable" effort to maintain their employment to not be disqualified for the benefit. Under this section, a victim of domestic violence is defined as "a person who has been abused or subjected to extreme cruelty by: (A) Physical acts that resulted in or were threatened to result in physical injury; (B) sexual abuse; (C) sexual activity involving a child in the home; (D) being forced to participate in non-consensual sexual acts or activities; (E) threats of or attempts at physical or sexual abuse; (F) mental abuse; or (G) neglect or deprivation of medical care." (**Conn. Gen. Stat. 17b-112a**).