



Connecticut

Human Resources LEGAL FACT SHEET

Disclaimer: This fact sheet summarizes state laws and regulations on a variety of human resource issues for dairy farms, including wages, paystubs, deductions, child labor, and more. It is not intended to provide legal advice. The fact sheet is simply an overview of select issues with a high-level explanation of key requirements for each one, with links to more information and resources throughout the document. This fact sheet does not include all legal requirements for dairies. It was created in July 2018, and while it will be periodically updated, it may not reflect the current state of the law on every topic covered. Dairies should also review the federal fact sheet because employers—depending on size—may be required to comply with some or all of the applicable federal laws and regulations as well. By using this fact sheet you understand that there is no attorney-client relationship between you and the attorneys who were involved in developing the fact sheet. This fact sheet should not be used as a substitute for competent legal advice from a licensed attorney.

ARE THERE CONNECTICUT STATE LAWS PERTAINING TO DAIRY FARMS ABOUT:

HIRING

TOPIC	ANSWER	DETAILS
Notice of Payday / Pay Rate ¹	YES	At the time of hire, employers must notify employees, in writing, of the wage rate, hours of employment, and regular payday dates. The employer must also provide or post in the workplace a notice on employment practices or policies on wages, vacation pay, sick leave, health/welfare benefits, and any other related items. The employer must provide or post a new notice when there are changes.
Reporting ²	YES	<u>New hires</u> and rehires must be reported to the Connecticut Department of Labor within 20 days.

WAGES

TOPIC	ANSWER	DETAILS
Payday ³	YES	Must establish and maintain regular paydays that are either once weekly or at least once every two weeks. The payday must fall no more than 8 days after the end of the pay period. Employers can apply for a waiver of the weekly or bi-weekly payment requirement; but paydays can be no less than monthly.
Final Pay ⁴	YES	Employees that quit or resign must be paid by the next regular payday. Employees that are fired/discharged by the employer must be paid no later than the next business day following the date of termination.
Overtime ⁵	NO	Agricultural employees are exempt from Connecticut overtime compensation, federal rules may apply. Refer to the federal fact sheet.
Minimum Wage ⁶	YES	<u>\$10.10 per hour</u>
Hours Worked ⁷	YES	Hours worked includes all time that an employee is required by the employer to be on the employer's premises or to be on duty, or to be at the prescribed work place. It includes all time that an employee is employed or permitted to work, whether or not required to do so. Time for meals is excluded unless the employee is required or permitted to work during the meal break. Hours worked includes time that an employee is required to wait on the premises and time an employee is on-call for emergency services at a location designated by the employer, whether or not the employee is actually called upon to work.

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WAGES

(Continued)

TOPIC	ANSWER	DETAILS
Reporting Time Pay	NO	Connecticut law does not require reporting time pay for agricultural employees, i.e. an employee is only required to be paid for actual hours worked.
Pay Stub ⁸	YES	Each payday, employers must give each employee a written record of: <ul style="list-style-type: none"> • <i>Itemized deductions</i> • <i>Net earnings</i>
Taxes and Withholding ⁹	YES	Employers must withhold <u>Connecticut income taxes</u> . Employers must give your employees a statement of taxes withheld, like a federal Form W-2, 1099-MISC or 1099-R. <u>More details</u> . Employers must pay <u>Connecticut Unemployment Insurance taxes</u> if: <ul style="list-style-type: none"> • <i>You paid cash wages to farm workers of \$20,000 or more in a quarter in the current or prior calendar year; OR,</i> • <i>You employed ten or more farm workers for some part of a day in 20 or more weeks of the current or prior calendar year.</i> Certain family employment is excluded from coverage requirements (children under 18 working for a parent, an individual working for spouse, or parent working for a son or daughter). Unemployment taxes are paid by the employer; they are not taken out of employee pay. You can credit the amount you pay to Connecticut in calculating how much you owe for federal unemployment taxes. <u>More details</u> .
Deductions and Allowances ¹⁰	YES	Employers cannot deduct from wages unless: <ul style="list-style-type: none"> • <i>Required to by state or federal law</i> • <i>The employer has written authorization from the employee for a deductions on an approved form</i> • <i>The deductions are authorized by the employee, in writing, for medical, surgical, or hospital care or service, without financial benefit to the employer. The employer must record such deductions in the wage records.</i> • <i>The deductions are for contributions in automatic enrollment in a retirement plan</i> Required under the law of another state to withhold income tax of such other state with respect to (A) employees performing services of the employer in such other state, or (B) employees residing in such other state Employers should refer to the federal fact sheet for additional rules.
Bonuses ¹¹	YES	Connecticut courts have considered the question of whether bonuses are considered wages. Generally, discretionary bonuses are not considered wages, while nondiscretionary bonuses paid under an agreement are considered wages and protected under wage law. Employers should follow any written policy they have about paying bonuses as a best practice. A nondiscretionary bonus is one where the amount and criteria for getting the bonus are announced in advance. For example, performance goals (like meeting somatic cell count goals) that workers know about in advance. Discretionary bonuses are ones that are not announced in advance, not expected by the employee, and not an incentive for the employee. For example, when the farm reaches a certain financial goal and decides to give all employees a bonus.

RECORD KEEPING

TOPIC	ANSWER	DETAILS
Payroll ¹²	YES	<p>Employers must keep records showing for each employee:</p> <ul style="list-style-type: none"> • <i>Name</i> • <i>Home address</i> • <i>Occupation</i> • <i>Total daily and weekly hours worked, showing the beginning and end time of work</i> • <i>Total hourly or weekly basic wage</i> • <i>Additions or deductions from wages for each pay period</i> • <i>Total wages each pay period</i> • <i>Working certificates for minor employees (sixteen to eighteen years old)</i> <p>Records must be maintained at the place of employment for three years.</p>
Personnel Files – Employee Access ¹³	YES	<p>Upon written request, employers must let current employees view their personnel file, if one is maintained by the employer, not more than seven business days after receipt of the request. The review must take place during normal office hours at or near the place of work. Employers who keep personnel files must keep them for one year after an employee's termination. Employers must provide a copy to employees upon request, but can charge the fee for copying. Employees are limited to two inspections per calendar year.</p> <p>Employees and the employer can mutually agree to correct or remove information in the file. If they don't agree, the employer must put an employee's statement of disagreement in the file.</p> <p>A personnel file includes items that are used or have been used by an employer to determine such employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action including employee evaluations or reports relating to such employee's character, credit and work habits.</p> <p>Each employer shall provide an employee with a copy of any documentation of any disciplinary action imposed on that employee not more than one business day after the date of imposing such action. Each employer shall immediately provide an employee with a copy of any documented notice of that employee's termination of employment.</p> <p>Upon written request, employers must also let former employees inspect and/or copy their personnel file, if one was maintained by the employer, not more than ten business days after receipt of the request, provided the employer receives such written request not later than one year after the termination of that former employee's employment. The review must take place during regular office hours at a location mutually agreed upon by the employer and former employee. If the employer and former employee cannot agree upon a location to conduct such inspection, the employer may satisfy these requirements by mailing a copy of the former employee's personnel file to the former employee not more than 10 business days after receipt of the written request from the former employee.</p>
Unemployment Insurance ¹⁴	YES	<p>Employers subject to paying unemployment taxes must submit <u>quarterly wage reports</u>. Whether or not subject to paying Unemployment Insurance taxes, all employers must keep accurate records of employment. Employers must furnish copies on request. The following must be easy to determine based on the records for each employee:</p> <ul style="list-style-type: none"> • <i>Start/termination dates of employment</i> • <i>Payroll periods</i> • <i>Wages paid</i> • <i>Wages earned by calendar week</i> • <i>Time lost through lack of work</i> • <i>Number of hours worked in each calendar week</i> • <i>Normal full-time hours of work</i>
Workers' Compensation ¹⁵	YES	<p>Employers must keep a record of all work-related injuries and illnesses that result in lost time of one day or more. Additionally, there are recordkeeping requirements under OSHA.</p>
OSHA	YES	<p>Connecticut has incorporated the federal OSHA reporting and recordkeeping requirements. Refer to the federal fact sheet for reporting and recordkeeping requirements.</p>
Federal	YES	<p>There are numerous federal rules about recordkeeping. Employers should review the federal fact sheet.</p>

WORKING CONDITIONS

TOPIC	ANSWER	DETAILS
Bathrooms ¹⁶	YES	Connecticut has incorporated the majority of the federal Pasteurized Milk Ordinance (PMO). The PMO rules specify that dairy farms have one or more toilets that are conveniently located, properly constructed, properly operated, and maintained in a sanitary manner.
Working Hours	NO	Connecticut law does not specify max hour or day requirements for adults.
Rest and Meal Breaks ¹⁷	YES	<p>Generally, employers must <u>provide employees with a meal period of at least 30 consecutive minutes</u> for every 7.5 consecutive hours of work. The meal period must be after the first two hours of work and before the last two hours of work. But an employer and an employee are permitted to enter into a written agreement providing for a different schedule of meal periods.</p> <p>There are exceptions if: requiring compliance would be adverse to public safety; the employer has less than five employees on a given shift; the work duties can only be done by one person; or the continuous nature of work requires that employees be able to respond at all times to emergencies/urgent situations and those employees are otherwise given paid rest and meal breaks.</p>
Labor Relations ¹⁸	NO	No provision in state law recognizing farm worker rights to organize.
Whistleblower Protection ¹⁹	YES	<p>Employers are prohibited from firing, disciplining, threatening, retaliating, or otherwise discriminating against an employee because:</p> <ul style="list-style-type: none"> • <i>The employee or someone acting on their behalf reports a violation or suspected violation of a state or federal law or regulation, or any municipal ordinance or regulation to a government body</i> • <i>The employee is requested by a government body to participate in an investigation, hearing, or inquiry</i> • <i>The employee reports a suspected incidence of child abuse or neglect</i> <p>Employees are protected if they tell their employer about the problem and allow a reasonable amount of time for it to be corrected, or if they have good reason to believe the employer will not correct the problem.</p>
Paid Sick and Vacation Leave	NO	Connecticut law does not require paid sick or vacation leave for agricultural workers. Employers who choose to provide such benefits must follow their written policy/contract. Employers may be covered under Connecticut's Family Medical Leave law (see below).
Breaks for Nursing Mothers ²⁰	YES	<p>Employees may use their rest or meal break period to express breast milk or breastfeed on-site. Employers must make a reasonable effort to provide a room or other location that is close to work, other than a toilet stall, for the employee to express milk.</p> <p>An employer may not discipline or discriminate in any way against an employee who chooses to express breast milk in the workplace.</p>
Pregnancy Accommodations and Leave ²¹	YES	<p>Employers must grant employees a reasonable leave of absence for disability resulting from pregnancy, and must provide compensation for such leave if the employee is so entitled under the employer's disability or leave benefits plans. Employers must reinstate women returning from pregnancy leave to their original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits, upon receiving a written statement of the employee's intent to return. Private employers are exempt from this requirement if they can show that circumstances have so changed as to make it impossible or unreasonable to do so.</p> <p>Employers must make reasonable efforts to temporarily transfer pregnant employees to any suitable position which may be available when a woman informs them of her pregnancy in writing, and the employer or pregnant employee reasonably believes that continued employment in the position held by the pregnant employee may cause injury to the employee or fetus. Employers are required to inform employees that they must give written notice of their pregnancy in order to be eligible for transfer to a temporary position.</p>

WORKING CONDITIONS

(Continued)

TOPIC	ANSWER	DETAILS
Family and Medical Leave ²²	YES	<p>Employers with 75 or more employees are covered under Connecticut's family and medical leave law. Employees are eligible for certain leave if they have been with the employer for at least 12 months and for 1,000 hours or more of service during the 12 months preceding the leave.</p> <p>Covered employees are entitled to a total of 16 weeks of leave during any 24-month period. Leave can be used for:</p> <ul style="list-style-type: none"> • <i>Birth of a son or daughter</i> • <i>Placement of a son or daughter with the employee for adoption or foster care</i> • <i>To care for a spouse, son, daughter, or parent if they have a serious health condition</i> • <i>Because of a serious health condition of the employee</i> • <i>In order to donate an organ or bone marrow</i> • <i>Because of certain issues arising due to the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call or order to active duty, in the armed forces.</i> <p>Federal law requiring unpaid leave may apply depending on the size of the employer. Refer to federal fact sheet.</p>
Military and other Service Leave ²³	YES	<p>National Guard and reserve corps members must be allowed leave to attend drills, special services, maneuvers, or other exercises. Employees cannot be subject to a reduction in or losing vacation or holiday leave because of their military leave. Employers also cannot discriminate against employees in terms of promotions or job assignments. Leave must be paid for up to thirty days. Federal law may provide additional requirements; refer to the federal fact sheet.</p>
Crime Victim and Witness Leave ²⁴	YES	<p>Employees who are the victims of family violence (domestic violence, stalking, pattern of threats, etc.) are entitled to leave from employment to seek medical care or counseling, to obtain services from a victim services organization, to relocate due to the violence, or to participate in any civil or criminal proceedings relating to or resulting from such family violence. An employer may require advance notice of not more than 7 days prior to the date such leave is to begin in cases where the employee knows about the need for leave in advance. If an employee's need for leave is not foreseeable, an employer may require an employee to give notice of such intention to take leave as soon as practicable. This law applies to employers with three or more employees. The employer can, but does not have to, limit the leave to 12 days during any calendar year.</p>
Jury Duty Leave ²⁵	YES	<p>An employer cannot discharge, threaten to discharge, coerce, intimidate, or penalize an individual for responding to a jury summons or serving on a jury. If an employee serves eight hours of jury duty, that is a legal day's work – the employer cannot require the employee to work in addition to jury service of eight hours or more.</p> <p>Full-time employees must be paid regular wages for the first five days (or parts thereof) for jury service. Employers can be excused from this requirement because of financial hardship by submitting a written application to the Chief Court Administrator.</p>
Voting Leave	NO	<p>Connecticut does not have a law that addresses voting leave for private sector employees.</p>
School Activity Leave	NO	<p>Connecticut law does not address leave for private sector employees to attend a child's school activity.</p>

HUMAN RIGHTS

TOPIC	ANSWER	DETAILS
Employment Discrimination ²⁶	YES	<p>Connecticut law <u>prohibits employment discrimination</u> based on race, color, religious creed, age, sex, gender identity or expression, marital status, national origin, ancestry, present or past history of mental disability, intellectual disability, learning disability or physical disability, including, but not limited to, blindness, sexual orientation (actual or perceived), civil union status, pregnancy, criminal conviction alone, medical marijuana, and the use of lawful substances (such as tobacco) outside the workplace. Applies to employers with 3 or more employees.</p> <p>Employment discrimination means bias in hiring (including during interviews), promotion, job assignments, firing, pay, and other terms of employment.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Harassment/ Sexual Harassment ²⁷	YES/NO	<p>Harassment is generally considered a type of employment discrimination. Harassment is unwelcome conduct. It becomes illegal when (1) employees have no choice but to tolerate the harassment if they want to keep their job; (2) it is so severe that a regular person would see it as intimidating, hostile, or abusive.</p> <p><u>Sexual harassment</u> includes unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when:</p> <ul style="list-style-type: none"> • <i>Engaging in such conduct is made an implicit or explicit term or condition of employment. Example: A newly hired milker is told that sexual jokes, touching and nude posters are just part of farm life and she should try to ignore it.</i> • <i>Acceptance or rejection of such conduct is used as the basis for an employment decision affecting an employee. Example: A manager tells a worker applying for a promotion that the job would be his if he just "treated her right."</i> • <i>The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment. Example: One worker experiences repeated advances from another asking her for dates or "just to go out for drinks after work." The worker says she isn't interested, but the co-worker won't take 'no' for an answer.</i> <p>Employers in Connecticut with three or more employees must post notices about sexual harassment provided by the Connecticut Commission on Human Rights and Opportunities. Workplaces with 50 or more employees must conduct two hours of education and training for all supervisory employees on sexual harassment.</p> <p>It is illegal to retaliate against employees for filing or otherwise aiding with a complaint.</p>
Forced Labor ²⁸	YES	<p>Human trafficking is illegal. Trafficking for labor means the use of force, threat of force, fraud, or any other coercion to compel or induce someone to provide labor or services that the person has a legal right to refrain from. In Connecticut, it is a class B felony.</p> <p>Employers should ensure they are carefully following all visa requirements or work agreements to avoid any inadvertent violations.</p>

CHILD LABOR

TOPIC	ANSWER	DETAILS
Child Labor ²⁹	YES	<p>Connecticut child labor laws for minors in agriculture do not apply to members of the employer's immediate family.</p> <p>Legal proof of age required for minors under 16 (birth certificate, work permit issued by the Department of Education, or other legal proof of age)</p> <p>Minimum age:</p> <ul style="list-style-type: none"> • <i>During school hours: 16</i> • <i>Outside school hours: 14</i> <p>Max hours:</p> <ul style="list-style-type: none"> • <i>14 or 15 years old: No more than 6 days per week, 8 hours per day, 48 hours per week.</i> <p>Minors must be given a meal period of at least 30 minutes.</p> <p>If transportation is provided to the farm, then return transportation home must also be provided.</p> <p>Federal rules apply; refer to the federal fact sheet.</p>

HEALTH AND SAFETY

TOPIC	ANSWER	DETAILS
Workers' Compensation ³⁰	YES	<u>Workers' Compensation</u> coverage is required in Connecticut. Work-related injuries or illnesses that result in loss of one or more workdays must be reported to the Workers' Compensation Commission within one week. More details.
OSHA ³¹	YES	<u>Connecticut has an approved OSHA 'state-plan'</u> , which means it is at least as effective as federal OSHA. Similar to federal OSHA, CONN-OSHA has a general duty clause that requires employers to provide employees a workplace free from recognized hazards that can cause death or serious physical harm. CONN-OSHA has adopted the federal OSHA Standards for Agriculture, the General Industry Standards that apply to agriculture, and the reporting/recordkeeping requirements. See the federal fact sheet for details on requirements.
Housing ³²	YES/NO	Connecticut law requires employers to notify the local director of health of any housing used for employees or laborers within 72 hours. The director of health will inspect the premises and may forbid its use or make any other orders as he deems necessary to protect the health of the residents. Connecticut law does not otherwise address standards for farm-provided permanent agricultural housing, though general landlord/tenant or public health laws may apply. Employers should follow best practices when providing housing – which includes, at minimum, a written housing agreement and properly maintaining the facilities. The FARM HR Manual has guidance around best practices for agricultural worker housing.

References

1. Conn. Gen. Stat. §31-71f
2. Conn. Gen. Stat. §31-254
3. Conn. Gen. Stat. §31-71b
4. Conn. Gen. Stat. §31-71c
5. Conn. Gen. Stat. §31-76i
6. Conn. Gen. Stat. §31-58
7. Conn. Labor Regs. § 31-60-11
8. Conn. Gen. Stat. §31-13a
9. Conn. Gen. Stat. §12-705, §31-222
10. Conn. Gen. Stat. §31-71e
11. *Ziotas v. THE REARDON LAW FIRM, PC*, 962 A.2d 796, 290 Conn. 903 (2009)
12. Conn. Labor Regs. § 31-60-12
13. Conn. Gen. Stat. §31-128a through j
14. Conn. Gen. Stat. §31-254, Conn. Labor Regs. § 31-222-8
15. Conn. Gen. Stat. §31-316
16. Conn. Agric. Regs. § 22-133-115
17. Conn. Gen. Stat. §31-51ii
18. Conn. Gen. Stat. §31-101
19. Conn. Gen. Stat. §31-51m
20. Conn. Gen. Stat. §31-40w
21. Conn. Gen. Stat. §§ 46a-60(a) (7)
22. Conn. Gen. Stat. §31-51kk to 31-51qq
23. Conn. Gen. Stat. §27-33 and 27-33a
24. Conn. Gen. Stat. §31-51ss
25. Conn. Gen. Stat. §51-247a to 51-47c
26. Conn. Gen. Stat. §31-40s; §46a-60 et seq.; §21a-408p
27. See above; Conn. CHRO Regs. §46a-54-200 et seq.
28. Conn. Gen. Stat. §53a-192a
29. Conn. Gen. Stat. §22-13 to 22-17
30. Conn. Gen. Stat. §31-294b; §31-294c; §31-316
31. Conn. Gen. Stat. §31-370; Conn. Labor Regs. § 31-374-3; § 31-372-108-1928; § 31-372-108-1910
32. Conn. Gen. Stat. §31-47