

REVISED: Please note, due to a technological issue the correct version of this bill was not available to the Office of Legislative Research prior to file copy production. The issue has been resolved and the revised version of the bill analysis, for the most recent version of the bill, appears below.

OLR Bill Analysis

sHB 6789

AN ACT CONCERNING SUSPENSION OF CERTAIN EMPLOYEES FOR VIOLATIONS OF WORKPLACE CONDUCT RULES PROHIBITING HARASSMENT OR WORKPLACE VIOLENCE.

SUMMARY

This bill generally allows employers, including the state and its political subdivisions, to suspend executive employees without pay on a daily, rather than weekly, basis if the suspension is for violating the employer's rule prohibiting harassment or workplace violence. It also allows the labor commissioner to adopt regulations to implement this provision.

More specifically, current regulations prohibit employers from withholding an executive's pay for an absence of less than one week if he or she is suspended for violating ordinary rules of employee conduct (Conn. Agencies Regs., § 31-60-14(b)(4)). Under the bill, however, if an executive is absent for one or more full days on a disciplinary suspension for violating a written workplace conduct rule prohibiting harassment or workplace violence, an employer may withhold an amount that equals the wages he or she would have been paid during the absence.

The bill applies to employees employed in a "bona fide executive capacity," which under the regulations, are generally employees who:

1. have duties that primarily consist of managing the enterprise or a department or subdivision of it;
2. customarily and regularly direct the work of at least two other employees;

3. have the authority to hire or fire other employees, or influence the hiring or firing, advancement, or promotion of other employees;
4. customarily and regularly exercise discretionary powers;
5. do not devote more than a certain percent of time to other activities; and
6. are paid at least \$400 per week on a salary basis.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 0 (03/23/2023)