



House of Representatives

General Assembly

File No. 484

January Session, 2023

Substitute House Bill No. 6789

House of Representatives, April 11, 2023

The Committee on Labor and Public Employees reported through REP. SANCHEZ, E. of the 24th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "employer" has the same meaning as provided in section 31-58
3 of the general statutes, and "employee" means any individual employed
4 or permitted to work by an employer.

5 (b) If an employee employed in a bona fide executive capacity, as
6 defined in section 31-60-14 of the regulations of Connecticut state
7 agencies, is absent from work for one or more full days as a result of a
8 disciplinary suspension for violating a written workplace conduct rule
9 prohibiting harassment or workplace violence, an employer may deduct
10 from the wages of such employee an amount equal to the wages that
11 would have been paid to such employee during such absence.

12 (c) The Labor Commissioner may adopt regulations, in accordance

13 with the provisions of chapter 54 of the general statutes, in order to
14 implement the provisions of subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(b) "paid for the number of days such employee is absent" was replaced with "paid to such employee during such absence" for clarity and consistency with standard drafting conventions.

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which allows employers to suspend executive employees without pay on a daily, rather than weekly, basis under certain circumstances, does not result in any fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

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)