



A Robinson+Cole Legal Update

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Important Considerations for Connecticut Employers in Anticipation of Election Day

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The 2022 midterm elections in the United States are just around the corner, on November 8. Midterm elections generally decide which political party controls the United States Congress as well as state legislatures and governor's offices. In anticipation of the midterms, employers should review their workplace practices, and we have included important reminders for employers in Connecticut to consider.

Time Off to Vote

Connecticut law requires that employers give employees up to two hours of unpaid time off from their regularly scheduled work on the day of any covered election for the purpose of voting in such election. Employees must request the time off no less than two working days prior to the election. More than 30 states, including Connecticut, Massachusetts, and New York, maintain laws regarding employer obligations on voting day, which vary from state to state in terms of the amount of time off, whether such time is paid, notice requirements, etc. Connecticut employers with employees in other states, including remote employees, may want to review their obligations in permitting employees time to vote on election day. Employers also may want to review their existing policies and procedures to ensure compliance with applicable laws regarding time off for voting.

Employer-Sponsored Political Speech

Connecticut recently enacted a new law, effective July 1, 2022, that generally prohibits employers from disciplining or discharging an employee, or threatening to do so, because the employee refuses to attend an employer-sponsored meeting, listen to speech, or view communications primarily intended to convey the employer's opinion about political matters (sometimes called "captive-audience meetings"). The law defines "political matters" as "matters relating to elections for political office, political parties, proposals to change legislation, proposals to change regulation and the decision to join or support any political party or political, civic, community, fraternal or labor organization." As an important note, the new law does not prohibit employees from voluntarily attending employer-sponsored meetings that convey their employer's opinion about political matters, but it does restrict employers from taking adverse action against employees who choose not to attend such meetings.

The new legislation is an expansion of Connecticut's law prohibiting employers from disciplining or discharging an employee because of the employee's exercise of free speech rights guaranteed by the First Amendment of the U.S. Constitution and similar rights under the Connecticut Constitution. The law limits the protections afforded to employees to matters of public concern that do not substantially or materially interfere with the employee's job performance or the employer-employee relationship.

Employers should be mindful of their obligations under these laws to ensure they are not violating any rights provided to employees under Connecticut law.

Volunteering on Election Day

Elections attract a large number of individuals who wish to volunteer at the election polls. Employers may want to review any policies and procedures related to volunteering or time off. For example, does the employer's policy specifically allow for a certain amount of time to be allocated for volunteerism? Are there specific notice requirements? Is the time paid? Employers may want to review any relevant policies to confirm their practices are in accordance with their policies. Additionally, employers may want to

review whether their policies are being enforced consistently.

The foregoing considerations should serve as reminders to Connecticut employers about some of the key issues they should be mindful of as midterm elections approach. Employers may wish to speak with competent legal counsel regarding legal compliance and best practices for preparing for elections.

For more information, contact any of the authors listed above.

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