

Your Rights and Responsibilities as an Employee

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Minimum Wage and Hours of Work

Questions: Call Statewide Legal Services 1-800-453-3320 or 860-344-0380

This document was produced by the Legal Assistance Resource Center of CT in cooperation with CT Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this document is based on the law as of the dates shown. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services or contact an attorney.



Get Ready to Apply for a Job

□ Dress appropriately for the job you are applying for--both when filling out an application and when interviewing. Remember, you want to make a good impression.

□ When filling out an application:

- Read the application questions carefully and answer only what is asked.
- If you don't understand something, ask.
- Print clearly.

□ Learn the questions that are usually asked and prepare answers to them. The library and Dept of Labor are two places where you can get a list.

□ Write down your job history. Include the company name and address, your job duties, the dates you worked, and why you left.

□ Prepare explanations for times when you did not have a job.

□ Prepare explanations if you have a criminal or arrest record or if you were fired. (See legal aid's flyer: *Q & A on Your Criminal Record*).

□ Get a copy of your personnel file from your past employer. If you ask for it in writing, your employer must give it to you. (See *Legal Aid's Flyer, Personnel & Medical Files*.) If you disagree with something in your file, you can write a statement about it to be added to your personnel file.

□ Get references. Try to find someone you trust from one of your jobs who will give you a good reference (say nice things about you). Ask what he or she would say about you if a potential employer calls. Also ask if you may use him or her as a reference.

□ Don't lie. If you lie about certain information and are later fired for lying, you may not be able to get unemployment or welfare benefits.



Tips on Answering Tough Questions

Q: How do I answer questions about a criminal or arrest record?

A: Read the question very carefully and answer **only** what is asked. For example, don't volunteer information about a misdemeanor if you're only

asked about felony convictions. If you're asked for felony convictions for the past 10 years, don't volunteer information from 11 years ago. You may want to give a short explanation of what you learned from your experience and how you are different now. **Don't lie.** (See the Legal Aid flyer *Employment and Your Criminal Record*).

Q: Do I have to tell that I got fired?

A: Not always. If you worked at a job for a short time, for example, a few weeks or months, you may be able to leave out this job experience. But, if the employer asks, be ready to explain what you were doing during that time.

Q: Are there questions that an employer is not allowed to ask you at the interview?

A: Yes. It is illegal for a potential employer to ask you questions about your race, religion, pregnancy, sexual orientation, marital status, health or disability.



Q: What can I do if I'm asked an illegal question?

A: If you are asked a question that you think is illegal, take a minute to think about the question. Ask yourself, "How uncomfortable has this question made me feel? Is the interviewer aware that the question is illegal? and Is this interviewer going to be my boss?" Then, answer in a way that's comfortable for you.

If you decide to answer, be brief and try to get the conversation back to your skills and abilities. For example, if asked about your age, you might reply, "I'm in my forties, and I have years of experience that would be an asset to your company."

If you are not sure whether you want to answer the question, you might say, "I don't understand how the question relates to how I qualify for the job". You may decide to answer if there is a reasonable explanation.

Questions? Call Statewide Legal Services at 1-800-453-3320.





Questions & Answers about Employment and Your Criminal Record

Q: If I'm applying for a job, should I tell about my criminal record?

A: It depends. You must be truthful on the employment application. If you lie on the application, you risk losing your job—not because of your record, but because you *lied* about it. But you don't have to volunteer information; you only need to answer what is specifically asked. For example, if you are asked, "Have you ever been *convicted* of a felony?" -don't list arrests that did not lead to a conviction.

Note: You can be denied unemployment benefits because you lied on the job application. And, with some jobs - for example, at a day care center -lying about a criminal record is a *criminal* offense.

Q: What if the employer asks about arrests or charges that have been erased?

If an employer asks whether you have ever been arrested or charged with a crime, you are allowed to answer "no" if your criminal record has been erased and you have no other outstanding arrests, criminal charges, or convictions. Starting 10/1/02, if an application asks about criminal history, the application must also state that the applicant does not have to give information about erased records. And, you cannot be denied a job, fired or discriminated against only because of an erased record.

Q: What information about my criminal record is an employer allowed to know?

A: An employer can get information from the state police about charges on which you were convicted or to which you pled guilty or *nolo contendere*. An employer is not entitled to know about any criminal charges that have been **erased**. "Erased" means the record is kept in a secure location and cannot be disclosed. Some of the criminal charges that should be erased are those...

- that have been dismissed
- for which you were found not guilty
- that were nulled or continued at least 13 months ago
- for which you completed probation in an accelerated rehabilitation program.

Q: I think my criminal record contains mistakes. What should I do?

A: Do not try to persuade the employer that the record is wrong. Instead, get the record changed. To get your record changed, first ask for a copy of your

criminal record from the state police (\$25 fee). Check your record to see if anything is wrong (for example: charges that resulted in a not guilty verdict or were dismissed). If something is wrong, send a letter to the state police (*see below*) specifically stating what you believe is wrong and giving proof that there is a mistake. You must receive a written answer within 60 days. You have the right to appeal their decision. *Write your letter to:* Department of Public Safety, State Police Bureau of Identification, P.O. Box 2794, Middletown, CT 06457



Q: Can an employer refuse to hire me because I have a criminal conviction record?

A: It depends on if the employer is a state of Connecticut agency or a private company.

State Agencies: Connecticut law does not allow state agencies to have absolute policies against hiring people with criminal records. The state agency must consider how long ago you were convicted, the seriousness and type of offense, the nature of the job, and efforts at rehabilitation. However, the state agency **can** refuse to hire those with a criminal record for safety and security-sensitive positions, including jobs in nursing homes and in day care. **Private Companies:** The law states that employers are encouraged to hire all qualified applicants, including those with criminal records.

Q: What if I lost a job because of my record?

A: If you think you have been denied a job or fired because of your criminal record, your first step should be to ask the employer if your criminal record played a part in the decision. (Connecticut state agencies must notify you in writing.)

If you are Black or Latino/a, and your criminal record was the reason for the employer's decision, you may have been discriminated against. Your next step: *File complaints with two agencies:* 1) The CT Commission on Human Rights & Opportunities (1-800-477-5737) and 2) the U.S. Equal Employment Opportunity Commission (1-800-669-4000).

You only have 180 days from the date the employer discriminated against you to file a complaint. You can file these complaints without a lawyer.



**Questions? Call Statewide Legal Services
at 1-800-453-3320 for free advice.**

*The information on this flyer is current as of 03/2003
Produced by Legal Assistance Resource Center of CT*



Questions & Answers About When You Can Be Fired From Your Job

Q. For what reasons can I be fired?

A. Most jobs are “employment-at-will” which means the employer can fire an employee for any reason, unless there is an exception (see *next question*). However, the reason cannot be illegal (such as discrimination).

An example of a *legal* firing is: Even though you have received good evaluations, your new supervisor, who has not liked you since day one, decides to fire you. The firing may not be *fair*, but it is *legal*.

Q. What are the exceptions to the employment “at will” rule?

A. An employer cannot fire “at will” in the following important exceptions:

1. You are fired based on unlawful discrimination.

Employers cannot fire you only because of your race, color, religion, age, disability, national origin, sexual orientation, or gender. *For example*, you are Latina and you were fired for a problem for which white co-workers receive only a verbal warning. (See the legal aid flyer: *Q & A: Job Discrimination*.)

2. You are fired for a reason that violates state or federal law or regulations.

For example, you cannot be fired for taking time off as allowed by the Family and Medical Leave Act (FMLA). You cannot be fired for reporting illegal activities at work, such as health and safety violations or discrimination. (See our flyers *Taking Time Off from Work: The FMLA; Your Right to Work in a Safe Place*; and *Q & A: Job Discrimination*.)

3. You are a member of a union and your collective bargaining agreement lists the reasons a person may be fired.

Many union contracts say that a person can only be fired for “cause”. You may challenge the firing (see your union representative).

4. You have an employment contract which lists the reasons why you can be fired.

Even if you do not have a written contract, a contract may be implied by your employer’s actions, words or practices. A contract may be implied if, for example, there is an employee handbook or a list of disciplinary rules that the employer always follows. For example, the employee handbook says for the 1st violation of a rule, a person is warned; for the 2nd violation, a person is suspended; and for the 3rd, a person is fired. If a person is fired after only *one* violation, it may be an illegal firing.

Q. What can I do if I think I may be fired?

Write down everything that happens at work that may be important. For example:

- keep a copy of any evaluations you get and of your salary changes;
- write down any informal comments your boss makes about your performance;
- get a copy of the employee handbook;
- ask for a copy of your personnel file (see our flyer *Q & A on Your Personnel File*).



Q. What do I do if I was fired under one of the exceptions to the “at will” rule?

A. For a review of your case, call a lawyer. If you are a low-income person, call Statewide Legal Services (1-800-453-3320). If you are a union member, contact your union.

If the cause for firing was *illegal discrimination*, you can file a complaint with the Commission on Human Rights & Opportunities (1-800-477-5737) and the U.S. Equal Employment Opportunity Commission (1-800-669-4000).

If you were fired in *violation of the FMLA*, you can file a claim with the Connecticut Department of Labor, (860) 263-6790 or the United States Department of Labor, toll free at 1-866-487-9243.

Questions & Answers about JOB DISCRIMINATION



Q. What is job discrimination?

A. Not all jobs are pleasant places to work. The law does not require employers to be nice. The law even allows employers to fire you if they don't like your work style. **However**, it is illegal for employers to treat you differently or unfairly because of your race, color, age, religion, pregnancy, physical or mental disability, sexual orientation, or national origin.

Q. What does *being treated differently* mean?

A. It is against the law for you to be:

- fired,
- denied a position, pay increase or promotion
- verbally or physically harassed, or
- otherwise treated differently

.....because of your race, color, religion, etc.

For example, an employer may not refuse to hire you because you have a disability or because you are pregnant. Also, your employer cannot try to "get even" with you or retaliate against you for complaining about discrimination or filing a claim.

Q. How do I know if what my employer does is actually illegal?

A. That depends on many things and is not always an easy question to answer. Things to consider include:

- Are you treated worse than employees from other groups? (*For example*, you are Latina and you were fired for a problem for which white co-workers receive only a verbal warning.)
- Has your boss ever said things that suggest that he or she has a bias against people in a certain group?
- What evidence do you have that would show discrimination? (*For example*, your boss claims you were fired for poor job performance, but you always received good evaluations and your co-workers say you were doing a good job.)

Q. What do I do if I believe I'm being discriminated against at my job?

A. That depends on whether you are still at your job. If you are still employed, try to find someone there who will be helpful. Do you have a union? Is there a supervisor you can speak with? If you can't get help from your immediate boss, then go to your the person above your boss. If you want to continue working for that employer, it's easier to try to solve the problem while you are still working there. Meanwhile, don't say bad things about your employer to your co-workers. (*See the legal aid flyer: "Tips on Keeping Your Job"*).

Q. What if I was fired?

A. If you were fired and you think that the cause was discrimination, you can file a complaint with the Commission On Human Rights and Opportunities (CHRO). The CHRO is a state agency which enforces civil and human rights laws. (Look in your phone book in the blue pages for the CHRO office nearest you). Write down notes on what happened to keep it fresh in your mind. It's also a good idea to talk to a lawyer. Call your local lawyer referral service or, if you are a low-income person, call Statewide Legal Services. However, you can still file a complaint on your own.

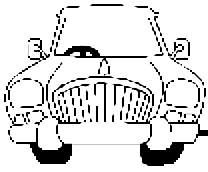


Q. How much time do I have to file a complaint with CHRO?

A. You must file your complaint with the CHRO within 180 days of when the latest act of discrimination happened. However, it probably makes sense to file the complaint as soon as you can.

Questions?

If you believe you were discriminated against, you may want to talk about this with a lawyer. Call **Statewide Legal Services** at 1-800-453-3320 or (860) 344-0380.



Questions & Answers about Your Driver's License & Car Registration

Q. When can my driver's license be suspended?

A. Your driver's license can be suspended for many reasons. Here are a *few* of the reasons:

- you don't have car insurance,
- speeding, reckless driving, or driving under the influence (DUI),
- being involved in a hit and run accident,
- failing to take a blood, breath or urine test when asked by the police,
- not paying parking tickets,
- not paying child support on time, and more.

Q. What can I do if my license is suspended?

A. First, get a certified copy of your driving history from a full-service Department of Motor Vehicle (DMV) Office. (*The cost is \$10.*) Then you'll know what you need to clear up with the DMV. Next, call the DMV Suspension Unit for information (860) 263-5720 on what you can do.

Q. My license is suspended because of unpaid parking tickets...what should I do?

A. If you pay the parking tickets *before* the suspension starts, you will not have to pay an additional fee. You will only have to prove that you paid the tickets. If you pay the tickets on or after the suspension starts, you will have to pay an additional \$100 reinstatement fee. To make payments, call the court at the phone number listed on your suspension notice.



Q. How do I get back my license if it is suspended because of a DUI conviction?

A. After your suspension ends, you will have to pay a \$100 reinstatement fee and get a "Certificate of Financial Responsibility". (*Call the DMV Suspension Unit to find out about this certificate*). After your second conviction, you will also have to complete a substance abuse treatment program. If you receive a third conviction after October 1, 1999, your license will be permanently revoked.

Q. What can I do if I need my car for work?

A. It is possible to get a "work permit" which allows you to drive your car—but only to and from work. Call the DMV's Suspension Unit at (860) 263-5720 for a work permit application. There are times when a permit will not be given, such as if you are caught driving while under suspension.

Q. What can I do if my car registration is going to be canceled?

A. What you do depends on why it will be canceled.



No car insurance: If you drop your car insurance or let it run out by not paying it, you will be mailed a "Warning Notice." This notice will say you need to pay a \$100 fine and that you must get car insurance. If you do not take these steps, your car registration will be canceled. And, you may also lose the right to renew or register any *other* motor vehicle.

If your registration is canceled, you will have to pay an uninsured motorist penalty of \$250 for the first 30 days and \$5 for each day after that. Call the DMV Insurance Compliance Unit at 860-263-5725.

Unpaid property taxes: Call the town which claims that you owe property tax and speak with the Revenue or Tax Collector. If you pay the tax *before* your registration is canceled, you will not have to pay a fine—otherwise you will have to pay a \$100 reinstatement fee.

Q. What can I do if the suspension is wrong?

A. You have a right to a hearing. Call the DMV at (860) 263-5720 to set up a hearing. Also, call Statewide Legal Services for advice.



Questions?

Call the DMV at (800) 842-8222 or
(860) 263-5700.

*The information on this flyer is current as of 9/2001.
Produced by Legal Assistance Resource Center of CT*



Questions & Answers about Drug Testing and Work

Q. When I apply for a job, can they require a drug test?

A. Yes. However, you must be given notice of this requirement in writing. You must also be given the results of a positive urinalysis drug test. The results of the test are confidential.

Once you are an employee, the rules shown below apply to you.

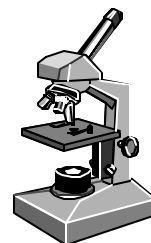
Q. Can my employer test me for drugs anytime he or she wants?

A. Your employer cannot ask you to take a drug test unless they have a reasonable belief that you are under the influence of drugs or alcohol which affect your ability to do your job. *However*, if you have a job where safety is very important, you **CAN** be tested at ANY TIME. Examples of this type of job include: bus driver, forklift operator, cable TV installer, and licensed practical nurse.

The test cannot be used to discriminate against someone because of his or her race, color, age, sex, religion, disability, sexual orientation, or national origin. *For example*, it would be illegal to test *only* women or *only* African Americans.

Q. What happens if the test is positive?

A. **The** employer needs to make sure the first test was accurate by taking a second test. This second test must be done by a different testing company. A positive drug test result cannot be used as the **ONLY** reason you are fired, transferred or not promoted *unless* the result was confirmed with the second test.



*Be careful...*if you are fired and you are on state assistance (TFA/Welfare), you might lose those benefits (or even *future* benefits). **AND**, if you are fired, you might not be able to get Unemployment Compensation benefits. If you are fired, call Statewide Legal Services for help.

Q. Can my employer watch me give the drug test specimen?

A. No. Connecticut law does not allow the employer to directly watch you give a specimen. You can refuse to give a specimen until the employer leaves the room. An employer *is* allowed to be in the restroom if you are in a private stall.

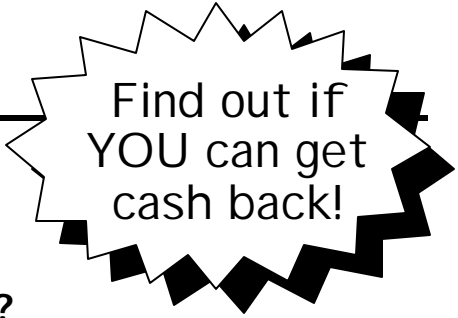


Questions? Call Statewide Legal Services for free information and advice.

1-800-453-3320 or (860) 344-0380

*The information on this flyer is current as of 7/2001.
Produced by the Legal Assistance Resource Center of CT*

Questions & Answers about Income Tax Credits



Find out if
YOU can get
cash back!

*2002 Earned Income Tax Credit
may be a way for you to get cash back*

Q. What is the Earned Income Tax Credit (EITC)?

A. The Earned Income Tax Credit is a tax benefit for people who worked full or part time. If you qualify for the EITC, even if you don't owe any taxes, you may get cash back! *



Q. Who can get the EITC?

A. You would need to meet the EITC income guidelines which for 2002 are:

- Workers who earned less than \$29,201 in 2002 and were raising 1 child in their homes may be eligible for the EITC, up to **\$2,506 tax credit**.
- Workers who earned less than \$33,178 in 2002 and were raising 2 or more children in their homes may be eligible for the EITC, up to **\$4,140 tax credit**.
- Workers, at least age 25 and under age 65, who earned less than \$11,060 in 2002, and had NO children living with you, may be eligible for the EITC, up to **\$376 tax credit**.

*Income limit for
married workers
is \$1000 higher
than the amounts
shown. (EITC will
also be higher.)*

Q. How do I get this tax credit?

A. You must apply for the EITC by filing FORM 1040 or 1040A and sometimes Schedule EITC when you do your 2002 taxes.

Q. Can anyone help me file my taxes?

A. You can get **free** help preparing your taxes from the IRS or from volunteer income tax assistance ("VITA") clinics. Call the IRS at 1-800-829-1040 for locations (*be patient, they're busy*) or check with your local library or town hall. *Two clinics:* New Haven Legal Assistance (203-946-4811), 11 am-2 pm Saturdays in February and on March 1 and 22. Valley Legal Assistance (203-736-5420) every Friday 1:30-4:30 (except April 4).



Q. Are there other tax credits?

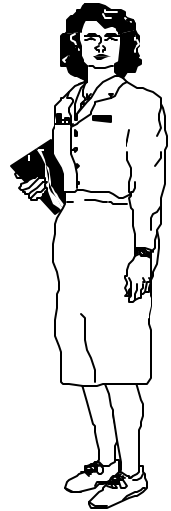
A. Yes. The Child Tax Credit (up to \$600 per child) and the Child Care Credit--you can get credit for money you paid out of your pocket for licensed or unlicensed child care. (File form 8812).

*(If you are on TFA/Welfare, call Statewide Legal Services for advice at 1-800-453-3320.)

Questions & Answers about Licenses and the Department of Public Health

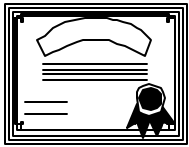
Q. *Help! I'm a nurse's aid/CNA and I just got fired from my job because they accused me of abusing patients. Will I lose my nurse's aid license as well as my job?*

A. If you are fired from your job because you are accused of abusing patients or using drugs, you may be in danger of losing your license/certification for nursing assistance. This could happen to you even if your direct supervisor and you work well together. All reports of patient abuse go to the Department of Public Health. You will receive a notice from the Department of Public Health (DPH) before your license is taken away (revoked). The DPH is the agency which is responsible for issuing, maintaining, and revoking licenses.



Q. *How does the Department of Public Health take away (revoke) a license?*

A. Before you lose your license, you will be scheduled for a Compliance Conference with the Connecticut Department of Public Health. This conference will be about the accusations made by your former employer. *It is very important that you attend this conference.* The conference will be your first chance to prove that the charges made by your employer are false. And, the conference may be when you are able to reach a solution.



If you can, get legal advice before the conference. A lawyer can help you get ready to defend yourself against the accusations. Getting this advice might also help you in stopping the Public Health Department from going to the next step in taking your license away.

Q. *What happens after this first conference?*

A. It is possible that the Department of Public Health will not have formal proceedings to take away your license, depending on the outcome of the compliance conference. If you cannot reach an agreement at the Compliance Conference, the Department must hold a formal hearing before taking away your license. If formal proceedings are started against you, you will be notified of a hearing date. At that hearing, you may present any evidence or testimony you have about your case then. It is very important that you attend this hearing and present the evidence that you have, because after this hearing your license may be revoked.

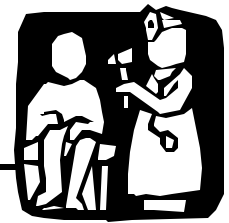
Q. *Whom can I call to help me get ready for the conference and hearing?*

A. Call Statewide Legal Services for free advice and information. They can give you information over the telephone. They may also refer you to a legal aid attorney near you for free representation. All calls are confidential.



Questions? Call Statewide Legal Services for free advice and information.
1-800-453-3320 or (860) 344-0380.

Questions & Answers about Medical Exams and Jobs



There are strict rules that employers must follow if they want information about the physical and mental health of their employees. The rules are different depending if you are just **applying** for a job **or** you **have a job offer** from an employer.

Q. Can the employer make me fill out a medical questionnaire or take a medical exam when I'm applying for a job?

A. No, the employer is not allowed to get information about a job applicant's physical and/or mental condition. But the employer can ask you to show how you would perform the job you're applying for. For example, if you have a disability and the job involves lifting, your employer might want medical information to show you can lift.



Q. I've just been offered a job, but the employer wants me to take a medical exam and fill out a medical questionnaire before making the offer final. Can the employer do this?

A. Yes, if the employer requires all applicants who have been offered a job to take a medical exam before making the final offer. After making a job offer, the employer is also allowed to ask about your workers' compensation history, your sick leave usage, and your past and present physical and mental health. The employer cannot withdraw its job offer if it learns that you have a past or present health problem unless that problem would not allow you to do the job you were offered. For example, if you applied to be a drug counselor and you have a *current* drug addiction, you would not be able to do the job.

Note:
If you believe you were discriminated against because of your disability, call Statewide Legal Services for help.

Q. Who pays for the pre-employment medical exam?

A. Generally, the employer pays for the pre-employment medical exam. If an employer demands that *you* pay for the exam, call Statewide Legal Services.

Q. Can the employer make me take a drug test?

A. Yes, the employer can make you take a drug test when you are applying for the job. *After you are on the job*, the employer can ask you to take a drug test only if it has a reasonable belief that you are under the influence of drugs or alcohol and it is affecting your ability to do your job. However, if you have a job where safety is very important--like a bus driver, LPN, or cable TV installer--your employer is allowed to test you for drugs at *any* time. The employer must confirm a positive test result with a second test by a different company. (See the legal aid flyer: *Q & A Drug Testing & Work*).

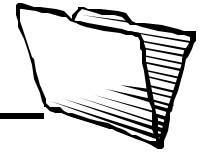
Q. What is the employer going to do with my medical information?

A. The employer must keep all medical information about you confidential. It cannot be kept in your regular personnel file. Supervisors and managers may be told about restrictions on your job duties because of your health condition. First aid and safety personnel may be told if your health problems might require emergency treatment.

Questions? Call Statewide Legal Services at 1-800-453-3320 for free advice and information.



Questions and Answers about Your Personnel File & Medical Records



Q. What is a personnel file?

A. A personnel file holds information about your hiring, promotion, discipline, evaluation, or termination from your job. Letters of recommendation and references may be kept in your personnel file **or** they may be kept in a separate file.

Q. Who can look at my personnel file?

A. You and your employer have a right to look at your personnel file. You also have a right to look at your personnel file and to get a copy of it. Your employer can require you to write your request for these records. Usually the employer won't charge for copying the records, but they can charge a reasonable amount.

People outside your workplace do not have the right to see your file unless you have given written permission.



There are exceptions such as: a payroll services company, a law enforcement agency can get your home address and dates of attendance at work, a medical emergency, and when subpoenaed or ordered by a court. The only information an employer may give out *without* your consent is when you worked, how much you made, and your title or position.

Q. What kind of information is in my medical records?

A. Medical records are papers and reports from a physician, psychiatrist, or psychologist which relate to your work. Medical records may be kept for a variety of reasons, for example, to document an injury for a workers compensation claim, or to document why you were absent or need a medical leave.

Q. Are my medical records kept in my personnel file?

A. No. Medical records must be kept in a separate file--not as part of any personnel file.

Q. Can I get a copy of my medical records?

A. You cannot get the records directly. With your permission a doctor may ask your employer for a copy of your records. Your employer may charge a reasonable fee for the copies. Once your doctor gets this copy, you can ask him or her for the information in your file.



Q. What if I disagree with what is in my personnel file or medical records?

A. You can ask your employer to take out or correct the information in your file. If your employer won't agree to the change, you have a right to put a written statement in your file. Your employer has to keep your statement in the file.

Q. How often can I see my personnel file and medical records?

A. You can see your files two times per calendar year. Your employer can let you see your file more often, but he or she does not have to do so.

For free advice & information, call
Statewide Legal Services at



1-800-453-3320 or
(860) 344-0380

Questions & Answers about Pregnancy and Work



Q. I'm pregnant and working. Do I have legal rights to protect me?

A. Yes. It is illegal for an employer to fire, harass or discriminate against you because of pregnancy, childbirth, or related medical conditions. The Pregnancy Discrimination Act (PDA) requires that employers treat pregnancy like any other disability. *For example*, if your employer has disability benefits for employees who are physically unable to work, the employer must give you the same benefits if you cannot work because of your pregnancy. The PDA and another set of laws, the Family Medical Leave Act (FMLA), protect eligible employees who need to take unpaid leave after giving birth.

Q. Can I return to my same job after a leave of absence?

A. Generally, yes. Under the PDA, an employer cannot refuse to give you an unpaid leave of absence resulting from your pregnancy. In addition, under the FMLA, you may have the right to an unpaid leave after the birth of your child.

If you take a leave under the PDA or the FMLA, and tell your employer that you intend to return to work, you should be allowed to return to work at your original job (or a similar one) with the same pay and benefits. The only exception is when a private employer can show that circumstances have changed so much that it would be impossible or unreasonable to have you work at the same or similar job.

Q: Do I have the right to know about any things in my workplace that could be dangerous to my health or my baby's health?

A: Yes, under the PDA, an employer must tell you about any substance that may be dangerous to your unborn child or your reproductive system.

Q: Can I transfer to another position if doing my job would be dangerous to me or my baby?

A: Yes. If you give written notice to your employer that you reasonably believe continued work in your current job may cause injury to yourself or your baby, you are entitled to be transferred to a suitable, temporary position.

Q: Can my employer decide when I have to stop working?

A: Generally, no. An employer cannot decide when pregnant employees must stop working. If you are physically able to work, you can keep working until the baby is born and go back to work as soon as you are physically able to do your job. But if your pregnancy actually interferes with your ability to do your job, the employer may decide that you should no longer work at that job during your pregnancy. In that case, the employer should transfer you to a suitable temporary position if one is available.

Q: Can I keep my benefits while I am on leave?

A: Yes, the law requires that employers give the same sick leave, disability leave, and leaves of absences to pregnant workers as to other workers. The law also requires that during the period of your leave, you will continue to receive health benefits and other fringe benefits on the same terms as when you are working.


Q: Can I collect unemployment benefits while I am out on leave?

A. Probably not. If you are on leave from your job after childbirth, it is assumed that you are not ready and able to work. You must be both physically able and available to work and not have a job to collect unemployment compensation.

Q: What do I do if I get fired because I am pregnant or am denied any other rights because of my pregnancy or childbirth?

A: You can file a claim of pregnancy discrimination with the Connecticut Commission on Human Rights and Opportunities (860) 566-7710. And, if you are an eligible employee under the FMLA, you can file a claim with the Connecticut Department of Labor (860) 263-6790. (See the legal aid flyer: *Q & A: Taking Time Off From Work*).

Questions??

 Call Statewide Legal Services for free advice and information at 1-800-453-3320 or (860) 344-0380.

*The information on this flyer is current as of 6/2001.
Produced by the Legal Assistance Resource Center of CT*

Questions & Answers about Your Right to Work in a Safe Place

Q. What should I do if my workplace is not safe?

A. Talk with your employer to try to get the problem fixed. Unless you believe you are in danger of dying or being seriously injured from a condition at your workplace, do not quit your job or cut back your hours before calling Statewide Legal Services for advice. If you are on state welfare and you stop working or cut back your hours, the Department of Social Services might wrongfully penalize you.

Federal and state laws protect your rights to a safe workplace. The federal law, the Occupational Safety and Health Act (OSHA) covers those who work for a private employer or the federal government. The Connecticut law, ConnOSHA, covers employees who work for the State, a city or a town.

Q. What are my employer's responsibilities?

A. Your employer must:

- ✓ give employees written procedures for keeping a safe workplace. These procedures include how to use and store hazardous chemicals, how to use dangerous machines, etc.
- ✓ post a notice of any workplace violations found by an OSHA investigator
- ✓ post the official OSHA poster on employee rights and responsibilities in the workplace
- ✓ keep a list of toxic chemicals in work area
- ✓ post a list of injuries and illnesses which happened in the workplace during the year.

Q. What are my rights as an employee?

A. You have the right to:

- ✓ ask for information on safety and health hazards and ways to keep you safe at work
- ✓ look at and copy records of exposure by employees to harmful materials and of records of injuries & illnesses at work, even after you leave employment

Every worker has the right to a safe & healthy workplace.

- ✓ be informed by your employer if you are exposed to a harmful material in a higher amount than allowed by OSHA
- ✓ ask for an OSHA inspection by filing a written complaint (see below)
- ✓ as an employee, you may talk confidentially with an OSHA investigator during the inspection about your safety concerns. And, if you are a representative of your coworkers, you may also watch an OSHA inspection.
- ✓ challenge the amount of time OSHA gives your employer to fix a violation.

Q. Can I lose my job if I complain to OSHA?

A. It is illegal for your employer to fire you or discriminate against you for making a complaint to OSHA or testifying about an OSHA violation. If you are fired or discriminated against, you must file a complaint with OSHA within 30 days. OSHA will investigate and if they find you are correct, they will ask your employer to give you back your job, and pay your lost wages and benefits.

Q. How do I make a complaint about a violation of OSHA?

A. Make a complaint by writing a letter to OSHA (call 1-800-OSHA to find out where to send it) In your complaint, be specific and detailed, giving reasons why you think there is a violation of health or safety standards. You must sign your name, but you can ask that the copy given to your employer not have your name on it. Although you may be able to phone in a complaint without giving your name, there is no guarantee the complaint will be investigated.

Q. Where can I get more information?

A. Call Statewide Legal Services at 1-800-453-3320. Be sure to call Statewide Legal Services before you quit or cut your hours if you are on state assistance (Temporary Family Assistance). You can also call 1-800-OSHA for a free booklet on your rights.

Do you need time off from work to care for a child, parent or yourself?

Questions & Answers about:

Taking Time Off From Work: Family & Medical Leave

Q. If my child is sick, can I get time off from work?

A. Yes, in some cases. The Family and

Medical Leave Act (FMLA) allows some employees to take unpaid time off to care for a seriously ill child, parent or spouse, and to recover from your own serious illness. The FMLA also allows you to take time off to care for a newborn or newly adopted child.

Q. Who is covered under the FMLA?

A. Both the state and federal government have FMLA laws--each with different rules. You will be covered under the *federal* FMLA if you work for a private company that has 50 or more employees **and** you have worked 1250 hours within the last 12 months. You will be covered under *Connecticut* FMLA, if your employer has 75 or more employees **and** you have worked 1000 hours within the last 12 months. For both federal and Connecticut FMLA, only hours actually worked count--paid vacation, holiday or sick leave do not count.

Q. How much leave can I get? Do I have to take the leave all at once?

A. If you are covered under *federal* FMLA, you can get 12 weeks of unpaid leave. If you are covered under *Connecticut* FMLA, you can get 16 weeks of unpaid leave. (Connecticut public agency employees can get up to 24 weeks of unpaid leave.) You don't have to take the leave all at once. The leave can be taken sporadically. For example, a day or a half a day at a time or by working fewer hours on a regular basis.



Q. Do my health benefits continue while I am out on leave?

A. Yes. An employer must continue health benefits throughout your leave. The payment arrangement for health benefits would continue as if you were still working. This

means if your employer previously paid the benefits, you will not start paying. However, if you pay for all or part of your benefits, you will continue to pay your share.

Q. What do I have to do before taking leave?

A. Tell your supervisor that you need to take leave and the reason why. For example, for birth or adoption of a child, serious illness of your child, spouse or parent, or your own serious illness. You do not have to ask for the leave in writing (but it is better if it is). Unless you have an emergency medical condition, you should give 30 days notice.

Once you ask for the leave, the employer is supposed to let you know what information/documentation you must provide. For medical leave, your health care provider may have to give a written certification describing the illness, when it began or when the treatment began, and the expected length of the leave.

Q. What happens when I get back from leave? Can I get my job back?

A. Once your leave ends, you may go back to your original position or, if it is no longer available, you must be given a similar position with similar pay. If you took medical leave and you are unable to perform your original job for medical reasons, your employer should transfer you to a job which is suitable to your physical condition. However, an employer is not required to create a job for you.

Q. What if I am fired for trying to take FMLA leave or if I need help getting a leave?

A. Call the U.S. Department of Labor, 1-800-959-FMLA or the Connecticut Department of Labor, (860) 263-6790, for information or to file a claim. If you meet the requirements of both the state and federal FMLA you can choose to apply the rule most helpful to you.

Questions?? Call Statewide Legal Services at 1-800-453-3320.



Questions & Answers For Temporary Workers

Q. Who are temporary workers and who is considered their employer?

A. ■ If you work for a temp agency you are considered a temporary worker. Your employer is the agency that gave you the assignment, not the company at whose place of business you are working. Your paycheck will come from the temp agency.

■ If you were specifically hired for a limited amount of time (for example, as Christmas help), then you are a temporary employee of the company that hired you. Your paycheck will come from the company.

■ If you work for yourself using your own equipment and controlling your own work you may be an *independent contractor*. Federal and state taxes are not taken out of an independent contractor's paycheck. Independent contractors do not have the same rights as employees. An employer may incorrectly call a worker an independent contractor when he/she is not.

Q. Why does it matter if I am an employee and who my employer is?

A. It is important because there are laws that try to protect employees against illegal actions made by employers. To be protected by these laws, you need to know who your employer is. Statewide Legal Services can help you figure out your situation.

Q. Do I have the same rights as other workers?

A. If you are working as a temporary employee, you still have many of the same rights as other workers. *For example*, you have the right to:

- ✓ be paid at least the state minimum wage,
- ✓ be paid overtime,
- ✓ be paid on a regular basis,
- ✓ be eligible for time off, if you qualify, (See our flyer, Q & A: Taking Time Off)
- ✓ unemployment & workers' compensation
- ✓ protection from discrimination (See our flyer, Q & A: Discrimination)

Q. Can I get unemployment compensation if I'm a temp and not working?

A. It depends upon why you are not working. You would also need to meet the requirements of the unemployment program which include: working long enough, making enough money, and more. (See our pamphlet, *Your Rights When You Apply for Unemployment*).

If you were hired by a business (other than a temp agency) to work for a limited time, when that job is over, you will be eligible.

If you work for a temp agency, you might qualify for unemployment if, after you finish an assignment, you kept trying to get work from the agency and did not refuse a "suitable" assignment.

Q. What happens if I refuse an assignment?

A. If you refuse a specific and definite assignment that is "suitable", you may **not** qualify for unemployment. "Suitable" means the assignment is similar to assignments you have accepted before. Refusing a "suitable" job suggests that you aren't really interested in working.

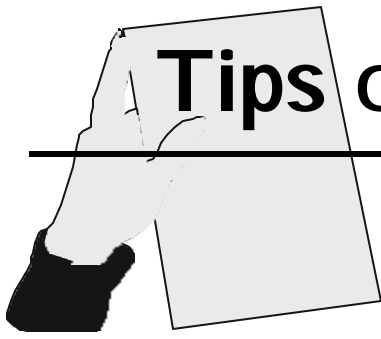
Once you work for a temp agency for more than 30 days, the law looks at that as permanent work, so you cannot claim an assignment is unsuitable only because it is temporary.

Caution: If you get state welfare (TFA or Jobs First cash assistance) or food stamps, your benefits could be discontinued if you:

- refuse an assignment, or
- do not keep in contact with the temp agency

Q. What can I do if my rights are violated?

A. Call Statewide Legal Services for free advice and information at 1-800-453-3320. Other sources: CT Dept. of Labor (wages, overtime, etc.) at 860-263-6790, CT Commission on Human Rights & Opportunities at 860-541-3400 or 203-579-6246 and CT Women's Education & Legal Fund at 1-800-479-2949.



Tips On Making It On The Job

Unless you have a written employment contract, most employees in Connecticut are "at will" employees. "At will" means you can be fired for any reason--or no reason at all--unless the reason is illegal. For example, it would be illegal to discriminate against you because of your age, race, color, sex, religion, disability, sexual orientation, or national origin. *Even so, you can do certain things to help keep your job.*

Q. How do I prevent trouble on the job in the first place?

A. Both workers & employers have rights and responsibilities. You might be able to prevent trouble if you know and do what is expected of you. Here are some tips to help prevent trouble:

- ✓ **Get to work on time.**
- ✓ **Call in ahead of your shift if you are sick or going to be late.**
- ✓ **Dress appropriately for your work.**
- ✓ **Treat coworkers and customers with respect and courtesy.**
- ✓ **Follow the health and safety rules.**
- ✓ **Tell your supervisor if you must leave.**
- ✓ **Know your supervisor's name (last name, too).**
- ✓ **Know your job duties.** If you don't get a job description, ask for one or take detailed notes as you are given instructions.
- ✓ **Read your company policies carefully.** Know what is expected of you. For example, the rules on smoking, lunch, personal phone calls. If you're not given a copy of company policies, ask your supervisor for a copy.

Q. Are there signs that my job is in trouble?

A. Here are a few signs:
● warnings or poor performance reviews
● changes in your job duties
● actions taken against you, such as cutting your hours or putting you on probation.



Your cash benefits, unemployment, and housing benefits can be affected by what happens on the job. Before you quit or get fired, call Statewide Legal Services.

Q. What should I do if I see signs of trouble?

A. ♦ Get legal advice. It is very important to get legal advice **before** your problems on the job get serious enough to get you fired. Call Statewide Legal Services for help.

♦ **Talk to your work friends.** Co-workers and supervisors who know and respect you might be able to give you advice. Remember, if you ask for advice, keep your attitude positive.

♦ **Get information.** Ask to look at your personnel file (it's your right). If you find anything in your file that you disagree with, get a copy and call Statewide Legal Services.

♦ **Talk with your employer.** Try to clear up the problem by talking with your employer. If you don't find a solution, **do not quit** your job. Keep a record of what is happening.

Q. What can I do if I'm having trouble with a co-worker, my supervisor, or doing the job?

A. You should talk to a supervisor or human resources person. Follow the "chain of command"; this means start with one supervisor, and if you can't resolve the problem, go to that person's supervisor, etc. If the company has policies on resolving problems, be sure to follow them.

Q. What if I get fired? What should I do when they tell me I'm fired?

A. It is very important to **stay calm**. Get as much information as you can about why you were fired. Listen carefully and take notes. **Do not sign anything.** As soon as the meeting is over, write down anything else you can remember about what happened at the meeting.

Questions? Call Statewide Legal Services (800) 453-3320.





Questions & Answers about Work and Disabilities

Q. Do I meet the definition of "disabled"?

A. It is not always clear whether a person has a disability protected by the law. Generally, you must have a physical or mental impairment that seriously limits a major life activity, such as seeing, hearing, walking, learning or working. To be protected from job discrimination, you must be qualified to do the important (essential) duties of the job with or without "reasonable accommodation". (See question on "reasonable accommodation").

Q. Does disability mean something different in the social security programs?

A. Yes. The definition of disability that protects workers from job discrimination is different from the definition that qualifies a person for federal disability benefits. Generally, to get social security disability or SSI, a person must be *unable* to hold a job.

Q. What CAN'T an employer do?

A. Federal and state laws say an employer **cannot**:

- ✗ ask you questions about your medical condition until *after* a job offer has been made.
- ✗ tell others about your medical condition (except for insurance reasons).
- ✗ harass or discriminate against you based on your disability or on the belief that you have (or had) a disability. Discrimination is when you are not treated equally because of your disability. However, not all discrimination is illegal.
- ✗ refuse to hire you because you can't do things that are **not** essential to the job.

Q. What do I need to tell my employer about my disability?

A. You are **not required** to tell your employer about your disability. However, there are times when you might **want** to tell your employer. For example...

- You need help with filling out the application because of your disability. In general, it might be best to not volunteer information about your disability when applying for a job.

- **Only** tell your employer about your disability if you need a change (accommodation) to do your job. An employer may ask for medical evidence of your disability if your disability is not obvious.
- Tell your employer what changes (also called "accommodations") you need at work to do your job. As long as the accommodation given is reasonable and effective, it does not have to match exactly what you asked for.

Q. What is a reasonable accommodation?

A. A reasonable accommodation is when a change is made so that the employee can do the job. Examples of reasonable accommodation include: changing work schedules, providing special equipment (such as a ramp or special chair), changing policies, or providing readers or interpreters. Whether an accommodation is "reasonable" depends on your disability, your job duties and your employer's resources. As a last resort, if you can no longer do the essential duties of your job (with or without an accommodation), you can ask for a change to another available position.

Q. I think I have been treated unfairly because of my disability. What can I do?

A. If your employer will not give you a reasonable accommodation or you believe that you were wrongly fired, demoted, or in some other way treated unfairly because of your disability, immediately file complaints with these two agencies: **1)** the CT Commission on Human Rights and Opportunities (1-800-477-5737) and **2)** the U.S. Equal Employment Opportunity Commission (1-800-669-4000). You only have 180 days from the date your employer discriminated against you to file a complaint! You can file these two complaints without the help of a lawyer.

Note: there are also laws that entitle certain workers to leaves of absence due to a serious illness, laws that protect workers who are injured at work, and laws that protect pregnant women at work.

Questions? Call Statewide Legal Services at 1-800-453-3320 for free advice.

Questions & Answers about Workers' Compensation

Have you been hurt at work?

Have you become sick because of your job?



Know your rights!



Q. What is Workers' Compensation?

A. Workers' compensation is a program that may help you if you are hurt at work or become sick because of work.

Usually, if you are eligible for workers' compensation, you

cannot sue your employer because of the injury or illness.

Q. What are the benefits?

A. Workers' compensation benefits may include:

- ✓ medical treatment to take care of the illness or injury
- ✓ money to replace lost wages
- ✓ money because of a permanent disability or scar
- ✓ vocational rehabilitation--if you can't do the work which caused the injury or illness

Generally, the amount of money you receive is based on the amount of wages you earned. You may receive up to 75% of your average weekly wages, minus any taxes that you normally pay.

Q. Who is eligible for Workers' Comp?

A. Anyone who works and gets hurt on the job or becomes ill because of the job is eligible. Farm workers and temporary workers are also covered by workers' compensation--no matter how long they've worked.

Q. How long can I get Workers' Comp?

A. That depends on the type of injury you received. You will be seen by a doctor while you are injured or sick. The doctor will decide when you can go back to work.

Q. Can I be fired because I filed for Workers' Comp?

A. No. If you were hurt on the job, you have the right to apply for workers' comp. If you are fired because you have filed a claim, you can file another claim with the Workers' Comp Commission or the Superior Court stating that you were retaliated against.

Q. How do I file my Workers' Comp claim?

A. You must report your injury to your employer AND file a claim with the Worker's Compensation Commission Office. Call 1-800-223-9675 or see the blue pages of the phone book to find the closest office.

Q. How soon do I have to file my Workers' Comp claim?

A. You should file your claim with the Worker's Compensation Commission as soon as you are injured on the job. However, you have up to one year to file your claim.

Q. What if I can't do my old job again?

A. You may be able to get rehabilitative services to train you for a new job.



Q. Do I need a lawyer?

A. It's always a good idea to have a lawyer help you with a Workers' Compensation Claim. Call Infoline (2-1-1) to get your local Lawyer Referral Service.

Questions?



Call Statewide Legal Services at 1-800-453-3320 or (860) 344-0380

*The information on this flyer is current as of 6/2001
Produced by Legal Assistance Resource Center of CT*

Questions & Answers about Wages and Hours of Work

Q: If I quit or am fired, when do I get my last pay check?

A: If you quit, you must be paid the next regular pay day. If you are fired, you must be paid by the next business day.

Q: If I lose my job do I get my vacation pay?

A: **Yes but only if** your employer has a policy to provide vacation pay or other benefits when an employee leaves the job. The employer must give you your vacation pay or other benefits according to its stated policy.

Q: Do these laws apply to me if I work for a “temp agency”?



A: Yes, employees of temporary help agencies are covered by these laws.

Q: Do these laws apply to me if my employer says I’m an “independent contractor”?

A: It depends. Your employer may **not** be right in calling you an independent contractor. Many “independent contractors” are really employees of the company. To find out if you are an employee or an “independent contractor, contact the State DOL or a lawyer.

These are just *some* of your rights.

The laws and policies regarding employment have many exceptions, special rules and change often.

**Do you have
questions or concerns?**

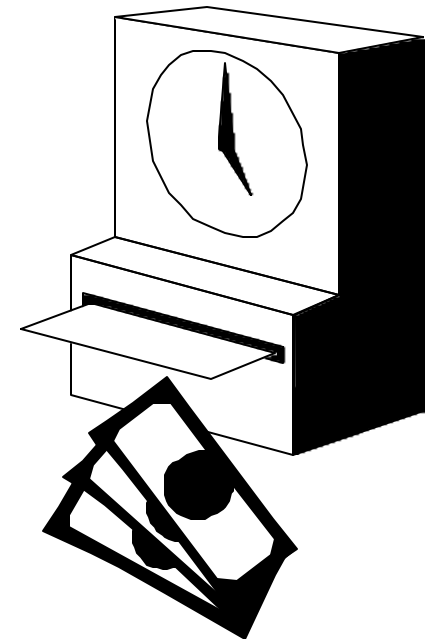
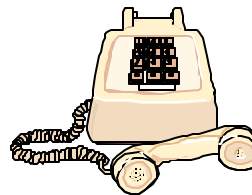
Contact:

the State Department of Labor at
(860) 263-6790.

You can call for free from your local unemployment office.

or

call Statewide
Legal Services
at
1-800-453-3320 or
(860) 344-0380
for information and advice.



*This information is current as of January 2002.
Legal Assistance Resource Center of CT*

Q: How much will I get paid?

A: For most jobs, you will be paid at least minimum wage. Right now the minimum wage in Connecticut is \$6.70 an hour.



Q: Who must be paid at least the minimum wage?

A: All workers except those in management.

Exceptions: Some employees such as waitresses or waiters can be paid less than minimum wage (currently \$4.74 per hour)



but their tips & wages must add up to the hourly minimum wage. Other exceptions

include those who work for dry cleaners, laundries, and beauty shops. Employers that pay less than minimum wage have to get permission from the state Department of Labor (DOL) and have to post a notice on the special wage orders at your workplace.

Q: How often must my employer pay me?

A: You must get paid weekly unless your employer gets permission from the state DOL to pay you less often (for example, every other week or monthly.) You must get paid on a regular schedule and *at least* monthly.



Q: When do I get overtime pay & how much is it?

A: If you work **over 40 hours in a week** you must get paid time-and-a-half.

For example, if you are paid \$7 an hour and you work 50 hours in a week, you will be paid as follows:

- 40 hours at \$7 an hour
- 10 hours at \$10.50 an hour (the time and a half rate)

There is no law that says you have to be paid overtime for working more than 8 hours in a day or on weekends. Sometimes employers **choose** to give extra pay for working certain times or hours.

Note: Some workers (for example farm workers) are not required to be paid overtime.

Q: When can my employer take out money from my pay?

A: You have a right to get paid for hours you have worked. Your employer may take out (deduct) money from your pay only when allowed by law. Your employer must give you a written statement that tells what's been taken out.

Allowable deductions include health insurance premiums you have agreed to pay, and state and federal taxes. However, your employer can't lower your pay check because the cash register was short.



Q: When I'm hired, does my employer have to give me anything in writing?

A: Yes. You have a right to get in writing how much you will be paid, the hours you will work, and how often you will get paid.



And, if your employer has any policies, such as those concerning vacation or sick pay, they must be given to you in writing. These policies can be posted on the wall, or be in a handbook, or in another written format. Any *changes* to the policies must also be in writing.

Q: What about time cards/time records?

A: Your employer must keep accurate time records of all of the time you work. To protect yourself, keep your own record of your hours. If your employer doesn't keep good records and you file a complaint because you haven't been paid, the DOL will accept your statement of how much you worked as long as it is believable.



Q: Do I have a right to a break time?

A: Generally, you have the right to a ½ hour unpaid meal period if you're scheduled to work 7 ½ hours or more in a row. The break must be after the first two hours of work and before the last two hours. If you must be on duty during your meal break, you must be paid for that time. There is no law that says you have to get a 10 or 15 minute break. If an employer chooses to give short breaks, you must be paid for the breaks.