



Levy Employment Law, LLC

TAKEAWAYS

SO YOU KNOW WHAT TO ASK TO AVOID EMPLOYER PITFALLS

Connecticut Adds Plethora of Hiring, Wage & Other Law Changes

October 1, 2026 marks the start of many of Connecticut's new employment law changes, with a focus on enhancing clarity on pay and benefit opportunities and retaining workers' jobs. The state is expanding its pay transparency law to require that a general description of benefits be included with the salary range on all job postings. The law goes beyond employees working in Connecticut, and applies if the employee will report directly to a supervisor, officer or other worksite within the state. When there is no job posting, the information still needs to be provided to applicants – when they ask for it or when compensation is being discussed. The information also needs to be provided to employees – when they are hired, when there is a change in the employee's position, or when the employee first requests information on a wage range.

Connecticut employers with 100 or more employees need to provide a guide for the various pay codes they use for overtime and pay differentials. This needs to be posted on the employer's website or provided in writing in English and the employee's primary language.

In addition to regularly scheduled breaks, Connecticut employers need to provide reasonable break time for employees to express breastmilk.... *(cont'd p.2)*

NYS Requires Access to Personnel Files

Employees in New York State have a legal right to access their personnel files, beginning November 8, 2026. Modeled after a Massachusetts law, employers will be required to notify employees within 10 days if the employer puts negative information in the employee's personnel file and allow employees to receive a copy of that negative information. In addition, employees will be entitled to review their personnel file up to two times per calendar year. Employees can dispute information in their file and, if no agreement is reached, the employee can submit a rebuttal that must be added to the personnel record.

US DOL/EEOC Regulations and Guidance Officially End Most Affirmative Action

The remnants of affirmative action that survived after the revocation of Executive Order 11246 in January 2025 have largely been curtailed by more recent formal actions within the U.S. Department of Labor (DOL). More than 40 years after the Equal Employment Opportunity Commission (EEOC) first adopted guidelines permitting employers to voluntarily adopt affirmative action plans in limited circumstances, the agency formally rescinded its guidelines effective June 30, 2026.... *(cont'd p.3)*

Helping Workplaces Thrive

Levy Employment Law, LLC leverages more than 25 years of experience to support employers with: employment law advice, workplace investigations, employment policies and agreements, and administrative agency charges.

This newsletter is provided for informational purposes only to highlight recent legal developments. It does not comprehensively discuss the subjects referenced, and it is not intended and should not be construed as legal advice or rendering a legal opinion. TAKEAWAYS may be considered attorney advertising in some jurisdictions.

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The state has also expanded its ban on employer promissory notes to apply to employers of any size, and forbid requiring repayment if an employee leaves before a stated period of time. Note that the law does not preclude collecting repayment of an advance, payment for property, or requiring educational personnel to comply with the terms of a sabbatical leave.

In the construction industry, effective July 1, 2027, Connecticut contractors will be liable for wages that a subcontractor fails to pay on a construction contract.

Grants Service Employees Some Job Security

Also effective July 1, 2027, Connecticut is establishing an entirely new regulatory scheme for organizations that take over facilities with service employees. Applicable to multi-family residential buildings with more than 50 units, commercial centers, offices with 75 square feet or more, cultural centers, shopping malls, municipal facilities, schools or higher education, and the like, the law requires advance notice to all service employees at the property and imposes an obligation on the successor employer to retain the service workers for at least 90 days in most situations.

Mandates Responsible Use of AI

Connecticut has taken a multi-pronged approach to addressing negative consequences from AI usage in the workplace. Effective October 1, 2026, the state has adopted new whistleblower protections and is requiring employers to provide notice of those protections to new hires and on an annual basis to all employees, in addition to a workplace posting. The state is also requiring employers providing WARN notices to indicate if AI or other technology has prompted the layoffs. Employers are prohibited from blaming an AI decisionmaking tool for discriminatory actions, but they can raise as a legal defense if their AI tool went through

anti-bias testing or the employer took other proactive steps to avoid discriminating.

Employers will then have an additional year, until October 1, 2027, before the state's regulations on the use of automated employment-related decision technology take effect. Employers will need to notify applicants and employees when AI tools are being used, their purpose, and information related to how the data is being analyzed.

Protects Healthcare and Education Workers

Connecticut has enhanced workers compensation benefits for healthcare providers and employees of a healthcare institution, and for teachers and board of education members or employers who are assaulted while performing their duties.

Regulates Electronic Surveillance of Employees

Concerned with employee privacy, Connecticut has updated its existing law regarding electronic monitoring of employees, effective October 1, 2026. The new law requires employers to augment their written notice and posters that inform employees of electronic monitoring to also specify the locations on the employer's premises where monitoring may occur, unless doing so would compromise security. New hires must also receive notice in writing as to the types of activities that may be monitored without prior written notice, such as when the employee is suspected of unlawful activity.

Requires ADA Notice

Effective October 1, 2026, Connecticut law requires employers to provide notice of the employer's obligation to provide reasonable accommodations under the federal Americans with Disabilities Act. The notice needs to be provided upon hire, within 120 days from the effective date, and within 10 days after an employee notifies the employer of a disability.

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As a result, employers have now formally lost the legal support of the EEOC if they develop their own affirmative action plans related to the Title VII classifications of race, sex, religion, color or national origin. That legal support has, however, been on tenuous grounds since the Trump executive orders were first issued, and was previously called into legal question by the Supreme Court's 2023 decision in *Students for Fair Admissions*, as discussed in this [blog article](#). Employers also continue to have affirmative obligations under Title VII to prevent and address discrimination and harassment based on any of those legally protected characteristics.

Effective as of September 21, 2026, amended regulations issued by the DOL also end key affirmative action measures that have been required of larger federal government contractors under Section 503 of the Rehabilitation Act. The DOL eliminated utilization goals and the workforce analysis of how closely federal contractors align to those goals, as the DOL said they can be erroneously used as an unlawful quota. The DOL also ended the practice of requiring federal contractors to ask job applicants and employees to voluntarily disclose if they identify as an individual with a disability.

The DOL announced that existing regulations under the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) are not being revised at this time, with the exception of revoking regulations related to administrative proceedings and other cross-references to now revoked Executive Order 11246.

DOL Rolls Back Wage Law Changes

The DOL has now made official its roll-back of increases to the minimum salary threshold for classifying workers as exempt employees. Those increases had been invalidated nationwide by a 2024 federal district court decision, as we discussed in this [blog post](#) at the time.

NYC Clarifies New Protected Leave

Amended rules adopted by New York City effective July 23, 2026, clarify how to administer the city's mandate that employees have 32 hours of unpaid protected time off available to them as of their first day of hire, while they are entitled to an additional bank of paid protected time (formerly known as "safe and sick" time) that either accrues over the course of the year or can be provided at the start of each year.

Employers must include information about the availability of unpaid protected time off in their employment policies. Employers must also inform employees each pay period of the amount of protected time off they have accrued and used, and the total balance available, while differentiating between banks of paid and unpaid time. Employers that use electronic pay statements must continue to provide employees with access to the electronic system for six months following their termination date or provide employees with comparable information in a written statement within one week following the employee's last pay date.

The rules reinforce that absences should be presumed to use paid time first unless the employee requests to take unpaid time. Employers also may choose to offer paid time to employees to satisfy some or all of the 32 hours of unpaid protected time, provided the time is immediately available to the employee, is in addition to the 40 or 56 hours of paid protected time that employees are eligible to accrue annually, and can be used for any of the reasons provided under the city law.

Finally, the rules respond to concerns related to state and federal laws that prohibit taking most partial-day deductions from the pay of employees who are classified as exempt from overtime requirements. The rules state that an employer may need to pay an exempt employee who is using what would otherwise have been classified as unpaid protected time, so as to avoid making an impermissible deduction from the employee's weekly salary.

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EEOC Rescinds and Replaces Its Enforcement Plan; Obtains DOJ Ruling Against Disparate Impact Guidelines

This past summer, the EEOC rescinded the Strategic Enforcement Plan for Fiscal Years 2024-2028 and replaced it with a new plan for fiscal years extending through 2029. The strategic priorities enunciated by the EEOC are consistent with the pronouncements from the White House and past statements by EEOC Chair Andrea Lucas and the Department of Justice, including:

- Aligning the agency with the presidential administration, and not as a quasi-independent body;
- Prioritization of disparate treatment liability (notwithstanding Congress's 1991 amendment to Title VII to recognize disparate impact as a valid theory of liability);
- A focus on challenging or eliminating all things diversity, DEI, or affirmative action related, and similarly any indicators of a preference for "guest worker visa holders" or "PERM applicants"; and
- Narrowing (denominated as "clarifying") the scope of the Supreme Court's 2020 *Bostock v. Clayton County* decision to protect single-sex intimate spaces, express that sex is binary in nature, and receive religious accommodations for their beliefs.

The EEOC also requested an opinion from the Department of Justice (DOJ) as to whether its guidelines on disparate impact liability were constitutional. DOJ issued an opinion just days after the new Strategic Enforcement Plan was published, that reasoned the EEOC's guidelines violated Title VII and also were unconstitutional. DOJ outlined requirements for a much higher burden of proof on plaintiffs who seek to invalidate an employer's practice as discriminatory on the grounds that it has a disproportionate impact on a particular protected class.

NJ Launches Portal to Report Employee Separations

After 4 years of development, New Jersey employers must now use the state's [portal](#) to report all employee separations, including layoffs, discharges, resignations and retirements, within 7 days of the separation date or 7 days from the date the employer received notice of a claim being filed.

New NJ Regulations Standardize Strict Test for Disproving Employee Status

Classifying a worker in New Jersey as a non-employee will become increasingly difficult after new regulations developed by the New Jersey Department of Labor and Workforce Development take effect on October 1, 2026. The regulations codify a long-standing, three-part "ABC test" for classifying workers that will apply consistently for unemployment, wage and hour, and wage payment law claims.

NYS Adds Shift Protection Pay for Construction Workers

Employees in the construction industry who report for any part of a day of work will be entitled to be paid for at least four hours at the employee's promised hourly wage. Construction workers are also entitled to be paid for at least two hours of work at the promised hourly wage if their scheduled shift is cancelled with less than 12 hours' notice.

NYC Launches Mayor's Office of Worker Power

New York City has launched a new Mayor's Office of Worker Power (MOWP) that is focused on helping workers organize themselves, research labor conditions citywide, and connect workers to organizations that support them. MOWP's new [website](#) educates employees on worker power and what it can achieve, and provides a step-by-step guide to union organizing and worker rights.

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