

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



Statewide Legal Services  
1-800-453-3320  
860-344-0380

Search our website for help:



[www.ctlawhelp.org](http://www.ctlawhelp.org)

## EMPLOYMENT

## LEGAL SERVICES

SELF-HELP SERIES

# Your Rights at Work

August 2017



### We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

*See the reverse side for more about legal services.*

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If you're over 60, call your local legal aid office.

**Connecticut Legal Services**

[www.ctlegal.org](http://www.ctlegal.org)

**Bridgeport**

1000 Lafayette Blvd 203-336-3851  
Suite 950

**New Britain**

16 Main Street 860-225-8678

**New London**

125 Eugene O'Neill Dr.  
Suite 120 860-447-0323

**Stamford**

20 Summer Street 203-348-9216

**Waterbury**

85 Central Avenue 203-756-8074

**Willimantic**

1125 Main Street 860-456-1761

**Greater Hartford Legal Aid**

[www.ghla.org](http://www.ghla.org)

999 Asylum Avenue  
Hartford, CT 06105  
860-541-5000

**New Haven Legal Assistance Association**

[www.nhlegal.org](http://www.nhlegal.org)

205 Orange Street  
New Haven, CT 06510  
203-946-4811

**Consumer Law Project for Elders**

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

*Your Rights at Work*

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*This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.*

*The information in this booklet is based on laws in Connecticut as of 8/2017. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.*

## What is in my medical records?

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Medical records are papers and reports from doctors, psychiatrists, or psychologists that relate to your work. An employer may keep your medical records to document

- an injury for a worker's compensation claim,
- why you were absent from work, and/or
- why you need to take medical leave.

### ***Can I get a copy of my medical records?***

Yes, but not from your employer. Your doctor can ask your employer for a copy with your permission, and you can then get the copy from your doctor. Your employer may charge a reasonable fee for the copies.

### ***What if I disagree with what is in my personnel file or medical records?***

- You can ask your employer to remove or correct information in your file.
- If your employer won't change the information, you have the right to put a written statement in your file.
- Your employer must keep your statement in the file.

## How much must I be paid?

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- ▶ Employers must pay most workers the minimum wage, which is \$10.10 per hour in 2017.
- ▶ In 2017, the minimum wage for tipped employees (such as waiters) is \$6.38 per hour, as long as their hourly wage plus tips equals at least \$10.10 for each hour they worked.

### ***When do I get paid overtime?***

Most workers (except for managers and professionals) must be paid overtime for all the hours they work over 40 hours per week. For every hour over 40 that is worked, workers must be paid one and a half times their regularly hourly rate.

For more information, see the legal aid article, *You Have the Right to be Paid for Your Work*.

## Can my employer discipline or fire me?

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- Employers **can** fire you if they don't like your personality or your work style.
- Employers **can** penalize you or fire you for breaking a company rule or policy.
- Employers **cannot** penalize you or fire you for a reason that is based on discrimination.

# Discrimination

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## ***How do I know if my employer is discriminating against me?***

It may be discrimination if you are fired, harassed, or denied a job, a pay increase, or a promotion because of your

- race/color, national origin or ancestry, religion;
- gender, gender identity, marital status, sexual orientation; or
- age, pregnancy, or disability.

## **Examples of discrimination at work:**

- You are Latina, you have no discipline problems, but you are fired for something a white co-worker only got a warning for.
- Your boss made offensive comments about you or people of your race, color, religion, or age.
- Your boss forced you to stop working once he or she saw that you were pregnant.

If you are discriminated against, you can file a complaint with one of these organizations:

- CT Commission on Human Rights and Opportunities (CHRO): 1-800-477-5737
- U.S. Equal Employment Opportunity Commission (EEOC): 1-800-669-4000

There are time limits, so file your complaint right away. You don't need a lawyer to file a complaint.

Emails or faxes may also be in your file. Medical information, letters of recommendation, and references are not part of your personnel file.

## ***Who can look at my personnel file?***

Unless you give your written permission, only you and your employer can look at your personnel file.

Usually, this is only information your employer can give without your permission:

- the dates you started and ended working for the employer,
- what you were paid, and
- your title or position.

Your employer may share your file with a payroll services company or law enforcement agency. Your file can also be shared in a medical emergency or if the employer is ordered by a court.

## ***Can I get a copy of my personnel file?***

You have the right to get a copy of your personnel file two times per year. Your employer must let you look at and copy the file within seven business days of your written request. Employers can charge a reasonable amount for a copy. If your employer won't let you see your file, you can file a complaint with the State of Connecticut Department of Labor by calling 860-263-6000.

### ***What happens if the test is positive?***

- ▶ If the first test is positive, there must be a second test.
  - You cannot be fired, transferred, or turned down for a promotion based only on one positive test.
  - You **can be** fired, transferred, or not promoted based on a **second positive test**.
- ▶ Tests results are private, but you have the right to get a copy of the results.

### ***Can positive test results affect my right to work?***

Yes. You may lose your license to do your job (if you are a school bus driver or nurse's aide, for example). You must act quickly if you want to dispute the drug test so you can keep your license. Call Statewide Legal Services at 1-800-453-3320 for help.

### ***What happens if I am fired for a positive drug test?***

You might lose your current or future cash assistance benefits, and you may not be able to collect unemployment.

## **What is in my personnel file?**

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Your personnel file will have information about your

- hiring and firing,
- promotions,
- evaluations,
- discipline, and
- raises.

## **Taking time off from work**

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### ***Can I take time off if I am sick or a family member is sick?***

Maybe – it depends on how many workers your company has and the number of hours you have worked. See the legal aid booklet, *Taking Time Off from Work*.

### ***Will I get paid for the time off?***

You might get paid sick time if **all of these things are true**:

- Your company has 50 or more employees.
- You have worked enough total hours for your employer to qualify for paid time off and you recently worked at least an average of 10 hours per week.
- Your company does not already give you paid time off (like personal or vacation leave days) that you can use when you or a family member are sick.
- You are an hourly worker who is entitled to minimum wage and overtime.

To find out more about paid sick time, call the State of Connecticut Department of Labor at 860-263-6790.

### ***How much time can I take off?***

Unless your employer offers more *paid* time, the most paid sick leave you can take off each year is 40 hours (or five days if you work eight hours per day). You earn one hour of sick leave for every 40 hours you work.

### ***How do I ask for sick time off?***

If you know ahead of time you want to use your *paid* time off, you don't have to give more than 7 days' notice. If you didn't know ahead of time, tell your supervisor as soon as possible.

For *unpaid* time off under the Family and Medical Leave (FMLA) law, you must give 30 days' notice or as much notice as you can.

It is always best to ask for time off in writing, but it is not required.

### ***Am I a temporary worker?***

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If you work for a temporary agency (full-time or part-time) or you were hired by a company for a limited amount of time (as holiday help, for example), you are considered a temporary worker.

Temporary workers have some of the same rights as regular workers. They have the right

- to be paid at least the minimum wage,
- to be paid overtime,
- to be paid on a regular basis,
- to be protected from discrimination, and
- to apply for unemployment.\*

\* For special unemployment rules, see our booklet, *Are You Out of Work? Apply For Unemployment.*

### ***Can my employer make me take a drug test?***

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No, except under these circumstances:

- ▶ The employer has good reason to think you are using drugs or alcohol and that it is affecting your ability to do your job.
- ▶ The employer is following up on a past positive drug test.
- ▶ You have a job where safety is very important. For example, you are a
  - bus driver,
  - forklift operator,
  - cable TV installer, or
  - nurse.

**Note:** Employers can't discriminate when drug testing. For example, they cannot test only women or only people of a certain race.

### ***Can my employer watch me take a drug test?***

No. An employer cannot watch you take a drug test. You can refuse to take the test until your employer leaves the room. An employer can be in the restroom **only** if you are in a private stall.

***An employer can be in the restroom during a drug test only if you are in a private stall.***