

Employment Practices Liability

March 26, 2020

Guidance Regarding Governor Lamont's Executive Order 7M

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Given the spread of COVID-19, on March 25, 2020, Governor Lamont issued Executive Order 7M. This Executive Order affects municipalities in the following two ways:

- 1. Mandatory statutory filing requirements for appeals before the Connecticut Freedom of Information Commission (FOIC) are suspended, as is the usual timeframe in which the FOIC must decide an appeal.** Specifically, the time requirement for filing an appeal with the FOIC have been suspended for any appeals filed on or after March 25, 2020. Additionally, Executive Order 7M suspends the requirement that the FOIC must hear and decide an appeal within one year of its filing. This latter order applies to any appeal pending before the FOIC as of March 25, 2020, as well as any appeal filed on or after March 25, 2020. Accordingly, municipalities and other public agencies may see additional appeals challenging determinations and response to FOI requests, and municipalities will have to defend against such appeals that would ordinarily be untimely. Furthermore, decisions on current FOI appeals might be issued later than previously anticipated.
- 2. State agencies have discretion to extend statutory and regulatory administrative deadlines.** Consistent with other administrative orders limiting gatherings of groups of people, suspending in-person public meetings (see Executive Order 7B), and the suspension of non-critical court operations and associated requirements, including time limitations for process, service and return of civil actions and filing deadlines of administrative appeals under the Uniform Administrative Procedure Act, Conn. Gen. Stat. §4-183 (see Executive Order 7G), beginning March 25, 2020, Governor Lamont authorized each department head, commissioner, agency head, board and commission of Connecticut to exercise discretion to extend any statutory or regulatory time requirements, decision-making requirements, hearings, or other time limitations or deadlines, procedure or legal process pertaining to matters under their respective jurisdiction, functions or powers, as they deem reasonably necessary to respond to the COVID-19 pandemic or its effects, for a period not to exceed 90 days. If a public agency exercises such discretion, it shall issue any orders necessary and publicly post and maintain such orders on the agency websites. Agencies will retain such discretion for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by Governor Lamont. Given this order, we expect that business before public agencies will continue if feasible in order to serve the public, but that agencies will utilize their authority to manage various deadlines as provided in Executive Order 7M when reasonably necessary and faced with any difficulties or complications in conducting business as a result of the spread of COVID-19.

Cindy Cieslak is a partner at Rose Kallor, LLP. Rose Kallor, LLP regularly represents and advises private and public sector employers on matters pertaining to the employer-employee relationship, including discrimination, harassment, and wage and hour issues. If you have questions about this legal update, please contact Rose Kallor, LLP at 860-361-7999. If you wish to receive future updates on labor and employment related topics, please contact Jacqueline Smith, Marketing and Creative Design Associate at jsmith@ccm-ct.org.

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