

**Employees Not Entitled to Punitive Damages Under CFEPA**

**August 2017**

On December 30, 2016, the Connecticut Supreme Court held employees bringing claims of discrimination under the Connecticut Fair Employment Practices Act (“CFEPA”) are not entitled to punitive damages. [Tomick v. UPS](#), 324 Conn. 470 (2016). In Tomick, a jury awarded \$500,000 in punitive damages to the plaintiff, Michael Tomick after finding his employer, United Parcel Service, discriminated against him due to a disability. The trial court set aside the punitive damage award. That decision was appealed and upheld by the Appellate Court. The Supreme Court affirmed the Appellate Court’s decision.

In making its decision, the Supreme Court found that Conn. Gen. Stat. § 46a-104 does not authorize an award of punitive damages. Instead, it permits a court to grant “such legal and equitable relief which it deems appropriate including, but not limited to temporary or permanent injunctive relief, attorney’s fees and court costs.”

While this decision was welcomed by employers, the federal Civil Rights Act, and Americans with Disabilities Act, specifically permit punitive damages to be awarded. Other employment laws also permit punitive damages under certain circumstances, such as retaliation. Therefore, most employers still face punitive damages when their actions are considered by a jury to be sufficient to warrant this extraordinary punishment.

For more information contact [scott@schaffer-law.com](mailto:scott@schaffer-law.com).

[www.schaffer-law.com](http://www.schaffer-law.com)