



LEGISLATION 2016

Legislation affecting the
Connecticut Department of Labor

AUGUST 2016

A group of four people are seated around a table in a bright, modern office environment. The scene is captured from a low angle, looking up at the individuals. The lighting is soft and natural, coming from large windows in the background. The people are dressed in professional attire. One person on the left is pointing towards the center, while the others are looking in various directions, suggesting an active discussion or meeting. A dark blue horizontal bar is overlaid across the middle of the image, containing the text 'EMPLOYMENT OPPORTUNITIES' in white, bold, uppercase letters.

EMPLOYMENT OPPORTUNITIES

Public Act 16-114 AN ACT ENCOURAGING MIDDLE SCHOOL AND HIGH SCHOOL STUDENTS TO CONSIDER CAREERS IN MANUFACTURING AND CONCERNING INFORMATION POSTED ON THE LABOR DEPARTMENT'S APPRENTICESHIP WEB SITE. Effective upon passage.

- Requires the education commissioner to establish a committee, which will include the Labor Department, to coordinate efforts to educate middle and high school students about careers in manufacturing.
- Requires DOL to update its apprenticeship website, by March 1, 2017, with certain information, such as a list of occupations in which apprentices are employed and comprehensive information regarding apprenticeship coursework and cost.
- Requires the simplification of the process by which people may access comprehensive information relating to apprenticeship training on DOL's Internet web site.

Public Act 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Various Sections).

- Establishes CTNext as a subsidiary to Connecticut Innovations, Inc.
- Assists entrepreneurs and startup and growth-stage businesses.

Public Act 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Sec. 33-34).

- Individuals with the most significant disabilities who do not meet the eligibility requirements for certain Department of Social Services (DSS) programs will now become eligible for a Department of Rehabilitation Services employment program with passage of this legislation.

Special Act 16-1 AN ACT CONCERNING AN ENTREPRENEUR LEARNER'S PERMIT PROGRAM. Effective 7/1/16.

- Establishes an Entrepreneur Learner's Permit pilot program within Connecticut Innovations, Inc. to encourage and assist first-time entrepreneurs in certain business sectors by reimbursing them for state fees associated with forming a business.
- Although the act contains no specifics, it is possible that entrepreneurs may be reimbursed for fees charged by DOL for Professional Employer Organizations, Employment Agencies and Apprenticeship sponsors.

IN THE WORKPLACE-WAGE AND WORKPLACE STANDARDS

Public Act 16-95 AN ACT CONCERNING MATTERS AFFECTING PHYSICIANS, HEALTH CARE FACILITIES AND MEDICAL FOUNDATIONS. Certain sections effective 7/1/16.

- Sets statutory limitations on physician non-compete agreements.
- Non-compete is valid and enforceable only if it is (1) necessary to protect a legitimate business interest; (2) reasonably limited in time, geographic scope, and practice restrictions as needed to protect that interest; and (3) otherwise consistent with the law and public policy.
- Sets specific limits on the non-compete agreements, such as restricting them to no more than one year and a 20-mile radius from the physician's primary practice site, and prohibiting hospitals from restricting a physician's ability to leave for private practice.

Public Act 16-125 AN ACT ALLOWING EMPLOYERS TO PAY WAGES USING PAYROLL CARDS. Effective 10/1/16 (Sec. 33-34).

- Allows employers to pay employees wages using payroll cards and to allow certain wage and hour information provided by an employer to employees to be delivered electronically provided certain conditions are met.
 - Employee must voluntarily and expressly authorize use of payroll card.
 - Cannot be a condition of employment or for receiving benefits.
 - Employer's costs for using payroll cards cannot be passed to employees.
- Allows employers to provide employees with an electronic record of their pay stub, as long as the employee consents and the employer provides a way for the employee to access and print the record and confidentiality safeguards are in place.

Public Act 16-83 AN ACT CONCERNING FAIR CHANCE EMPLOYMENT. Effective 10/1/16.

- Prevents employers from requiring certain employees or prospective employees to disclose any criminal history on an initial employment application.
- Complaints alleging a violation of this provision can be filed with DOL.
- Fair Chance Employment Task Force established – will study employment opportunities available to individuals with criminal histories.

Public Act 16-195 AN ACT CONCERNING THE CONNECTICUT FAMILY AND MEDICAL LEAVE ACT AND ACTIVE DUTY MILITARY SERVICE. Effective upon passage.

- Provides “qualifying exigency” leave under the Connecticut Family and Medical Leave Act, similar to that type of leave relating to military service afforded under the federal Family and Medical Leave Act.

Public Act 16-169 AN ACT CONCERNING UNEMPLOYMENT COMPENSATION APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES RELATING TO THE LABOR DEPARTMENT. The following provision is effective upon passage.

- Allows employers to pay their employees bi-weekly without first obtaining a waiver from DOL, as required under current law.

EMPLOYMENT SERVICES

Public Act 16-169 AN ACT CONCERNING UNEMPLOYMENT COMPENSATION APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES RELATING TO THE LABOR DEPARTMENT. The following provision is effective 10/1/16.

- Changes references to the federal Workforce Investment Act in the general statutes to reflect the act's name change to the Workforce Innovation and Opportunity Act of 2014.

Public Act 16-131 AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR HOUSEHOLD MEMBERS OF A FAMILY CHILD CARE HOME AND PROVIDING CHILD CARE FOR ASSISTANCE RECIPIENTS ENROLLED IN APPROVED HIGHER EDUCATION PROGRAMS. Effective 7/1/16.

- DOL, in consultation with DSS, has the authority to approve the education activities of temporary family assistance (TFA) recipients.
- DOL is required to approve higher education coursework as part of the required employment activities for TFA recipients; (2) adds public and independent institutions of higher education to the list of existing permissible employment service providers; (3) repeals a conflicting law.
- Adds enrollment at a public or independent institution of higher education to the list of employment services that DOL, if the department deems it appropriate, must provide to TFA recipients.
- Adds public and independent institutions of higher education to the list of existing permissible employment service providers.

Special Act 16-12 AN ACT REQUIRING A STUDY OF CERTAIN EMPLOYMENT TRANSITIONS IN EASTERN CONNECTICUT. Effective 7/1/16.

- Commissioner of Economic and Community Development, in consultation with the DOL Commissioner, must submit a report on the transition of former casino employees to employment in other job sectors.

Public Act 16-79 AN ACT CONCERNING A TWO-GENERATION INITIATIVE FOR FAMILIES.

Effective upon passage.

- Adds up to 10 members, including two legislators, to the interagency working group, including the DOL Commissioner, that oversees the state's two-generational school readiness and workforce development pilot program. The group must report to the Appropriations, Human Services, Education, Housing, Public Health, and Transportation committees by January 1, 2017. The report has different requirements than the original law.
- Households covered include mothers, fathers, noncustodial parents, and other primary caregivers.
- The pilot site "Greater Hartford" means Hartford, East Hartford, and West Hartford.

Public Act 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Sec. 123).

- Establishes a separate, non-lapsing, two-generation poverty reduction account in the General Fund in order to receive (1) transfers of lapsing funds from the State General Fund operations and (2) funds from public and philanthropic sources or the federal government for the fund's purposes.

A close-up, low-angle shot of a young man in military attire. He is wearing a dark beret with a silver emblem on the front. He has a bright, joyful smile, showing his teeth. He is looking upwards and to the right. He is wearing a camouflage military jacket with a patch of the United States flag on the left sleeve. The background is a bright, hazy outdoor setting, possibly a field or a training area. A solid blue horizontal bar is overlaid across the middle of the image, containing the text.

SUPPORTING OUR VETERANS

Public Act 16-184 AN ACT SUPPORTING VETERAN-OWNED SMALL BUSINESSES. Effective 10/1/16.

- Provides certain veteran-owned micro businesses with up to a 15% price preference for certain DAS open market orders or contracts.
- A “veteran-owned micro business” is a business with gross revenue of up to \$3 million in the most recently completed fiscal year, and of which at least 51% of the ownership is held by one or more veterans.

Public Act 16-192 AN ACT CONCERNING WOMEN VETERANS. Effective 10/1/16.

- Continue building awareness of women veterans' issues and address their unique needs by expanding opportunities for outreach and support by the Department of Veterans' Affairs.

Public Act 16-68 AN ACT CONCERNING THE LABOR DEPARTMENT AND CERTAIN PROFESSIONAL OPPORTUNITIES FOR VETERANS, IMPROVING CUSTOMER SERVICE TO VETERANS BY THE ADVOCACY AND ASSISTANCE UNIT OF THE DEPARTMENT OF VETERANS' AFFAIRS AND STRENGTHENING COORDINATION BETWEEN THE DEPARTMENT OF VETERANS' AFFAIRS AND MUNICIPALITIES. Effective 10/1/16.

- Pairs veterans and members of the armed forces and National Guard who have acquired specialized skills from military training with certain professional opportunities compatible with such skills.
- DOL responsible for using database to match veterans or armed forces members with opportunities.
- Veterans or armed forces members may apply to be included in the database by submitting evidence of their military training, describing the particular knowledge, experience, or set of skills acquired.
- Anyone interested in hiring someone from the database must contact DOL, which will facilitate contact between the parties.

Public Act 16-195 AN ACT CONCERNING THE CONNECTICUT FAMILY AND MEDICAL LEAVE ACT AND ACTIVE DUTY MILITARY SERVICE. Effective upon passage.

- Provides “qualifying exigency” leave under the Connecticut Family and Medical Leave Act, similar to that type of leave relating to military service afforded under the federal Family and Medical Leave Act.



ADDITIONAL PUBLIC ACTS

Public Act 16-169 AN ACT CONCERNING UNEMPLOYMENT COMPENSATION APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES RELATING TO THE LABOR DEPARTMENT. The following provisions effective 10/1/16 (Various Sections).

- Makes changes to the unemployment compensation statutes that give the DOL flexibility in processing unemployment claims and appeals.
- Allows DOL to deliver certain unemployment notices and decisions by means other than the mail.
- Requires the period in which a party can appeal a decision to start when the decision is “provided,” rather than mailed, to the party.
- Allows DOL to prescribe different ways, other than a hearing, for employers and claimants to present their evidence and testimony in certain unemployment proceedings.
- Allows unemployment claimants to change their tax withholding status for tax deductions from their benefits more than once each year.

Public Act 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Secs. 41, 179).

- Increases State Board of Mediation and Arbitration (SBMA) fee from \$25 to \$200, the fee an employer and its employee must each pay when submitting a grievance or dispute to the SBMA. Also increases SBMA Arbitrators’ compensation.

Public Act 16-29 AN ACT CREATING THE CONNECTICUT RETIREMENT SECURITY PROGRAM AS AMENDED BY PUBLIC ACT 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Secs. 96-108, 208).

- Establishes the Connecticut Retirement Security Exchange to assist private sector employees in achieving retirement savings in the state.
- Authorizes the Connecticut Retirement Security Authority, of which the DOL Commissioner is an *ex-officio* voting member, to establish criteria and guidelines for the retirement programs offered to “covered employees” under the act.
- Applies to all “qualified employers,” *i.e.*, private sector employers that employ at least five people each of whom was paid at least \$5,000 in wages in the preceding calendar year.

Public Act 16-58 AN ACT REVISING THE REGULATION REVIEW PROCESS. Effective upon passage except for certain sections that are effective on 1/1/17.

- Makes several changes to the Uniform Administrative Procedure Act (UAPA), which governs the regulation-making process for state agencies including the expansion of the

reasons for which agencies may propose amendments to regulations without prior notice or public comment.

Public Act 16-71 AN ACT CONCERNING HUMAN TRAFFICKING. Generally effective 10/1/16.

- Increases the Trafficking in Persons Council's membership from 22 to 25, of which the DOL Commissioner is already a member.
- Makes several changes to the Council's charge.

Public Act 16-44 AN ACT CONCERNING HIGHER EDUCATION CERTIFICATE PROGRAMS. Effective 7/1/16.

- Requires the Office of Higher Education to gather certain data, based on available DOL statistics, for each sub-baccalaureate certificate program offered by Connecticut higher education institutions or private occupational schools.

Public Act 16-170 AN ACT CONCERNING THE REPEAL OF OBSOLETE REPORTS AND PROGRAMS INVOLVING THE LABOR DEPARTMENT. Effective 10/1/16.

- Removes obsolete, unnecessary and duplicative reports and programs contained in the general statutes that affect DOL, the Office of Workforce Competitiveness (OWC), and the Connecticut Employment and Training Commission (CETC).

Public Act 16-10 AN ACT ESTABLISHING A FIREFIGHTERS CANCER RELIEF PROGRAM. Effective 2/1/17.

- Creates the firefighters cancer relief account and the firefighters cancer relief program to provide wage replacement benefits to eligible paid and volunteer firefighters diagnosed with cancer.
- Establishes a new cancer relief subcommittee of the Connecticut State Firefighters Association to award benefits under the program.
- Excludes benefit payments if the firefighter is concurrently receiving unemployment or worker's compensation benefits or any other municipal, state, or federal wage replacement benefits.
- Benefits based upon the DOL Commissioner's determination of the average weekly earnings of all workers in the state.

Public Act 16-3 AN ACT CONCERNING REVENUE AND OTHER ITEMS TO IMPLEMENT THE BUDGET FOR BIENNIUM ENDING JUNE 30, 2017. Effective 7/1/16 (Secs. 127- 129).

- Eliminates the six legislative commissions and replaces them with a (1) 63-member Commission on Equity and Opportunity and (2) 63-member Commission on Women, Children, and Seniors. With the exception of continuity of authority and transfer of officers and employees, the (1) former constitutes a successor to the African-American Affairs Commission, Latino and Puerto Rican Affairs Commission, and Asian Pacific

American Affairs Commission and (2) latter constitutes a successor to the Permanent Commission on the Status of Women, Commission on Children, and Commission on Aging. Both are part of the legislative department.

Special thanks to the Connecticut General Assembly's Office of Legislative Research for providing the resource material for the Connecticut Department of Labor's 2016 Legislative Summary.
