CONNECTICUT GENERAL STATUTES

WITHIN THE

JURISDICTION

OF THE CONNECTICUT DEPARTMENT OF

LABOR

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CHAPTER 50

PART V

OFFICE OF WORKFORCE COMPETITIVENESS

Sec. 4-124w. Office of Workforce Competitiveness. Responsibilities. (a) There shall be within the Labor Department an Office of Workforce Competitiveness.

(b) The Labor Commissioner shall, with the assistance of the Office of Workforce Competitiveness:

(1) Be the Governor's principal workforce development policy advisor;

(2) Be the liaison between the Governor and any local, state or federal organizations and entities with respect to workforce development matters, including implementation of the Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;

(3) Coordinate the workforce development activities of all state agencies;

(4) Coordinate the state's implementation of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and advise and assist the Governor with matters related to said act;

(5) Establish methods and procedures to ensure the maximum involvement of members of the public, the legislature and local officials in workforce development matters, including implementation of the Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;

(6) Enter into such contractual agreements, in accordance with established procedures, as may be necessary to carry out the provisions of this section;

(7) Take any other action necessary to carry out the provisions of this section; and

(8) Not later than October 1, 2012, and annually thereafter, submit a report, with the assistance of the Labor Department, to the Governor and the joint standing committees of the General Assembly having cognizance of matters relating to education, economic development, labor and higher education and employment advancement specifying a forecasted assessment by the Labor Department of workforce shortages in occupations in this state for the succeeding two and five-year periods. The report shall also include recommendations concerning (A) methods to generate a sufficient number of workers to meet identified workforce needs, including, but not limited to, scholarship, school-to-career and internship programs, and (B) methods secondary and higher education and private industry can use to address identified workforce needs.
(c) The Labor Department shall be the lead state agency for the development of employment and training strategies and initiatives required to support the state's position in the knowledge economy. The Labor Commissioner, with the assistance of the Office of Workforce Competitiveness, may call upon any office, department, board, commission or other agency of the state to supply such reports, information and assistance as may be necessary or appropriate in order to carry out its duties and requirements. Each officer or employee of such office, department, board, commission or other agency of the state is authorized and directed to cooperate with the Labor Commissioner and to furnish such reports, information and assistance.


History: P.A. 00-192 effective July 1, 2000; P.A. 01-170 added Subsec. (b)(9) re annual reporting requirements; P.A. 03-19 made a technical change in Subsec. (a), effective May 12, 2003; P.A. 03-278 made technical changes in Subsec. (b)(9), effective July 9, 2003; P.A. 04-212 made technical changes in Subsec. (a) and, in Subsec. (b), inserted new Subdiv. (5) charging Office of Workforce Competitiveness with coordinating strategies re technology-based talent and innovation among state and quasi-public agencies, renumbering existing Subdivs. accordingly, revised internal references in renumbered Subdivs. (8) and (9), and added Subdiv. (10) making Office of Workforce Competitiveness the lead state agency for developing strategies and initiatives to support Connecticut's position in the knowledge economy, effective July 1, 2004; Sept. Sp. Sess. P.A. 09-7 amended Subsec. (b) by deleting former Subdiv. (5) re coordination of development and implementation of strategies re technology-based talent and innovation among state and quasi-public agencies and redesignating existing Subdivs. (6) to (10), effective October 5, 2009; P.A. 11-48 amended Subsec. (a) by placing Office of Workforce Competitiveness within Labor Department rather than within Office of Policy and Management for administrative purposes, amended Subsec. (b) by changing reference to the office to Labor Commissioner with assistance of the Office of Workforce Competitiveness, deleted former Subsec. (b)(6) re appointing officials and employees, redesignated existing Subsec. (b)(7) and (8) as Subsec. (b)(6) and (7), deleted former Subsec. (b)(9) re lead state agency for development of employment and training strategies, redesignated existing Subsec. (b)(10) as Subsec. (b)(8), and amended Subsec. (c) by designating Labor Department as lead state agency for development of employment and training strategies and by changing references to Office of Workforce Competitiveness to Labor Commissioner, effective July 1, 2011.
CHAPTER 68*
COLLECTIVE BARGAINING FOR STATE EMPLOYEES

*See Sec. 4-38i re effect of government reorganization under public act 77-614.


Cited. 8 CA 197. Sec. 5-270 et seq. cited. 29 CA 559.

Cited. 40 CS 381.

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Sec. 5-270. Collective bargaining. Definitions. When used in sections 5-270 to 5-280, inclusive:

(a) "Employer" means the state of Connecticut, its executive and judicial branches, including, without limitation, any board, department, commission, institution, or agency of such branches or any appropriate unit thereof and any board of trustees of a state-owned or supported college or university and branches thereof, public and quasi-public state corporation, or authority established by state law, or any person or persons designated by the employer to act in its interest in dealing with employees, but shall not
include the State Board of Labor Relations or the State Board of Mediation and Arbitration.

(b) "Employee" means any employee of an employer, whether or not in the classified service of the employer, except elected or appointed officials other than special deputy sheriffs, board and commission members, disability policy specialists assigned to the Council on Developmental Disabilities, managerial employees and confidential employees.

(c) "Professional employee" means: (1) Any employee engaged in work (A) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (B) involving the consistent exercise of discretion and judgment in its performance; (C) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; (D) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (2) any employee who has completed the courses of specialized intellectual instruction and study described in subsection (c)(1)(D) and is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in subsection (c)(1).

(d) "Employee organization" means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment among state employees.

(e) "Confidential employee" means any public employee who would have access to confidential information used in collective bargaining.

(f) "Supervisory employee" means any individual in a position in which the principal functions are characterized by not fewer than two of the following: (1) Performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees; (2) performing such duties as are distinct and dissimilar from those performed by the employees supervised; (3) exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing the provisions of a collective bargaining agreement; and (4) establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards, provided in connection with any of the foregoing the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment, and such individuals shall be employees within the meaning of subsection (b) of this section. The above criteria for supervisory positions shall not necessarily apply to police or fire departments.

(g) "Managerial employee" means any individual in a position in which the principal functions are characterized by not fewer than two of the following, provided for any
position in any unit of the system of higher education, one of such two functions shall be as specified in subdivision (4) of this subsection: (1) Responsibility for direction of a subunit or facility of a major division of an agency or assignment to an agency head's staff; (2) development, implementation and evaluation of goals and objectives consistent with agency mission and policy; (3) participation in the formulation of agency policy; or (4) a major role in the administration of collective bargaining agreements or major personnel decisions, or both, including staffing, hiring, firing, evaluation, promotion and training of employees.

(P.A. 75-566, S. 1; P.A. 77-22, S. 1, 3; P.A. 81-457, S. 12; P.A. 82-454; P.A. 86-411, S. 5, 8; P.A. 97-148, S. 1, 8; P.A. 01-103, S. 1; P.A. 05-256, S. 5.)

History: P.A. 77-22 deleted legislative branch from definition of "employer" in Subsec. (a); P.A. 81-457 added Subdiv. (g), which defines "managerial employee", and excluded them from collective bargaining by excepting them from the definition of "employee", where previously they were specifically excluded if working less than 24 hours per week; P.A. 82-454 amended Subsec. (b) to include part-time employees within the definition of "employee", where previously they were specifically excluded if working less than 24 hours per week; P.A. 86-411 amended Subsec. (g), removing the percentage cap on the number of managerial employees, and requiring the provisions of Subpara. (D) to be satisfied for any position in the system of higher education to be considered managerial, effective July 1, 1986, and applicable to negotiations then in progress; (Revisor's note: In 1995 the Revisors editorially substituted in Subdiv. (c) the alphabetic indicators (A), (B), (C) and (D) for (i), (ii), (iii) and (iv) for consistency with statutory usage); P.A. 97-148 amended Subsec. (b) to include special deputy sheriffs, effective July 1, 1997; P.A. 01-103 deleted former Subdiv. (2) re certain Department of Correction employees, redesignated existing Subparas. (A) to (D) as Subdivs. (1) to (4), and made conforming technical changes; P.A. 05-256 redefined "employee" in Subsec. (b) to include disability policy specialists assigned to the Council on Developmental Disabilities, effective July 1, 2005.

Cited. 204 C. 746.

Cited. 40 CS 381.

Subsec. (b):


Subsec. (f):

Court held section not unconstitutionally vague. 204 C. 746.

Subsec. (g):

Court held section not unconstitutionally vague. 204 C. 746. Language plainly and
unambiguously does not include requirement that managerial employees exercise independent judgment in carrying out principal functions listed in Subdivs. (2) and (3). 296 C. 594.

Classification of managerial employees and denial to them of collective bargaining rights survives challenge on equal protection grounds; statute repels vagueness challenge, is not offensive to due process requirements. 40 CS 381.

Sec. 5-271. Rights of employees and representatives. Duty of fair representation.
(a) Employees shall have, and shall be protected in the exercise of the right of self-organization, to form, join or assist any employee organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment, except as provided in subsection (d) of section 5-272, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion.

(b) When an employee organization has been designated by the State Board of Labor Relations as the representative of the majority of employees in an appropriate unit, that employee organization shall be recognized by the employer as the exclusive bargaining agent for the employees of such unit.

(c) When an employee organization has been designated in accordance with the provisions of this chapter as the exclusive representative of employees in an appropriate unit, it shall have the right to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.

(d) When an employee organization has been designated, in accordance with the provisions of this chapter, as the exclusive representative of employees in an appropriate unit, it shall have a duty of fair representation to the members of that unit.

(e) An individual employee at any time may present a grievance to his employer and have the grievance adjusted, without intervention of an employee organization, provided the adjustment shall not be inconsistent with the terms of a collective bargaining agreement then in effect. The employee organization designated as the exclusive representative shall be given prior notice of the grievance and shall be informed of the terms of the settlement.

(f) The employer and such employee organization as has been designated as exclusive representative of employees in an appropriate unit, through appropriate officials or their representatives, shall have the duty to bargain collectively. This duty extends to the obligation to bargain collectively as set forth in subsection (c) of section 5-272.

(P.A. 75-566, S. 2.; P.A. 93-426, S. 2.)

History: P.A. 93-426 inserted new Subsec. (d) to impose a duty of fair representation
on employee organizations representing state employees and redesignated existing
Subsecs. (d) and (e) as (e) and (f), respectively.

Cited. 201 C. 685.

Cited. 40 CS 381.

Subsec. (c):

Cited. 192 C. 539.

Sec. 5-272. Prohibited acts of employers and employee organizations. (a) Employers or their representatives or agents are prohibited from: (1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 5-271 including a lockout; (2) dominating or interfering with the formation, existence or administration of any employee organization; (3) discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under sections 5-270 to 5-280, inclusive; (4) refusing to bargain collectively in good faith with an employee organization which has been designated in accordance with the provisions of said sections as the exclusive representative of employees in an appropriate unit; including but not limited to refusing to discuss grievances with such exclusive representative; (5) discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any employee organization; (6) refusing to reduce a collective bargaining agreement to writing and to sign such agreement; (7) violating any of the rules and regulations established by the board regulating the conduct of representation elections.

(b) Employee organizations or their agents are prohibited from: (1) Restraining or coercing employees in the exercise of the rights guaranteed in subsection (a) of section 5-271; (2) restraining or coercing an employer in the selection of his representative for purposes of collective bargaining or the adjustment of grievances; (3) refusing to bargain collectively in good faith, with an employer, if it has been designated in accordance with the provisions of sections 5-270 to 5-280, inclusive, as the exclusive representative of employees in an appropriate unit; (4) breaching their duty of fair representation pursuant to section 5-271; (5) violating any of the rules and regulations established by the board regulating the conduct of representation elections; or (6) refusing to reduce a collective bargaining agreement to writing and to sign such agreement.

(c) For the purposes of sections 5-270 to 5-280, inclusive, to bargain collectively is the performance of the mutual obligation of the employer or his designated representatives and the representative of the employees to meet at reasonable times, including meetings appropriately related to the budget-making process, and bargain in good faith with respect to wages, hours and other conditions of employment, except as provided in subsection (d) of this section, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any
agreement reached if requested by either party, but such obligation shall not compel either party to agree to a proposal or require the making of a concession.

(d) Nothing herein shall diminish the authority and power of the Employees' Review Board, the Department of Administrative Services or any state agency established by statute, charter or special act to establish, conduct and grade merit examinations and to rate candidates in order of their relative excellence from which appointments or promotions may be made to positions in the competitive division of the classified service of the state served by the Department of Administrative Services. The establishment, conduct and grading of merit examinations, the rating of candidates and the establishment of lists from such examinations and the appointments from such lists shall not be subject to collective bargaining.

(P.A. 75-566, S. 3; P.A. 77-614, S. 118, 610; P.A. 80-483, S. 150, 186; P.A. 81-472, S. 2, 159; P.A. 93-426, S. 3; P.A. 03-278, S. 11.)

History: P.A. 77-614 replaced personnel department and personnel policy board with department of administrative services in Subsec. (d); P.A. 80-483 changed "appeals" to "appeal" in board's name in Subsec. (d); P.A. 81-472 amended Subsec. (d) to refer to the employee's review board, rather than the personnel appeal board; P.A. 93-426 inserted a new Subdiv. (4) in Subsec. (b) to prohibit an employee organization which represents state employees from breaching its duty of fair representation to its members and redesignated existing Subdivs. (4) and (5) as (5) and (6), respectively; P.A. 03-278 made a technical change in Subsec. (b), effective July 9, 2003.

See Sec. 5-226f re pilot program authorizing discussion between the state and union representatives concerning the state classifications and examination system.


Cited. 8 CA 197.

Subsec. (a):

Subdiv. (4) cited. 226 C. 670.

Subsec. (c):


**Sec. 5-273. Powers of State Board of Labor Relations.** The State Board of Labor Relations shall administer sections 5-270 to 5-280, inclusive, as follows:

(a) The board shall exercise those powers and perform those duties which are specifically provided for in said sections. Those powers and duties shall be in addition to and exercised completely independent of any powers and duties specifically granted to it
by statutory enactment.

(b) The board shall have authority, from time to time, to make, amend and rescind such rules and regulations as may be necessary to carry out the provisions of sections 5-270 to 5-280, inclusive. Such rules and regulations shall be effective upon passage, in conformance with the terms of chapter 54.

(P.A. 75-566, S. 4.)

Cited. 43 CS 1.

Sec. 5-274. Prohibited practice questions determined by State Board of Labor Relations. Whenever a question arises as to whether a practice prohibited by sections 5-270 to 5-280, inclusive, has been committed by an employer or employee organization, the board shall consider that question in accordance with the following procedure:

(a) When a complaint has been made to the board in writing that a prohibited practice has been or is being committed, the board shall refer such complaint to its agent for investigation within ten calendar days of the date it was received. Upon receiving a report from the agent, the board may within ten days of such receipt issue an order dismissing the complaint or may order a further investigation or a hearing thereon. When an investigation is ordered the board shall set a time when the report must be made. When a hearing is ordered, the board shall set the time and place for the hearing, which time and place may be changed by the board at the request of one of the parties for cause shown. Any complaint may be amended with the permission of the board. The employer, the employee organization and the person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the board may limit. Such employer, such employee organization and such person shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of the board any person may be allowed to intervene in such proceeding. In any hearing the board shall not be bound by the technical rules of evidence prevailing in the courts. A transcript of the testimony taken at any hearing before the board shall be filed with the board.

(b) If, upon all the testimony, the board determines that a prohibited practice has been or is being committed, it shall state its findings of fact and shall issue and cause to be served on the party committing the prohibited practice an order requiring it or him to cease and desist from such prohibited practice, and shall take such further affirmative action as will effectuate the policies of sections 5-270 to 5-280, inclusive, including but not limited to: (1) Withdrawal of certification of an employee organization established or assisted by any action defined in said sections as a prohibited practice; (2) reinstatement of an employee discriminated against in violation of said sections, with or without back pay; or (3) if either party is found to have refused to bargain collectively in good faith, ordering arbitration and directing the party found to have refused to bargain to pay the full costs of arbitration under section 5-276a resulting from the negotiations in which the refusal to bargain occurred.
(c) If, upon all of the testimony, the board determines that a prohibited practice has not been or is not being committed, it shall state its finding of fact and shall issue an order dismissing the complaint.

(d) For the purposes of hearings and enforcement of orders under sections 5-270 to 5-280, inclusive, the board shall have the same power and authority as it has in sections 31-107, 31-108 and 31-109, and the employer and the employee organization shall have the right of appeal as provided therein.

(P.A. 75-566, S. 6; P.A. 78-111, S. 1, 2; P.A. 81-472, S. 117, 159; P.A. 86-411, S. 1, 8.)

History: P.A. 78-111 replaced reference to Sec. 31-103 in Subsec. (d) with reference to Sec. 31-108; P.A. 81-472 replaced reference to Sec. 5-278 with reference to Sec. 5-277; P.A. 86-411 removed all references to fact-finding and provided instead that the board may order arbitration when a party has failed to bargain in good faith, effective July 1, 1986, and applicable to negotiations then in progress.

Cited. 43 CS 1.

Subsec. (d):

Cited. 8 CA 197.

Sec. 5-275. Employee organization designated as exclusive representative. Bargaining unit determination. Petitions seeking clarification or modification of existing units. (a)(1) On and after October 1, 1975, any interested organization may notify the State Board of Labor Relations that thirty per cent or more of the employees in a bargaining unit established under sections 5-270 to 5-280, inclusive, desire to be exclusively represented for the purposes of collective bargaining within the unit by the petitioning organization and request the designation of said organization as their exclusive representative; (2) if the board certifies that a majority of the employees in such bargaining unit desire to be so represented, said board shall agree to said designation, unless there is a challenge. To challenge, an intervening organization must show that at least ten per cent or more of the employees of the unit seek to be the exclusive representative. Any additional organization meeting said ten per cent prerequisite shall be treated, upon request, as an additional intervenor; (3) if there is a challenge, or if the board certifies that thirty per cent or more but less than a majority of employees in a bargaining unit desire to be exclusively represented by a particular organization, said board shall direct an election by secret ballot to determine whether and by which employee organization the employees desire to be represented and shall certify the results thereof. The board shall refer the petition to its agent who shall investigate the petition and issue a direction of election and conduct a secret ballot election to determine whether and by which employee organization the employees desire to be represented if he has reasonable cause to believe that a question of representation exists, or issue a
recommendation to dismiss the petition if he finds that there is not such reasonable cause, or refer the petition to the board for a hearing without having conducted an election or issuing a recommendation of dismissal, in which event the board shall conduct an appropriate hearing upon due notice. The agent shall report his action to the board. The board shall issue an order confirming the agent's direction of election and certifying the results of the election, or issue an order confirming the agent's recommendation for dismissal, or order a further investigation, or provide for an appropriate hearing upon due notice. Before taking any of the aforesaid actions, the board shall provide the parties with an opportunity to file briefs on the questions at issue and shall fully consider any such briefs filed. After a hearing, the board shall order any of the aforesaid actions on the petition, or shall upon good cause order any other suitable method to determine whether and by which employee organization the employees desire to be represented. The board shall certify the results. No election shall be directed in any bargaining unit or any subdivision thereof within which in the preceding twelve-month period a valid election has been held. No election shall be directed by the board during the term of a written collective bargaining agreement, except for good cause. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. An employee organization which receives a majority of votes cast in an election shall be designated by the board as exclusive representative of the employees in the unit. No employee organization shall be eligible to petition for or participate in a recognition election until it has been in existence in state employment for at least six months.

(b) The board shall determine the appropriateness of a unit which shall be the public employer unit or a subdivision thereof. In determining the appropriateness of the unit, the board shall: (1) Take into consideration, but shall not limit consideration to, the following: (A) Public employees must have an identifiable community of interest, and (B) the effects of overfragmentation; (2) not decide that any unit is appropriate if (A) such unit includes both professional and nonprofessional employees, unless a majority of such professional employees vote for inclusion in such unit, or (B) such unit includes both Department of Correction employees at or above the level of lieutenant and Department of Correction employees below the level of lieutenant; (3) take into consideration that when the state is the employer, it will be bargaining on a state-wide basis unless issues involve working conditions peculiar to a given governmental employment locale; (4) permit the faculties of (A) The University of Connecticut, (B) the Connecticut State University System, and (C) the state regional vocational-technical schools to each comprise a separate unit, which in each case shall have the right to bargain collectively with their respective boards of trustees or their designated representatives; and (5) permit the community college faculty and the technical college faculty as they existed prior to July 1, 1992, to continue to comprise separate units, which in each case shall have the right to bargain collectively with its board of trustees or its designated representative. Nonfaculty professional staff of the above institutions may by mutual agreement be included in such bargaining units, or they may form a separate bargaining unit of their own. This section shall not be deemed to prohibit multiunit bargaining.
(c) An employee organization or an employer may file a petition with the board seeking a clarification or modification of an existing unit. The power of the board to make such clarifications and modifications shall be limited to those times when a petition for clarification or modification is filed by either an employee organization or an employer. No petition seeking a clarification or modification of an existing unit shall be considered to be timely by the board during the term of a written collective bargaining agreement, except that a petition for clarification or modification filed by an employee organization concerning either (1) a newly created position or (2) any employee who is not represented by an employee organization, may be filed at any time.


History: P.A. 81-29 amended Subsec. (a) to provide board's agent with increased powers over petitions concerning the election of representatives, while resting final action with the board; P.A. 82-218 replaced "state colleges" with "Connecticut State University" in Subsec. (b) pursuant to reorganization of higher education system, effective March 1, 1983; P.A. 89-260 in Subsec. (b)(4) substituted "regional community colleges" for "community colleges", "regional technical colleges" for "state technical colleges" and "regional vocational-technical schools" for "vocational schools"; P.A. 91-255 added Subsec. (c) re petitions seeking clarification or modification of existing units; P.A. 91-256 made a technical change in Subsec. (b); P.A. 92-126 added Subsec. (b)(5) retaining rights of community college and technical college faculty to have separate bargaining units; (Revisor's note: In 1995 the Revisors editorially substituted in Subdivs. (1) and (4) of Subsec. (b) the alphabetic indicators (A), (B) and (C) for (i), (ii) and (iii), as appropriate, for consistency with statutory usage); P.A. 01-103 amended Subsec. (b)(2) by designating a portion of existing provisions as Subpara. (A) and adding Subpara. (B) re appropriateness of unit if such unit includes Department of Correction employees both at or above the level of lieutenant and below the level of lieutenant; P.A. 03-19 made technical changes in Subsec. (b), effective May 12, 2003.

Subsec. (a):

Cited. 183 C. 235.

Sec. 5-276. Mediation and arbitration services by State Board of Mediation and Arbitration. (a) The services of the State Board of Mediation and Arbitration shall be available to employers or employee organizations designated as the exclusive bargaining representative for purposes of settlement of grievances arising out of the interpretation and application of the terms of a written agreement, for mediation of impasses in contract negotiations, for purposes of arbitration of disputes over the interpretation or application of the terms of a written agreement and for arbitration of impasses resulting from negotiations over unit contracts, unit reopeners and coalition bargaining matters as provided in subsection (f) of section 5-278.
(b) Nothing contained herein shall prevent the use of other arbitration tribunals in the resolution of disputes between employers and designated employee organizations.

(P.A. 75-566, S. 7; P.A. 86-411, S. 2, 8.)

History: P.A. 86-411 provided that the state board of mediation and arbitration shall provide arbitration services for negotiation impasses concerning unit contracts, reopener and coalition bargaining, effective July 1, 1986, and applicable to negotiations then in progress.

Subsec. (b):

Cited. 20 CA 676.

Sec. 5-276a. Timetable for negotiations between employer and designated employee organization. Mediation. Elective binding arbitration; procedure. (a) In the event that either the employer, as defined in subsection (a) of section 5-270, or a designated employee organization, as defined in subsection (d) of said section, may desire negotiations with respect to an original or successor collective bargaining agreement, such party, not more than three hundred thirty days prior to the expiration of the existing collective bargaining agreement or less than one hundred fifty days prior thereto, shall serve written notice thereof upon the other party. Negotiations shall commence within thirty days of such service. Negotiations as to wage reopener shall commence within twenty days of receipt by one party of a written notice with respect thereto, served in accordance with the provisions of any such reopener in the affected contract or, if none is stated therein, not more than sixty days or less than thirty days prior to the effective date of such reopener.

(b) Upon the joint request of the parties, following the commencement of good faith negotiations, the State Board of Mediation and Arbitration may designate a mediator to assist the parties in continuing such negotiations and in reaching a settlement of the issues presented in such negotiations. The mediator designated shall be experienced in labor mediation and shall be drawn from lists of such mediators maintained by the board, the American Arbitration Association or the Federal Mediation and Conciliation Service. The mediator so designated may only serve if approved by both parties.

(c) If, after a reasonable period of negotiation, or, in the case of negotiations by the parties to an existing collective bargaining agreement to revise such agreement concerning any matter affecting wages, hours and other conditions of employment, after sixty days from the commencement of such negotiations, the parties are unable to reach an agreement, both parties or either of them may initiate arbitration by filing with the State Board of Mediation and Arbitration a list of the issues as to which an impasse has been reached. If such filing is not made jointly, a copy of the filing shall be served on the other party.
(d) Within ten days of a joint filing or within ten days of service on the other party in the case of a single filing, the parties shall jointly select an arbitrator. The person selected shall have substantial, current experience as an impartial arbitrator of labor-management disputes. Persons who serve partisan interests as advocates or consultants for labor or management in labor-management relations or who are associated with or are members of a firm which performs such advocate or consultant work may not be selected. If the parties fail to agree on an arbitrator within the ten-day period, the selection shall be made using the procedures under the voluntary labor arbitration rules of the American Arbitration Association.

(e) (1) The arbitrator selected shall contact the parties to schedule dates and places for hearings which shall commence not later than twenty days after the selection of the arbitrator and which shall be, where feasible, in the principal locality of the state board, department, commission or agency or unit thereof involved. At least ten days prior to each such hearing, written notice of the designated time and place of such hearing shall be sent to the state employer and the state employee organization. The arbitrator shall preside over such hearings, shall have the power to take testimony, to administer oaths and to summon, by subpoena, any person whose testimony may be pertinent to the proceedings, together with any records or other documents deemed by the arbitrator to relate to such matters. In the case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the arbitrator or either party, shall have jurisdiction to order such person to appear before the arbitrator to produce subpoenaed records and to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by the court as a contempt thereof. The parties may, at any time during the course of the proceeding, jointly request the arbitrator to attempt to mediate any or all of the disputed issues.

(2) The hearings may, at the discretion of the parties or the arbitrator, be continued and shall be concluded within thirty days after their commencement, unless such period is extended by the joint request of the parties or by the arbitrator.

(3) Prior to the commencement of the hearings, each party shall submit to the arbitrator three copies of a list of all resolved and unresolved issues, including the party's proposal on each disputed issue. During the hearing no new issues can be considered unless such addition is mutually agreed to by the parties. Upon receipt of both such lists, the arbitrator shall simultaneously distribute a copy of each to the opposing party. Upon the hearing, each party shall present such testimony and other evidence as it deems appropriate and as the arbitrator finds relevant to the issues presented. Evidence as to each disputed issue shall be presented first by the party presenting the demand underlying such issue. At any time prior to the issuance of the award by the arbitrator, the parties may jointly file with the arbitrator stipulations setting forth such disputed issues the parties have agreed are to be withdrawn from arbitration. Within fourteen days after the conclusion of the taking of testimony, the parties may file with the arbitrator three copies of their briefs including their last best offer on each unresolved issue and, where possible, estimates of the costs of resolution of each disputed issue. Immediately upon receipt of both briefs or upon the expiration of the time for filing such briefs, whichever is sooner,
the arbitrator shall distribute a copy of each such brief to the opposing party. Within seven days after receipt of the opposing briefs on the disputed issues or within seven days after the expiration of the time for filing such briefs, whichever is sooner, the parties may file with the arbitrator three copies of a reply brief, responding to the briefs on the unresolved issues. Immediately upon receipt of both reply briefs or upon the expiration of the time for filing such briefs, whichever is sooner, the arbitrator shall distribute a copy of each such brief to the opposing party.

(4) Within twenty days after the last day for filing reply briefs, the arbitrator shall file with the secretary of the State Board of Mediation and Arbitration the award on each unresolved issue as well as the issues resolved by the parties during the arbitration proceedings. The arbitrator shall immediately and simultaneously distribute a copy thereof to each party. In making such award, the arbitrator shall select the more reasonable last best offer proposal on each of the disputed issues based on the factors in subdivision (5) of this subsection. The arbitrator (A) shall give a decision as to each disputed issue considered, (B) shall state with particularity the basis for such decision as to each disputed issue and the manner in which the factors enumerated in subdivision (5) of this subsection were considered in arriving at such decision, (C) shall confine the award to the issues submitted and shall not make observations or declarations of opinion which are not directly essential in reaching a determination, and (D) shall not affect the rights accorded to either party by law or by any collective bargaining agreement nor in any manner, either by drawing inferences or otherwise, modify, add to, subtract from or alter such provisions of law or agreement. If the day for filing any document under this subsection falls on a day which is not a business day of the State Board of Mediation and Arbitration, then the time for filing shall be extended to the next business day of the board.

(5) The factors to be considered by the arbitrator in arriving at a decision are: The history of negotiations between the parties including those leading to the instant proceeding; the existing conditions of employment of similar groups of employees; the wages, fringe benefits and working conditions prevailing in the labor market; the overall compensation paid to the employees involved in the arbitration proceedings, including direct wages compensation, overtime and premium pay, vacations, holidays and other leave, insurance, pensions, medical and hospitalization benefits, food and apparel furnished and all other benefits received by such employees; the ability of the employer to pay; changes in the cost of living; and the interests and welfare of the employees.

(6) The award of the arbitrator shall be final and binding upon the employer and the designated employee organization unless rejected by the legislature as provided in section 5-278, except that a motion to vacate or modify the arbitrator's decision concerning any issue in such award may be filed in the superior court for the judicial district of Hartford within thirty days following receipt of such award. Such motion to vacate or modify shall identify the specific issue or issues in the award which the court is being asked to vacate or modify. Any decision by the arbitrator on issues that are not subject to a motion to vacate or modify shall be final and binding upon the parties. The court, after hearing, may vacate or modify the arbitrator's decision concerning the award or any issue in the award.
only if the court finds that substantial rights of a party have been prejudiced because such award is: (A) In violation of constitutional provisions; (B) in excess of the statutory authority of the arbitrator; (C) made upon unlawful procedure; (D) affected by other error of law; (E) clearly erroneous in view of the reliable, probative and substantial evidence of the whole record; or (F) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(7) The secretary of the State Board of Mediation and Arbitration shall serve as staff to the arbitrator for purposes of all proceedings undertaken pursuant to this subsection.

(f) The arbitrator's fees and itemized expenses, the rental, if any, of the facilities used for the hearing and the cost of the transcript, if any, of the proceedings shall be divided equally between the employer and the designated employee organization.

(g) Any or all of the timing requirements established in this section that are imposed upon the parties may be waived by agreement of the parties or by a ruling of the arbitrator following a timely request by any party. Any or all of the timing requirements established in this section that are imposed upon the arbitrator may be waived by agreement of the parties.

(P.A. 86-411, S. 3, 8; P.A. 88-230, S. 1, 12; 88-364, S. 6, 123; P.A. 90-98, S. 1, 2; P.A. 91-290; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 05-277, S. 1; P.A. 06-196, S. 36.)

History: P.A. 86-411 effective July 1, 1986, and applicable to negotiations then in progress; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-364 made technical change in Subsec. (e); P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 91-290 amended Subsec. (c) by adding provisions re 90-day period for negotiations to revise existing collective bargaining agreements; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 05-277 amended Subsec. (a) to change the earliest date for filing notice of a desire to negotiate from not more than 180 days prior to the expiration of the existing collective bargaining agreement to not more than 330 days prior to the expiration of such agreement, amended Subsec. (c) to change the date for initiation of arbitration from 90 days after negotiations begin to 60 days after negotiations begin, amended Subsec. (e)(6) to require a motion to vacate or modify to identify the specific issues that are requested to be vacated or modified and to provide that any issues not so identified shall be final, and amended Subsec. (g) to provide that any timing requirements imposed upon the parties may be waived by agreement of the parties or a ruling of the arbitrator and that the parties may agree to waive any time requirements imposed on the arbitrator; P.A. 06-196 made technical changes in Subsec. (a), effective June 7, 2006.

Cited. 20 CA 676.
Sec. 5-276b. Interest charges on overdue arbitration settlement payments. (a) Whenever a monetary settlement is awarded pursuant to an interest arbitration proceeding conducted pursuant to section 5-276a, and such award is not rejected by the legislature pursuant to section 5-278, and payment is not made in accordance with the terms of such settlement within sixty days of the date such award was issued, the party liable for such payment shall be required to pay interest, at the rate of five per cent per annum, on such overdue payment, calculated from the date the award was issued.

(b) Whenever a monetary settlement is awarded pursuant to a state employee grievance arbitration proceeding, and payment is not made in accordance with the terms of such settlement within thirty days of the date such award was issued, the party liable for such payment shall be required to pay interest, at the rate of five per cent per annum, on such overdue payment, calculated from the date the award was issued.

(P.A. 87-335.)

Subsec. (b):

Constitutes statutory exception to power of claims commissioner and is legislative waiver of sovereign immunity with respect to interest. 20 CA 676.

Sec. 5-277. Petition to State Board of Mediation and Arbitration for fact finding. Section 5-277 is repealed.

(P.A. 75-566, S. 8; P.A. 86-411, S. 7, 8.)

Sec. 5-278. Determination of employer representative. Negotiations and agreements with employee representative. Arbitration awards. Conflicts with statutes, acts or agency regulations. (a) When an employee organization has been designated, in accordance with the provisions of sections 5-270 to 5-280, inclusive, as the exclusive representative of employees in an appropriate unit, the employer shall be represented in collective bargaining with such employee organization in the following manner: (1) In the case of an executive branch employer, including the Division of Criminal Justice, by the chief executive officer whether elected or appointed, or his designated representative; who shall maintain a close liaison with the legislature relative to the negotiations and the potential fiscal ramifications of any proposed settlement; (2) in the case of a judicial branch employer, by the Chief Court Administrator or his designated representative; and (3) in the case of each segment of the system of higher education, the faculty and professional employees shall negotiate with their own board of trustees or its designated representative.
(b) Any agreement reached by the negotiators shall be reduced to writing. The agreement, together with a request for funds necessary to fully implement such agreement and for approval of any provisions of the agreement which are in conflict with any statute or any regulation of any state agency, and any arbitration award, issued in accordance with section 5-276a, together with a statement setting forth the amount of funds necessary to implement such award, shall be filed by the bargaining representative of the employer with the clerks of the House of Representatives and the Senate within ten days after the date on which such agreement is reached or such award is distributed. The General Assembly may approve any such agreement as a whole by a majority vote of each house or may reject such agreement as a whole by a majority vote of either house. The General Assembly may reject any such award as a whole by a two-thirds vote of either house if it determines that there are insufficient funds for full implementation of the award. If rejected, the matter shall be returned to the parties for further bargaining. Once approved by the General Assembly, any provision of an agreement or award need not be resubmitted by the parties to such agreement or award as part of a future contract approval process unless changes in the language of such provision are negotiated by such parties. Any supplemental understanding reached between such parties containing provisions which would supersede any provision of the general statutes or any regulation of any state agency or would require additional state funding shall be submitted to the General Assembly for approval in the same manner as agreements and awards. If the General Assembly is in session, it shall vote to approve or reject such agreement or award within thirty days after the date of filing. If the General Assembly is not in session when such agreement or award is filed, it shall be submitted to the General Assembly within ten days of the first day of the next regular session or special session called for such purpose. The agreement or award shall be deemed approved if the General Assembly fails to vote to approve or reject such agreement or award within thirty days after such filing or submission. The thirty-day period shall not begin or expire unless the General Assembly is in regular session. For the purpose of this subsection, any agreement or award filed with the clerks within thirty days before the commencement of a regular session of the General Assembly shall be deemed to be filed on the first day of such session.

(c) Notwithstanding any provision of any general statute or special act to the contrary, the legislature shall appropriate whatever funds are required to comply with a collective bargaining agreement, supplemental understanding or arbitration award, provided the request called for in subsection (b) of this section has been approved by the legislature.

(d) No provision of any general statute or special act shall prevent negotiations between an employer and an employee organization which has been designated as the exclusive representative of employees in an appropriate unit, from continuing after the final date for setting the state budget. An agreement between an employer and an employee organization shall be valid and in force under its terms when entered into in accordance with the provisions of this chapter and signed by the chief executive officer or administrator as a ministerial act. Such terms may make any such agreement effective on a date prior to the date on which the agreement is entered. No publication thereof shall be required to make it effective. The procedure for the making of an agreement between the
employer and an employee organization provided by sections 5-270 to 5-280, inclusive, shall be the exclusive method for making a valid agreement for employees represented by an employee organization, and any provisions in any general statute or special act to the contrary shall not apply to such an agreement.

(e) Where there is a conflict between any agreement or arbitration award approved in accordance with the provisions of sections 5-270 to 5-280, inclusive, on matters appropriate to collective bargaining, as defined in said sections, and any general statute or special act, or regulations adopted by any state agency, the terms of such agreement or arbitration award shall prevail; provided if participation of any employees in a retirement system is effected by such agreement or arbitration award, the effective date of participation in said system, notwithstanding any contrary provision in such agreement or arbitration award, shall be the first day of the third month following the month in which a certified copy of such agreement or arbitration award is received by the Retirement Commission or such later date as may be specified in the agreement or arbitration award.

(f) (1) Notwithstanding any other provision of this chapter, collective bargaining negotiations concerning changes to the state employees retirement system to be effective on and after July 1, 1988, and collective bargaining negotiations concerning health and welfare benefits to be effective on and after July 1, 1994, shall be conducted between the employer and a coalition committee which represents all state employees who are members of any designated employee organization. (2) The provisions of subdivision (1) of this subsection shall not be construed to prevent the employer and any designated employee organization from bargaining directly with each other on matters related to the state employees retirement system and health and welfare benefits whenever the parties jointly agree that such matters are unique to the particular bargaining unit. (3) The provisions of subdivision (1) of this subsection shall not be construed to prevent the employer and representatives of employee organizations from dealing with any statewide issue using the procedure established in said subdivision.

(g) (1) Nonmandatory subjects of bargaining shall not be subject to the impasse procedures of section 5-276a. In the case of higher education teaching faculty, the arbitrator shall not make a decision involving academic policy unless it affects the wages, hours or conditions of employment of such faculty. Any arbitration award issued on such matters shall be unenforceable. (2) Unless mutually agreed to by the parties, the impasse procedures of section 5-276a shall not be invoked during the pendency before the State Board of Labor Relations of any scope of bargaining question arising from the parties’ negotiations. Any such question shall take precedence over all other matters pending before said board.


History: P.A. 76-435 replaced vague reference to "provisions of this law" with "provisions of this chapter" in Subsec. (d); P.A. 77-22 amended Subsec. (a) removing
provision that chief administrative officer or his representative represent legislative branch employer in collective bargaining; P.A. 80-483 replaced references to personnel boards with references to any state agency; P.A. 83-318 amended Subsec. (a) by replacing the "chief administrative officer" with the "chief court administrator" as the representative of a judicial branch employer; P.A. 86-411 amended Subsec. (b) to remove the provision that failure to submit a request for funds within 14 days of the date an agreement is reached constitutes a prohibited practice, to allow previously approved provisions to be excluded from the submittal of any successor agreement, to require the legislature to vote on the request within 30 days of submittal, and to establish requirements for the submittal of arbitration awards to the legislature and added Subsecs. (f) and (g), establishing coalition bargaining for retirement issues and setting limitations on the use of the impasse procedures, effective July 1, 1986, and applicable to negotiations then in progress; P.A. 88-126 amended Subsec. (b) to require supplemental understandings containing provisions which supersede general statutes or state agency regulations or which require additional state funding to be submitted to general assembly for approval and made technical change in Subsec. (b) and amended Subsec. (c) to require appropriation of funds required to comply with a supplemental understanding, provided request called for in Subsec. (b) has been approved by legislature; P.A. 89-349 amended Subsec. (b)(2) by adding the provisions of Subpara. (B) requiring the appropriations committee to consider arbitration awards filed when the legislature is not in session, specified that arbitration awards be filed with the clerks of the senate and the house of representatives and provided the procedures to be followed for the purposes of a special session; P.A. 91-265 amended Subsec. (f) to include collective bargaining for health and welfare benefits to be effective on and after July 1, 1994; June Sp. Sess. P.A. 91-3 amended Subsec. (b) to establish identical filing procedures and time limits for collective bargaining agreements and arbitration awards and to provide that such agreements may be rejected by a majority vote of either house and such awards may be rejected by a two-thirds vote of either house.


Cited. 43 CS 1.

Subsec. (b):


Cited. 13 CA 461.

Subsec. (e):

Plaintiff's claim that he was laid off in violation of Sec. 5-241 is barred by doctrine of sovereign immunity because defendants acted in accordance with legislatively approved collective bargaining agreement provisions that superseded the statute. 278 C. 204.

Cited. 13 CA 461.
Sec. 5-278a. Certain provisions of collective bargaining agreement to remain in effect. In the event an agreement expires before a new agreement has been approved by the employee organization, the employer representative and the legislature, the provisions of the expired agreement concerning (1) salary, excluding annual increments, (2) differentials, (3) overtime, (4) longevity, and (5) allowances for uniforms, which were implemented pursuant to approval by the legislature in accordance with section 5-278 shall remain in effect until such time as a new agreement is reached and approved in accordance with section 5-278. Nothing in this section shall affect the rights and duties of the employer and any exclusive employee representative designated to negotiate such new agreement under sections 5-271 to 5-280, inclusive, during the period of time after such agreement expires including the right to negotiate the extension of the expired agreement or any provision thereof not otherwise extended by this section. Notwithstanding any provision of a statute to the contrary, in the event an agreement expires before a new agreement has been approved by the employee organization, the employer representative and the legislature, the employer representative and the exclusive employee representative designated to negotiate such new agreement shall negotiate and agree upon payment of an exclusive payroll deduction of employee organization regular dues, fees and assessments and, upon reaching such agreement, such payment shall be made to such exclusive employee representative.

(P.A. 79-621, S. 22, 24; P.A. 86-411, S. 6, 8; P.A. 93-80, S. 56, 67.)

History: P.A. 86-411 clarified that the section applies to the exclusive employee representative designated, rather than certified, to negotiate a new agreement, effective July 1, 1986, and applicable to negotiations then in progress; P.A. 93-80 limited provisions of expired agreement which remain in effect until approval of a new agreement to provisions "concerning (1) salary, excluding annual increments, (2) differentials, (3) overtime, (4) longevity, and (5) allowances for uniforms", effective January 1, 1994.

Sec. 5-279. Strikes by state employees prohibited. Nothing in sections 5-270 to 5-280, inclusive, shall constitute a grant of the right to strike to state employees and such strikes are prohibited.

(P.A. 75-566, S. 10.)

Sec. 5-280. Payment of dues to exclusive representative required. (a) If an exclusive representative has been designated for the employees in an appropriate collective bargaining unit, each employee in such unit who is not a member of the exclusive representative shall be required, as a condition of continued employment, to pay to such organization for the period that it is the exclusive representative, an amount equal to the regular dues, fees and assessments that a member is charged.

(b) Employers and employee organizations are authorized to negotiate provisions in a collective bargaining agreement calling for the payroll deduction of employee organization dues and initiation fees and for payroll deduction of the service fee
described in subsection (a) of this section.

(P.A. 75-566, S. 11.)

Subsec. (a):

Plaintiff failed to sustain its burden of proof on damages with respect to permissible purposes of collective bargaining contract administration and grievance procedure. 38 CS 629.
CHAPTER 113*
MUNICIPAL EMPLOYEES


Municipal Employees Relations Act cited. 5 CA 253; 9 CA 546; 12 CA 138.


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Sec. 7-467. Collective bargaining. Definitions. When used in sections 7-467 to 7-477, inclusive:

(1) "Municipal employer" means any political subdivision of the state, including any town, city, borough, district, district department of health, school board, housing authority or other authority established by law, a private nonprofit corporation which has a valid contract with any town, city, borough or district to extinguish fires and to protect its inhabitants from loss by fire, and any person or persons designated by the municipal employer to act in its interest in dealing with municipal employees;

(2) "Employee" means any employee of a municipal employer, whether or not in the classified service of the municipal employer, except elected officials, administrative officials, board and commission members, certified teachers, part-time employees who work less than twenty hours per week on a seasonal basis, department heads and persons in such other positions as may be excluded from coverage under sections 7-467 to 7-477, inclusive, in accordance with subdivision (2) of section 7-471;

(3) "Seasonal basis" means working for a period of not more than one hundred twenty calendar days in any calendar year;

(4) "Department head" means an employee who heads any department in a municipal organization, has substantial supervisory control of a permanent nature over other municipal employees, and is directly accountable to the board of selectmen of a town, city or borough not having a charter or special act form of government, or to the chief executive officer of any other town, city or borough;

(5) "Department" means any major functional division in a municipal organization, notwithstanding the provisions of any charter or special act to the contrary;

(6) "Employee organization" means any lawful association, labor organization, federation or council having as a primary purpose the improvement of wages, hours and other conditions of employment among employees of municipal employers.

History: 1969 act included district departments of health in definition of "municipal employer"; P.A. 78-375 excluded department heads from definition of "employee" and deleted reference to persons in supervisory positions; P.A. 83-503 defined "seasonal basis", "department head" and "department", and included part-time employees who do not work on a seasonal basis within the definition of "employee"; P.A. 85-40 redefined "seasonal basis" as work lasting not more than 120 calendar days rather than as work lasting 65 working days; P.A. 90-47 added nonprofit fire-fighting corporations which contract with municipalities to the definition of "municipal employer".

See Sec. 10-153b et seq. re collective bargaining for teachers.


Cited. 3 CA 1. Cited. 16 CA 232.

Cited. 28 CS 267. A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. Id., 212. Municipal Employees Relations Act (section 7-467 et seq.) cited. 36 CS 18. Secs. 7-467 through 7-477 cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Subdiv. (1):


Cited. 43 CS 340.

Subdiv. (2):


Subdiv. (3):

Sec. 7-467a. Qualification of employee organization. No employee organization, as defined in section 7-467, shall be eligible to petition for exclusive recognition or to participate in a recognition election under section 7-471 unless it has been in existence for not fewer than six months.

(1967, P.A. 491, S. 1.)


Cited. 3 CA 1. Cited. 16 CA 232.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-468. Rights of employees and representatives. Duty of fair representation.
(a) Employees shall have, and shall be protected in the exercise of, the right of self-organization, to form, join or assist any employee organization, to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion.

(b) When an employee organization has been designated by the State Board of Labor Relations as the representative of the majority of the employees in an appropriate unit, or has been recognized by the chief executive officer of a municipal employer as the
representative of the majority of employees in an appropriate unit, that employee organization shall be recognized by the municipal employer as the exclusive bargaining agent for the employees of such unit.

(c) When an employee organization has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, it shall have the right to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership.

(d) When an employee organization has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, it shall have a duty of fair representation to the members of that unit.

(e) An individual employee at any time may present a grievance to his employer and have the grievance adjusted, without intervention of an employee organization, provided the adjustment shall not be inconsistent with the terms of a collective bargaining agreement then in effect. The employee organization certified or recognized as the exclusive representative shall be given prompt notice of the adjustment.


History: 1967 act amended Subsec. (b) to specify that recognition of employee representative be made by chief executive officer; P.A. 93-426 inserted new Subsec. (d) to impose a duty of fair representation on an employee organization which represents municipal employees and redesignated existing Subsec. (d) as (e).


A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. Id., 15. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal
Employees Relations Act (MERA) cited. 43 CS 470.

Subsec. (a):

Cited. 171 C. 349. Essentially same language as NLRA; judicial interpretation frequently accorded federal act is of great assistance and persuasive force in interpretation of our own acts. 175 C. 349. Cited. 221 C. 244. Cited. 225 C. 297.

Cited. 8 CA 57. Cited. 16 CA 232.

Subsec. (b):

Cited. 39 CS 1.

Subsec. (c):

Cited. 201 C. 685.

Cited. 39 CS 1.

Subsec. (d):

Cited. 239 C. 168.

Sec. 7-469. Duty to bargain collectively. The municipal employer and such employee organization as has been designated as exclusive representative of employees in an appropriate unit, through appropriate officials or their representatives, shall have the duty to bargain collectively. This duty extends to the obligation to bargain collectively as set forth in subsection (c) of section 7-470.

(February, 1965, P.A. 159, S. 3.)


Cited. 3 CA 1. Cited. 16 CA 232.
A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Cited. 43 CS 340. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. Id., 470.

Sec. 7-470. Prohibited acts of employers and employee organizations. (a) Municipal employers or their representatives or agents are prohibited from: (1) Interfering, restraining or coercing employees in the exercise of the rights guaranteed in section 7-468; (2) dominating or interfering with the formation, existence or administration of any employee organization; (3) discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under sections 7-467 to 7-477, inclusive; (4) refusing to bargain collectively in good faith with an employee organization which has been designated in accordance with the provisions of said sections as the exclusive representative of employees in an appropriate unit; (5) refusing to discuss grievances with the representatives of an employee organization designated as the exclusive representative in an appropriate unit in accordance with the provisions of said sections; (6) refusing to comply with a grievance settlement, or arbitration settlement, or a valid award or decision of an arbitration panel or arbitrator rendered in accordance with the provisions of section 7-472.

(b) Employee organizations or their agents are prohibited from: (1) Restraining or coercing (A) employees in the exercise of the rights guaranteed in subsection (a) of section 7-468, and (B) a municipal employer in the selection of his representative for purposes of collective bargaining or the adjustment of grievances; (2) refusing to bargain collectively in good faith with a municipal employer, if it has been designated in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit; (3) breaching their duty of fair representation pursuant to section 7-468; (4) refusing to comply with a grievance settlement, or arbitration settlement, or a valid award or decision of an arbitration panel or arbitrator rendered in accordance with the provisions of section 7-472.

(c) For the purposes of said sections, to bargain collectively is the performance of the mutual obligation of the municipal employer or his designated representatives and the representative of the employees to meet at reasonable times, including meetings appropriately related to the budget-making process, and confer in good faith with respect to wages, hours and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation shall not compel either party to agree to a proposal or require the making of a concession.

(February, 1965, P.A. 159, S. 4; P.A. 75-189, S. 1, 2; P.A. 93-426, S. 5.)

History: P.A. 75-189 amended Subsecs. (a) and (b) to prohibit refusing to comply terms of settlements, awards and decisions; P.A. 93-426 inserted new Subsec. (b)(3) to
prohibit an employee organization which represents municipal employees from breaching its duty of fair representation to its members and redesignated existing Subdiv. (3) as (4).


A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. The clause in a contract between a municipality and its firemen which gives the firemen parity with police is a restraint upon and interference with the police union's ability to negotiate with the municipality. Id., 15, 22. Residency requirement for municipal employees was condition of employment and therefore a mandatory subject of collective bargaining, and employer's unilateral change of such condition of employment was prohibited act. Failure of union to demand bargaining prior to enactment of ordinance did not constitute a waiver of its right to bargain. 36 CS 18. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Subsec. (a):

Cited. 8 CA 57. Subdiv. (1) cited. Id. Subdiv. (3) cited. Id.


Subsec. (b):

Subdiv. (1)(A) cited. 171 C. 349.

Subdiv. (2) cited. 40 CS 365. Subdiv. (3) cited. Id.

Subsec. (c):


Cited. 43 CS 340.

Sec. 7-471. Powers of State Board of Labor Relations. The State Board of Labor Relations shall have the following power and authority in relation to collective bargaining in municipal employment:

(1) Whenever, in accordance with such regulations as may be prescribed by the board, a petition has been filed (A) by an employee or group of employees or any employee organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining by an employee organization as exclusive representative, or (ii) assert that the employee organization which has been certified or is currently being recognized by their municipal employer as the bargaining representative is no longer the representative of a majority of employees in the unit; (B) by a municipal employer alleging that one or more employee organizations have presented to him a claim to be recognized as the representative of a majority of employees in an appropriate unit; or (C) by either an employee organization or a municipal employer in accordance with subdivision (4) of this section, the board shall refer the petition to its agent who shall investigate the petition and issue a direction of election and conduct a secret ballot election to determine whether and by which employee organization the employees desire to be represented if he has reasonable cause to believe that a question of representation exists, or issue a recommendation to dismiss the petition if he finds that there is not such reasonable cause, or refer the petition to the board for a hearing without having conducted an election or issuing a recommendation of dismissal, in which event the board shall conduct an appropriate hearing upon due notice. The agent shall report his action to the board. The board shall issue an order confirming the agent's direction of election and certifying the results of the election, or issue an order confirming the agent's recommendation for dismissal, or order a further investigation, or
provide for an appropriate hearing upon due notice. Before taking any of the aforesaid actions, the board shall provide the parties with an opportunity to file briefs on the questions at issue and shall fully consider any such briefs filed. After a hearing, the board shall order any of the aforesaid actions on the petition or shall, upon good cause, order any other suitable method to determine whether and by which employee organization the employees desire to be represented. The board shall certify the results. No election shall be directed in any bargaining unit or any subdivision thereof within which in the preceding twelve-month period a valid election has been held. No election shall be directed by the board during the term of a written collective bargaining agreement, except for good cause. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and the second largest number of valid votes cast in the election. An employee organization which receives a majority of votes cast in an election confirmed or ordered by the board shall be designated by the board as exclusive representative of the employees in the unit.

(2) The board shall have the power to determine whether a position is covered by sections 7-467 to 7-477, inclusive, in the event of a dispute between the municipal employer and an employee organization. In determining whether a position is supervisory the board shall consider, among other criteria, whether the principal functions of the position are characterized by not fewer than two of the following: (A) Performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees; (B) performing such duties as are distinct and dissimilar from those performed by the employees supervised; (C) exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing the provisions of a collective bargaining agreement; and (D) establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards. The above criteria for supervisory positions shall not necessarily apply to police or fire departments.

(3) The board shall decide in each case whether, in order to insure to employees the fullest freedom in exercising the rights guaranteed by sections 7-467 to 7-477, inclusive, and in order to insure a clear and identifiable community of interest among employees concerned, the unit appropriate for purposes of collective bargaining shall be the municipal employer unit or any other unit thereof, provided no unit shall include both supervisory and nonsupervisory employees except there shall be a single unit for each fire department consisting of the uniformed and investigatory employees of each such fire department and a single unit for each police department consisting of the uniformed and investigatory employees of each such police department. No existing units shall be altered or modified to conform to this provision. No unit shall include both professional and nonprofessional employees unless a majority of such professional employees vote for inclusion in such unit, provided employees who are members of a profession may be included in a unit which includes nonprofessional employees if an employee organization has been designated by the board or has been recognized by the municipal employer as the exclusive representative of such unit and a majority of the employees in such profession vote for inclusion in such unit, in which event all of the employees in such
profession shall be included in such unit. The term "professional employee" means: (A) Any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given time period; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (B) any employee who (i) has completed the courses of specialized intellectual instruction and study described in subparagraph (A)(iv) of this subdivision, and (ii) is performing related work under the supervision of a professional person to qualify himself or herself to become a professional employee as defined in subparagraph (A) of this subdivision.

(4) An employee organization or a municipal employer may file a petition with the board seeking a clarification or modification of an existing unit. The power of the board to make such clarifications and modifications shall be limited to those times when a petition for clarification or modification is filed by either an employee organization or a municipal employer. No petition seeking a clarification or modification of an existing unit shall be considered to be timely by the board during the term of a written collective bargaining agreement, except that a petition for clarification or modification filed by an employee organization concerning either (A) a newly created position, or (B) any employee who is not represented by an employee organization, may be filed at any time.

(5) Whenever a question arises as to whether a practice prohibited by sections 7-467 to 7-477, inclusive, has been committed by a municipal employer or employee organization, the board shall consider that question in accordance with the following procedure: (A) When a complaint has been made to the board that a prohibited practice has been or is being committed, the board shall refer such complaint to its agent. Upon receiving a report from the agent, the board may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. When a hearing is ordered, the board shall set the time and place for the hearing, which time and place may be changed by the board at the request of one of the parties for cause shown. Any complaint may be amended with the permission of the board. The municipal employer, the employee organization and the person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the board may limit. Such municipal employer, such employee organization and such person shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of the board any person may be allowed to intervene in such proceeding. In any hearing the board shall not be bound by the technical rules of evidence prevailing in the courts. A transcript of the testimony taken at any hearing before the board shall be filed with the board. (B) If, upon all the testimony, the board determines that a prohibited practice has been or is being committed, it shall state its findings of fact and shall issue and cause to be served on the party committing the prohibited practice an order requiring it or him to cease and desist from such
prohibited practice, and shall take such further affirmative action as will effectuate the policies of sections 7-467 to 7-477, inclusive, including but not limited to: (i) Withdrawal of certification of an employee organization established or assisted by any action defined in said sections as a prohibited practice, (ii) reinstatement of an employee discriminated against in violation of said sections with or without back pay, or (iii) if either party is found to have refused to bargain collectively in good faith, ordering arbitration and directing the party found to have refused to bargain to pay the full costs of arbitration under section 7-473c, resulting from the negotiations in which the refusal to bargain occurred. (C) If, upon all of the testimony, the board determines that a prohibited practice has not been or is not being committed, it shall state its finding of fact and shall issue an order dismissing the complaint. (D) For the purposes of hearings and enforcement of orders under sections 7-467 to 7-477, inclusive, the board shall have the same power and authority as it has in sections 31-107, 31-108 and 31-109, and the municipal employer and the employee organization shall have the right of appeal as provided therein. (E) If, by the thirtieth day following the date on which a complaint citing a violation of section 7-470 was made to the board, said board has not determined whether a prohibited practice has been or is being committed and if the violation is of an ongoing nature, said board may issue and cause to be served on the party committing the act or practice cited in such complaint an order requiring such party to cease and desist from such act or practice until said board has made its determination.


History: 1967 act amended Subdiv. (2) to require that at least two of the criteria enumerating characteristics of supervisory positions apply in determining exclusion from coverage and amended Subdiv. (3) to clarify that "single unit" refers to fire department and police department units rather than to uniformed and investigatory units within each and to set forth conditions in which professional and nonprofessional employees may be in same unit; P.A. 78-375 deleted reference to "supervisory" positions in Subdiv. (2) and amended Subdiv. (3) to prohibit units from including both supervisory and nonsupervisory employees except in police and fire departments and to exempt existing units from conformity with provision re supervisory and nonsupervisory employees; P.A. 79-313 added Subdiv. (4)(E) re cease and desist orders; P.A. 81-29 transferred certain powers of board to its agent re petitions concerning the election of representatives but rested final action with the board; P.A. 91-255 added Subdiv. (1)(C) re petitions filed by employee organizations or municipal employers, added new Subdiv. (4) re petitions seeking clarification or modification of existing units and redesignated existing Subdiv. (4) as Subdiv. (5); P.A. 92-170 amended Subdiv. (5) to replace references to fact finding with arbitration, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date; P.A. 07-217 made technical changes in Subdivs. (3) and (4), effective July 12, 2007.

There is no direct appeal from decision of board determining a bargaining unit and directing an election. National Labor Relations Act compared. 154 C. 530. Appeals to supreme court under this section shall be taken and prosecuted in same manner as other

Cited. 3 CA 1. Cited. 16 CA 232. It is within board's discretion to award costs and expenses to the employer. 49 CA 513.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Cited. Id., 15; Id., 212. Cited. 36 CS 18. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. cited. 42 CS 227. Cited. 43 CS 340. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. Id., 470.

Subdiv. (1):

Section 1-1(f) is directory not mandatory, does not "require" singular and plural forms to be interchangeable and therefore where statute sets forth "a substantial number of employees" "employees" cannot be construed as singular. 175 C. 349.

One year rule does not apply to designations by employer recognition agreements. Union's status must be recognized for a reasonable period. 39 CS 338.

Subdiv. (2):

Cited. 225 C. 297.

Subdiv. (3):

There can be no community of interest where there is only a single employee. 175 C. 349.

Subdiv. (4):


Cited. 33 CA 541.
Sec. 7-471a. **Supervisory employees not required to form employees association.**
Nothing in sections 7-467 and 7-471 shall require any employees in a supervisory position to form an employees association.

(P.A. 78-375, S. 3.)


Cited. 3 CA 1. Cited. 16 CA 232.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-472. **Mediation by State Board of Mediation and Arbitration.** (a) The services of the State Board of Mediation and Arbitration shall be available to municipal employers and employee organizations for purposes of mediation of grievances or impasses in contract or contract reopener negotiations and for purposes of arbitration of disputes over the interpretation or application of the terms of a written agreement and, if such service is requested by both the municipal employer and the employee organization except as provided in section 7-473c for purposes of arbitration of impasses in contract or contract reopener negotiations. Whenever any impasse in contract or contract reopener negotiations is submitted to arbitration, the decision of the arbitration panel or arbitrator shall be rendered no later than twenty days prior to the final date by which time the budget-appropriating authority of the municipality is required to adopt its budget or forty days after the close of the arbitration hearing, whichever is later, provided that in no case except when such arbitration service is requested or mandated after the final budget adoption date shall such decision be rendered later than five days prior to such final budget adoption date. Nothing contained herein shall prevent any agreement from being entered into in accordance with the provisions of subsection (e) of section 7-474.

(b) Nothing in this section is intended to prevent the use of other arbitration tribunals in the resolution of disputes over the interpretation or application of the terms of written agreements between municipal employers and employee organizations.

(February, 1965, P.A. 159, S. 6; 1967, P.A. 491, S. 5; P.A. 75-570, S. 5; P.A. 82-37, S. 1; P.A. 93-17, S. 5, 6.)
History: 1967 act substituted "impasses in contract negotiations" for "contract disputes" in mediation provision and empowered board to arbitrate such impasses upon request of both parties, setting forth the arbitration procedure with time constraints on decision, etc., in Subsec. (a); P.A. 75-570 added exception to provision allowing arbitration of contract impasses, changed requirement that decision be rendered no later than 10 days after hearing to 40 days and added exception to final deadline of 5 days before budget adoption date for cases in which arbitration not instituted until after final deadline; P.A. 82-37 applied provisions of Subsec. (a) to "contract reopener" negotiations; P.A. 93-17 amended Subsec. (a) to delete obsolete reference to Subsecs. (h) to (k), inclusive, of Sec. 7-474, effective April 21, 1993.


A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-473. Petition to State Board of Mediation and Arbitration for fact finding. Fact finder's report and appearance before parties. Procedure for acceptance or rejection of report. Section 7-473 is repealed.

(February, 1965, P.A. 159, S. 7; P.A. 75-173, S. 1; 75-570, S. 3; P.A. 82-37, S. 2; P.A. 83-86; P.A. 92-170, S. 24, 26.)

Sec. 7-473a. Notice of expiration date of collective bargaining agreement. Notice of newly certified or recognized municipal employee organization. Filing; form. A notice of the expiration date of any collective bargaining agreement between a municipal employer and a municipal employee organization shall be filed by such employer with the State Board of Mediation and Arbitration within thirty days of the approval of such agreement. The State Board of Labor Relations shall notify the State Board of Mediation
and Arbitration whenever a municipal employee organization has been certified or recognized, in accordance with section 7-471, as the bargaining representative for a group of municipal employees. When a bargaining representative is recognized in accordance with subsection (b) of section 7-468, either the newly certified or recognized employee organization or the municipal employer shall notify the State Board of Mediation and Arbitration of such recognition. The newly certified or recognized municipal employee organization and the municipal employer shall commence negotiations concerning the terms of an original collective bargaining agreement within thirty days of certification or recognition. The State Board of Mediation and Arbitration shall prescribe the form and content of the notice of the expiration date and the notice of the certification or recognition date.

(P.A. 75-570, S. 1; P.A. 93-17, S. 1, 6.)

History: P.A. 93-17 added provisions re notice of newly certified and recognized municipal employee organizations and provisions requiring such organizations to begin negotiations concerning original collective bargaining agreements no later than 30 days after certification or recognition, effective April 21, 1993.


Cited. 3 CA 1. Cited. 16 CA 232.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-473b. Mandatory timetable for negotiations. Appointment of mediator. (a) The negotiations between a municipal employer and a municipal employee organization shall commence at least one hundred twenty days prior to the expiration date of any current collective bargaining agreement subject to the provisions of sections 7-467 to 7-477, inclusive.

(b) If, within fifty days of the commencement of negotiations concerning the terms of a current collective bargaining agreement, or within eighty days of the certification or recognition of a newly certified or recognized municipal employee organization required to commence negotiations pursuant to section 7-473a, a collective bargaining agreement has not been approved, or either the municipal employer or the municipal employee organization has not requested the mediation services of the State Board of Mediation and Arbitration, said board shall appoint a mediator in accordance with the provisions of
section 31-97.

(c) Either the municipal employer or the employee organization may request the mediation services of said board at any earlier time than that established in subsection (b) of this section, provided the mediation services are requested in accordance with the provisions of section 7-472.

(P.A. 75-570, S. 2; P.A. 84-242, S. 1; P.A. 92-170, S. 17, 26; P.A. 93-17, S. 2, 6.)

History: P.A. 84-242 amended Subsec. (c) to provide that the parties may jointly waive the fact finding requirement and thereafter be subject to mandatory binding arbitration; P.A. 92-170 deleted former Subsecs. (c) and (d) re timetables and procedures for fact-finding, relettering former Subsec. (e) accordingly and removing all references to fact-finding, effective May 26, 1992, and applicable to arbitration proceedings commencing after that date; P.A. 93-17 amended Subsec. (b) to require state board of mediation and arbitration to impose mediation on a newly certified or recognized municipal employee organization and a municipal employer if the parties fail to approve an original collective bargaining agreement within 80 days of the organization's certification or recognition, effective April 21, 1993.


Cited. 3 CA 1. Cited. 16 CA 232.

Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Subsec. (d):

Cited. 215 C. 277.

Sec. 7-473c. Neutral Arbitrator Selection Committee. Panel of neutral arbitrators. Mandatory binding arbitration; procedure; apportionment of costs. Rejection of award by legislative body of the municipal employer. Second arbitration format. (a) The Labor Commissioner shall appoint a Neutral Arbitrator Selection Committee consisting of ten members, five of whom shall represent the interests of employees and employee organizations and five of whom shall represent the interests of municipal employers, provided one of the members representing the interests
of municipal employers shall be a representative of the Connecticut Conference of Municipalities. The members of the selection committee shall serve for a term of four years. Arbitrators may be removed for good cause. The selection committee shall appoint a panel of neutral arbitrators consisting of not less than twenty impartial persons representing the interests of the public in general to serve as provided in this section. Each member of the panel shall be a resident of the state and shall be selected by a unanimous vote of the selection committee. The members of the panel shall serve for a term of two years.

(b) (1) If neither the municipal employer nor the municipal employee organization has requested the arbitration services of the State Board of Mediation and Arbitration (A) within one hundred eighty days after the certification or recognition of a newly certified or recognized municipal employee organization required to commence negotiations pursuant to section 7-473a, or (B) within thirty days after the expiration of the current collective bargaining agreement, or within thirty days after the specified date for implementation of reopener provisions in an existing collective bargaining agreement, or within thirty days after the date the parties to an existing collective bargaining agreement commence negotiations to revise said agreement on any matter affecting wages, hours, and other conditions of employment, said board shall notify the municipal employer and municipal employee organization that one hundred eighty days have passed since the certification or recognition of the newly certified or recognized municipal employee organization, or that thirty days have passed since the specified date for implementation of reopener provisions in an existing agreement, or the date the parties commenced negotiations to revise an existing agreement on any matter affecting wages, hours and other conditions of employment or the expiration of such collective bargaining agreement and that binding and final arbitration is now imposed on them, provided written notification of such imposition shall be sent by registered mail or certified mail, return receipt requested, to each party.

(2) Within ten days of receipt of the written notification required pursuant to subdivision (1) of this subsection, the chief executive officer of the municipal employer and the executive head of the municipal employee organization each shall select one member of the arbitration panel. Within five days of their appointment, the two members of the arbitration panel shall select a third member, who shall be an impartial representative of the interests of the public in general and who shall be selected from the panel of neutral arbitrators appointed pursuant to subsection (a) of this section. Such third member shall be the chairperson of the panel.

(3) In the event that the municipal employer or the municipal employee organization have not selected their respective members of the arbitration panel or the two members of the panel have not selected the third member, the State Board of Mediation and Arbitration shall appoint such members as are needed to complete the panel, provided (A) the member or members so appointed are residents of this state, and (B) the selection of the third member of the panel by the State Board of Mediation and Arbitration shall be made at random from among the members of the panel of neutral arbitrators appointed pursuant to subsection (a) of this section.
(c) Within ten days of appointment of the chairperson, the arbitration panel shall, by call of its chairperson, hold a hearing within the municipality involved. At least five days prior to such hearing, a written notice of the time and place of such hearing shall be sent to the municipal employer, the municipal employee organization and the other members of the panel. The chairperson of the panel shall preside over such hearing. Any member of the panel shall have the power to take testimony, to administer oaths and to summon, by subpoena, any person whose testimony may be pertinent to the matters before said panel, together with any records or other documents relating to such matters. In the case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the panel, shall have jurisdiction to order such person to appear before the panel to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof.

(d) (1) The hearing may, at the discretion of the panel, be continued and shall be concluded within twenty days after its commencement. Not less than two days prior to the commencement of the hearing, each party shall file with the chairperson of the panel, and deliver to the other party, a proposed collective bargaining agreement, in numbered paragraphs, which such party is willing to execute and cost data for all provisions of such proposed agreement. At the commencement of the hearing each party shall file with the panel a reply setting forth (A) those paragraphs of the proposed agreement of the other party which it is willing to accept, and (B) those paragraphs of the proposed agreement of the other party which it is unwilling to accept, together with any alternative contract language which such party would accept in lieu of those paragraphs of the proposed agreement of the other party which it is unwilling to accept. At any time prior to the issuance of a decision by the panel, the parties may jointly file with the panel stipulations setting forth the agreement provisions which both parties have agreed to accept.

(2) Within five days after the conclusion of the taking of testimony, the panel shall forward to each party an arbitration statement, approved by a majority vote of the panel, setting forth all agreement provisions agreed upon by both parties in the proposed agreements and the replies, and in the stipulations, and stating, in numbered paragraphs, those issues which are unresolved.

(3) Within ten days after the conclusion of the taking of testimony, the parties shall file with the secretary of the State Board of Mediation and Arbitration five copies of their statements of last best offer setting forth, in numbered paragraphs corresponding to the statement of unresolved issues contained in the arbitration statement, the final agreement provisions proposed by such party. Immediately upon receipt of both statement of last best offer or upon the expiration of the time for filing such statements of last best offer, whichever is sooner, said secretary shall distribute a copy of each such statement of last best offer to the opposing party.

(4) Within seven days after the distribution of the statements of last best offer or within seven days of the expiration of the time for filing the statements of last best offer,
whichever is sooner, the parties may file with the secretary of the State Board of Mediation and Arbitration five copies of their briefs on the unresolved issues. Immediately upon receipt of both briefs or upon the expiration of the time for filing such briefs, whichever is sooner, said secretary shall distribute a copy of each such brief to the opposing party.

(5) Within five days after the distribution of the briefs on the unresolved issues or within five days after the last day for filing such briefs, whichever is sooner, each party may file with said secretary five copies of a reply brief, responding to the briefs on the unresolved issues. Immediately upon receipt of the reply briefs or upon the expiration of the time for filing such reply briefs, whichever is sooner, said secretary shall simultaneously distribute a copy of each such reply brief to the opposing party.

(6) Within twenty days after the last day for filing such reply briefs, the panel shall issue, upon majority vote, and file with the State Board of Mediation and Arbitration its decision on all unresolved issues set forth in the arbitration statement, and said secretary shall immediately and simultaneously distribute a copy thereof to each party. The panel shall treat each unresolved issue set forth in the arbitration statement as a separate question to be decided by it. In deciding each such question, the panel agreement shall accept the final provision relating to such unresolved issue as contained in the statement of last best offer of one party or the other. As part of the arbitration decision, each member shall state the specific reasons and standards used in making a choice on each unresolved issue.

(7) The parties may jointly file with the panel stipulations modifying, deferring or waiving any or all provisions of this subsection.

(8) If the day for filing any document required or permitted to be filed under this subsection falls on a day which is not a business day of the State Board of Mediation and Arbitration then the time for such filing shall be extended to the next business day of such board.

(9) In arriving at a decision, the arbitration panel shall give priority to the public interest and the financial capability of the municipal employer, including consideration of other demands on the financial capability of the municipal employer. The panel shall further consider the following factors in light of such financial capability: (A) The negotiations between the parties prior to arbitration; (B) the interests and welfare of the employee group; (C) changes in the cost of living; (D) the existing conditions of employment of the employee group and those of similar groups; and (E) the wages, salaries, fringe benefits, and other conditions of employment prevailing in the labor market, including developments in private sector wages and benefits.

(10) The decision of the panel and the resolved issues shall be final and binding upon the municipal employer and the municipal employee organization except as provided in subdivision (12) of this subsection and, if such award is not rejected by the legislative body pursuant to said subdivision, except that a motion to vacate or modify such decision
may be made in accordance with sections 52-418 and 52-419.

(11) In regard to all proceedings undertaken pursuant to this subsection the secretary of the State Board of Mediation and Arbitration shall serve as staff to the arbitration panel.

(12) Within twenty-five days of the receipt of an arbitration award issued pursuant to this section, the legislative body of the municipal employer may reject the award of the arbitrators or single arbitrator by a two-thirds majority vote of the members of such legislative body present at a regular or special meeting called and convened for such purpose.

(13) Within ten days after such rejection, the legislative body or its authorized representative shall be required to state, in writing, the reasons for such vote and shall submit such written statement to the State Board of Mediation and Arbitration and the municipal employee organization. Within ten days after receipt of such notice, the municipal employee organization shall prepare a written response to such rejection and shall submit it to the legislative body and the State Board of Mediation and Arbitration.

(14) Within ten days after receipt of such rejection notice, the State Board of Mediation and Arbitration shall select a review panel of three arbitrators or, if the parties agree, a single arbitrator who are residents of Connecticut and labor relations arbitrators approved by the American Arbitration Association and not members of the panel who issued the rejected award. Such arbitrators or single arbitrator shall review the decision on each such rejected issue. The review conducted pursuant to this subdivision shall be limited to the record and briefs of the hearing pursuant to subsection (c) of this section, the written explanation of the reasons for the vote and a written response by either party. In conducting such review, the arbitrators or single arbitrator shall be limited to consideration of the criteria set forth in subdivision (9) of this subsection. Such review shall be completed within twenty days of the appointment of the arbitrators or single arbitrator. The arbitrators or single arbitrator shall accept the last best offer of either of the parties.

(15) Within five days after the completion of such review the arbitrators or single arbitrator shall render a decision with respect to each rejected issue which shall be final and binding upon the municipal employer and the employee organization except that a motion to vacate or modify such award may be made in accordance with sections 52-418 and 52-419. The decision of the arbitrators or single arbitrator shall be in writing and shall include specific reasons and standards used by each arbitrator in making a decision on each issue. The decision shall be filed with the parties. The reasonable costs of the arbitrators or single arbitrator and the cost of the transcript shall be paid by the legislative body. Where the legislative body of a municipal employer is the town meeting, the board of selectmen shall perform all of the duties and shall have all of the authority and responsibilities required of and granted to the legislative body under this subsection.

(e) The cost of the arbitration panel shall be distributed among the parties in the
following manner: (1) The municipal employer shall pay the costs of the arbitrator appointed by it, (2) the municipal employee organization shall pay the costs of the arbitrator appointed by it, (3) the municipal employer and the municipal employee organization shall equally divide and pay the cost of the chairperson, and (4) the costs of any arbitrator appointed by the State Board of Mediation and Arbitration shall be paid by the party in whose absence the board appointed.

(f) A municipal employer and a municipal employee organization may, at any time, file with the State Board of Mediation and Arbitration a joint stipulation modifying, deferring or waiving any or all of the provisions of this section, or modifying, deferring or waiving any or all of the provisions of a previously filed stipulation, and any such stipulation shall be controlling over the provisions of this section or of any previously filed stipulation.

(g) No party may submit for binding arbitration pursuant to this section any issue or proposal which was not presented during the negotiation process, unless the submittal of such additional issue or proposal is agreed to by the parties.

(P.A. 75-570, S. 7; P.A. 77-117; P.A. 82-37, S. 3; P.A. 84-242, S. 2; P.A. 85-18, S. 1; 85-31, S. 1; P.A. 87-11; 87-100, S. 1; P.A. 92-84, S. 1, 7; 92-170, S. 18, 26; May Sp. Sess. P.A. 92-11, S. 53, 70; P.A. 93-17, S. 3, 6; P.A. 99-270, S. 1.)

History: P.A. 77-117 amended Subsec. (c) to include cost data for all provisions in collective bargaining agreements; P.A. 82-37 provided that when contract reopener provisions have not been agreed to within 90 days of the contractual date of implementation, mandatory binding arbitration shall be invoked; P.A. 84-242 amended Subsec. (a) to provide that the board shall notify, in writing, the parties who have waived fact finding that binding arbitration is imposed on them; P.A. 85-18 amended Subsec. (c)(2) to establish a more specific and extensive list of factors to be considered by the arbitration panel, including prior negotiations, public interest, employee interests, cost of living changes, existing conditions of employment of the employee group and prevailing conditions in the labor market; P.A. 85-31 amended Subsec. (c) to require each panel member to state the reasons and standards used in making his arbitration decision; P.A. 87-11 amended Subsec. (a) to provide that binding arbitration will be imposed when neither party requests arbitration within 90 days of starting negotiations to revise a collective bargaining agreement; P.A. 87-100 added Subsec. (f) which limited the presentation of new issues to binding arbitration; P.A. 92-84 added Subsec. (a) re neutral arbitrator selection committee and panel of neutral arbitrators, relettered former Subsec. (a) as Subsec. (b), changed the time period for imposition of binding and final arbitration from 90 days to 30 days, added requirements that the third member of an arbitration panel shall be selected from the panel of neutral arbitrators, relettered former Subsecs. (b) and (c) as Subsecs. (c) and (d), respectively, required the arbitration panel to give priority to the public interest and the financial capability of the municipal employer in arriving at a decision, required the arbitration panel to consider developments in private sector wages and benefits, added Subsec. (d)(5) providing for rejection of arbitration decision by the legislative body of the municipal employer, and relettered former Subsecs. (d), (e) and (f)
as Subsecs. (e), (f) and (g); P.A. 92-170 removed references to fact-finding, changed the order for submission of last best offers and briefs in Subsec. (d), in Subdiv. (5) changed 30 days to 25 days, required the municipal employee organization to prepare a written response when an award is rejected, changed the requirement that arbitrators for the second round be members of the American Arbitration Association to labor relations arbitrators approved by the association and residents of Connecticut, required the review in the second round to be limited to consideration of the criteria set forth in Subdiv. (2), required the decision in the second round to be in writing and to include specific reasons and standards used in making the decision on each issue, required the decision to be filed with the parties and specified that the legislative body pay the costs and made technical changes, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date; May Sp. Sess. P.A. 92-11 made a technical change in Subsec. (b); P.A. 93-17 added new Subdivs. (1) and (2) in Subsec. (b) to require state board of mediation and arbitration to impose binding arbitration on a newly certified municipal employee organization and a municipal employer if the parties fail to approve an original collective bargaining agreement within 180 days after the employee organization is certified or recognized, and redesignated existing Subdivs. (1) and (2) as Subpars. (A) and (B), respectively, effective April 21, 1993; P.A. 99-270 made technical changes, added Subdiv. indicators to Subsec. (b) and reorganized the Subdiv. indicators in Subsec. (d).


Cited. 40 CS 365. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Cited. 43 CS 470. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. Id.

Subsec. (a):

Cited. 196 C. 623. Establishment of paramedic unit not a "condition of employment" within meaning of the statute and therefore not subject to mandatory and binding arbitration. 221 C. 244. Cited. 223 C. 761.

Subsec. (d):
Subdiv. (1): Each panel member is not required to set forth the specific reasons and standards he used to make his choice on each issue to be resolved. 48 CA 667. An award of damages punitive in nature is contrary to the public policy stated in Subdiv (2). 49 CA 805.

Sec. 7-474. Negotiations and agreements between municipality and employee representatives. Federal approval. Elective binding arbitration; procedure; apportionment of costs. (a) Except as hereinafter provided, when an employee organization has been designated, in accordance with the provisions of sections 7-467 to 7-477, inclusive, as the exclusive representative of employees in an appropriate unit, the chief executive officer, whether elected or appointed, or his designated representative or representatives, shall represent the municipal employer in collective bargaining with such employee organization.

(b) Any agreement reached by the negotiators shall be reduced to writing. Except where the legislative body is the town meeting, a request for funds necessary to implement such written agreement and for approval of any provisions of the agreement which are in conflict with any charter, special act, ordinance, rule or regulation adopted by the municipal employer or its agents, such as a personnel board or civil service commission, or any general statute directly regulating the hours of work of policemen or firemen or any general statute providing for the method or manner of covering or removing employees from coverage under the Connecticut municipal employees' retirement system or under the Policemen and Firemen Survivors' Benefit Fund shall be submitted by the bargaining representative of the municipality within fourteen days of the date on which such agreement is reached to the legislative body which may approve or reject such request as a whole by a majority vote of those present and voting on the matter; but, if rejected, the matter shall be returned to the parties for further bargaining. Failure by the bargaining representative of the municipality to submit such request to the legislative body within such fourteen-day period shall be considered to be a prohibited practice committed by the municipal employer. Such request shall be considered approved if the legislative body fails to vote to approve or reject such request within thirty days of the end of the fourteen-day period for submission to said body. Where the legislative body is the town meeting, approval of the agreement by a majority of the selectmen shall make the agreement valid and binding upon the town and the board of finance shall appropriate or provide whatever funds are necessary to comply with such collective bargaining agreement.

(c) Notwithstanding any provision of any general statute, charter, special act or ordinance to the contrary, the budget-approving authority of any municipal employer shall appropriate whatever funds are required to comply with a collective bargaining agreement, provided the request called for in subsection (b) of this section has been approved by the legislative body of such municipal employer, or with a collective bargaining agreement approved as the result of an arbitration decision rendered in an impasse of contract negotiations under section 7-472, or rendered in accordance with the provisions of section 7-473c.
(d) If the municipal employer is a district, school board, housing authority or other authority established by law, or is a private nonprofit corporation which has a valid contract with any town, city, borough or district to extinguish fires and to protect its inhabitants from loss by fire, which by statute, charter, special act or ordinance has sole and exclusive control over the appointment of and the wages, hours and conditions of employment of its employees, such district, school board, housing authority, other authority or corporation, or its designated representatives, shall represent such municipal employer in collective bargaining and shall have the authority to enter into collective bargaining agreements with the employee organization which is the exclusive representative of such employees, and such agreements shall be binding on the parties thereto, provided, where any provisions of any such agreement require federal approval, such provisions shall be binding upon receipt of such approval, and no such agreement or any part thereof shall require approval of the legislative body of the municipality.

(e) No provision of any general statute, charter, special act or ordinance shall prevent negotiations between a municipal employer and an employee organization, which has been designated or recognized as the exclusive representative of employees in an appropriate unit, from continuing after the final date for making or setting the budget of such municipal employer. An agreement between a municipal employer and an employee organization shall be valid and in force under its terms when entered into in accordance with the provisions of sections 7-467 to 7-477, inclusive, and signed by the chief executive officer or administrator as a ministerial act. Such terms may make any such agreement effective on a date prior to the date on which such agreement is entered. No publication thereof shall be required to make it effective. The procedure for the making of an agreement between the municipal employer and an employee organization provided by said sections shall be the exclusive method for making a valid agreement for municipal employees represented by an employee organization, and any provisions in any general statute, charter or special act to the contrary shall not apply to such an agreement.

(f) Where there is a conflict between any agreement reached by a municipal employer and an employee organization and approved in accordance with the provisions of sections 7-467 to 7-477, inclusive, on matters appropriate to collective bargaining, as defined in said sections, and any charter, special act, ordinance, rules or regulations adopted by the municipal employer or its agents such as a personnel board or civil service commission, or any general statute directly regulating the hours of work of policemen or firemen, or any general statute providing for the method or manner of covering or removing employees from coverage under the Connecticut municipal employees' retirement system or under the Policemen and Firemen Survivors' Benefit Fund, the terms of such agreement shall prevail; provided, if participation of any employees in said system or said fund is effected by such agreement, the effective date of participation in said system or said fund, notwithstanding any contrary provision in such agreement, shall be the first day of the third month following the month in which a certified copy of such agreement is received by the Retirement Commission, or such later date as may be specified in the agreement.

(g) Nothing herein shall diminish the authority and power of any municipal civil
service commission, personnel board, personnel agency or its agents established by statute, charter or special act to conduct and grade merit examinations and to rate candidates in the order of their relative excellence from which appointments or promotions may be made to positions in the competitive division of the classified service of the municipal employer served by such civil service commission or personnel board. The conduct and the grading of merit examinations, the rating of candidates and the establishment of lists from such examinations and the initial appointments from such lists and any provision of any municipal charter concerning political activity of municipal employees shall not be subject to collective bargaining, provided once the procedures for the promotional process have been established by the municipality, any changes to the process proposed by the municipality concerning the following issues shall be subject to collective bargaining: (1) The necessary qualifications for taking a promotional examination; (2) the relative weight to be attached to each method of examination; and (3) the use and determination of monitors for written, oral and performance examinations. In no event shall the content of any promotional examination be subject to collective bargaining.

(February, 1965, P.A. 159, S. 8; 1967, P.A. 491, S. 6-10; 708; 1969, P.A. 174; 1971, P.A. 532, S. 1, 2; P.A. 75-35; 75-173, S. 2; 75-570, S. 4, 6; P.A. 82-212, S. 1; P.A. 85-18, S. 2; 85-31, S. 2; P.A. 87-100, S. 2; P.A. 90-47, S. 2; P.A. 92-170, S. 19, 20, 26.)

History: 1967 acts amended Subsec. (b) by adding provision re conflict between agreement and any general statute concerning covering or removing coverage under municipal employees retirement system, by requiring submission of request for funds or approval of conflicting provisions be made within 14 days of reaching agreement and by establishing failure to make submission within specified time as prohibited practice and setting forth terms re approval or rejection, amended Subsec. (d) by declaring binding nature of agreements made by districts, school boards, etc., amended Subsec. (e) by allowing bargaining to continue after budget deadline and by allowing retroactive effective dates for terms of agreement and amended Subsec. (f) to include conflicts with statutes concerning municipal employees retirement system and further amended Subsec. (b) to provide for cases where legislative body is town meeting; 1969 act amended Subsec. (f) to clarify effective date of provisions in agreements which affect participation of employees in municipal employees' retirement system; 1971 act amended Subsecs. (b) and (f) by adding provision re conflict between agreement and coverage or noncoverage under policemen and firemen survivors' benefit fund; P.A. 75-35 added to Subsec. (d) provision re agreement terms which require federal approval; P.A. 75-173 and 75-570 amended Subsec. (c) to include agreements approved as result of arbitration decision or as result of failure to reject fact finder's report; P.A. 75-570 also added Subsecs. (h) to (k) re arbitration proceedings after rejection of fact finder's report; P.A. 82-212 added proviso in Subsec. (g) specifying types of proposed changes to promotional process which shall be subject to collective bargaining and declared "initial" appointments and content of promotional examinations to be not subject to collective bargaining; P.A. 85-18 amended Subsec. (j)(2) to establish a more specific and extensive list of factors to be considered by the arbitration panel, including prior negotiations, public interest, employee interests, cost of living changes, existing conditions of employment of the
employee group and prevailing conditions in the labor market; P.A. 85-31 amended Subsec. (j) to require each panel member to state the reasons and standards used in making his arbitration decision; P.A. 87-100 added Subsec. (l) which limited the presentation of new issues to binding arbitration; P.A. 90-47 amended Subsec. (d) to include nonprofit fire-fighting corporations as representatives for collective bargaining; P.A. 92-170 amended Subsec. (c) to remove references to fact-finding and removed Subsecs. (h) to (l), inclusive, concerning fact-finding, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date (Revisor's note: An obsolete reference in Subsec. (c) to "or subsections (h) to (k), inclusive, of this section" was deleted editorially by the Revisors).


Cited. 3 CA 1. Cited. 16 CA 232.

Cited. 28 CS 267. Subsections (f) and (g) not in conflict, since merit examination appointments not subject to collective bargaining agreements. 30 CS 259. A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Subsecs. (f) and (g) provide that the provisions of a municipal charter concerning political activity shall override the substantive and procedural provisions of any collective bargaining agreement on that subject. 35 CS 645. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470. Subsecs. (b) and (d) conflict because (b) requires submission of contract term requiring fiscal appropriation to municipal legislative body while (d) does not. The specific authority applicable to housing authorities in (d) prevails over the more general authority contained in (b). 47 CS 624.


Subsec. (d):

Right of a board under statute to act as exclusive negotiator in bargaining collectively with its employees is not impaired by subsequent subsections of this section. 182 C. 93.
Subsec. (e):

Cited. 234 C. 51.

Subsec. (f):

Subsection determines the effect of a validly negotiated agreement and does not purport to prescribe the conditions of valid negotiation. 182 C. 93. Cited. 206 C. 563. An agreement made in a matter not appropriate for collective bargaining does not prevail over conflicting civil service rules and court's orders implementing such rules. 284 C. 237.


Subsec. (g):

Subsection does not address other sources of limitation on powers of local civil service commissions. 182 C. 93. Cited. 206 C. 643. Collective bargaining is limited to changes in the promotional examination process. Decision on application of preexisting qualifications is not subject to collective bargaining. 234 C. 35. In the absence of proposed change in promotional examination process, grievance settlement resulting in promotion may not be considered part of promotional examination process. 284 C. 237.


Appeal from dismissal of municipal employees for political activities proscribed by city charter properly brought to public employees appeal board. This statute excludes such charter provisions from collective bargaining; dismissal cannot be construed as a grievance required to be subject to binding arbitration as prescribed in the collective bargaining agreement. 35 CS 645. Cited. 39 CS 1.

Subsec. (h):

Cited. 196 C. 623.

Subsec. (i):

Cited. 196 C. 623.

Subsec. (j):

Cited. 196 C. 623.
**Sec. 7-475. Strikes prohibited.** Nothing in sections 7-467 to 7-477, inclusive, shall constitute a grant of the right to strike to employees of any municipal employer and such strikes are prohibited. In the event an agreement expires before a new agreement has been approved by the municipal employer and the employee organization, the terms of the expired agreement shall remain in effect until such time as a new agreement is reached and approved in accordance with section 7-474. Nothing in this section shall affect the rights and duties of the municipal employer and the employee organization under sections 7-468 to 7-470, inclusive, during the period of time such expired agreement remains in effect.

(February, 1965, P.A. 159, S. 9; P.A. 75-81.)

History: P.A. 75-81 added provisions re continuance of previous agreement terms after their expiration and until new agreement made.


Cited. 3 CA 1. Cited. 16 CA 232.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Duty to bargain collectively and in good faith takes on important dimension in public sector because of denial of right to strike. 36 CS 18. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

**Sec. 7-476. Existing bargaining unit not altered during term of agreement.**
Nothing in sections 7-467 to 7-477, inclusive, is intended to require that the composition of an existing bargaining unit be altered during the term of an existing agreement.

(February, 1965, P.A. 159, S. 10.)

Relations Act (MERA) cited. 221 C. 244. Municipal Employees Relations Act (MERA) (Sec. 7-467 et seq.) cited. 225 C. 297. Municipal Employees Relations Act (MERA) Sec. 7-467 et seq. cited. 234 C. 123.

Cited. 3 CA 1. Cited. 16 CA 232.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-477. Payroll deductions of union dues authorized. Municipal employers and employee organizations are authorized to negotiate provisions in a collective bargaining agreement calling for the payroll deduction of employee organization dues and initiation fees.

(February, 1965, P.A. 159, S. 11.)


Cited. 3 CA 1. Cited. 16 CA 232.

A public announcement of the plaintiff's intention to file a prohibited practice complaint against a union is protected by the Municipal Employees Relations Act when the complaint is actually filed at a later date. 31 CS 7. Secs. 7-467 through 7-477 cited; Sec. 7-468 et seq. also cited. 42 CS 227. Sec. 7-467 et seq. Municipal Employees Relations Act (MERA) cited. 43 CS 470.

Sec. 7-478. Municipal employee member of civil service board or commission not to participate in certain matters. Any provision of any special act, home rule ordinance or charter to the contrary notwithstanding, no member of a municipal civil service board or commission who is an employee of such municipality shall participate, as a board or commission member, in matters regarding compensation plans, or in grievances involving employees covered by collective bargaining.

(1967, P.A. 214.)
Sec. 7-478a. Municipalities participating in interlocal agreements deemed a municipal employer subject to collective bargaining. (a) Two or more municipal employers participating in an interlocal agreement pursuant to sections 7-339a to 7-339l, inclusive, shall constitute a municipal employer as defined in section 7-467.

(b) Each employee organization, as defined in said section 7-467, of the municipal employers constituting a municipal employer under this section shall retain representation rights for collective bargaining. If two or more employee organizations have representation rights, the employee organizations shall act in coalition for all collective bargaining purposes.

(c) When a municipal employer is constituted under this section the collective bargaining agreement of each employee organization with representation rights shall remain in effect. A decision by a municipal employer to enter into or implement an interlocal agreement under sections 7-339a to 7-339l, inclusive, shall not be a subject of collective bargaining but the impact of such agreement upon wages, hours and other conditions of employment, shall be a subject of collective bargaining.

(P.A. 95-308, S. 9.)

Sec. 7-478b. Collective bargaining agreement provision re closing of nonmunicipal offices on Martin Luther King Day. (a) Each municipality shall include a requirement in any collective bargaining agreement executed on or after April 26, 2000, that all nonessential municipal offices shall be closed on any day designated as Martin Luther King Day pursuant to section 1-4.

(b) Any municipality that did not observe the Martin Luther King Day legal holiday on January 17, 2000, by closing all nonessential municipal offices shall close all such nonessential municipal offices on any day designated as Martin Luther King Day pursuant to section 1-4.

(P.A. 00-98, S. 1, 6.)

History: P.A. 00-98 effective April 26, 2000.

Sec. 7-478c. Reopening of certain collective bargaining agreements for compensation or exchange of benefits for observance of Martin Luther King Day. Notwithstanding the provisions of the general statutes, each municipal employer and each employee organization in a municipality that is required to close all nonessential
municipal offices in observance of Martin Luther King Day pursuant to subsection (b) of section 7-478b shall reopen each collective bargaining agreement approved in accordance with the provisions of sections 7-467 to 7-477, inclusive, for the sole purpose of negotiating compensation or exchange of benefits, if any, for the bargaining unit members covered by such agreement for observance of Martin Luther King Day.

(P.A. 00-98, S. 2, 6.)

History: P.A. 00-98 effective April 26, 2000.

Sec. 7-478d. Duties of State Board of Mediation and Arbitration if no resolution. Notwithstanding the provisions of section 7-473c, if any such municipal employer and any such employee organization are unable to resolve the compensation or exchange of benefits issue after reopening the agreement pursuant to section 7-478c by May 31, 2000, the parties shall submit the issue to the State Board of Mediation and Arbitration, and said board shall make every effort to resolve the issue through mediation not later than June 30, 2000.

(P.A. 00-98, S. 3, 6.)

History: P.A. 00-98 effective April 26, 2000.

Sec. 7-478e. Mandatory binding arbitration for issues re observance of Martin Luther King Day. Panel of neutral arbitrators. Procedure. Criteria for decision. Apportionment of costs. Notwithstanding the provisions of section 7-473c:

(1) If the parties are unable to resolve the compensation or exchange of benefits issue pursuant to section 7-478d by June 30, 2000, the parties shall submit the issue to an arbitration panel for resolution through binding arbitration pursuant to this section not later than July 15, 2000.

(2) If neither the municipal employer nor the municipal employee organization has submitted the issue to an arbitration panel for resolution through binding arbitration pursuant to this section by July 15, 2000, said board shall notify the municipal employer and municipal employee organization that binding and final arbitration is now imposed on them, and the arbitration panel selected pursuant to this section shall resolve the issue through binding arbitration not later than September 30, 2000. Written notification of such imposition shall be sent by registered mail or certified mail, return receipt requested, to each party.

(3) Within two days of receipt of such notification, the chief executive officer of the municipal employer and the executive head of the municipal employee organization each shall select one member of the arbitration panel. Within two days of their appointment, the two members of the arbitration panel shall select a third member, who shall be an impartial representative of the interest of the public in general and who shall be selected from the panel of neutral arbitrators appointed pursuant to subsection (a) of section 7-
473c. Such third member shall be the chairman of the panel. In the event the municipal employer or the municipal employee organization have not selected their respective members of the arbitration panel or the two members of the panel have not selected the third member, the State Board of Mediation and Arbitration shall appoint such members as are needed to complete the panel, provided (A) the member or members so appointed are residents of this state, and (B) the selection of the third member of the panel by the State Board of Mediation and Arbitration shall be made at random from among the members of the panel of neutral arbitrators appointed pursuant to subsection (a) of section 7-473c.

(4) The panel shall, within two days, by the call of its chairman, hold a hearing within the municipality involved. The chairman of the panel shall preside over such hearing. Any member of the panel shall have the power to take testimony, to administer oaths and to summon, by subpoena, any person whose testimony may be pertinent to the matters before said panel, together with any records or other documents relating to such matters. In the case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the panel, shall have jurisdiction to order such person to appear before the panel to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof.

(5) The panel shall conclude the hearing within fifteen days after its commencement. Within ten days after the hearing, the panel shall issue, upon majority vote, and file with the State Board of Mediation and Arbitration its decision which shall immediately and simultaneously distribute a copy thereof to each party. In making its decision, the panel shall accept the last best offer of either of the parties. As part of the arbitration decision, each member shall state the specific reasons and standards in making a choice on each unresolved issue. In arriving at its decision, the panel shall be limited to the consideration of the criteria set forth in subdivision (2) of subsection (d) of section 7-473c. The decision of the panel shall be final and binding upon the municipal employer and the municipal employee organization except as provided in section 7-478f and, if such award is not rejected by the legislative body pursuant to section 7-478f, except that a motion to vacate or modify such decision may be made in accordance with sections 52-418 and 52-419.

(6) In regard to all proceedings undertaken pursuant to this section the secretary of the State Board of Mediation and Arbitration shall serve as staff to the arbitration panel.

(7) The cost of the arbitration panel shall be distributed among the parties in the following manner: (A) The municipal employer shall pay the costs of the arbitrator appointed by it, (B) the municipal employee organization shall pay the costs of the arbitrator appointed by it, (C) the municipal employer and the municipal employee organization shall equally divide and pay the cost of the chairman, and (D) the costs of any arbitrator appointed by the State Board of Mediation and Arbitration shall be paid by the party in whose absence the board appointed.
History: P.A. 00-98 effective April 26, 2000.

Sec. 7-478f. Rejection of award by legislative body. Second arbitration format.
Notwithstanding the provisions of section 7-473c:

(1) Not later than October 30, 2000, the legislative body of the municipal employer
may reject the award of the arbitrators or single arbitrator issued pursuant to section 7-
478e by a two-thirds majority vote of the members of such legislative body present at a
regular or special meeting called and convened for such purpose.

(2) Not later than November 10, 2000, the legislative body or its authorized
representative shall be required to state, in writing, the reasons for such vote and shall
submit such written statement to the State Board of Mediation and Arbitration and the
municipal employee organization. Not later than November 20, 2000, the municipal
employee organization shall prepare a written response to such rejection and shall submit
it to the legislative body and the State Board of Mediation and Arbitration.

(3) Not later than November 20, 2000, the State Board of Mediation and Arbitration
shall select a review panel of three arbitrators or, if the parties agree, a single arbitrator
who are residents of Connecticut and labor relations arbitrators approved by the
American Arbitration Association and not members of the panel who issued the rejected
award. Such arbitrators or single arbitrator shall review the decision on each such rejected
issue. The review conducted pursuant to this subdivision shall be limited to the record of
the hearing pursuant to section 7-478e, the written explanation of the reasons for the vote
and a written response by either party. In conducting such review, the arbitrators or single
arbitrator shall be limited to consideration of the criteria set forth in subdivision (2) of
subsection (d) of section 7-473c. Such review shall be completed not later than December

(4) Not later than December 15, 2000, after the completion of such review, the
arbitrators or single arbitrator shall render a written decision with respect to each rejected
issue which shall be final and binding upon the municipal employer and the employee
organization except that a motion to vacate or modify such award may be made in
accordance with sections 52-418 and 52-419. The arbitrators or single arbitrator shall
accept the last best offer of either of the parties. The decision of the arbitrators or single
arbitrator shall be in writing and shall include specific reasons and standards used by each
arbitrator in making a decision on each issue. The decision shall be filed with the parties.
The reasonable costs of the arbitrators or single arbitrator and the cost of the transcript
shall be paid by the legislative body. Where the legislative body of a municipal employer
is the town meeting, the board of selectmen shall perform all of the duties and shall have
all of the authority and responsibilities required of and granted to the legislative body
under this subsection.

(P.A. 00-98, S. 5, 6.)
History: P.A. 00-98 effective April 26, 2000.

Sec. 7-479. Conflicts of interest. For the purposes of this section, "municipality" means any town, city, borough, school district, taxing district, fire district, district department of health, probate district, housing authority, flood commission or authority established by special act or regional planning agency. Any municipality, in addition to such powers as it has under the provisions of the general statutes or any special act, may, by ordinance or regulation, prohibit any member or employee of any municipal board or agency, or any officer, officer or employee of such municipality from (1) being financially interested, or having any personal beneficial interest, either directly or indirectly, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by any such municipality, board or agency and (2) accepting or receiving, directly or indirectly, from any person, firm or corporation to which any contract or purchase order may be awarded by such municipality, by rebate, gifts or otherwise, any money, or anything of value whatsoever, or any promise, obligation or contract for future reward or compensation. Such municipalities may prescribe penalties for the violation of any ordinance or regulation enacted pursuant to this section, including the voidance of any municipal purchase, contract or ruling adopted in contravention thereof.

(1969, P.A. 782.)


Sec. 7-468 et seq. cited. 42 CS 227.
CHAPTER 166*
TEACHER NEGOTIATION ACT

*School laws demonstrate adoption of public policy to provide good public schools, staffed by qualified teachers: That these teachers shall be secure in their employment save for circumstances affecting the quality of their work; and that, as an inducement to, and reward for, a long period of service, qualified teachers shall benefit from a comprehensive retirement system. 152 C. 151.

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Sec. 10-153a. Rights concerning professional organization and negotiations. Duty of fair representation. Annual service fees negotiable item. (a) Members of the teaching profession shall have and shall be protected in the exercise of the right to form, join or assist, or refuse to form, join or assist, any organization for professional or economic improvement and to negotiate in good faith through representatives of their own choosing with respect to salaries, hours and other conditions of employment free from interference, restraint, coercion or discriminatory practices by any employing board of education or administrative agents or representatives thereof in derogation of the rights guaranteed by this section and sections 10-153b to 10-153n, inclusive.
(b) The organization designated as the exclusive representative of a teachers' or administrators' unit shall have a duty of fair representation to the members of such unit.

(c) Nothing in this section or in any other section of the general statutes shall preclude a local or regional board of education from making an agreement with an exclusive bargaining representative to require as a condition of employment that all employees in a bargaining unit pay to the exclusive bargaining representative of such employees an annual service fee, not greater than the amount of dues uniformly required of members of the exclusive bargaining representative organization, which represents the costs of collective bargaining, contract administration and grievance adjustment; and that such service fee be collected by means of a payroll deduction from each employee in the bargaining unit.


History: 1969 act substituted for "without prejudice", "free from interference, restraint, coercion or discriminatory practices by any employing board of education ..."; P.A. 76-403 included rights to form or assist and to refuse to form or assist organizations as well as rights to join or not join and included protection in the exercise of rights mentioned and bestowed right to negotiate in good faith; P.A. 79-422 added Subsec. (b) re annual service fees for bargaining representation; P.A. 83-72 amended Subsec. (a) to include all statutory references to provisions of teacher negotiation law, Secs. 10-153b to 10-153n, inclusive; P.A. 87-250 amended Subsec. (a) to include hours as a subject to be negotiated in good faith; P.A. 93-426 inserted new Subsec. (b) to impose a duty of fair representation on teachers' and educational administrators' collective bargaining representatives and redesignated existing Subsec. (b) as (c).

See Sec. 10-153k re applicability of this section to incorporated or endowed high schools or academies.


Cited. 5 CA 253. Teacher negotiations act cited. Id. Connecticut teachers negotiation act, Secs. 10-153a-10-153n cited. 23 CA 727. Teacher Negotiation Act (TNA) cited. 35 CA 111. Cited. 42 CA 700; judgment reversed, see 240 C. 835. Teacher Negotiation Act (TNA) cited. Id. Cited. 43 CA 133.
Cited. 38 CS 80.

Subsec. (b):

Not a violation for local organization to allocate part of service fee to the state and national organizations. 206 C. 25.

**Sec. 10-153b. Selection of teachers' representatives.** (a) Whenever used in this section or in sections 10-153c to 10-153n, inclusive: (1) The "administrators' unit" means the professional employee or employees in a school district or charter school not excluded from the purview of sections 10-153a to 10-153n, inclusive, employed in positions requiring an intermediate administrator or supervisor certificate, or the equivalent thereof, or charter school educator permit, issued by the State Board of Education under the provisions of section 10-145q, and whose administrative or supervisory duties, for purposes of determining membership in the administrators' unit, shall equal at least fifty per cent of the assigned time of such employee. Certified professional employees covered by the terms and conditions of a contract in effect prior to October 1, 1983, shall continue to be covered by such contract or any successor contract until such time as the employee is covered by the terms and conditions of a contract negotiated by the exclusive bargaining unit of which the employee is a member for purposes of collective bargaining pursuant to the provisions of this section. (2) The "teachers' unit" means (A) the group of professional employees who hold a certificate or durational shortage area permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, and are employed by a local or regional board of education in positions requiring such a certificate or durational shortage area permit and are not included in the administrators' unit or excluded from the purview of sections 10-153a to 10-153n, inclusive, and (B) the group of professional employees who hold a certificate, durational shortage area permit issued by the State Board of Education under the provisions of sections 10-144o to 10-149, inclusive, or a charter school educator permit issued by the State Board of Education under the provisions of section 10-145q, and are employed by a charter school in positions requiring such a certificate, durational shortage area permit or charter school educator permit and are not included in the administrators' unit or excluded from the purview of sections 10-153a to 10-153n, inclusive. (3) "Commissioner" means the Commissioner of Education. (4) "To post a notice" means to post a copy of the indicated material on each bulletin board for teachers in every school in the school district or, if there are no such bulletin boards, to give a copy of such information to each employee in the unit affected by such notice. (5) "Budget submission date" means the date on which a school district is to submit its itemized estimate of the cost of maintenance of public schools for the next following year to the board of finance in each town having a board of finance, to the board of selectmen in each town having no board of finance and, in any city having a board of finance, to said board, and otherwise to the authority making appropriations therein. (6) "Days" means calendar days.

(b) The superintendent of schools, assistant superintendents, certified professional
employees who act for the board of education in negotiations with certified professional personnel or are directly responsible to the board of education for personnel relations or budget preparation, temporary substitutes and all noncertified employees of the board of education are excluded from the purview of this section and sections 10-153c to 10-153n, inclusive.

(c) The employees in either unit defined in this section may designate any organization of certified professional employees to represent them in negotiations with respect to salaries, hours and other conditions of employment with the local or regional board of education which employs them by filing, during the period between March first and March thirty-first of any school year, with the board of education a petition which requests recognition of such organization for purposes of negotiation under this section and sections 10-153c to 10-153n, inclusive, and is signed by a majority of the employees in such unit. Where a new school district is formed as the result of the creation of a regional school district, a petition for designation shall also be considered timely if it is filed at any time from the date when such regional school district is approved pursuant to section 10-45 through the first school year of operation of any such school district. Where a new school district is formed as a result of the dissolution of a regional school district, a petition for designation shall also be considered timely if it is filed at any time from the date of the election of a board of education for such school district through the first year of operation of any such school district. Within three school days next following the receipt of such petition, such board shall post a notice of such request for recognition and mail a copy thereof to the commissioner. Such notice shall state the name of the organization designated by the petitioners, the unit to be represented and the date of receipt of such petition by the board. If no petition which requests a representation election and is signed by twenty per cent of the employees in such unit is filed in accordance with the provisions of subsection (d) of this section, with the commissioner within the thirty days next following the date on which the board of education posts notice of the designation petition, such board shall recognize the designated organization as the exclusive representative of the employees in such unit for a period of one year or until a representation election has been held for such unit pursuant to this section and section 10-153c, whichever occurs later. If a petition complying with the provisions of subsection (d) of this section is filed within such period of thirty days, the local or regional board of education shall not recognize any organization so designated until an election has been held pursuant to said sections to determine which organization shall represent such unit.

(d) Twenty per cent or more of the personnel in an administrators' unit or teachers' unit may file during the period between March first and April thirtieth of any school year with the commissioner a petition requesting that a representation election be held to elect an organization to represent such unit. Where a new school district is formed as the result of the creation of a regional school district, a petition for a representation election shall also be considered timely if it is filed at any time from the date when such regional school district is approved pursuant to section 10-45 through the first school year of operation of any such school district. Where a new school district is formed as a result of the dissolution of a regional school district, a petition for a representation election shall
also be considered timely if it is filed at any time during the first school year of operation of any such school district. Whenever a multiple-year contract is in effect, a petition requesting that a representation election be held to elect an organization to represent such unit shall be considered timely if it is filed with the commissioner between March first and April thirtieth after two years of a contract have elapsed or is filed between March first and April thirtieth of the calendar year prior to the year of expiration of the collective bargaining contract covering the employees who are the subject of the petition, whichever is sooner. The commissioner shall file notice of such petition with the local or regional board of education on or before the fifth school day following receipt of the petition. The commissioner shall not divulge the names on such petition or any petition filed with the commissioner pursuant to this section to anyone except upon court order. Such notice shall state the name of the petitioning group, the unit for which an election is sought and the date the petition was filed. Within three school days after receipt of such notice, the local or regional board of education shall post a copy of the notice. Any organization interested in representing personnel in such unit may intervene within three school days after the board posts notice of such petition by filing with the commissioner a petition signed by ten per cent of the employees in such unit provided that any employee who signs more than one such petition between March first and April thirtieth in any one school year shall not be deemed to have signed any such petition. The commissioner shall notify the local or regional board on or before the third day following receipt of the intervening petition, and such board shall post notice of the intervening petition within three days following receipt thereof. No intervening petition shall be required from any incumbent organization previously designated by the board or elected and such incumbent organization shall be listed on the ballot if a petition for a representation election is filed. The petitioning organization, the incumbent organization, if any, and any intervening organization may agree on an impartial person or agency to conduct such an election consistent with the other provisions of this section, provided not more than one such election shall be held to elect an organization to represent the employees in such unit in any one school year, except, however, if no organization receives a majority of the vote validly cast, the election shall not be deemed completed and within ten days after the initial election a runoff election shall be held. In the event of a disagreement on the agency to conduct the election, the method shall be determined by the board of arbitration selected in accordance with section 10-153c. The person or agency so selected shall conduct, between twenty and forty-five days after the first petition requesting an election is filed with the commissioner, an election by secret ballot to determine which organization, if any, shall represent such unit, provided if no organization receives a majority of the vote validly cast, such election shall not be deemed completed and a runoff election between the two choices receiving the largest and second largest number of valid votes cast in the election shall be held within ten days after the initial election. The organizations participating in the election and the organizations participating in the runoff election shall share equally in the cost incurred by the impartial person or agency selected to conduct each election. Such person or agency shall immediately report the results of the election or runoff election to the commissioner. Within five days after receipt of the tally of ballots in the election or runoff election, any party to said election or runoff election may file with the commissioner any objection to said election or runoff election. If timely objections are found to be valid and they affected the results of the
election or runoff election, the commissioner shall order another election or runoff election, as appropriate, to be conducted within ten days of the commissioner's decision. If satisfied that the election or runoff election has been conducted properly, the commissioner shall certify that the organization receiving a majority of votes is the exclusive representative of the employees in such unit.

(e) The representative designated or elected in accordance with this section shall, from the date of such designation or election, be the exclusive representative of all the employees in such unit for the purposes of negotiating with respect to salaries, hours and other conditions of employment, provided any certified professional employee or group of such employees shall have the right at any time to present any grievance to such persons as the local or regional board of education shall designate for that purpose. The terms of any existing contract shall not be abrogated by the election or designation of a new representative. During the balance of the term of such contract the board of education and the new representative shall have the duty to negotiate pursuant to section 10-153d concerning a successor agreement. The new representative shall, from the date of designation or election, acquire the rights and powers and shall assume the duties and obligations of the existing contract during the period of its effectiveness.

(f) Any organization which has been designated or elected the exclusive representative of a unit which includes teachers and administrators shall continue to be the exclusive representative of such personnel upon expiration of the salary agreement in effect between such organization and the board of education employing such personnel on July 1, 1969, until or unless employees of such board of education in either of the units defined in this section initiate a petition for designation or election of an organization to represent them in accordance with the procedures set forth in sections 10-153a to 10-153n, inclusive.


History: 1967 act detailed process for designating representative organization in Subsecs. (a) and (b), including petition procedure, intervening petitions and referendum provisions and made technical changes in old language; 1969 act replaced former Subsec. (a) with definitions of "administrators' unit", "teachers' unit", "secretary" and "to post a notice", inserted new Subsec. (b) excluding certain personnel from provisions of Secs. 10-153b to 10-153g, placed petitions provisions formerly in Subsec. (a) in new Subsec. (c), relettered Subsecs. (b) and (c) as Subsecs. (d) and (e) and added Subsec. (f) continuing previously chosen representatives of units containing both teachers and administrators until or unless otherwise elected by employees; P.A. 73-385 changed closing date for petition in Subsec. (c) from April fifteenth to October thirty-first and in Subsec. (d) from April fifteenth to November thirtieth and included in Subsec. (d) requirement that petitions filed be signed by 20% or more of unit members and added
provision concerning runoff election; P.A. 76-403 included definitions of "budget submission date" and "days" in Subsec. (a), changed filing period in Subsec. (b) from October to March, changed filing period in Subsec. (c) from period between October first and November thirtieth to period between March first and April thirtieth and further amended Subsec. (c) to prohibit employee from signing more than one intervening petition each year and to require runoff within 10 days of initial election and amended Subsec. (e) to include provisions concerning multiple year contracts; P.A. 77-614 and P.A. 78-303 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 78-218 substituted "local" for "town" boards of education; P.A. 82-225 amended Subsec. (d) to redefine timeliness for filing a request for a representative election when a multiple year contract is involved, including one year provision for multiple year contracts that expire in 1983; P.A. 83-72 added provisions concerning designation or election in a new school district formed as the result of the dissolution or creation of a regional school district in Subsecs. (c) and (d), further amended Subsec. (d) to require notice from commissioner to boards of education on requests received for a representation election within 5, rather than 3, school days following receipt of petition by commissioner, decreased from 10 to 3 the number of days organizations have to file petition to intervene in election after board posts notice of election, and clarified provisions pertaining to runoff elections; P.A. 83-359 amended Subsec. (a) to provide that after October 1, 1983, members in the administrators' unit shall be those certified professional employees in a school district in positions requiring an intermediate administrator or supervisor certificate and whose administrative or supervisory duties equal at least 50% of the assigned time of the employee; P.A. 84-546 made technical changes in Subsecs. (a) and (d); P.A. 87-250 amended Subsec. (c) to include hours as a subject of negotiations with respect to which an organization may be designated to represent employees and amended Subsec. (e) to include hours as a subject of negotiations for which the representative is the exclusive representative; P.A. 87-499 in Subsec. (a) added "employee or" to the definition of administrator's unit and made technical changes; P.A. 88-136 deleted in Subsec. (a) a definition of "administrators' unit" applicable prior to October 1, 1983; P.A. 91-303 in Subsecs. (c) and (d) added provision allowing petition for designation to be filed at any time during the first school year of operation in the case of a new district formed as a result of the dissolution of a regional district; P.A. 98-56 changed the provisions for a petition for designation to be considered timely in the case of a new district formed as the result of the dissolution of a regional school district in Subsec. (c), effective January 1, 1999; P.A. 03-174 amended Subsec. (a)(2) to include holders of durational shortage area permits as part of the teachers' unit, effective July 1, 2003; P.A. 11-60 amended Subsec. (a)(1) by adding charter school employees to definition of "administrators' unit" and by making a conforming change and amended Subsec. (a)(2) by designating existing language as Subpara. (A) and adding Subpara. (B) re inclusion of certain employees of charter schools to definition of "teachers' unit", effective July 1, 2011; P.A. 11-234 made identical changes as P.A. 11-60 and further amended Subsec. (a)(1) by adding "issued by the State Board of Education under the provisions of section 10-145q" re charter school educator permit, effective July 1, 2011.
Sec. 10-153c. Disputes as to elections. (a) Any dispute as to the eligibility of personnel to vote in an election, or the agency to conduct the election required by section 10-153b, shall be submitted to a board of arbitration for a binding decision with respect thereto. If there are two or more organizations seeking to represent employees, each may name an arbitrator within five days after receipt of a request for arbitration made in writing by any party to the dispute. Such arbitrators shall select an additional impartial member thereof within five days after the arbitrators have been named by the parties. The impartial agency selected to conduct the election shall decide all procedural matters relating to such election and shall conduct such election fairly. Each organization shall have, during the election process, equal access to school mail boxes and facilities.

(b) A local or regional board of education or the exclusive representative of a teachers' or administrators' unit may file a unit clarification petition with the Commissioner of Education in order to clarify questions concerning the appropriate composition of an existing unit if no question concerning representation is pending. Upon receipt of a properly filed petition, the commissioner shall render a final decision on the petition pursuant to chapter 54.


History: 1967 act required naming of arbitrators by disputants within five days of request for arbitration and naming of arbitrators by board of education within five days of naming of others and required equal access to school mailboxes and facilities for all parties; P.A. 76-403 replaced provision requiring equal number of arbitrators to be chosen by state board with provision for selection of one additional arbitrator by arbitrators selected by disputants; P.A. 86-333 added Subsec. (b) to provide for a unit clarification petition re questions re composition of an existing unit.

See Sec. 10-153k re applicability of this section to incorporated or endowed high schools or academies.


Cited. 27 CS 298. Cited. 28 CS 266. Cited. 38 CS 80.

Subsec. (b):
Sec. 10-153d. Meeting between board of education and fiscal authority required. Duty to negotiate. Procedure if legislative body rejects contract. (a) Within thirty days prior to the date on which the local or regional board of education is to commence negotiations pursuant to this section, such board of education shall meet and confer with the board of finance in each town or city having a board of finance, with the board of selectmen in each town having no board of finance and otherwise with the authority making appropriations therein. A member of such board of finance, such board of selectmen, or such other authority making appropriations, shall be permitted to be present during negotiations pursuant to this section and shall provide such fiscal information as may be requested by the board of education.

(b) The local or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, shall have the duty to negotiate with respect to salaries, hours and other conditions of employment about which either party wishes to negotiate. For purposes of this subsection and sections 10-153a, 10-153b and 10-153e to 10-153g, inclusive, (1) "hours" shall not include the length of the student school year, the scheduling of the student school year, the length of the student school day, the length and number of parent-teacher conferences and the scheduling of the student school day, except for the length and the scheduling of teacher lunch periods and teacher preparation periods and (2) "other conditions of employment" shall not include the establishment or provisions of any retirement incentive plan authorized by section 10-183jj. Such negotiations shall commence not less than two hundred ten days prior to the budget submission date. Any local board of education shall file forthwith a signed copy of any contract with the town clerk and with the Commissioner of Education. Any regional board of education shall file forthwith a signed copy of any such contract with the town clerk in each member town and with the Commissioner of Education. Upon receipt of a signed copy of such contract the clerk of such town shall give public notice of such filing. The terms of such contract shall be binding on the legislative body of the local or regional school district, unless such body rejects such contract at a regular or special meeting called and convened for such purpose within thirty days of the filing of the contract. If a vote on such contract is petitioned for in accordance with the provisions of section 7-7, in order to reject such contract, a minimum number of those persons eligible to vote equal to fifteen per cent of the electors of such local or regional school district shall be required to participate in the voting and a majority of those voting shall be required to reject. Any regional board of education shall call a district meeting to consider such contract within such thirty-day period if the chief executive officer of any member town so requests in writing within fifteen days of the receipt of the signed copy of the contract by the town clerk in such town. The body charged with making annual appropriations in any school district shall appropriate to the board of education whatever funds are required to implement the terms of any contract not rejected pursuant to this section. All organizations seeking to represent members of the teaching profession shall be accorded equal treatment with respect to access to teachers, principals, members of the board of
education, records, mail boxes and school facilities and, in the absence of any recognition or certification as the exclusive representative as provided by section 10-153b, participation in discussions with respect to salaries, hours and other conditions of employment.

(c) If the legislative body rejects the contract pursuant to the provisions of subsection (b) of this section, the parties shall commence the arbitration process, in accordance with the provisions of subsection (c) of section 10-153f, on the fifth day next following the rejection which, for the purposes of this procedure, shall serve as the equivalent of the one hundred thirty-fifth day prior to the budget submission date, provided, if requested by either party, the parties shall mediate the contract dispute prior to the initial arbitration hearing. The parties shall meet with a mediator mutually selected by them, provided such parties shall inform the commissioner of the name of such mediator. If the parties are unable to mutually select a mediator, then the parties shall meet with the commissioner or the commissioner's agent or a mediator designated by said commissioner. Mediators shall be chosen from a panel of mediators selected by the State Board of Education or from outside such panel if mutually agreed by the parties. Such mediators shall receive a per diem fee determined on the basis of the prevailing rate for such services, and the parties shall share equally in the cost of such mediation. In any civil or criminal case, any proceeding preliminary thereto, or in any legislative or administrative proceeding, a mediator shall not disclose any confidential communication made to such mediator in the course of mediation unless the party making such communication waives such privilege. The parties shall provide such information as the commissioner may require. The commissioner may recommend a basis for settlement but such recommendations shall not be binding upon the parties.


History: 1967 act substituted "town" for "local" boards of education and included provision for equal access to mailboxes and school facilities; 1969 act added detailed provisions re adoption and implementation of contracts; P.A. 73-391 required town clerk to give public notice of filing of contract; P.A. 76-403 inserted Subsec. (a) re role of municipal appropriation-making authority in negotiation process, made former provisions Subsec. (b) and included in Subsec. (b) requirement that negotiations commence at least 180 days before budget submission date and requirement that copies of contracts be filed with secretary of state board as well as with town clerk(s) and modified provision re equal access and right to participate in discussion so that all have right to equal access, and discussion participation right applies only where no exclusive representative has been designated, whereas previously equal access and discussion participation rights were allowed to all only when no exclusive representative was designated, deleting details of what is involved in duty to negotiate and prohibition of interference with employees by board of education or its representatives, agents etc.; P.A. 77-614 substituted commissioner of education for secretary of the state board of education, effective January
See Sec. 10-153k re applicability of this section to incorporated or endowed high schools or academies.


Cited. 27 CS 298. Equal treatment of all organizations is not permitted once defendant was certified as exclusive representative of New Haven board of education employees pursuant to section 10-153b. Id., 422. Held, prior to 1969 amendment final decision as to teachers' salaries rested with ultimate budgetary control of board of finance and board of aldermen. 28 CS 265. Obligation to negotiate in good faith, when. 30 CS 63. Cited. 38 CS 80.
Subsec. (b):

Cited. 202 C. 492.

Subsec. (c):

Cited. 202 C. 492.

Sec. 10-153e. Prohibited practices of employers, employees and representatives. Hearing before State Board of Labor Relations. Appeal. Penalty. (a) No certified professional employee shall, in an effort to effect a settlement of any disagreement with the employing board of education, engage in any strike or concerted refusal to render services. This provision may be enforced in the superior court for any judicial district in which said board of education is located by an injunction issued by said court or a judge thereof pursuant to sections 52-471 to 52-479, inclusive, provided the Commissioner of Education shall be given notice of any hearing and the commissioner or said commissioner's designee shall be an interested party for the purposes of section 52-474.

(b) The local or regional board of education or its representatives or agents are prohibited from: (1) Interfering, restraining or coercing certified professional employees in the exercise of the rights guaranteed in sections 10-153a to 10-153n; (2) dominating or interfering with the formation, existence or administration of any employees' bargaining agent or representative; (3) discharging or otherwise discriminating against or for any certified professional employee because such employee has signed or filed any affidavit, petition or complaint under said sections; (4) refusing to negotiate in good faith with the employees' bargaining agent or representative which has been designated or elected as the exclusive representative in an appropriate unit in accordance with the provisions of said sections; or (5) refusing to participate in good faith in mediation or arbitration. A prohibited practice committed by a board of education, its representatives or agents shall not be a defense to an illegal strike or concerted refusal to render services.

(c) Any organization of certified professional employees or its agents is prohibited from: (1) Interfering, restraining or coercing (A) certified professional employees in the exercise of the rights guaranteed in this section and sections 10-153a to 10-153c, inclusive, provided that this shall not impair the right of an employees' bargaining agent or representative to prescribe its own rules with respect to acquisition or retention of membership provided such rules are not discriminatory and (B) a board of education in the selection of its representatives or agents; (2) discriminating against or for any certified professional employee because such employee has signed or filed any affidavit, petition or complaint under said sections; (3) breaching its duty of fair representation pursuant to section 10-153a; (4) refusing to negotiate in good faith with the employing board of education, if such organization has been designated or elected as the exclusive representative in an appropriate unit; (5) refusing to participate in good faith in mediation or arbitration; or (6) soliciting or advocating support from public school students for activities of certified professional employees or organizations of such employees.
(d) As used in this section, sections 10-153a to 10-153c, inclusive, and section 10-153g, "to negotiate in good faith" is the performance of the mutual obligation of the board of education or its representatives or agents and the organization designated or elected as the exclusive representative for the appropriate unit to meet at reasonable times, including meetings appropriately related to the budget-making process, and to participate actively so as to indicate a present intention to reach agreement with respect to salaries, hours and other conditions of employment, or the negotiation of an agreement, or any question arising there under and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation shall not compel either party to agree to a proposal or require the making of a concession.

(e) Whenever a board of education or employees' representative organization has reason to believe that a prohibited practice, as defined in subsection (b) or (c) of this section, has been or is being committed, or whenever a certified employee believes a breach of the duty of fair representation under subdivision (3) of subsection (c) of this section has occurred or is occurring, such board of education, representative organization or certified employee shall file a written complaint with the State Board of Labor Relations and shall mail a copy of such complaint to the party that is the subject of the complaint. Upon receipt of a properly filed complaint said board shall refer such complaint to the agent who shall, after investigation and within ninety days after the date of such referral, either (1) make a report to said board recommending dismissal of the complaint or (2) issue a written complaint charging prohibited practices. If no such report is made and no such written complaint is issued, the Board of Labor Relations in its discretion may proceed to a hearing upon the party's original complaint of the violation of this chapter which shall in such case be treated for the purpose of this section as a complaint issued by the agent. Upon receiving a report from the agent recommending dismissal of a complaint, said Board of Labor Relations may issue an order dismissing the complaint or may order a further investigation or a hearing thereon. Upon receiving a complaint issued by the agent, the Board of Labor Relations shall set a time and place for the hearing. Any such complaint may be amended with the permission of said board. The party so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as said board may limit. Such party shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of said board any person may be allowed to intervene in such proceeding. In any hearing said board shall not be bound by technical rules of evidence prevailing in the courts. A stenographic or electronic record of the testimony shall be taken at all hearings of the Board of Labor Relations and a transcript thereof shall be filed with said board upon its request. Said board shall have the power to order the taking of further testimony and further argument. If, upon all the testimony, said board determines that the party complained of has engaged in or is engaging in any prohibited practice, it shall state its finding of fact and shall issue and cause to be served on such party an order requiring it to cease and desist from such prohibited practice, and shall take such further affirmative action as will effectuate the policies of subsections (b) to (d), inclusive, of this section. Such order may further require such party to make reports from time to time showing the extent to which the order has been complied with. If upon all the testimony the Board of Labor Relations is
of the opinion that the party named in the complaint has not engaged in or is not engaging in any such prohibited practice, then said board shall make its finding of fact and shall issue an order dismissing the complaint. Until a transcript of the record in a case has been filed in the Superior Court, as provided in subsection (g) of this section, said board may at any time, upon notice, modify or set aside in whole or in part any finding or order made or issued by it. Proceedings before said board shall be held with all possible expedition. Any party who wishes to have a transcript of the proceedings before the Board of Labor Relations shall apply therefore. The parties may agree on the sharing of the costs of the transcript but, in the absence of such agreement, the costs shall be paid by the requesting party.

(f) For the purpose of hearings pursuant to this section before the Board of Labor Relations said board shall have power to administer oaths and affirmations and to issue subpoenas requiring the attendance of witnesses. In case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by said board, shall have jurisdiction to order such person to appear before said board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required may tend to incriminate or subject such person to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which such individual is compelled, after claiming a privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Complaints, orders and other processes and papers of the Board of Labor Relations or the agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before said board or the agent shall be paid the same fees and mileage allowances that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. All processes of any court to which an application or petition may be made under this chapter may be served in the judicial district wherein the person or persons required to be served reside or may be found.

(g) (1) The Board of Labor Relations may petition the superior court for the judicial district wherein the prohibited practice in question occurred or wherein any party charged with the prohibited practice resides or transacts business, or, if said court is not in session, any judge of said court, for the enforcement of an order and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of said board. In the event an appeal has not been filed pursuant to section 4-183, the board may file its petition in the superior court for the
judicial district of Hartford, or, if said court is not in session, the board may petition any judge of said court. Within five days after filing such petition in the Superior Court, said board shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The Superior Court, or, if said court is not in session, any judge of said court, shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief, including temporary relief, as it deems just and suitable and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of said board.

(2) No objection that has not been urged before the Board of Labor Relations shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of said board as to the facts, if supported by substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before said board, the court may order such additional evidence to be taken before said board and to be made part of the transcript. The Board of Labor Relations may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. (3) The jurisdiction of the Superior Court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Appellate Court, on appeal, by either party, irrespective of the nature of the decree or judgment or the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Appellate Court, and the record so certified shall contain all that was before the lower court. (4) Any party aggrieved by a final order of the Board of Labor Relations granting or denying in whole or in part the relief sought may appeal pursuant to the provisions of chapter 54 to the superior court for the judicial district where the prohibited practice was alleged to have occurred, in the judicial district of New Britain, or in the judicial district wherein such party resides or transacts business. (5) Petitions filed under this subsection shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the Superior Court or Appellate Court under this chapter shall take precedence over all other matters, except matters of the same character.

(h) Subject to regulations to be made by the Board of Labor Relations, the complaints, orders and testimony relating to a proceeding instituted under subsection (e) of this section may be available for inspection or copying. All proceedings pursuant to said subsection shall be open to the public.

(i) Any person who wilfully resists, prevents or interferes with any member of the Board of Labor Relations or the agent in the performance of duties pursuant to subsections (e) to (i), inclusive, of this section shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(February, 1965, P.A. 298, S. 4; 1969, P.A. 811, S. 4; P.A. 76-403, S. 5, 11; P.A. 77-
History: 1969 act included provisions for enforcement of prohibition against strikes by professional employees by temporary injunction; P.A. 76-403 added Subsecs. (b) to (i) re prohibited activities by board of education and by professional employees; P.A. 77-235 amended Subsec. (a) to require that notice of hearing be given secretary of the state board and to designate secretary or his designee as interested party; P.A. 77-614 and P.A. 78-303 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 78-218 substituted "local" for "town" board of education in Subsec. (b) and made technical changes; P.A. 78-280 deleted reference to county in Subsec. (g); P.A. 83-72 amended Subsec. (b) to include statutory reference to all provisions concerning teacher negotiation law, Secs. 10-153a to 10-153n, inclusive; P.A. 83-308 amended Subsec. (g) to allow the board to file its petition for enforcement of an order in the superior court for the judicial district of Hartford-New Britain if an appeal of the order has not been filed; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof in Subsec. (g); P.A. 87-250 amended Subsec. (d) to include hours as a subject with respect to which the parties are to indicate a present intention to reach agreement; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-317 amended Subsec. (g)(1) by deleting "or subdivision (4) of this subsection" after "4-183" and amended Subsec. (g)(4) to require appeal to be made "pursuant to the provisions of chapter 54", instead of specifying the procedure for the appeal, and to superior court in judicial district of Hartford-New Britain, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 90-98 changed effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-426 inserted new Subsec. (c)(3) to prohibit a bargaining representative for certified professional employees from breaching its duty of fair representation to such employees and redesignated existing Subdiv. (3) as (4) and amended Subsec. (e) to allow certified employees to file written complaints with the state board of labor relations against their bargaining representatives alleging breach of the duty of fair representation; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-215 replaced "judicial district of Hartford" with "judicial district of New Britain" in Subsec. (g)(4), effective June 29, 1999.

See Sec. 10-153l re applicability of this section to incorporated or endowed high schools or academies.

Cited. 162 C. 393; Id., 577. Section is constitutional. 164 C. 348. Sections 10-153a-10-153j include coverage of teachers employed in summer school programs. Cited. 177 C. 68. Cited. 184 C. 116. Injunction authorized under this section could be issued against the New Haven Federation of Teachers as well as against individual teachers. 186 C. 725.
Sec. 10-153f. Mediation and arbitration of disagreements. (a) There shall be in the Department of Education an arbitration panel of not less than twenty-four or more than twenty-nine persons to serve as provided in subsection (c) of this section. The Governor shall appoint such panel, with the advice and consent of the General Assembly, as follows: (1) Seven members shall be representative of the interests of local and regional boards of education and shall be selected from lists of names submitted by such boards; (2) seven members shall be representative of the interests of exclusive bargaining representatives of certified employees and shall be selected from lists of names submitted by such bargaining representatives; and (3) not less than ten or more than fifteen members shall be impartial representatives of the interests of the public in general and shall be residents of the state of Connecticut, experienced in public sector collective bargaining interest impasse resolution and selected from lists of names submitted by the State Board of Education. The lists of names submitted to the Governor pursuant to subdivisions (1) to (3), inclusive, of this subsection shall, in addition to complying with the provisions of section 4-9b, include a report from the State Board of Education certifying that the process conducted for soliciting applicants made adequate outreach to minority communities and documenting that the number and make-up of minority applicants considered reflect the state's racial and ethnic diversity. Each member of the panel shall serve a term of two years, provided each arbitrator shall hold office until a successor is appointed and, provided further, any arbitrator not reappointed shall finish to conclusion any arbitration for which such arbitrator has been selected or appointed. Arbitrators may be removed for good cause. If any vacancy occurs in such panel, the Governor shall act within forty days to fill such vacancy in the manner provided in section 4-19. Persons appointed to the arbitration panel shall serve without compensation but each shall receive a per diem fee for any day during which such person is engaged in the arbitration of a dispute pursuant to this section. The parties to the dispute so arbitrated shall pay the fee in accordance with subsection (c) of this section.
(b) If any local or regional board of education cannot agree with the exclusive representatives of a teachers' or administrators' unit after negotiation concerning the terms and conditions of employment applicable to the employees in such unit, either party may submit the issues to the commissioner for mediation. On the one hundred sixtieth day prior to the budget submission date, the commissioner shall order the parties to report their settlement. If, on such one hundred sixtieth day, the parties have not reached agreement and have failed to initiate mediation, the commissioner shall order the parties to notify the commissioner of the name of a mutually selected mediator and to commence mediation. The commissioner may order the parties to appear before said commissioner during the mediation period. In either case, the parties shall meet with a mediator mutually selected by them, provided such parties shall inform the commissioner of the name of such mediator, or with the commissioner or the commissioner's agents or a mediator designated by said commissioner. Mediators shall be chosen from a panel of mediators selected by the State Board of Education or from outside such panel if mutually agreed by the parties. Such mediators shall receive a per diem fee determined on the basis of the prevailing rate for such services, and the parties shall share equally in the cost of such mediation. In any civil or criminal case, any proceeding preliminary thereto, or in any legislative or administrative proceeding, a mediator shall not disclose any confidential communication made to such mediator in the course of mediation unless the party making such communication waives such privilege. The parties shall provide such information as the commissioner may require. The commissioner may recommend a basis for settlement but such recommendations shall not be binding upon the parties. Such recommendation shall be made within twenty-five days after the day on which mediation begins.

(c) (1) On the fourth day next following the end of the mediation session or on the one hundred thirty-fifth day prior to the budget submission date, whichever is sooner, the commissioner shall order the parties to report their settlement of the dispute or, if there is no settlement, to notify the commissioner of either their agreement to submit their dispute to a single arbitrator or the name of the arbitrator selected by each of them. Within five days of providing such notice, the parties shall notify the commissioner of the name of the arbitrator if there is an agreement on a single arbitrator appointed to the panel pursuant to subdivision (3) of subsection (a) of this section or agreement on the third arbitrator appointed to the panel pursuant to said subdivision. The commissioner may order the parties to appear before said commissioner during the arbitration period. If the parties have notified the commissioner of their agreement to submit their dispute to a single arbitrator and they have not agreed on such arbitrator, within five days after such notification, the commissioner shall select such single arbitrator who shall be an impartial representative of the interests of the public in general. If each party has notified the commissioner of the name of the arbitrator it has selected and the parties have not agreed on the third arbitrator, within five days after such notification, the commissioner shall select a third arbitrator, who shall be an impartial representative of the interests of the public in general. If either party fails to notify the commissioner of the name of an arbitrator, the commissioner shall select an arbitrator to serve and the commissioner shall also select a third arbitrator who shall be an impartial representative of the interests of the
public in general. Any selection pursuant to this section by the commissioner of an impartial arbitrator shall be made at random from among the members appointed under subdivision (3) of subsection (a) of this section. Arbitrators shall be selected from the panel appointed pursuant to subsection (a) of this section and shall receive a per diem fee determined on the basis of the prevailing rate for such services. Whenever a panel of three arbitrators is selected, the chairperson of such panel shall be the impartial representative of the interests of the public in general.

(2) The chairperson of the arbitration panel or the single arbitrator shall set the date, time and place for a hearing to be held in the school district between the fifth and twelfth day, inclusive, after such chairperson or such single arbitrator is selected. At least five days prior to such hearing, a written notice of the date, time and place of the hearing shall be sent to the board of education and the representative organization which are parties to the dispute, and, if a three-member arbitration panel is selected or designated, to the other members of such panel. Such written notice shall also be sent, by registered mail, return receipt requested, to the fiscal authority having budgetary responsibility or charged with making appropriations for the school district, and a representative designated by such body may be heard at the hearing as part of the presentation and participation of the board of education. At the hearing each party shall have full opportunity to submit all relevant evidence, to introduce relevant documents and written material and to argue on behalf of its positions. At the hearing a representative of the fiscal authority having budgetary responsibility or charged with making appropriations for the school district shall be heard regarding the financial capability of the school district, unless such opportunity to be heard is waived by the fiscal authority. The nonappearance of the representative shall constitute a waiver of the opportunity to be heard unless there is a showing that proper notice was not given to the fiscal authority. The chairperson of the arbitration panel or the single arbitrator shall preside over such hearing.

(3) The hearing may, at the discretion of the arbitration panel or the single arbitrator, be continued but in any event shall be concluded within twenty-five days after its commencement.

(4) After hearing all the issues, the arbitrators or the single arbitrator shall, within twenty days, render a decision in writing, signed by a majority of the arbitrators or the single arbitrator, which states in detail the nature of the decision and the disposition of the issues by the arbitrators or the single arbitrator. The written decision shall include a narrative explaining the evaluation by the arbitrators or the single arbitrator of the evidence presented for each item upon which a decision was rendered by the arbitrators or the single arbitrator and shall state with particularity the basis for the decision as to each disputed issue and the manner in which the factors enumerated in this subdivision were considered in arriving at such decision, including, where applicable, the specific similar groups and conditions of employment presented for comparison and accepted by the arbitrators or the single arbitrator and the reason for such acceptance. The arbitrators or the single arbitrator shall file one copy of the decision with the commissioner, each town clerk in the school district involved, the legislative body or bodies of the town or towns for the school district involved, or, in the case of a town for which the legislative
body of the town is a town meeting or representative town meeting, to the board of selectmen, and the board of education and organization which are parties to the dispute. The decision of the arbitrators or the single arbitrator shall be final and binding upon the parties to the dispute unless a rejection is filed in accordance with subdivision (7) of this subsection. The decision of the arbitrators or the single arbitrator shall incorporate those items of agreement the parties have reached prior to its issuance. At any time prior to the issuance of a decision by the arbitrators or the single arbitrator, the parties may jointly file with the arbitrators or the single arbitrator, any stipulations setting forth contract provisions which both parties agree to accept. In arriving at a decision, the arbitrators or the single arbitrator shall give priority to the public interest and the financial capability of the town or towns in the school district, including consideration of other demands on the financial capability of the town or towns in the school district. In assessing the financial capability of the town or towns, there shall be an irrebuttable presumption that a budget reserve of five per cent or less is not available for payment of the cost of any item subject to arbitration under this chapter. The arbitrators or the single arbitrator shall further consider, in light of such financial capability, the following factors: (A) The negotiations between the parties prior to arbitration, including the offers and the range of discussion of the issues; (B) the interests and welfare of the employee group; (C) changes in the cost of living averaged over the preceding three years; (D) the existing conditions of employment of the employee group and those of similar groups; and (E) the salaries, fringe benefits, and other conditions of employment prevailing in the state labor market, including the terms of recent contract settlements or awards in collective bargaining for other municipal employee organizations and developments in private sector wages and benefits. The parties shall submit to the arbitrators or the single arbitrator their respective positions on each individual issue in dispute between them in the form of a last best offer. The arbitrators or the single arbitrator shall resolve separately each individual disputed issue by accepting the last best offer thereon of either of the parties, and shall incorporate in a decision each such accepted individual last best offer and an explanation of how the total cost of all offers accepted was considered. The award of the arbitrators or the single arbitrator shall not be subject to rejection by referendum. The parties shall each pay the fee of the arbitrator selected by or for them and share equally the fee of the third arbitrator or the single arbitrator and all other costs incidental to the arbitration.

(5) The commissioner shall assist the arbitration panel or the single arbitrator as may be required in the course of arbitration pursuant to this section.

(6) If the day for filing any document required pursuant to this section falls on Saturday, Sunday or a holiday, the time for such filing shall be extended to the next business day thereafter.

(7) The award of the arbitrators or single arbitrator may be rejected by the legislative body of the local school district or, in the case of a regional school district, by the legislative bodies of the participating towns. Such rejection shall be by a two-thirds majority vote of the members of such legislative body or, in the case of a regional school district, the legislative body of each participating town, present at a regular or special meeting called and convened for such purpose within twenty-five days of the receipt of
the award. If the legislative body or legislative bodies, as appropriate, reject any such award, they shall notify, within ten days after the vote to reject, the commissioner and the exclusive representative for the teachers' or administrators' unit of such vote and submit to them a written explanation of the reasons for the vote. Within ten days after receipt of such notice, the exclusive representative of the teachers' or administrators' unit shall prepare, and the board of education may prepare, a written response to such rejection and shall submit it to such legislative body or legislative bodies, as appropriate, and the commissioner. Within ten days after the commissioner has been notified of the vote to reject, (A) the commissioner shall select a review panel of three arbitrators or, if the parties agree, a single arbitrator, who are residents of Connecticut and labor relations arbitrators approved by the American Arbitration Association and not members of the panel who issued the rejected award, and (B) such arbitrators or single arbitrator shall review the decision on each rejected issue. The review conducted pursuant to this subdivision shall be limited to the record and briefs of the hearing pursuant to subdivision (2) of this subsection, the written explanation of the reasons for the vote and a written response by either party. In conducting such review, the arbitrators or single arbitrator shall be limited to consideration of the criteria set forth in subdivision (4) of this subsection. Such review shall be completed within twenty days of the appointment of the arbitrators or single arbitrator. The arbitrators or single arbitrator shall accept the last best offer of either of the parties. Within five days after the completion of such review, the arbitrators or single arbitrator shall render a final and binding award with respect to each rejected issue. The decision of the arbitrators or single arbitrator shall be in writing and shall include the specific reasons and standards used by each arbitrator in making his decision on each issue. The decision shall be filed with the parties. The reasonable costs of the arbitrators or single arbitrator and the cost of the transcript shall be paid by the legislative body or legislative bodies, as appropriate. Where the legislative body of the school district is the town meeting, the board of selectmen shall have all of the authority and responsibilities required of and granted to the legislative body under this subdivision.

(8) The decision of the arbitrators or a single arbitrator shall be subject to judicial review upon the filing by a party to the arbitration, within thirty days following receipt of a final decision pursuant to subdivision (4) or (7), as appropriate, of a motion to vacate or modify such decision in the superior court for the judicial district wherein the school district involved is located. The superior court, after hearing, may vacate or modify the decision if substantial rights of a party have been prejudiced because such decision is: (A) In violation of constitutional or statutory provisions; (B) in excess of the statutory authority of the panel; (C) made upon unlawful procedure; (D) affected by other error of law; (E) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or (F) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. In any action brought pursuant to this subdivision to vacate or modify the decision of the arbitrators or single arbitrator, reasonable attorney's fees, costs and legal interest on salary withheld as the result of an appeal of said decision may be awarded in accordance with the following: Where the board of education moves to vacate or modify the decision and the decision is not vacated or modified, the court may award to the organization which is the exclusive representative reasonable attorney's fees, costs and legal interest on salary withheld as the
result of an appeal; or, where the organization which is the exclusive representative moves to vacate or modify the decision and the decision is not vacated or modified, the court may award to the board of education reasonable attorney's fees, costs and legal interest on salary withheld as the result of an appeal.

(d) The commissioner and the arbitrators or single arbitrator shall have the same powers and duties as the board under section 31-108 for the purposes of mediation or arbitration pursuant to this section, and subsection (c) of section 10-153d, and all provisions in section 31-108 with respect to procedure, jurisdiction of the Superior Court, witnesses and penalties shall apply.

(e) The local or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, which are parties to a collective bargaining agreement, and which, for the purpose of negotiating with respect to salaries, hours and other conditions of employment, mutually agree to negotiate during the term of the agreement or are ordered to negotiate said agreement by a body of competent jurisdiction, shall notify the commissioner of the date upon which negotiations commenced within five days after said commencement. If the parties are unable to reach settlement twenty-five days after the date of the commencement of negotiations, the parties shall notify the commissioner of the name of a mutually selected mediator and shall conduct mediation pursuant to the provisions of subsection (b) of this section, notwithstanding the mediation time schedule of subsection (b) of this section. On the fourth day next following the end of the mediation session or on the fiftieth day following the date of the commencement of negotiations, whichever is sooner, if no settlement is reached the parties shall commence arbitration pursuant to the provisions of subsections (a), (c) and (d) of this section, notwithstanding the reference to the budget submission date.

(f) The State Board of Education shall adopt regulations pursuant to chapter 54 concerning the method by which names of persons who are impartial representatives of the interests of the public in general are placed on lists submitted by the State Board of Education to the Governor for appointment to the arbitration panel established pursuant to subsection (a) of this section. Such regulations shall include, but not be limited to (1) a description of the composition of the group which screens persons applying to be such impartial representatives, which group shall include representatives of local legislative and fiscal authorities and local and regional boards of education and exclusive bargaining representatives of certified employees, (2) application requirements and procedures and (3) the selection criteria and process, including an evaluation of an applicant's experience in arbitration. Such regulations shall provide for a training program for applicants who lack experience in arbitration but who are otherwise qualified and shall describe the criteria for participation in the training program.

History: 1969 act inserted new Subsec. (a) re appointment of arbitration panel, made former Subsec. (a) new Subsec. (b) and clarified secretary of state board's role in mediation procedure, deleted former Subsec. (b) except for provision that arbitrators' decisions are advisory and not binding which was incorporated into otherwise new provisions of Subsec. (c) re selection of arbitrators, hearings, decision and payment of arbitrators' fees and added Subsec. (d) re general powers and duties of secretary and arbitrators; P.A. 76-403 deleted provisions in Subsec. (a) which had given only temporary existence to arbitration panel, amended Subsec. (b) to require mediation if agreement not reached within 120 days of budget submission date, to allow parties to select mediator themselves, to provide per diem payment, to require confidentiality of communications and to require that secretary's recommendation be made within 30 days of beginning of mediation, amended Subsec. (c) to include specific timetable for actions, inserted new Subsecs. (d) and (e) concerning recommencement of negotiations upon failure of arbitration or rejection of contract and secretary's power to meet with group involved and designated former Subsec. (d) as Subsec. (f); P.A. 77-614 and P.A. 78-303 substituted commissioner of education for secretary of the state board of education and specified that arbitration panel is within department of education under Subsec. (a), effective January 1, 1979; P.A. 78-218 substituted "local" for "town" boards of education and "chairperson" for "chairman" and made other technical changes; P.A. 79-405 amended Subsec. (a) to change number of panel members from 25 to 15 and specified that 5 each shall represent boards of education, bargaining representatives and the general public, amended Subsec. (c)(1) to require that third member of three-member panel represent interests of general public, amended Subsec. (c)(4) to make decisions final and binding rather than advisory and to include provisions concerning points of agreement and last best offer, added Subsec. (c)(7) re judicial review, deleted former Subsecs. (d) and (e) and designated Subsec. (f) as Subsec. (d); P.A. 80-483 gave subparagraphs in Subdivs. (4) and (7) of Subsec. (c) alphabetic rather than numeric designators; P.A. 83-72 amended Subsec. (a) to increase size of arbitration panel from fifteen to twenty-one by increasing each group of representatives from five to seven, to add provisions re arbitrator remaining in office until successor is appointed and requiring arbitrator not reappointed to complete any matter for which he was selected or appointed and to authorize governor to fill vacancies in manner provided in Sec. 4-19, amended Subsec. (b) to decrease from 120 to 110 days the length of time parties have to reach settlement prior to initiating mediation, to allow parties to select mediator from outside panel and to decrease from 30 to 25 the number of days commissioner may recommend a settlement to parties and amended Subsec. (c) to require that report made to commissioner on settlement or lack of settlement be made in 85 days rather than 90 days, to specify that chairperson of arbitration panel has between seventh and fifteenth day after designation to set date, time and place for hearing to be held, rather than on tenth day, to increase hearing duration from 20 to 25 days, and to specify that panel has 20 rather than 15 days to render a decision in writing; P.A. 83-342 amended Subsec. (c)(7) to provide for awarding of reasonable attorney's fees, costs and legal interest on money withheld as the
result of an appeal of the decision of the arbitrators or single arbitrator; P.A. 84-459 amended Subsec. (c)(4) to require that the written decision of the arbitrators contain a narrative explaining the evaluation by the arbitrators of the evidence presented for each item upon which a decision was rendered; P.A. 85-343 increased number of panel members from 21 to 23, adding 2 additional public members and added provision in Subsec. (c) re random designation of arbitrator by commissioner; May Sp. Sess. P.A. 86-1 in Subsec. (a) increased the number of impartial representatives on the arbitration panel from 9 to 15, required that such representatives be state residents and have certain experience and substituted a panel of labor arbitrators submitted by the American Arbitration Association for a list submitted by the state board of education in Subsec. (c)(1) provided that the commissioner designate rather than the arbitrators select a third arbitrator and made technical changes in Subsec. (c)(4); P.A. 87-1 made technical corrections; P.A. 87-206 amended Subsec. (a) to change the number of impartial representatives on the panel from 15 to "not less than ten nor more than fifteen" and to substitute lists of names submitted by the state board of education for a panel of labor arbitrators submitted by the American Arbitration Association and in Subsec. (c)(1) provided that the arbitrators select rather than the commissioner designate a third arbitrator, unless the arbitrators fail to agree on the selection of a third within 5 days, that the parties notify the commissioner of the name of the third arbitrator and that any recommendation or selection by the commissioner of an impartial arbitrator be made at random, deleted provision that each party may refuse to accept one designated member and made a technical change; P.A. 87-250 added Subsec. (e) re negotiations during the term of an agreement; P.A. 90-325 in Subsec. (c)(1) provided that if the parties agree to submit their dispute to a single arbitrator the commissioner of education, rather than the parties, shall select the arbitrator and if the parties agree to submit the dispute to three arbitrators the commissioner, rather than the arbitrators shall select the third arbitrator and made technical changes, in Subsec. (c)(2) provided that the chairperson or single arbitrator be selected rather than designated and required that at the hearing a representative of the fiscal authority be heard, unless such opportunity is waived, in Subsec. (c)(4) added that the decision state certain matters with particularity and that it incorporate an explanation of how the total costs of all offers accepted was considered and added new Subsec. (f) re the adoption of regulations concerning the method by which names of persons who are impartial representatives of the interests of the public in general are placed on lists for appointment to the arbitration panel; P.A. 91-352 in Subsec. (c)(4) expanded the factors to be considered by arbitrators to include offers and range of discussion prior to arbitration and financial capability of town or towns in school district and to specify that changes in cost of living be averaged over preceding three years; P.A. 92-84 amended Subsec. (a) to require a term of two years for each member of the panel, replacing terms concurrent with that of governor, amended Subsec. (b) to require the commissioner to order the parties to report settlement or commence mediation on the one hundred seventieth day, rather than one hundred tenth day, prior to the budget submission date, and amended Subsec. (c) to change the date by which the commissioner shall order the parties to report settlement or submit their dispute to arbitration from the eighty-fifth to the one hundred forty-fifth day prior to the budget submission date in Subdiv. (1), to move provision requiring the arbitrators or the single arbitrator to give priority to the public interest and the financial capability of the town or towns in the
school district in arriving at a decision and to require consideration of developments in private sector wages and benefits, to delete provisions that the arbitration decision shall not be subject to rejection by the legislative body or by referendum from Subdiv. (4), and to add Subdiv. (7) providing for rejection of any issue in the decision of the arbitrators or single arbitrator by the legislative body of the local or regional school district; P.A. 92-170 amended Subsec. (b) to change one hundred seventieth to one hundred sixtieth day, and amended Subsec. (c) (1) to change forty-fifth to thirty-fifth day, Subsec. (c)(2) to change seventh and fifteenth to fifth and twelfth, Subsec. (c)(4) to remove language prohibiting rejection by the legislative body of the school district and make technical changes, and Subsec. (c)(7) to add language concerning rejection in cases of regional school districts, to change 30 to 25 days, to require the employee unit to prepare and submit a written response, to change the requirement that the arbitrators be members of the American Arbitration Association to labor relations arbitrators approved by the association and residents of Connecticut, to limit the review to the criteria set forth in Subdiv. (4), to remove language allowing the arbitrators to render an award somewhere in between the last best offers, to require the decision to be in writing, to include specific reasons and standards used, and to be filed with the parties, and to add language concerning the town meeting, effective May 26, 1992, and applicable to arbitration proceedings commencing on or after that date; P.A. 97-177 amended Subsec. (c)(1) to add requirement for notification to the commissioner to include the name of the arbitrator if there is agreement on a single arbitrator or agreement on the third arbitrator and provisions re lack of agreement on the arbitrator, and amended Subsec. (c)(4) to add provision re an irrebuttable presumption that a budget reserve of 5% or less is not available for payment of the cost of any item subject to arbitration under this chapter; P.A. 98-252 amended Subsec. (c)(1) to give the parties 5 days to notify the commissioner of the name of the single arbitrator in cases in which there is no settlement and the parties have agreed to submit their dispute to a single arbitrator, effective July 1, 1998; P.A. 00-204 amended Subsec. (c)(2) to require the notice to the fiscal authority to be sent by registered mail, return receipt requested, effective July 1, 2000; P.A. 01-173 amended Subsecs. (a) and (c)(2) to make technical changes, effective July 1, 2001; P.A. 11-125 amended Subsec. (c)(4) by adding provision re arbitrator to file copy of decision with legislative body or board of selectmen of the town or towns for the school district, effective July 1, 2011.

Sec. 10-153g. Negotiations concerning salaries, hours and other conditions of employment unaffected by special acts, charters, ordinances. Notwithstanding the provisions of any special act, municipal charter or local ordinance, the provisions of sections 10-153a to 10-153n, inclusive, shall apply to negotiations concerning salaries, hours and other conditions of employment conducted by boards of education and certified personnel.

(1969, P.A. 811, S. 6; P.A. 83-72, S. 6, 9; P.A. 87-250, S. 6, 11.)

History: P.A. 83-72 amended internal reference to include all statutory provisions concerning negotiation, Secs. 10-153a to 10-153n, inclusive; P.A. 87-250 included hours
as a subject of negotiations to which the provisions of Secs. 10-153a to 10-153n, inclusive, shall apply.


Cited. 38 CS 80.

Sec. 10-153h. Appropriation. Section 10-153h is repealed.

(1969, P.A. 811, S. 7; P.A. 76-403, S. 7, 11.)

Sec. 10-153i. Designation of statutory agent for service of process. (a)(1) Each administrators' or teachers' representative organization shall file with the commissioner a written designation, on such form as the commissioner shall prescribe, of a statutory agent for service of process who shall be the statutory agent for all members of the administrators' unit or teachers' unit, as defined in subsection (a) of section 10-153b, who shall be (A) a natural person who is a resident of this state, or (B) a domestic corporation. (2) Each written appointment shall be signed by the president or vice president or secretary of the appointing organization. Each written appointment shall also be signed by the statutory agent for service therein appointed.

(b) If a statutory agent for service dies, dissolves, removes from the state or resigns, the organization shall forthwith appoint another statutory agent for service. If the statutory agent for service changes such agent's address within the state from that appearing upon the record in the office of the commissioner, the organization shall forthwith file with the commissioner notice of the new address. A statutory agent for service may resign by filing with the commissioner a signed statement in duplicate to that effect. The commissioner shall forthwith file one copy and mail the other copy of such statement to the organization at its principal office. Upon the expiration of thirty days after such filing, the resignation shall be effective and the authority of such statutory agent for service shall terminate. An organization may revoke the appointment of a statutory agent for service by making a new appointment as provided in this section and any new appointment so made shall revoke all appointments theretofore made.

(P.A. 76-403, S. 9, 11; P.A. 77-614, S. 302, 610; P.A. 78-218, S. 92.)

History: P.A. 77-614 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 78-218 made technical change in
Subsec. (b) substituting "such agent's" for "his or its".


Cited. 38 CS 80.

**Sec. 10-153j. The making of service of process, notice or demand.** (a) Except for citations for contempt, any process, notice or demand in connection with any action or proceeding pursuant to subsection (a) of section 10-153e, to be served upon any member of an administrators' unit or any member of a teachers' unit as defined in subsection (a) of section 10-153b, may be served upon the statutory agent for service by any proper officer or other person lawfully empowered to make service. The person making service of such process, notice or demand shall immediately send a true and attested copy thereof by registered or certified mail to each person named in such process, notice or demand.

(b) If it appears from the records of the commissioner that such an organization has failed to appoint or maintain a statutory agent for service, or if it appears by affidavit endorsed on the return of the officer or other proper person directed to serve any process, notice or demand upon such a statutory agent for service appearing on the records of the commissioner that such agent cannot, with reasonable diligence, be found at the address shown on such records as the agent's address, service of such process, notice or demand may, when timely made, be made by such officer or other proper person by: (1) Leaving a true and attested copy thereof at the office of the commissioner or depositing the same in the United States mails, by registered or certified mail, postage prepaid, addressed to such office, and (2) depositing in the United States mails, by registered or certified mail, postage prepaid, a true and attested copy thereof, together with a statement by such officer that service is being made pursuant to this section, addressed to such organization at its principal office and to each person named in such process, notice or demand.

(c) The commissioner shall file the copy of each process, notice or demand received by the commissioner as provided in subsection (b) of this section and keep a record of the day and hour of such receipt. Service made as provided in this section shall be effective as of such day and hour.

(P.A. 76-403, S. 10, 11; P.A. 77-614, S. 302, 610; P.A. 07-217, S. 42.)

History: P.A. 77-614 substituted commissioner of education for secretary of the state board of education, effective January 1, 1979; P.A. 07-217 made technical changes in
Subsec. (c), effective July 12, 2007.


Cited. 38 CS 80.

**Sec. 10-153k. Teacher Negotiation Act applies to incorporated or endowed high schools or academies.** The provisions of sections 10-153a to 10-153n, inclusive, shall apply to all certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34.

(P.A. 79-504, S. 2, 4; P.A. 83-72, S. 7, 9.)

History: P.A. 83-72 applied all statutory provisions concerning teacher negotiation act, Secs. 10-153a to 10-153n, inclusive, to certified employees of incorporated or endowed high schools or academies.


Cited. 38 CS 80.

**Sec. 10-153l. Applicability of employment of teachers statute and teacher negotiation law to incorporated or endowed high schools or academies.** The provisions of section 10-151 as it pertains to employment of certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34 and the provisions of section 10-153k shall not become effective until a majority of all the certified professional employees at such incorporated or endowed high school or academy elect to come under the provisions of said sections 10-151 and 10-153k. The election shall be conducted by secret ballot in September, 1979 and the results thereof certified to the Commissioner of Education.

(P.A. 79-504, S. 3, 4.)
Sec. 10-153m. Payment of attorney's fees in proceedings to vacate or confirm teacher grievance arbitration awards. In any action brought pursuant to section 52-418 to vacate an arbitration award rendered in a controversy between a board of education and a teacher or the organization which is the exclusive representative of a group of teachers, or to confirm, pursuant to section 52-417, such an arbitration award, reasonable attorney's fees and costs may be awarded in accordance with the following: (1) Where the board of education moves to vacate an award and the award is not vacated, the court may award reasonable attorney's fees and costs to the teacher; (2) where the teacher moves to vacate an award and the award is not vacated, the court may award reasonable attorney's fees and costs to the board of education; (3) where the teacher moves to confirm an award, if the board of education refuses to stipulate to such confirmation and if the award is confirmed, the court may award reasonable attorney's fees and costs to the teacher; (4) where the board of education moves to confirm an award, if the teacher refuses to stipulate to such confirmation and if the award is confirmed, the court may award reasonable attorney's fees and costs to the board of education.

(P.A. 80-192.)

Sec. 10-153n. Applicability of employment of teachers statute and teacher negotiation law to the Gilbert School in Winchester. Notwithstanding the provisions of section 10-153l, the provisions of section 10-151 as it pertains to employment of certified professional employees of an incorporated or endowed high school or academy approved pursuant to section 10-34, and the provisions of sections 10-153a to 10-153m, inclusive,
shall apply to all certified professional employees of the Gilbert School in Winchester.

(P.A. 82-225, S. 2, 3; 82-472, S. 167, 183; P.A. 83-72, S. 8, 9.)

History: P.A. 82-472 specified applicability of Sec. 10-151 provisions; P.A. 83-72 incorporated reference to all statutory provisions concerning teacher negotiation law, Secs. 10-153a to 10-153m, inclusive.


Cited. 38 CS 80.

Sec. 10-153o. Review of performance of arbitration panel members. The Commissioner of Education shall develop a process to annually review the performance of each member of the arbitration panel appointed pursuant to subsection (a) of section 10-153f, including an evaluation of the member's compliance with the provisions of said section.

(P.A. 90-325, S. 24, 32; P.A. 95-182, S. 4, 11.)

History: P.A. 95-182 removed provision requiring commissioner to request the parties in all arbitration proceedings to submit written evaluations of awards, effective June 28, 1995.

Teacher Negotiation Act (TNA) Sec. 10-153a et seq. cited. 234 C. 704; 239 C. 32.

Teacher Negotiation Act (TNA) cited. 35 CA 111.
CHAPTER 556
LABOR DEPARTMENT

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Sec. 31-3cc. Collection and analysis of data re gender and other bias in training programs.
Sec. 31-3dd. Recommendation re budget targets.
Sec. 31-3ee. Pilot program for TFA recipients. Report on pilot program for TFA recipients.
Sec. 31-3ff. Job Training Partnership Act payments.
Sec. 31-3gg. One-stop centers.
Sec. 31-3hh. Regional workforce development board contracts. Regulations.
Sec. 31-3ii. Adult education pilot program for incumbent workers. Report.
Sec. 31-3jj. Job training; English as a second language instruction.
Sec. 31-3kk. Funds for incumbent worker training programs.
Sec. 31-3ll. Twenty-First Century Skills Training Program. Regulations.
Sec. 31-3mm. Youth employment and training funds.
Sec. 31-3nn. Mortgage crisis job training program.
Sec. 31-3oo. Connecticut Employment and Training Commission solicitation and publication of information re promotion of green technology industry.
Sec. 31-3pp. Immigrant laborers; protection; penalty for defrauding; printed material re rights.
Sec. 31-3qq. State employment bureaus. Branches.
Sec. 31-3rr. Federal aid for public employment offices. Notification of state job openings or examinations to the Connecticut Employment Service.
Sec. 31-3ss. Notices.
Sec. 31-3tt. Appeal from orders of commissioner.
Sec. 31-3vv. Deputy inspectors. Prosecution for violations.
Sec. 31-3ww. Hindering inspector.
Sec. 31-3xx. Employee Dislocation Allowance Fund established.
Secs. 31-1b to 31-11k.

Sec. 31-1. Labor Department. Commissioner. There shall be a Labor Department. The department head shall be the Labor Commissioner, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8.


History: P.A. 77-614 rephrased provisions without changing their meaning, effective January 1, 1979.

Cited. 132 C. 533.

Sec. 31-2. Powers and duties of commissioner. (a) The Labor Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women and the means of promoting their material, social,
intellectual and moral prosperity, and shall have power to summon and examine under oath such witnesses, and may direct the production of, and examine or cause to be produced and examined, such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation thereto as he deems necessary, and shall have the same powers in relation thereto as are vested in magistrates in taking depositions, but for this purpose persons shall not be required to leave the vicinity of their residences or places of business. Said commissioner shall collect and collate population and employment data to project who is working, who is not working and who will be entering the job market and shall provide an analysis of data concerning present job requirements and potential needs of new industry. The commissioner shall include in his annual report to the Governor, as provided in section 4-60, all the aforesaid statistical details.

(b) The commissioner shall administer the coordination of all employment and training programs in the state and shall implement the plan of the Connecticut Employment and Training Commission as approved by the Governor. The commissioner shall develop and maintain a comprehensive inventory of all employment and training programs in the state, including a listing of all funding sources for each program, the characteristics of the persons served, a description of each program and its results and the identification of areas of program overlap and duplication.

(c) The commissioner shall provide staff to the Connecticut Employment and Training Commission and such other resources as the commissioner can make available.

(d) The commissioner may request the Attorney General to bring an action in Superior Court for injunctive relief requiring compliance with any statute, regulation, order or permit administered, adopted or issued by the commissioner.


History: P.A. 73-164 deleted provisions concerning bureau of labor statistics, substituted reference to "the general powers conferred upon the office of the labor commissioner under the general statutes or in accordance with federal law" for detailed listing of specific powers and made other language changes; P.A. 76-209 restored provisions re bureau of labor statistics and re specific powers of commissioner, specified that persons need not leave "the vicinity of their residences or places of business" to give depositions and made minor language changes; P.A. 77-614 deleted provisions re bureau of labor statistics and re appointment of deputy commissioner, effective January 1, 1979; P.A. 78-303 required commission to collect and collate population and employment data, to make projections re employment and to analyze data concerning present job requirements and potential needs of new industry; P.A. 89-292 added Subsecs. (b) and (c) concerning the commissioner's responsibilities for employment and training programs; P.A. 92-210 added Subsec. (d) authorizing the commissioner to request the attorney general to bring an action in superior court.
See Secs. 22-13 to 22-17, inclusive, re duties relative to the employment of minors in agriculture.

Secs. 31-2a and 31-2b. Statistical services. Bureau of Labor Statistics. Sections 31-2a and 31-2b are repealed.

(P.A. 73-164, S. 2-5; P.A. 76-209, S. 2.)

Sec. 31-2c. Employer reporting of new employees. Transfer of information between Department of Social Services and Labor Department. Notification of employer. Reimbursement to Labor Department. Section 31-2c is repealed, effective October 1, 1998.


Sec. 31-2d. Office of Workforce Competitiveness. Orders. Regulations. Any order or regulation of the Office of Workforce Competitiveness affecting the functions, powers, duties and obligations set forth in this section and sections 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh, 4-124tt, 4-124uu and 4-124vv which is in force on July 1, 2011, shall continue in force and effect as an order or regulation of the Labor Department until amended, repealed or superseded pursuant to law. Where any orders or regulations of said office and said department conflict, the Labor Commissioner may implement policies and procedures consistent with the provisions of this section and sections 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh, 4-124tt, 4-124uu, 4-124vv, 10-95h, 10a-11b, 10a-19d, 31-3h, 31-3k, 31-11cc and 31-11dd while in the process of adopting the policy or procedure in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. The policy or procedure shall be valid until the time final regulations are effective.

(P.A. 11-48, S. 77.)

History: P.A. 11-48 effective July 1, 2011.

Sec. 31-3. Investigation of employment. Special agents authorized. The Labor Commissioner is authorized to investigate the wages, hours of employment, necessary expense of living and health, so far as affected by their employment, of wage-earning persons in stores, wholesale and retail, public utilities, photographic, undertaking, millinery and dressmakers' establishments, hotels, restaurants, laundries, hairdressing and barber shops, domestic service, manufacturing establishments and tenement house work. Such investigation shall be conducted under the supervision of said commissioner by a person specially trained for this work and selected by him. Other employees of said bureau may be detailed to assist in the prosecution of such investigation. Said commissioner shall have power to demand from those possessed of it such information as is pertinent to the investigation herein authorized, and any person who refuses to furnish
the information so demanded, within a reasonable time, shall be fined not more than one hundred dollars. The commissioner may employ special agents to assist him in his investigations. Such agents shall receive compensation for the time actually employed in such service.

(1949 Rev., S. 3777; P.A. 74-185, S. 1.)

History: P.A. 74-185 substituted "wage-earning persons" for "wage-earning women and girls" and referred to supervision of investigation by a "person" selected by commissioner rather than by a "woman".

Sec. 31-3a. Manpower development and planning studies and programs. Reports. (a) To assist the state in attaining maximum economic growth and technological progress while minimizing individual hardship and reducing unemployment, the Labor Commissioner shall: (1) Evaluate the impact of, and benefits and problems created by, automation, technological progress and other changes in the structure of production; evaluate the adequacy of the state's human resources in attaining maximum economic growth for the state; establish techniques and methods for detecting in advance the potential impact of such developments; and prepare recommendations for the solution to these problems; (2) establish a program of factual studies on the state's economy to determine the manpower needs of the state by occupation, by industry and by area, and make recommendations concerning the best methods and techniques to be used to meet such needs; (3) appraise the growing work force in the state to determine the occupational qualifications of its citizens with particular emphasis on young people and on persons displaced by automated processes; compare the manpower needs of the state with the occupational qualifications of its citizens, and prepare plans for the maximum utilization of its citizens; (4) determine those areas, occupations and industries which have need for additional trained workers, and establish preemployment training programs which best meet the needs of business and industry, and of the unemployed. In establishing such programs, the commissioner shall, in cooperation with the Commissioner of Education, use funds from all available federal programs.

(b) The Labor Commissioner shall, within thirty days after the end of each calendar year, make such reports and recommendations to the Governor as he deems appropriate on manpower requirements, resources, use and training, and on economic developments and trends affecting such items.

(February, 1965, P.A. 248, S. 1, 2; P.A. 77-614, S. 302, 610.)

History: P.A. 77-614 replaced the secretary of the state board of education with the commissioner of education, effective January 1, 1979.

Sec. 31-3b. Manpower training programs. Job training coordinator. Interagency coordinating committee. (a) The Labor Commissioner shall appoint a job training coordinator who shall develop and implement innovative programs which will provide (1) job training for (A) workers who are needed by industries planning to locate in
Connecticut or by industries located in this state, (B) unskilled entry level workers, (C) workers in need of retraining due to the obsolescence of their skills and (D) workers who need skill training to qualify for advancement, (2) an incentive for the establishment of apprenticeship programs in selected occupations; provided no program shall be developed for occupations where prior skill or training is not typically a prerequisite to hiring, and (3) work training opportunities and placement of the chronically unemployed under section 31-3d.

(b) The Labor Commissioner is authorized to establish an interagency program coordinating committee to coordinate the application of all available resources for the purposes of this section. Said committee shall consist of representatives of various employment and training agencies within the Labor Department and representatives of the Department of Education and the Department of Economic and Community Development.

(c) The Labor Commissioner may contract with any public or private agency for educational and job training services.

(d) The Labor Commissioner may accept and receive funds from any public or private source which become available for the purposes of this section and section 31-3d.

(P.A. 77-523, S. 1-4; 77-614, S. 284, 587, 610; P.A. 78-303, S. 85, 136; P.A. 79-337, S. 3; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6.)

History: P.A. 77-614 and P.A. 78-303 replaced department of commerce with department of economic development, effective January 1, 1979; P.A. 79-337 added Subsec. (a)(3) to require that programs provide work training opportunities and placement of the chronically unemployed; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development.

Sec. 31-3c. Job training program for specific employers. The Labor Commissioner, with the approval of the Commissioners of Economic and Community Development and Education, shall establish a customized job training program for preemployment and postemployment job training for the purpose of meeting the labor requirements of manufacturing or economic base businesses, as defined in subsection (l) of section 32-222*, and shall implement such job training program. Such job training program shall include training designed to increase the basic skills of employees, including, but not limited to, training in written and oral communication, mathematics or science, or training in technical and technological skills. The Labor Commissioner shall use funds appropriated to the Labor Department for vocational and manpower training in carrying out such job training program, except that not more than four per cent of such funds may be used to pay the cost of its administration. Upon receipt of a request for job training pursuant to this section, the Labor Commissioner shall notify the president of the Board of Regents for Higher Education, or his or her designee, of such request. The president, or his or her designee, shall determine if a training program exists or can be designed at a
regional community-technical college to meet such training need and shall notify the Labor Commissioner of such determination. The Labor Commissioner shall to the extent possible make arrangements for the participation of the regional community-technical colleges, the Connecticut State University System, other institutions of higher education, other postsecondary institutions, adult education programs, opportunities industrialization centers and state regional vocational-technical schools in implementing the program. Nothing in this section shall preclude the Labor Commissioner from considering or choosing other providers to meet such training need. Nothing in this section shall preclude an employer from considering or choosing other providers to meet the training needs of such employer, provided the Labor Commissioner approves such employer's use of such other providers. For the period from July 1, 1996, to June 30, 1999, the Labor Commissioner, or his or her designee, the chancellor of the community-technical colleges and the chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to education shall meet semiannually to review actions taken pursuant to this section and section 32-6j.


*Note: Former Subsec. (l) of Sec. 32-222 was deleted by section 2 of public act 08-34.

History: P.A. 77-614 and P.A. 78-303 replaced commissioner of commerce with commissioner of economic development, effective January 1, 1979; P.A. 82-218 replaced state colleges with the Connecticut State University pursuant to reorganization of higher education system, effective March 1, 1983; P.A. 89-260 substituted "regional technical colleges" for "state technical colleges"; P.A. 91-256 made a technical change; P.A. 92-126 changed the references to community colleges and technical colleges to reference to community-technical colleges; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development; P.A. 96-190 added provisions concerning notification to the chancellor of the regional community-technical colleges, or his designee, and the determination by the chancellor or designee of the availability of a program at a community-technical college, increased the types of institutions the Labor Commissioner is required, to the extent possible, to make arrangements for participation in the program, specified that the Labor Commissioner is not precluded from choosing other providers and added provision for semiannual meetings to review actions taken pursuant to this section and Sec. 32-6j, effective July 1, 1996 (Revisor's note: A reference to "Commissioner of Labor" was changed editorially by the Revisors to "Labor Commissioner" for consistency with customary statutory usage); P.A. 99-236 provided for customized job training for the labor requirements of manufacturing or economic base businesses, provided specifications for such training, provided for participation of opportunities industrialization centers, and added a provision regarding employers choosing other job training providers; P.A. 11-48 replaced "chancellor of the regional
community-technical colleges" with "president of the Board of Regents for Higher Education" and made technical changes, effective July 1, 2011.

**Sec. 31-3d. Work training opportunities programs.** (a) The Labor Commissioner shall develop and implement work training opportunities programs in cooperation with municipalities, public and private agencies and business and industry in order to expand education, training, supportive services and job development for the placement of the chronically unemployed with specific emphasis on the needs of persons receiving or eligible to receive state-administered general assistance program benefits. For the purposes of funding such programs, the commissioner may, in addition to expending available appropriations, apply for, receive and expend funds from federal governmental and private sources.

(b) Participants in such programs shall receive compensation for time spent in training at rates established or approved by the Labor Commissioner. Participants who are state-administered general assistance recipients may earn a net amount up to thirty dollars per week in education and training programs established under this section, section 31-3b or subsection (a) of section 17b-194 without affecting the amount of their grants. Amounts in excess of thirty dollars earned by state-administered general assistance recipients for each week of such education or training shall be deducted from such recipients' grants. Medical benefits of such recipients shall not be affected by participation in such education or training. Job placement of participants who have completed training shall be limited to positions for which compensation is payable at rates consistent with industry practice or in conformity with collective bargaining agreements.

(c) Upon acceptance of a program proposal, the Labor Department may provide financial assistance to such program depending on efforts made to utilize existing employment and training programs and funding sources. Said department shall monitor all programs developed under this section and shall report to the General Assembly concerning the implementation and progress of the program within one year after the first program proposal is accepted.


History: (Revisor's note: The references to "17b-115 to 17b-138" and "17b-689 to 17b-693, inclusive," were changed editorially by the Revisors to "17b-116 to 17b-138" and "17b-689, 17b-689b", respectively, to reflect the repeal of certain sections by section 164 of June 18 Sp. Sess. P.A. 97-2); June 30 Sp. Sess. P.A. 03-3, in repealing Secs. 17b-19, 17b-62 to 17b-65, inclusive, 17b-116, 17b-116a, 17b-116b, 17b-117, 17b-120, 17b-121, 17b-123, 17b-134, 17b-135, 17b-220, 17b-259 and 17b-287, authorized deletion of internal references to said sections and amended Subsec. (a) by replacing reference to "general assistance" and the internal references to sections re general assistance with reference to "state-administered general assistance program benefits" and amended Subsec. (b) by replacing references to "general assistance" with references to "state-administered general assistance".)
Sec. 31-3e. Basic education programs for Work Incentive Program registrants. Requirements. Report. Section 31-3e is repealed.

(P.A. 81-414, S. 1, 2, 5; P.A. 86-291, S. 7.)

Sec. 31-3f. Employment training benefits voucher. The Labor Commissioner shall create an employment training benefits voucher. Such voucher shall state that the holder of the voucher is eligible for those training and benefit programs administered by the commissioner which are noted on the voucher and that any employer may take advantage of any such program if he employs the holder of the voucher.

(P.A. 81-445, S. 2, 11.)

Sec. 31-3g. Assistance to displaced homemakers. Advisory council. Regulations. (a) The Labor Commissioner shall provide assistance within existing resources to displaced homemakers and access to programs specific to the job training and placement needs of displaced homemakers. The commissioner shall, through the job service office of the Employment Security Division, provide such access to all existing programs and services suitable to the skill development of the applying displaced homemaker. The commissioner shall establish the position of state-wide coordinator of services for displaced homemakers in the Labor Department. For the purposes of this section, a displaced homemaker is an individual who (1) has worked in the home providing unpaid household services for family members, (2) has been dependent on the income of another family member but is no longer supported by that income or is receiving public assistance, and (3) has had or would have difficulty in securing employment sufficient to provide for economic independence.

(b) Such assistance and program access services shall include, but not be limited to: (1) Vocational counseling and education, (2) assessment of skills, (3) job training for various occupations, including skilled craft and technical vocations for which there is a demand in industry, (4) job placement, (5) assistance with child care and transportation, (6) personal counseling, (7) information and referral, and (8) financial management counseling.

(c) In providing the appropriate assistance and access to all existing programs deemed suitable, the commissioner shall consider the applicants, with an emphasis on women over the age of thirty-five years, and their need for services based on their: (1) Financial resources, (2) level of marketable skills, (3) ability to speak the English language and (4) area of residence. The commissioner shall refer applicants to the appropriate support services necessary for employment and training.

(d) The Labor Commissioner shall establish an Advisory Council on Displaced Homemakers and appoint not less than ten nor more than fifteen members, including representatives from the Labor Department, the Departments of Education, Higher Education and Social Services, the Permanent Commission on the Status of Women and providers of assistance and program access services, and such other members as the
commissioner deems necessary. The advisory council shall consult with and advise the Labor Commissioner and the state-wide coordinator of services for displaced homemakers as to criteria which shall be used to identify displaced homemakers and determine programs and services appropriate to the skills development of the applying displaced homemaker. The advisory council shall develop specific recommendations for funding multiservice programs which meet the training and job placement needs of displaced homemakers.

(e) The Labor Commissioner shall adopt regulations in accordance with chapter 54 to implement the provisions of this section. The commissioner shall consider the recommendations of the advisory council in the adoption of such regulations and in further funding requests necessary to provide services for the displaced homemaker population.

(P.A. 83-371, S. 1, 2; P.A. 85-416, S. 1, 2, 4; P.A. 93-262, S. 60, 87.)

History: P.A. 85-416 amended Subsec. (a) to require the commissioner to establish the position of state-wide coordinator of services for displaced homemakers and amended Subsec. (d) to require the advisory council to consult with and advise the state-wide coordinator of services for displaced homemakers; P.A. 93-262 replaced reference to departments of income maintenance and human resources with department of social services, effective July 1, 1993; (Revisor's note: In 1997 a reference in Subsec. (d) to "Departments of Labor, Education ..." was changed editorially by the Revisors to "Labor Department, the Departments of Education ..." for consistency with customary statutory usage).

**Sec. 31-3h. Connecticut Employment and Training Commission: Duties. Report.**

(a) There is created, within the Labor Department, the Connecticut Employment and Training Commission.

(b) The duties and responsibilities of the commission shall include:

(1) Carrying out the duties and responsibilities of a state job training coordinating council pursuant to the federal Job Training Partnership Act, 29 USC 1532, as amended, a state human resource investment council pursuant to 29 USC 1501 et seq., as amended, and such other related entities as the Governor may direct;

(2) Reviewing all employment and training programs in the state to determine their success in leading to and obtaining the goal of economic self-sufficiency and to determine if such programs are serving the needs of Connecticut's workers, employers and economy;

(3) Developing a plan for the coordination of all employment and training programs in the state to avoid duplication and to promote the delivery of comprehensive, individualized employment and training services. The plan shall contain the commission's recommendations for policies and procedures to enhance the coordination and
(4) Reviewing and commenting on all employment and training programs enacted by the General Assembly;

(5) Implementing the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended. Such implementation shall include (A) developing, in consultation with the regional workforce development boards, a single Connecticut workforce development plan that (i) complies with the provisions of said act and section 31-11p, and (ii) includes comprehensive state performance measures for workforce development activities specified in Title I of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, which performance measures comply with the requirements of 20 CFR Part 666.100, (B) preparing and submitting a report on the state's progress in achieving such performance measures to the Governor and the General Assembly annually on January thirty-first, (C) making recommendations to the General Assembly concerning the allocation of funds received by the state under said act and making recommendations to the regional workforce development boards concerning the use of formulas in allocating such funds to adult employment and job training activities and youth activities, as specified in said act, (D) providing oversight and coordination of the state-wide employment statistics system required by said act, (E) as appropriate, recommending to the Governor that the Governor apply for workforce flexibility plans and waiver authority under said act, after consultation with the regional workforce development boards, (F) developing performance criteria for regional workforce development boards to utilize in creating a list of eligible providers, and (G) on or before December 31, 1999, developing a uniform individual training accounts voucher system that shall be used by the regional workforce development boards to pay for training of eligible workers by eligible providers, as required under said act;

(6) Developing and overseeing a plan for the continuous improvement of the regional workforce development boards established pursuant to section 31-3k;

(7) Developing incumbent worker, and vocational and manpower training programs, including customized job training programs to enhance the productivity of Connecticut businesses and to increase the skills and earnings of underemployed and at-risk workers, and other programs administered by the regional workforce development boards. The Labor Department, in collaboration with the regional workforce development boards, shall implement any incumbent worker and customized job training programs developed by the commission pursuant to this subdivision; and

(8) Developing a strategy for providing comprehensive services to eligible youths, which strategy shall include developing youth preapprentice and apprentice programs through, but not limited to, regional vocational-technical schools, and improving linkages between academic and occupational learning and other youth development activities.

(c) On January 31, 2000, and annually thereafter, the Connecticut Employment and
Training Commission shall submit to the Governor and the joint standing committees of
the General Assembly having cognizance of matters relating to appropriations, education,
labor and social services a report on the progress made by the commission in carrying out
its duties and responsibilities during the preceding year and the commission's goals and
objectives for the current year.

(P.A. 89-292, S. 1, 6; P.A. 94-116, S. 20, 28; P.A. 97-263, S. 1; P.A. 99-195, S. 2, 15;
P.A. 00-192, S. 21, 102; P.A. 01-42, S. 1, 3; P.A. 03-19, S. 72; P.A. 06-196, S. 159; P.A.
11-48, S. 92.)

History: P.A. 94-116 added a reference to state human resource investment council,
effective July 1, 1994; (Revisor's note: In 1997 a reference in Subsec. (a) to "Department
of Labor" was changed editorially by the Revisors to "Labor Department" for consistency
with customary statutory usage); P.A. 97-263 added Subsec. (b)(4) expanding duties to
include reviewing and commenting on employment and training programs enacted by the
General Assembly; P.A. 99-195 made technical changes, amended Subsec. (b) to expand
commission's duties to include implementation of federal Workforce Investment Act of
1998 in new Subdiv. (5), development and overseeing of plan for improving regional
workforce development boards in new Subdiv. (6), development of incumbent worker,
and vocational and manpower training programs in new Subdiv. (7) and development of
strategy for providing comprehensive youth services in new Subdiv. (8) and amended
Subsec. (c) to extend the commission's deadline for submitting its annual progress report
and require submission of such report to committees with cognizance of matters relating
to appropriations, education, labor and social services, effective June 23, 1999; P.A. 00-
192 amended Subsec. (a) by transferring commission from Labor Department to Office
of Workforce Competitiveness, effective July 1, 2000 (Revisor's note: In Subsec. (a), a
reference to "section 7 of this act" was deemed by the Revisors to be a reference to
section 19 which established the Office of Workforce Competitiveness, and codified
accordingly as section "4-124w", for accuracy); P.A. 01-42 amended Subsec. (b)(5)(B)
by changing reference to "on or before said date and annually thereafter" to "annually on
January thirty-first", effective May 31, 2001; P.A. 03-19 made technical changes in
Subsec. (b)(5)(A)(ii), effective May 12, 2003; P.A. 06-196 made a technical change in
Subsec. (b)(8), effective June 7, 2006; P.A. 11-48 amended Subsec. (a) by replacing
"Office of Workforce Competitiveness" with "Labor Department", effective July 1, 2011.

Sec. 31-3i. Connecticut Employment and Training Commission: Members. (a) The
members of the Connecticut Employment and Training Commission shall be appointed
as specified in subsection (b) of this section.

(b) (1) The commission shall consist of twenty-four members, a majority of whom
shall represent business and industry and the remainder of whom shall represent state and
local governments, organized labor, education and community based organizations,
including a representative of a community action agency, as defined in section 17b-885.

(2) Effective six months after the United States Secretary of Labor approves the
single Connecticut workforce development plan submitted to said secretary in accordance with the provisions of subsection (b) of section 31-11r, the Governor shall fill any vacancy on the commission from recommendations submitted by the president pro tempore of the Senate, the speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate and the minority leader of the House of Representatives.

(c) Members appointed to the commission prior to June 23, 1999, shall continue to serve on the commission as if they were appointed to the commission as of June 23, 1999. The commission shall meet no less than once every calendar quarter.

(P.A. 89-292, S. 2, 6; P.A. 97-263, S. 2; P.A. 99-195, S. 3, 15.)

History: P.A. 97-263 amended Subsec. (a) by deleting provision re service of members at the pleasure of the Governor, and amended Subsec. (b) by changing the membership of the commission to 24 members, by requiring that a majority of members represent business and industry, by requiring that remaining members include representatives of education organizations and community action agency and by requiring the board to meet at least once every calendar quarter; P.A. 99-195 made technical changes, amended Subsec. (a) to require that new appointments to commission be consistent with the provisions of Subsec. (b), amended Subsec. (b) to add Subdiv. indicators and a provision in new Subdiv. (2) specifying how vacancies are to be filled six months after submission of the Connecticut workforce development plan to the U.S. Secretary of Labor and added a new Subsec. (c) to preserve the membership of persons appointed to the commission prior to June 23, 1999, effective June 23, 1999.

Sec. 31-3j. Regional work force development boards: Definitions. As used in sections 31-3j to 31-3r, inclusive:

(1) "Board" means a regional work force development board established under section 31-3k;

(2) "Commission" means the Connecticut Employment and Training Commission created under section 31-3h;

(3) "Commissioner" means the Labor Commissioner;

(4) "Job Training Partnership Act" means the federal Job Training Partnership Act, 29 USC 1501 et seq., as from time to time amended;

(5) "Municipality" means a town, city, borough, consolidated town and city or consolidated town and borough;

(6) "Work force development region" or "region" means an area designated as a service delivery area in accordance with the provisions of the Job Training Partnership Act.
Sec. 31-3k. Regional work force development boards: Duties and responsibilities. (a) There is established within the Labor Department a regional work force development board for each work force development region in the state. Each board shall assess the needs and priorities for investing in the development of human resources within the region and shall coordinate a broad range of employment, education, training and related services that shall be focused on client-centered, lifelong learning and shall be responsive to the needs of local business, industry, the region, its municipalities and its citizens.

(b) Each board, within its region, shall:

1. Carry out the duties and responsibilities of a private industry council under the Job Training Partnership Act, provided the private industry council within the region elects by a vote of its members to become a board and the Labor Commissioner approves the council as a regional work force development board.

2. Within existing resources and consistent with the state employment and training information system and any guidelines issued by the commissioner under subsection (b) of section 31-2, and with the annual plan developed by the commission under section 31-3h and approved by the Governor, (A) assess regional needs and identify regional priorities for employment and training programs, including, but not limited to, an assessment of the special employment needs of unskilled and low-skilled unemployed persons, including persons receiving state-administered general assistance or short-term unemployment assistance, (B) conduct planning for regional employment and training programs, (C) coordinate such programs to ensure that the programs respond to the needs of labor, business and industry, municipalities within the region, the region as a whole, and all of its citizens, (D) serve as a clearinghouse for information on all employment and training programs in the region, (E) prepare and submit an annual plan containing the board’s priorities and goals for regional employment and training programs to the commissioner and the commission for their review and approval, (F) review grant proposals and plans submitted to state agencies for employment and training programs that directly affect the region to determine whether such proposals and plans are consistent with the annual regional plan prepared under subparagraph (E) of this subdivision and inform the commission and each state agency concerned of the results of the review, (G) evaluate the effectiveness of employment and training programs within the region in meeting the goals contained in the annual regional plan prepared under subparagraph (E) of this subdivision and report its findings to the commissioner and the commission on an annual basis, (H) ensure the effective use of available employment and training resources in the region, and (I) allocate funds where applicable for program operations in the region.

3. Provide information to the commissioner concerning (A) all employment and training programs, grants or funds to be effective or available in the region in the following program year, (B) the source and purpose of such programs, grants or funds,
(C) the projected amount of such programs, grants or funds, (D) persons, organizations and institutions eligible to participate in such programs or receive such grants or funds, (E) characteristics of clients eligible to receive services pursuant to such programs, grants or funds, (F) the range of services available pursuant to such programs, grants or funds, (G) goals of such programs, grants or funds, (H) where applicable, schedules for submitting requests for proposals, planning instructions, proposals and plans, in connection with such programs, grants or funds, (I) the program period for such programs, grants or funds, and (J) any other data relating to such programs, grants or funds that the commissioner or the commission deems essential for effective state planning.

(4) Carry out the duties and responsibilities of the local board for purposes of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(5) Establish a worker training education committee comprised of persons from the education and business communities within the region, including, but not limited to, regional community-technical colleges and regional vocational-technical schools.

(c) Each board shall make use of grants or contracts with appropriate service providers to furnish all program services under sections 31-3j to 31-3r, inclusive, unless the commission concurs with the board that direct provision of a service by the board is necessary to assure adequate availability of the service or that a service of comparable quality can be provided more economically by the board. Any board seeking to provide services directly shall include in the annual regional plan submitted to the commissioner and the commission under subparagraph (E) of subdivision (2) of subsection (b) of this section its plan to provide services directly and appropriate justification for the need to do so. When the decision to provide services directly must be made between annual planning cycles, the board shall submit to the commissioner and the commission a plan of service and appropriate justification for the need to provide services directly. Such plan of service shall be subject to review and approval by the commission.

(d) On October 1, 2002, and annually thereafter, each board shall submit to the Labor Department comprehensive performance measures detailing the results of any education, employment or job training program or activity funded by moneys allocated to the board, including, but not limited to, programs and activities specified in the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended. Such performance measures shall include, but shall not be limited to, the identity and performance of any vendor that enters into a contract with the board to conduct, manage or assist with such programs or activities, the costs associated with such programs or activities, the number, gender and race of persons served by such programs or activities, the number, gender and race of persons completing such programs or activities, occupational skill types, the number, gender and race of persons who enter unsubsidized employment upon completion of such programs or activities, the number, gender and race of persons who remain in unsubsidized employment six months later and the earnings received by such persons.
History: P.A. 93-134 amended Subsec. (b)(1) to provide that a regional work force
development board shall not automatically replace a private industry council, rather the
members of the private industry council shall vote on, and the labor commissioner shall
approve of, such replacement; P.A. 99-195 made technical changes in Subsec. (b), adding
Subdivs. (4) and (5) requiring boards to carry out duties and responsibilities of local
boards for purposes of the federal Workforce Investment Act of 1998 and to establish
worker training education committees, effective June 23, 1999; P.A. 01-97 added Subsec.
(d) reporting of comprehensive performance measures to the Office of Workforce
Competitiveness; P.A. 04-76 amended Subsec. (b)(2)(A) by replacing reference to
"general assistance" with reference to "state-administered general assistance"; P.A. 11-48
amended Subsec. (d) by replacing "Office of Workforce Competitiveness" with "Labor
Department", effective July 1, 2011.

**Sec. 31-3l. Regional work force development boards: Members.** The members of a
board shall be appointed by the chief elected officials of the municipalities in the region
in accordance with the provisions of an agreement entered into by such municipalities. In
the absence of an agreement the appointments shall be made by the Governor. The
membership of each board shall satisfy the requirements for a private industry council as
provided under the Job Training Partnership Act and the requirements of the federal
Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended. To the
extent consistent with such requirements: (1) Business members shall constitute a
majority of each board and shall include owners of businesses, chief executives or chief
operating officers of nongovernmental employers, or other business executives who have
substantial management or policy responsibilities. Whenever possible, at least one-half of
the business and industry members shall be representatives of small businesses, including
minority businesses; (2) the nonbusiness members shall include representatives of
community-based organizations, state and local organized labor, state and municipal
government, human service agencies, economic development agencies and regional
community-technical colleges and other educational institutions, including secondary and
postsecondary institutions and regional vocational technical schools; (3) the nonbusiness
representatives shall be selected by the appointing authority from among individuals
nominated by the commissioner and the organizations, agencies, institutions and groups
set forth in subdivisions (2) and (5) of this section, and each appointing authority shall
solicit nominations from the commissioner and the organizations, agencies, institutions
and groups set forth in subdivisions (2) and (5) of this section; (4) labor representatives
shall be selected from individuals recommended by recognized state and local labor
federations in a manner consistent with the federal Job Training Partnership Act and the
federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;
(5) the board shall represent the interests of a broad segment of the population of the
region, including the interests of welfare recipients, persons with disabilities, veterans,
dislocated workers, younger and older workers, women, minorities and displaced
homemakers; and (6) in each region where a private industry council has elected by a
vote of its members to become a regional work force development board and the
commissioner has approved the council as a board, the initial membership of each board shall include, but not be limited to, the business members of the private industry council in the region.

(P.A. 92-145, S. 3, 10; P.A. 93-134, S. 2; P.A. 96-190, S. 2, 8; P.A. 99-195, S. 5, 15.)

History: P.A. 93-134 amended Subdiv. (1) to delete provision re membership of business members of private industry council, amended Subdiv. (4) to require selection of members by labor federations in manner consistent with Job Training Partnership Act rather than by labor organizations or building trade councils and added Subdiv. (6) to specify minimum requirements for initial membership of such boards in cases where private industry council has been approved as a board; P.A. 96-190 added regional community-technical colleges to the list of nonbusiness members, effective July 1, 1996; P.A. 99-195 added provision specifying that membership of each board must satisfy the requirements of the federal Workforce Investment Act of 1998, effective June 23, 1999.

Sec. 31-3m. Agencies involved in employment and training. Duties and responsibilities. Not later than July 1, 1992, and annually thereafter, the Governor shall designate appropriate state agencies as agencies involved in employment and training. The department heads of each agency involved in employment and training shall: (1) Not later than August 15, 1992, and annually thereafter, identify the employment and training programs administered by the agency that shall be subject to oversight by one or more boards under the provisions of sections 31-3j to 31-3r, inclusive; and (2) provide to the commissioner, for distribution to the boards through the commission, information concerning (A) all employment and training programs, grants or funds to be effective or available in the following program year, (B) the source and purpose of such programs, grants or funds, (C) the projected amount of such programs, grants or funds, (D) persons, organizations and institutions eligible to participate in such programs or receive such grants or funds, (E) characteristics of clients eligible to receive services pursuant to such programs, grants or funds, (F) the range of services available pursuant to such programs, grants or funds, (G) goals of such programs, grants or funds, (H) where applicable, schedules for submitting requests for proposals, planning instructions, proposals and plans, in connection with such programs, grants or funds, (I) the program period for such programs, grants or funds, and (J) any other data relating to such programs, grants or funds that the commissioner or the commission deems essential for effective regional planning.

(P.A. 92-145, S. 4, 10.)

Sec. 31-3n. Regulations. Duties of Labor Commissioner. (a) The commissioner, in consultation with the commission, shall adopt regulations in accordance with chapter 54 to carry out the provisions of sections 31-3j to 31-3r, inclusive. The regulations shall establish criteria for the organization and operation of the board and for ensuring that the membership of each board satisfies the requirements of section 31-3l.

(b) The commissioner, acting through the commission, shall facilitate communication
and exchange of information between the boards and state agencies involved in employment and training.

(c) The commissioner shall distribute all information received under the provisions of sections 31-3j to 31-3r, inclusive, to the commission in order to ensure that the review and coordination duties of the commission are effectively carried out.

(d) The commissioner shall submit each annual regional plan prepared pursuant to subparagraph (E) of subdivision (2) of subsection (b) of section 31-3k, together with the recommendations of the commissioner and the commission, to the Governor for final approval.

(e) The commissioner shall approve, in consultation with the commission, each board established pursuant to section 31-3k which meets the requirements of sections 31-3j to 31-3r, inclusive.

(P.A. 92-145, S. 5, 10; P.A. 93-134, S. 3.)

History: P.A. 93-134 added Subsec. (e) to require commissioner's approval of regional work force development boards.

**Sec. 31-3o. Duties of the Connecticut Employment and Training Commission.** (a) The commission shall review and approve each annual regional plan prepared pursuant to subparagraph (E) of subdivision (2) of subsection (b) of section 31-3k.

(b) The commission shall ensure that the membership of each board satisfies the representation requirements of section 31-3l and regulations adopted by the commissioner under section 31-3n.

(c) The commission, in developing the annual plan for the coordination of all employment and training programs in the state under section 31-3h, shall review and consider the annual report of each board evaluating the effectiveness of employment and training programs, prepared pursuant to subparagraph (G) of subdivision (2) of subsection (b) of section 31-3k.

(P.A. 92-145, S. 6, 10.)

**Sec. 31-3p. Grant proposal or plan inconsistent with annual regional plan of regional work force development board. Procedures.** In any case where a board, after review, determines that a grant proposal or plan submitted to a state agency involved in employment and training is inconsistent with the board's annual regional plan prepared pursuant to subparagraph (E) of subdivision (2) of subsection (b) of section 31-3k, the board shall notify the agency in writing of its determination and may request a response from the agency. The agency, if so requested, shall respond to the inconsistency noted by the board and shall make every effort to resolve the issues involved. If such issues cannot be resolved to the satisfaction of the board, the board may appeal to the commission. The
commission shall review the subject matter of the appeal and recommend a resolution to the commissioner, who shall render an opinion consistent with applicable state and federal law.

(P.A. 92-145, S. 7, 10; P.A. 93-134, S. 4.)

History: P.A. 93-134 required commission to review subject matter of appeals and recommend to the labor commissioner resolutions for inconsistencies between state grant proposals or plans re job training and regional work force development board job training plans.

Sec. 31-3q. State employment and training programs. All state employment and training programs shall be consistent with any guidelines issued by the commissioner under subsection (b) of section 31-2 and the annual plan for the coordination of all employment and training programs in the state developed by the commission and approved by the Governor under section 31-3h.

(P.A. 92-145, S. 8, 10.)

Sec. 31-3r. Construction or administration not to conflict with the Job Training Partnership Act or supersede statutory duties. Nothing in sections 31-3j to 31-3r, inclusive, shall be construed or administered in any manner that would conflict with the requirements of the Job Training Partnership Act or supersede any statutory duties, responsibilities or obligations of any agency or board, including, but not limited to, any local board of education.

(P.A. 92-145, S. 9, 10.)

Sec. 31-3s. Subsidized employment program for general assistance recipients. Section 31-3s is repealed, effective July 1, 1995.

(May Sp. Sess. P.A. 92-16, S. 22; P.A. 95-265, S. 6, 7.)

Sec. 31-3t. Job training and retraining programs for unemployed persons who owe overdue child support. Within available resources, the Labor Commissioner shall establish a job training and retraining program designed specifically for unemployed persons (1) against whom an order for support of minor children has been issued and (2) who owe overdue support.

(P.A. 93-329, S. 9.)

Sec. 31-3u. Assistance to employers for job training and meeting ISO 9000 quality standards. (a) The Commissioner of Economic and Community Development may allocate the funds authorized for the purposes of this section by subsection (b) of section 32-235 to the Labor Commissioner for the purpose of providing assistance to employers (1) for the job training or retraining of (A) current employees or (B)
prospective employees in newly-created jobs and (2) including, but not limited to, meeting ISO 9000 quality standards. The Labor Commissioner, upon the recommendation of the Commissioner of Economic and Community Development, shall provide for such training or retraining through customized job training programs authorized under this chapter. The Labor Commissioner may use vouchers for the purposes of this subsection.

(b) The Labor Commissioner and the Commissioner of Economic and Community Development shall jointly develop criteria for the evaluation and assessment of the assistance provided under subsection (a) of this section.

(c) The Labor Commissioner, in consultation with the Commissioner of Economic and Community Development, shall submit an annual report to the joint standing committees of the General Assembly having cognizance of matters relating to the Department of Economic and Community Development and the Labor Department on the assistance provided under subsection (a) of this section.

(P.A. 93-394, S. 1, 3; P.A. 94-193, S. 1; P.A. 95-250, S. 1; P.A. 96-211, S. 1, 5, 6.)

History: P.A. 93-394 effective July 1, 1993; P.A. 94-193 corrected an incorrect reference in Subsec. (a) to "chapter 566" to read "chapter 556"; i.e. "this chapter"; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development (Revisor's note: The phrase "Department of Economic and Community Development and Labor" was replaced editorially by the Revisors with "Department of Economic and Community Development and the Labor Department" both for grammatical accuracy and consistency with customary statutory usage).

Sec. 31-3v. Priority for financial assistance applicants who have established a work environment consistent with criteria in Sec. 32-475. The Labor Commissioner shall give priority to applicants who have established a work environment consistent with the criteria set forth in section 32-475 in awarding financial assistance under the programs authorized pursuant to this chapter to the extent consistent with any state or regional economic development strategy.

(P.A. 94-116, S. 5, 28.)


Sec. 31-3w. Establishment of state-wide network of job centers. (a) Notwithstanding any provision of the general statutes, the Labor Commissioner, in exercise of any duties including any duties as administrator under chapter 567, shall, within available resources, maintain a state-wide network of job centers which provide to workers, students and employers comprehensive workforce development assistance, including, but not limited to, the following:
(1) Unemployment compensation, retraining allowances and other forms of federal and state income support;

(2) Career, labor market, educational and job training information, and consumer reports on local training providers;

(3) Career planning and job search assistance;

(4) Applicant recruitment and screening, assessment of training needs, customized job training pursuant to this chapter, apprenticeship programs pursuant to chapter 557 and related consultative services to employers based on their employment needs;

(5) Eligibility determinations and referrals to providers of employment and training services; and

(6) Access to information regarding job openings and, where appropriate, referral to such openings.

(b) In carrying out responsibilities under this section, the commissioner shall:

(1) Collaborate with the Connecticut Employment and Training Commission established pursuant to section 31-3h and the regional workforce development boards established pursuant to section 31-3k;

(2) Promote coordination of service delivery and collaboration with other public and private providers of education, human services and employment and training services, including, but not limited to, adult education and literacy providers;

(3) Consult with the Commissioner of Economic and Community Development to ensure coordination of service delivery to employers;

(4) Conduct outreach to employers and trade associations to ensure that services meet the needs of business and industry; and

(5) Develop a comprehensive job training assistance application for employer-based training services and programs that allows the applicant to apply for any such assistance offered by the state in one application.


(b) to specify coordination with adult literacy programs, outreach to employers and trade associations and a comprehensive training application.

**Sec. 31-3x. Funding. Application for federal waivers.** The Labor Department, for the purpose of funding the program pursuant to section 31-3w, may, in addition to expending available appropriations, apply for federal waivers and receive and expend any such funds available from the federal government and any private sources for the funding of job training initiatives, including assistance to workers who are presently working and workers who are studying the feasibility of employee stock ownership plans.

(P.A. 94-116, S. 14, 28.)


**Sec. 31-3y. Self-employment assistance: Definitions.** (a) As used in this section:

(1) "Administrator" means the Labor Commissioner in his capacity as administrator of unemployment compensation under chapter 567;

(2) "Self-employment assistance activities" means activities, including entrepreneurial training, business counseling and technical assistance, approved by the administrator, in which an individual identified through the worker profiling system established under section 31-235 as likely to exhaust regular benefits participates for the purpose of establishing a business and becoming self-employed;

(3) "Self-employment assistance allowance" means an allowance payable in lieu of regular benefits and from the Unemployment Fund established under section 31-261 to an individual participating in self-employment assistance activities who meets the requirements of this section;

(4) "Regular benefits" means benefits payable to an individual under chapter 567, including benefits payable to federal civilian employees and ex-service members but excluding additional and extended benefits; and

(5) "Full-time basis" shall have the meaning contained in regulations adopted by the administrator pursuant to section 31-3z.

(b) The weekly allowance payable under this section to an individual shall be equal to the weekly benefit amount of regular benefits otherwise payable under section 31-231a. The sum of the allowance paid under this section and regular benefits paid with respect to any benefit year shall not exceed the maximum benefit amount established by section 31-231b with respect to such benefit year.

(c) The self-employment assistance allowance shall be payable to an individual at the same intervals, on the same terms, and subject to the same conditions as regular benefits, except that:
(1) The requirements of section 31-235 and subsection (a)(1) of section 31-236 concerning availability for work, active search for work and refusal to accept work shall not apply to such individual;

(2) The requirements of section 31-229 concerning self-employment income shall not apply to income earned from such individual's self-employment;

(3) An individual who meets the requirements of this section shall be considered unemployed pursuant to sections 31-227 and 31-228; and

(4) An individual who fails to participate in self-employment assistance activities or who fails actively to engage, on a full-time basis, in activities, which may include training, relating to the establishment of a business and becoming self-employed shall be disqualified from receiving benefits for the week such failure occurs.

(d) The total number of individuals receiving self-employment assistance allowances under this section shall not, at any time, exceed five per cent of the number of individuals receiving regular benefits.

(e) Allowances paid under this section shall be charged to employers pursuant to chapter 567 in the same manner as regular benefits.

(f) This section shall apply to weekly allowances payable under this section for any week succeeding July 1, 1994, or to weekly allowances payable under this section commencing after any plan required by the United States Department of Labor is approved by such department, whichever is later. The authority provided in this section shall terminate as of the end of the week preceding the date federal law ceases to authorize the provisions of this section, unless such date is a Saturday, in which case, the authority shall terminate as of such date.

(P.A. 94-116, S. 16, 28.)


Sec. 31-3z. Regulations. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, for the administration of the self-employment assistance pilot program established pursuant to section 31-3y. The regulations shall prescribe procedures for assuring that the limitations on the total number of participants specified in subsection (c) of said section are met.

(P.A. 94-116, S. 17, 28.)

**Sec. 31-3aa. Report re self-employment assistance pilot program.** Section 31-3aa is repealed, effective October 1, 2002.

(P.A. 94-116, S. 18, 28; S.A. 02-12, S. 1.)

**Sec. 31-3bb. Program report cards re employment placement.** On or before October 1, 1998, and annually thereafter, the Connecticut Employment and Training Commission shall submit to the Office of Policy and Management and the joint standing committees of the General Assembly having cognizance of matters relating to employment and training a report card of each program emphasizing employment placement included in the commission's annual inventory. The report card shall, at a minimum, identify for each program the cost, number of individuals entering the program, number of individuals satisfactorily completing the program and the employment placement rates of those individuals at thirteen and twenty-six-week intervals following completion of the program or a statement as to why such measure is not relevant.

(P.A. 97-263, S. 3.)

**Sec. 31-3cc. Collection and analysis of data re gender and other bias in training programs.** The Connecticut Employment and Training Commission, in cooperation with the Permanent Commission on the Status of Women and the Commission on Human Rights and Opportunities, shall regularly collect and analyze data on state-supported training programs that measure the presence of gender or other systematic bias and work with the relevant boards and agencies to correct any problems that are found.

(P.A. 97-263, S. 4.)

**Sec. 31-3dd. Recommendation re budget targets.** The Connecticut Employment and Training Commission, in consultation with the Labor Department, the Department of Economic and Community Development and the regional workforce development boards, shall recommend to the Office of Policy and Management and the joint standing committee of the General Assembly having cognizance of matters relating to appropriations, budget targets for assisting state employers with their training needs.

(P.A. 97-263, S. 5.)

**Sec. 31-3ee. Pilot program for TFA recipients.** Report on pilot program for TFA recipients. (a) Within available appropriations for the fiscal year ending June 30, 2000, and the next two successive fiscal years, the Labor Department, in cooperation with the regional workforce development boards, shall establish a two-year pilot program for recipients of temporary family assistance to: (1) Expand work-study opportunities for such recipients; (2) expand child care programs for such recipients; and (3) establish a competitive grant program that awards grants to providers of innovative short courses, flexible class schedules, "contextual learning" curricula related to job skills, innovative distance learning or on-site learning initiatives, including, but not limited to, employers,
community-technical colleges, vocational-technical schools, local or regional boards of education or regional educational service centers that offer adult education programs and community-based education and training providers.

(b) Not later than July 1, 1999, the Labor Commissioner shall submit a status report on the establishment and on any operation of the pilot program authorized under this section to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, human services and labor and public employees.

(P.A. 98-169, S. 4, 8.)


Sec. 31-3ff. Job Training Partnership Act payments. All payments made from the Job Training Partnership Act (JPTA) in the fiscal year ending June 30, 2000, are deemed to be expenditures from appropriated funds authorized by public or special act of the General Assembly.

(P.A. 00-192, S. 30, 102.)

History: P.A. 00-192 effective July 1, 2000.

Sec. 31-3gg. One-stop centers. (a) In addition to the required partners identified in Section 121(b)(1) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and subject to the approval of the regional workforce development board and the chief elected officials for the local area, each one-stop center shall include a local community action agency, as defined in section 17b-885, and an opportunities industrialization center as one-stop partners and shall provide eligible individuals utilizing the one-stop center with access to programs and activities carried out by such community action agency and opportunities industrialization center. For purposes of this subsection, "local area" refers to an area designated as such pursuant to Section 116 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(b) At least one representative from the Department of Social Services shall be available on-site at each one-stop center to provide eligible individuals utilizing the one-stop center with information or assistance concerning any service or program administered by the department.

(P.A. 01-146.)

Sec. 31-3hh. Regional workforce development board contracts. Regulations. The Labor Commissioner, in consultation with the Connecticut Employment and Training Commission and the regional workforce development boards established pursuant to section 31-3k, shall adopt regulations in accordance with the provisions of chapter 54 setting forth standard contract provisions that shall be included in each contract (1)
entered into by a regional workforce development board with any public or private entity, including, but not limited to, an eligible provider, as defined in section 31-11l, for the provision of education, employment or job training programs, activities or services, and (2) funded by state or federal moneys allocated to a regional workforce development board, including, but not limited to, funds received under the Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(P.A. 01-156, S. 1, 2.)


Sec. 31-3ii. Adult education pilot program for incumbent workers. Report. (a) Within available appropriations, for the fiscal years ending June 30, 2004, to June 30, 2006, inclusive, the Connecticut Employment and Training Commission, in cooperation with a consenting regional workforce development board, shall establish a pilot program that allows such board to use funds allocated to such board to expand an existing adult education program at a local or regional board of education within such regional workforce development board's region to enable incumbent workers to participate in such adult education program. For purposes of this section, "incumbent workers" means individuals who are employed in this state, but who are in need of additional skills, training or education in order to upgrade employment.

(b) Not later than January 1, 2007, the commission shall submit a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to higher education and employment advancement and education on the establishment and any operation of the pilot program authorized under subsection (a) of this section.

(P.A. 03-102, S. 1.)

History: P.A. 03-102 effective July 1, 2003.

Sec. 31-3jj. Job training; English as a second language instruction. Each state agency providing or assisting in the provision of job training shall, within available appropriations, include the opportunity for English as a second language instruction.

(P.A. 04-227, S. 3.)


Sec. 31-3kk. Funds for incumbent worker training programs. Any funds appropriated to the Labor Department for incumbent worker training programs shall be administered by regional workforce development boards.

(P.A. 06-83, S. 21.)
Sec. 31-3ll. Twenty-First Century Skills Training Program. Regulations. (a) The Labor Commissioner, in consultation with the Commissioner of Economic and Community Development and the Commissioner of Education, shall, within available appropriations, establish and operate the Twenty-First Century Skills Training Program, the purposes of which shall be to: (1) Sustain high growth occupation and economically vital industries identified by such commissioners; and (2) assist workers in obtaining skills to start or move up their career ladders. Such job training program may include training designed to increase the basic skills of employees, including, but not limited to, training in written and oral communication, mathematics or science, or training in technical and technological skills and such other training as such commissioners determine is necessary to meet the needs of the employer. No more than five per cent of the appropriation for the program may be used for administrative purposes.

(b) Not less than fifty per cent of the cost of such training shall be borne by the employer requesting the training.

(c) The Labor Commissioner is authorized to adopt, pursuant to chapter 54, any regulations required to carry out this section.

(P.A. 06-187, S. 14; P.A. 07-166, S. 10.)


Sec. 31-3mm. Youth employment and training funds. (a) The Labor Department, within available appropriations, shall establish a program to distribute youth employment and training funds to regional workforce development boards.

(b) Funds provided for in this section shall be allocated as follows: (1) Thirty-two and five-tenths per cent to Capitol Workforce Partners; (2) twenty-two and five-tenths per cent to The Workforce Alliance; (3) twelve and five-tenths per cent to The Workplace, Inc.; (4) twenty-two and five-tenths per cent to the Northwest Regional Workforce Investment Board, Inc.; and (5) ten per cent to the Eastern Connecticut Workforce Investment Board.

(June Sp. Sess. P.A. 07-4, S. 5.)


Sec. 31-3nn. Mortgage crisis job training program. (a) The WorkPlace, Inc., in conjunction with the other regional workforce development boards pursuant to section 31-3k and the one-stop centers pursuant to section 31-3gg, shall establish a mortgage crisis job training program in accordance with this section. For purposes of the program,
at least three mortgage crisis job training teams shall be established for different areas of
the state. The WorkPlace, Inc. and Capital Workforce Partners shall manage such teams.
The teams, in cooperation with the regional workforce development boards and the one-
stop centers, shall ensure the provision of rapid, customized employment services, job
training, repair training and job placement assistance to borrowers who are unemployed,
derelated or in need of a second job. The WorkPlace, Inc. shall arrange for the
provision of financial literacy and credit counseling for participants in the program with
the Connecticut Housing Finance Authority.

(b) Borrowers shall be eligible for the program if they are at least sixty days
delinquent on their mortgages and (1) are referred by their Connecticut Housing Finance
Authority lender, or (2) demonstrate an imminent need to increase earnings in order to
avoid delinquency or foreclosure. Borrowers may also access the program through the
one-stop centers.

(c) The WorkPlace, Inc. and the Connecticut Housing Finance Authority shall submit
a joint report, in accordance with section 11-4a, on the implementation of the mortgage
crisis job training program to the joint standing committees of the General Assembly
having cognizance of matters relating to banks and planning and development, and to the
select committee of the General Assembly having cognizance of matters relating to
housing by January 1, 2009.

(P.A. 08-176, S. 13.)

History: P.A. 08-176 effective July 1, 2008.

Sec. 31-3oo. Connecticut Employment and Training Commission solicitation and
publication of information re promotion of green technology industry. The
Connecticut Employment and Training Commission, in collaboration with the
Connecticut Energy Sector Partnership, shall annually solicit and publicize information
concerning efforts made by the institutions of higher education in this state to promote
the green technology industry, including the development of new academic degree and
certificate programs, courses of instruction and initiatives made by such institutions to
align green jobs programs with employer needs.

(P.A. 10-156, S. 2.)

See Sec. 10a-55d re definitions.

Public Act 12-1 June Sp. Sess., Section 202 - Section 31-3pp of the 2012
supplement to the general statutes is repealed and the following is
substituted in lieu thereof:

Sec. 31-3pp. Subsidized Training and Employment program

(a) For purposes of this section:
(1) "Department" means the Labor Department;

(2) "Eligible small business" means a business that (A) employed not more than one hundred full-time employees on at least fifty per cent of its working days during the preceding twelve months, (B) has operations in Connecticut, (C) has been registered to conduct business for not less than twelve months, and (D) is in good standing with the payment of all state and local taxes;

(3) "Control", with respect to a corporation, means ownership, directly or indirectly, of stock possessing fifty per cent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote. "Control", with respect to a trust, means ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital or profits interest in a partnership, limited liability company or association or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, other than paragraph (3) of said Section 267(c);

(4) "Related person" means (A) a corporation, limited liability company, partnership, association or trust controlled by the eligible small business, (B) an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, (C) a corporation, limited liability company, partnership, association or trust controlled by an individual, corporation, limited liability company, partnership, association or trust that is in control of the eligible small business, or (D) a member of the same controlled group as the eligible small business;

(5) "Eligible small manufacturer" means an eligible small business described in sectors 31 to 33, inclusive, of the North American Industry Classification System, that employed not more than one hundred employees on at least fifty per cent of its working days during the preceding twelve months.

(b) (1) There is established within the Labor Department a Subsidized Training and Employment program for eligible small businesses and eligible small manufacturers. Said program shall provide grants to such businesses and manufacturers to subsidize, for the first one hundred eighty calendar days after a person is hired, a part of the cost of employment, including any costs related to training. No such business or manufacturer receiving a grant under this section with respect to a new employee or newly hired person may receive a second grant under this section with respect to the same new employee or newly hired person.

(2) At the discretion of the Labor Commissioner, the department may use up to four per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session, as amended by this act, for the purpose of retaining outside consultants or the Workforce Investment Boards to operate the Subsidized Training and Employment program.
(3) In fiscal year 2013, the department may use up to four per cent of any funds allocated pursuant to section 5 of public act 11-1 of the October special session, as amended by this act, in said fiscal year for the purpose of the marketing and operation of the Subsidized Training and Employment program.

(c) (1) An eligible small business may apply to the department for a grant to subsidize on-the-job training and compensation for a new employee, where "new employee" means a person who (A) was unemployed immediately prior to employment, regardless of whether such person collected unemployment compensation benefits as a result of such unemployment, (B) is a resident of a municipality that has (i) an unemployment rate that is equal to or higher than the state unemployment rate as of September 1, 2011, or (ii) a population of eighty thousand or more, and (C) has a family income equal to or less than two hundred fifty per cent of the federal poverty level, adjusted for family size. "New employee" does not include a person who was employed in this state by a related person with respect to the eligible small business during the prior twelve months or a person employed on a temporary or seasonal basis by a retailer, as defined in section 42-371.

(2) Grants to eligible small businesses under the Subsidized Training and Employment program shall be in the following amounts: (A) For the first thirty calendar days a new employee is employed, one hundred per cent of an amount representing the hourly wage of such new employee, exclusive of any benefits, but in no event shall such amount exceed twenty dollars per hour; (B) for the thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount; and (D) for the one hundred fifty-first to one hundred eightieth, inclusive, calendar days, twenty-five per cent of such amount. Grants shall be cancelled as of the date the new employee leaves employment with the eligible small business.

(d) (1) An eligible small manufacturer may apply to the department for a grant to be used to train and compensate persons newly hired by such manufacturer. Any training shall be provided by such manufacturer, and take place on such manufacturer's premises, but no existing formal training program shall be required. The Labor Commissioner, or said commissioner's designee, shall review and approve such manufacturer's description of the proposed training as part of the application.

(2) Grants awarded to an eligible small manufacturer pursuant to this subsection shall subsidize the costs of training and compensating each person newly hired by such manufacturer. In no event shall a grant exceed the salary of the newly hired person. Maximum amounts of each grant are: For the first full calendar month a newly hired person is employed, up to two thousand five hundred dollars; for the second month, up to two thousand four hundred dollars; for the third month, up to two thousand two hundred dollars; for the fourth month, up to two thousand dollars; for the fifth month, up to one thousand eight hundred dollars; and for the sixth month, up to one thousand six hundred dollars. No grant shall exceed a total amount of twelve thousand five hundred dollars per newly hired person. A grant may be cancelled as of the date such person leaves employment with the eligible small manufacturer.
(e) Not later than July 15, 2012, and annually thereafter, and January 15, 2013, and annually thereafter, the Labor Commissioner shall provide a report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce and labor. Said report shall include available data, for the six-month period ending on the last day of the calendar month preceding such report, on (1) the number of small businesses that participated in the Subsidized Training and Employment program established pursuant to subsection (c) of this section, and the general categories of such businesses, (2) the number of small manufacturers that participated in the Subsidized Training and Employment program established pursuant to subsection (d) of this section, and the general categories of such manufacturers, (3) the number of individuals that received employment, and (4) the most recent estimate of the number of jobs created or maintained.

(f) The Labor Commissioner may adopt regulations in accordance with the provisions of chapter 54 to carry out the provisions of this section.

Sec. 203. Section 5 of public act 11-1 of the October special session is repealed and the following is substituted in lieu thereof:

(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate twenty million dollars, provided ten million dollars of said authorization shall be effective July 1, 2012.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Labor Department for the purpose of the Subsidized Training and Employment program established pursuant to section 31-3pp of the general statutes, as amended by this act, provided (1) ten million dollars of the amount stated in subsection (a) of this section shall be used in each of fiscal years 2012, 2013 and 2014 for the small business program established pursuant to section 31-3pp of the general statutes, as amended by this act, and (2) ten million dollars of the amount stated in subsection (a) of this section shall be used in each of fiscal years 2012, 2013 and 2014 for the small manufacturer program established pursuant to section 31-3pp of the general statutes, as amended by this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond
Commission that there has been filed with it a request for such authorization which is
signed by or on behalf of the Secretary of the Office of Policy and Management and
states such terms and conditions as said commission, in its discretion, may require. Said
bonds issued pursuant to this section shall be general obligations of the state and the full
faith and credit of the state of Connecticut are pledged for the payment of the principal of
and interest on said bonds as the same become due, and accordingly and as part of the
contract of the state with the holders of said bonds, appropriation of all amounts
necessary for punctual payment of such principal and interest is hereby made, and the
State Treasurer shall pay such principal and interest as the same become due.

Public Act 12-1 June Spec. Sess. (NEW) Section 204. Not codified at
this time.

(a) For purposes of this section:

(1) "Department" means the Labor Department;

(2) "Eligible business" means a business that (A) has operations in Connecticut, (B) has
been registered to conduct business for not less than twelve months, and (C) is in good
standing with the payment of all state and local taxes;

(3) "Control", with respect to a corporation, means ownership, directly or indirectly, of
stock possessing fifty per cent or more of the total combined voting power of all classes
of the stock of such corporation entitled to vote. "Control", with respect to a trust, means
ownership, directly or indirectly, of fifty per cent or more of the beneficial interest in the
principal or income of such trust. The ownership of stock in a corporation, of a capital or
profits interest in a partnership, limited liability company or association or of a beneficial
interest in a trust shall be determined in accordance with the rules for constructive
ownership of stock provided in Section 267(c) of the Internal Revenue Code of 1986, or
any subsequent corresponding internal revenue code of the United States, as from time to
time amended, other than paragraph (3) of said Section 267(c);

(4) "Related person" means (A) a corporation, limited liability company, partnership,
association or trust controlled by an eligible business, (B) an individual, corporation,
limited liability company, partnership, association or trust that is in control of an eligible
business, (C) a corporation, limited liability company, partnership, association or trust
controlled by an individual, corporation, limited liability company, partnership,
association or trust that is in control of an eligible business, or (D) a member of the same
controlled group as an eligible business;

(5) "New employee" means a person who (A) was unemployed prior to employment with
an eligible business, regardless of whether such person collected unemployment
compensation benefits as a result of such unemployment, (B) was a member of the armed
forces and was called to active service in support of (i) Operation Enduring Freedom, or
(ii) military operations that were authorized by the President of the United States that
entail military action against Iraq, and (C) was honorably discharged after not less than
ninety days of service in an area designated by the President of the United States by executive order as a combat zone, as indicated on a military discharge document, as defined in section 1-219 of the general statutes, unless separated from service earlier because of a service-connected disability rated by the Veterans' Administration. "New employee" does not include a person who was employed in this state by a related person of such eligible business during any of the twelve months prior to employment with the eligible business;

(6) "On-the-job training" means training provided by an eligible business on such business' premise; and

(7) "Armed Forces" means the United States Army, Navy, Marine Corps, Coast Guard and Air Force and any reserve component thereof, including a state National Guard performing duty as provided in Title 32 of the United States Code.

(b) (1) There is established within the Labor Department an Unemployed Armed Forces Member Subsidized Training and Employment program for eligible businesses. Said program shall provide grants to eligible businesses to subsidize, for the first one hundred eighty calendar days after a new employee is hired, part of the cost of on-the-job training and compensation for such new employee, in accordance with subsection (c) of this section. No business receiving a grant under this section with respect to a new employee may receive a second grant under this section or a grant under section 31-3pp of the general statutes, as amended by this act, with respect to the same new employee.

(2) At the discretion of the Labor Commissioner, the department may use up to four per cent of any funds allocated pursuant to section 205 of this act, for the purpose of retaining outside consultants or the Workforce Investment Boards to operate the Unemployed Armed Forces Member Subsidized Training and Employment program.

(3) In fiscal year 2013, the department may use up to four per cent of any funds allocated pursuant to section 205 of this act in said fiscal year for the purpose of the marketing and operation of the Unemployed Armed Forces Member Subsidized Training and Employment program.

(c) (1) An eligible business may apply to the department for a grant to subsidize on-the-job training and compensation for a new employee hired by such business. The Labor Commissioner, or said commissioner's designee, shall review and approve such business' description of the proposed on-the-job training as part of the grant application.

(2) A grant awarded to an eligible business pursuant to this subsection shall be in the following amount: (A) For the first thirty calendar days a new employee is employed, one hundred per cent of the wage of such new employee, exclusive of any benefits, not to exceed twenty dollars per hour; (B) for the thirty-first to ninetieth, inclusive, calendar days, seventy-five per cent of such amount; (C) for the ninety-first to one hundred fiftieth, inclusive, calendar days, fifty per cent of such amount; and (D) for the one hundred fifty-first to one hundred eightieth, inclusive, calendar days, twenty-five per cent
of such amount. A grant shall be cancelled as of the date the new employee leaves employment with the eligible business.

(d) Not later than July 15, 2013, and annually thereafter, and January 15, 2014, and annually thereafter, the Labor Commissioner shall provide a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce, veterans and labor. Said report shall include available data, for the six-month period ending on the last day of the calendar month preceding such report, on (1) the number of businesses that participated in the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to subsection (b) of this section, and the general categories of such businesses, and (2) the number of individuals that received employment under said program.

(e) The Labor Commissioner may adopt regulations in accordance with the provisions of chapter 54 of the general statutes to carry out the provisions of this section.


(a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate ten million dollars, provided five million dollars of said authorization shall be effective July 1, 2013.

(b) The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Labor Department for the purposes of the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to section 204 of this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, which are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of
and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Subsection (a) of section 31-4 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

Sec. 31-4. Immigrant laborers; protection; penalty for defrauding; printed material re rights. (a) The commissioner may appoint, as special agents, competent persons, familiar with the language of non-English-speaking laborers, who shall inform such laborers, either personally or through printed matter in their language, as to their right of contract under the laws of the state, and shall prevent illegal advantage being taken of such laborers by reason of their lack of knowledge, credulity or lack of proficiency in the English language. The appointment of such agents shall not be permanent but simply to meet the exigencies of each case as presented to the commissioner, and they shall be paid the same compensation as is paid other agents. Any person who obtains or receives money due immigrant laborers or laborers who lack proficiency in the English language and retains any part thereof for such person's own use without giving adequate consideration therefor shall be guilty of a class A misdemeanor.

(b) The commissioner shall produce printed material describing the rights of immigrant laborers or laborers who lack proficiency in the English language as employees under part III of chapter 557 and chapters 558 and 567, and the commissioner shall provide such information to such laborers when they apply for benefits under chapter 567 or when they seek compliance with any provision under part III of chapter 557 or chapter 558. The commissioner shall, within available funds, make such information available to the public. The commissioner shall prevent illegal advantage being taken of such laborers by reason of their lack of information about their rights, credulity or lack of proficiency in the English language. The languages used in such printed material, in addition to Spanish and French, may be those languages determined by the commissioner to be spoken by the primary groups of immigrant laborers in the state.
History: P.A. 01-147 designated existing provisions as Subsec. (a) and amended by deleting references to "the bureau" and provision limiting expenses to $300, changing "alien" to "non-English-speaking", "ignorance" to "lack of knowledge", "want of knowledge" to "lack of proficiency" and "laborers ignorant of" to "immigrant laborers or laborers who lack proficiency in", and making a technical change for purposes of gender neutrality, and added Subsec. (b) re production by commissioner of printed material re rights of immigrant laborers or laborers who lack proficiency in English language and prevention of illegal advantage being taken of such laborers; P.A. 03-19 made a technical change in Subsec. (b), effective May 12, 2003.

**Sec. 31-5. State employment bureaus. Branches.** Section 31-5 is repealed.

(1949 Rev., S. 3779; P.A. 75-97; P.A. 77-113; 77-426, S. 15, 19.)

Sec. 31-6. Federal aid for public employment offices. Notification of state job openings or examinations to the Connecticut Employment Service. (a) The state of Connecticut accepts the benefits of an act of the Congress of the United States entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of Such System and for Other Purposes", approved June 6, 1933, and will observe and comply with the requirements of said act. The Labor Department is designated as the state agency for the purpose of said act and is vested with all powers necessary to cooperate with the United States Employment Service under this section.

(b) Each agency in the executive, legislative and judicial branches of state government shall notify the Connecticut Employment Service of any job openings or examinations for positions in the agency.

(1949 Rev., S. 3780; P.A. 85-505, S. 5, 21.)

History: P.A. 85-505 made the existing section Subsec. (a) and added Subsec. (b) requiring notification of state job openings and examinations to be given to Connecticut employment service.

See Sec. 31-237 re Employment Security Division's duties re requirements of federal act.

**Sec. 31-7. Notices.** The orders and notices given by the Labor Commissioner under the provisions of this chapter shall be written or printed, signed by him officially, and may be served by him or any proper officer or indifferent person, by leaving an attested copy thereof with or at the usual place of abode of the person upon whom service is to be made, or by registered or certified mail addressed to such person at his last-known place of address. Such notice, properly endorsed with the doings of the person or officer...
serving the same, shall be returned to the commissioner and shall be prima facie evidence that notice was given as therein appears. Notice to one member of a firm shall be notice to every member thereof, and notice to the president, secretary or treasurer of a corporation shall be notice to such corporation. The fees for serving such orders and notices, unless served by the commissioner, shall be the same as for the service of process in civil actions, and shall be included in the necessary expenses of the commissioner.

(1949 Rev., S. 3756.)

Sec. 31-8. Appeal from orders of commissioner. Except as provided in subsections (a) and (c) of section 4-186, any person, firm or corporation aggrieved by any order of the commissioner may appeal, in accordance with the provisions of chapter 54, to the superior court for the judicial district where the person, firm or corporation owns, leases or occupies the factory or building to which such order relates.


History: 1971 act replaced superior court with court of common pleas, effective September 1, 1971, except that courts with cases pending retain jurisdiction unless pending matters deemed transferable; P.A. 76-436 replaced court of common pleas with superior court and added reference to judicial districts, effective July 1, 1978; P.A. 77-603 added specific provision applicable to appeals in contested cases; P.A. 78-280 deleted reference to counties; P.A. 88-317 substituted, in the first sentence, "as provided in subsections (a) and (c) of section 4-186" for "for an appeal in a contested case, as defined in section 4-166" and required appeal to be made "in accordance with the provisions of chapter 54" instead of specifying the deadline, form and procedure for the appeal, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date.

Cited. 164 C. 233.

Sec. 31-9. Factory inspection. Deputy commissioner. Report. There shall continue to be a Department of Factory Inspection under the management of the Labor Commissioner. Said commissioner may appoint or remove from office a Deputy Commissioner of Factory Inspection. Said commissioner shall keep, in books provided by the Comptroller, copies of all notices and orders given by him and a record of all inspections and examinations. Said commissioner shall, by himself or a representative, as often as practicable, examine all buildings and places where machinery is used, and may enter such buildings and places at all proper times for the purposes of inspection. He shall include in the report required by section 4-60 a report of the condition, as respects safety of life and health, of the factories, buildings and places visited.

(1949 Rev., S. 3746; September, 1957, P.A. 11, S. 13.)
See Sec. 29-244 re failure to post valid operating certificate.

**Sec. 31-10. Deputy inspectors. Prosecution for violations.** To assist him in the performance of his duties, the Labor Commissioner shall appoint not more than thirty deputy inspectors. Seventeen of such deputies shall be qualified as safety inspectors and shall devote special attention to the causes and the prevention of industrial accidents in all places of employment in the state. Such deputies shall have the same power as the commissioner has in the Department of Factory Inspection. The commissioner and all deputies appointed under authority hereof are authorized to lodge a complaint with any prosecuting officer for the violation of any provision of this chapter, and, if such prosecuting officer refuses to prosecute such offense, the commissioner or his deputy may present such complaint to the judge of the court having jurisdiction, and, if such judge finds that sufficient facts to warrant prosecution have been presented, he shall forthwith order the prosecuting officer to issue a warrant for such offender. Any prosecuting officer refusing to issue such warrant when so ordered shall be fined not more than twenty-five dollars for each offense.


History: 1961 act deleted references to trial justice; 1972 act deleted requirement that at least four of the thirty deputy inspectors be women.

Cited. 243 C. 66.

**Sec. 31-11. Hindering inspector.** Any owner, lessee or occupant of a factory or other building included within the provisions of this chapter or owning or controlling the use of any room in such building, who obstructs, hinders or unreasonably delays the Labor Commissioner or any of his deputies in the performance of the duties imposed by the general statutes, or who fails to provide at least one way of unobstructed ingress to such room or such building for said commissioner or his deputies in the performance of such duties, shall be fined not more than two hundred dollars.

(1949 Rev., S. 3749.)

**Sec. 31-11a. Employee Dislocation Allowance Fund established.** Section 31-11a is repealed, provided the payment of any claim filed with the Labor Commissioner prior to April 13, 1981, for the payment of benefits pursuant to said section, for any week prior to April 13, 1981, shall not be affected.

(P.A. 78-16, S. 8-10; P.A. 81-59, S. 1, 2.)

**Secs. 31-11b to 31-11k.** Reserved for future use.
CHAPTER 556a
WORKFORCE DEVELOPMENT

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**Sec. 31-11l. Definitions.** As used in this section, sections 31-3h, 31-3i, 31-3k and 31-3l and sections 31-11m to 31-11u, inclusive:

(1) "At-risk worker" means a worker who may lose employment due to factors including, but not limited to, an announced layoff, business shut-down or relocation, a new job skill requirement for which the worker is not trained, a change or reduction in wages, hours or benefits such that the worker must seek other employment in order to meet the self-sufficiency measurement calculated by the Office of Policy and Management pursuant to section 4-66e or a change or reduction in available transportation such that the worker is forced to seek new employment.
(2) "Customized job training" means training (A) that is designed to meet the special requirements of an employer, including a group of employers, (B) that is conducted with a commitment by the employer to employ an individual upon successful completion of the training, and (C) for which the employer pays not less than fifty per cent of the cost of the training.

(3) "Dislocated worker" means an individual who:

(A) (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment; (ii) is eligible for or has exhausted entitlement to unemployment compensation, or has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in Section 134(c) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under chapter 567; or (iii) is unlikely to return to a previous industry or occupation;

(B) (i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility or enterprise; (ii) is employed at a facility at which the employer has made a general announcement that such facility will close within one hundred eighty days; or (iii) for purposes of eligibility to receive services, other than training services described in subdivision (14) of subsection (b) of section 31-11p, intensive services described in subdivision (13) of subsection (b) of said section, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

(C) Was self-employed, including employment as a farmer, rancher or fisherman, but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters; or

(D) Is a displaced homemaker.

(4) "Displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who (A) has been dependent on the income of another family member, but is no longer supported by that income; and (B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(5) "Eligible provider" means:

(A) With respect to training services, a provider who is identified in accordance with Section 122(e)(3) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;
(B) With respect to intensive services, a provider who is identified or awarded a contract as described in Section 134(d)(3)(B) of said act;

(C) With respect to youth activities, a provider who is awarded a grant or contract in accordance with Section 123 of said act;

(D) With respect to other workforce investment activities, a public or private entity selected to be responsible for such activities, such as a one-stop operator designated or certified under Section 121(d) of said act.

(6) "Incumbent worker" means an individual who is employed, but who is in need of additional skills, training or education in order to upgrade employment.

(7) "On-the-job training" means training by an employer that is provided to a paid participant while engaged in productive work in a job that (A) provides knowledge or skills essential to the full and adequate performance of the job; (B) provides reimbursement to the employer of up to fifty per cent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and (C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant and the service strategy of the participant, as appropriate.

(8) "Participant" means an individual who has been determined to be eligible to participate in and who is receiving services, except follow-up services authorized under Title I of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, under a program authorized by said title and sections 31-3h and 31-3i, subsection (b) of section 31-3k, section 31-3l, this section and sections 31-11m to 31-11u, inclusive. Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual begins receiving subsidized employment, training or other services provided under said title and said sections.

(9) "Supportive services" means services such as transportation, child care, dependent care, and needs-related payments, that are necessary to enable an individual to participate in activities authorized under Title I of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, consistent with the provisions of said title.

(10) "Underemployed worker" means a worker whose education and skill level limit such worker's earning capacity to an hourly wage below one hundred per cent of the self-sufficiency measurement calculated by the Office of Policy and Management pursuant to section 4-66e.

(P.A. 99-195, S. 1, 15.)

Sec. 31-11m. Workforce Investment Act funds. (a) All funds received by the state of Connecticut under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, shall be deposited into the General Fund.

(b) (1) Funds reserved for state-wide investment activities by the state of Connecticut from the amounts allotted to the state under Sections 127(b)(1)(C), 132(b)(1)(B) and 132(b)(2)(B) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, shall be consistent with the provisions of Section 128(a) of said act.

(2) Such reserved funds may be used only to carry out state-wide youth activities described in Section 129(b) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, or state-wide employment and training activities, for adults or for dislocated workers, described in Section 134(a)(2)(B) or Section 134(a)(3) of said act, provided such use is consistent with the Connecticut workforce development plan developed by the Connecticut Employment and Training Commission under section 31-11p. The percentage of such reserved funds that are used for administrative costs shall be consistent with the provisions of Section 134(a)(3)(B) of said act. For purposes of this subdivision and subdivision (3) of this subsection, "administrative costs" has the same meaning as in 20 CFR Part 667, Subpart B.

(P.A. 99-195, S. 6, 15.)


Sec. 31-11n. Workforce Investment Act funds allocated to regional workforce development boards. Limitations. (a) Funds allocated to each regional workforce development board under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, shall be reserved by such board, in a manner consistent with the provisions of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, to fund comprehensive job training and related services or related job opportunities programs administered by eligible providers, including, but not limited to, opportunities industrialization centers and community action programs, as defined in section 17b-885, within such board's region.

(b) Funds reserved for administrative costs by a regional workforce development board shall be consistent with the provisions of Section 128(b)(4) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(P.A. 99-195, S. 7, 15.)


Sec. 31-11o. Connecticut Employment and Training Commission to act as state-wide workforce development board. The Connecticut Employment and Training Commission established under section 31-3h is hereby recognized as the state-wide
workforce development board for purposes of complying with the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(P.A. 99-195, S. 8, 15.)


Sec. 31-11p. Development of workforce development plan. Required contents. (a) The Connecticut Employment and Training Commission, in consultation with the regional workforce development boards, shall develop a single Connecticut workforce development plan that outlines a five-year strategy for the state of Connecticut's workforce development system and meets the requirements of Sections 111 and 112 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended. Said plan shall serve as a framework for the development of public policy, fiscal investment and operation of workforce education and job training programs and shall constitute the single state plan for purposes of Section 112 of said act. The Connecticut Employment and Training Commission, in consultation with the regional workforce development boards, shall update said plan at least once every five years.

(b) The plan shall, at a minimum, include:

(1) Long-term goals for the state's workforce development system. Such goals shall include local control of service delivery, one-stop delivery of services, individual choice for individuals served by the system, accountability for provider performance, coordination of workforce development activities integrating state and federal resources and the establishment of ties between funding and actual participation in training activities;

(2) Short-term goals, benchmarks and performance measures that the state will use to measure its progress towards meeting the long-term goals identified in subdivision (1) of this subsection;

(3) Identification of the role each institution, entity, organization and program plays in the state-wide workforce development system;

(4) Ways to improve access to public and certified nonpublic postsecondary educational institutions;

(5) A strategy for assessing unmet workforce preparation needs;

(6) A description of comprehensive performance measures to ensure coordination and eliminate duplication of services;

(7) A strategy for assessing types of jobs for which there are shortages of available qualified workers and the geographical concentration of unmet workforce needs in this state;
(8) A strategy for maximizing or redirecting funding to deliver services more effectively to meet the state's workforce development needs;

(9) A provision stating that the members of the Connecticut Employment and Training Commission and the regional workforce development boards shall comply with state ethics laws and the applicable provisions of Sections 111(f) and 117(g) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;

(10) A provision stating that the Labor Commissioner and the Commissioners of Social Services and Education shall develop a coordinated program of referring workforce development participants to supportive services, including, but not limited to, transportation and child care services for eligible participants of workforce activities. Such program shall include a requirement that each regional workforce development board submit an annual report to the commission on or before January 31, 2000, and each January thirty-first thereafter detailing such board's plan for coordinating such supportive services;

(11) A description of the state of Connecticut's proposed one-stop delivery system, which shall be consistent with the provisions of Section 134(c) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and shall include a description of the following components: (A) A uniform individual training accounts voucher system which shall be used by the regional workforce development boards to pay for training of eligible workers by eligible providers and which shall include a reporting system that ties funding to actual participation in training programs, (B) the core services, as identified in subdivision (12) of this subsection, which shall be available to adults or dislocated workers, including exemptions from core services, (C) the intensive services, as identified in subdivision (13) of this subsection, which shall be available to adults or dislocated workers who have received the maximum amount of core services but were unable to obtain employment through such core services, including prerequisites for obtaining such intensive services and exemptions from such prerequisites, and (D) the training services, as identified in subdivision (14) of this subsection, which shall be available to adults or dislocated workers who have received intensive services, but were unable to obtain unsubsidized employment through such intensive services, including prerequisites for obtaining such training services and exemptions from such prerequisites;

(12) Identification of core services available under the one-stop delivery system, which shall, at a minimum, include: (A) Determination of whether individuals are eligible to receive assistance under Subtitle B of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended; (B) outreach, intake and orientation to the information and other services available through the one-stop delivery system; (C) a uniform assessment procedure for screening adults and dislocated workers which shall include, but not be limited to, initial assessment of skill levels, aptitudes, abilities, supportive service needs and for application of the self-sufficiency measurement developed in accordance with the provisions of section 4-66e; (D) job search and
placement assistance and, where appropriate, career counseling; (E) provision of (i) employment statistics information, including the provision of accurate information concerning local, regional and national labor market areas, including job vacancy listings in such labor market areas, information on job skills necessary to obtain such vacant jobs and information relating to local occupations in demand and the earnings and skill requirements for such occupations; (ii) provider performance information and program cost information on eligible providers of training services, as described in Section 122 of the federal Workforce Investment Act of 1998 P.L. 105-220, as from time to time amended, provided by program, and eligible providers of youth activities described in Section 123 of said act, eligible providers of adult education described in Title II of said act, providers of postsecondary vocational education activities and vocational education activities, which shall include, but not be limited to, preapprentice programs available through, but not limited to, regional vocational-technical schools, available to school dropouts under the Carl D. Perkins Vocational and Applied Technology Education Act, 20 USC 2301, et seq., and providers of vocational rehabilitation program activities described in Title I of the Rehabilitation Act of 1973, 29 USC 720, et seq.; (iii) information regarding how the local area is performing on the local performance measures and any additional performance information with respect to the one-stop delivery system in the local area; (iv) accurate information concerning the availability of supportive services, including child care and transportation, available through the local area and referral to such services, as appropriate; (v) information regarding filing claims for unemployment compensation under chapter 567; (F) assistance in establishing eligibility for programs of financial aid assistance for training and education programs that are not funded under said act and are available through the local area; (G) follow-up services, including counseling regarding the workplace, for participants in workforce investment activities authorized under Subtitle B of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, who are placed in unsubsidized employment, for not less than twelve months after the first day of the employment, as appropriate; and (H) assistance in establishing eligibility for authorized activities under Section 403(a)(5) of the Social Security Act, as added by Section 5001 of the Balanced Budget Act of 1997, available in the local area. For purposes of this subdivision, "local area" refers to an area designated as such pursuant to Section 116 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;

(13) Identification of intensive services available under the one-stop delivery system, which services may include (A) comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include diagnostic testing, use of special education planning and placement teams and use of other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals; (B) development of an individual employment plan to identify the employment goals, appropriate achievement objectives and appropriate combination of services for the participant to achieve the employment goals; (C) group counseling; (D) individual counseling and career planning; (E) case management for participants seeking training services authorized under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended; and (F)
short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills and professional conduct, to prepare individuals for unsubsidized employment or training;

(14) Identification of training services authorized under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, that are available under the one-stop delivery system, which services may include a combination of occupational skills training, including training for nontraditional employment, on-the-job training, programs that combine workplace training with related instruction, which may include cooperative education programs, training programs operated by the private sector, skill upgrading and retraining, entrepreneurial training, job readiness training, adult education and literacy activities and customized job training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training;

(15) Development of a uniform system of identifying and certifying eligible providers of the training services described in subdivision (13) of this subsection, which system shall (A) incorporate each of the requirements of Section 122 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and (B) be used by each regional workforce development board in selecting an eligible provider of training services;

(16) A strategy for the establishment of (A) regional youth councils by the regional workforce development boards, which regional youth councils shall (i) recommend eligible providers of youth activities to the council and conduct oversight of eligible providers of youth activities; (ii) in cooperation with local boards of education, identify available programs and activities to assist youths in completing education programs; (iii) identify available programs and activities to assist youths in securing and preserving employment; and (iv) coordinate youth activities with Job Corps services, coordinate youth activities authorized under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and improve the connection between court-involved youths and the state labor market; and (B) criteria for selection of regional youth council members and awarding youth program grants for state-wide youth activities described in Section 129(b) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended;

(17) Development of a program to provide job readiness and job search training to unemployed and underemployed noncustodial parents no later than July 1, 2000;

(18) Development of a career pathways program to link alternative education programs to regional community-technical colleges and work-related learning no later than October 1, 2000; and

(19) Any other provisions required to be included in the plan under Sections 111 and 112 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.
(c) The Governor may submit modifications to the single Connecticut workforce development plan approved by the United States Secretary of Labor as necessary during the five-year period covered by the plan, with the advice and assistance of the Connecticut Employment and Training Commission, provided such modifications are (1) approved by the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, education, labor and social services, and (2) consistent with the requirements of Sections 111 and 112 of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(P.A. 99-195, S. 9, 15; P.A. 06-196, S. 160.)


Sec. 31-11q. Submission of comprehensive state performance measures developed by Connecticut Employment and Training Commission to General Assembly. On or before October 15, 1999, the Connecticut Employment and Training Commission shall submit to the joint standing committees of the General Assembly having cognizance of matters relating to appropriations, education, labor and social services the comprehensive state performance measures developed by said commission in accordance with the provisions of subdivision (5) of subsection (b) of section 31-3h for activities specified in Title I of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and annually thereafter during any year in which such performance measures are modified.

(P.A. 99-195, S. 10, 15.)


Sec. 31-11r. Submission of workforce development plan to Governor; prior General Assembly approval. Submission of plan by Governor to United States Secretary of Labor. Requests for waiver. (a) On or before January 1, 2000, the Connecticut Employment and Training Commission shall submit a single Workforce Development Plan to the Governor, which plan shall (1) be approved by the General Assembly, (2) comply with the requirements of subdivision (5) of subsection (b) of section 31-3h for activities specified in Title I of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, and annually thereafter during any year in which such performance measures are modified.

(b) On or before March 15, 2000, the Governor shall submit a single Connecticut Workforce Development Plan to the United States Secretary of Labor, which plan shall satisfy the requirements of subsection (a) of this section.

(c) The Governor shall submit to the United States Secretary of Labor any appropriate or necessary request for waiver of the statutory or regulatory requirements of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, with
the advice and assistance of the Connecticut Employment and Training Commission.

(P.A. 99-195, S. 11, 15.)


Sec. 31-11s. Connecticut Employment and Training Commission recommendations re appropriation of Workforce Investment Act funds. (a) On or before February 9, 2000, and annually thereafter, the Connecticut Employment and Training Commission shall make recommendations consistent with the provisions of the single Connecticut workforce development plan submitted to the Governor pursuant to section 31-11r to the Governor and the General Assembly concerning the appropriation of funds received for adult workforce development activities under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, for (1) job-related vocational, literacy, language or numerical skills training; (2) underemployed and at-risk workers; (3) individuals with barriers to full-time, stable employment, including language, basic skills and occupational literacy barriers; (4) vocational training using apprentice and preapprentice programs and customized job training programs that are designed to serve at-risk workers and promote job retention and the obtaining of higher wage jobs; (5) special incentives for programs that successfully train (A) women for nontraditional employment, and (B) minorities for occupations or fields of work in which such minorities are underrepresented; and (6) special grants or contracts in each region for training programs that target workers who are difficult to serve, including, but not limited to, workers (A) with limited literacy or numerical skills, (B) without a high school diploma or its equivalent, or (C) for whom English is a second language. For purposes of this section, "nontraditional employment" refers to occupations or fields of work for which women comprise less than twenty-five per cent of the individuals employed in each such occupation or field of work.

(b) On or before February 9, 2000, and annually thereafter, the commission shall make recommendations to the Governor and the General Assembly concerning the appropriation of funds received under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, for young adult programs for teenage parents, those at risk of dropping out of school and young adults who attend regional vocational-technical high schools, adult education programs or other programs to assist such persons in attaining a high school diploma or its equivalent.

(c) On or before February 9, 2000, and annually thereafter, the commission shall make recommendations to the Governor and the General Assembly concerning the appropriation of funds received under the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, for dislocated workers.

(d) Pursuant to Section 189(i)(4)(A) of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended, the Governor is authorized by the General Assembly to apply for a waiver of federal eligibility requirements to allow incumbent workers with annual family incomes that do not exceed two hundred per cent
of the poverty level guidelines issued by the federal Department of Health and Human Services to receive job training services.

(P.A. 99-195, S. 12, 15.)


Sec. 31-11t. Criteria for evaluation of funded programs: Connecticut Employment and Training Commission responsibilities. (a) The Connecticut Employment and Training Commission shall provide each regional workforce development board with criteria for the evaluation of funded programs, including a description of the amount, type and effectiveness of literacy training provided to participants, the number of persons completing job training, the gender and race of persons who receive training, occupational skill types, the number of persons who enter unsubsidized employment, the number of persons who remain in unsubsidized employment six months later and the earnings received by such persons.

(b) The commission shall develop an education and job training report card to assess the accomplishments of Connecticut's workforce development system and for meeting the accountability requirements of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended. The report card shall address the effectiveness of such system in meeting (1) employers' needs for educated and trained workers, and (2) clients' needs for improving their economic well-being.

(c) The commission shall include the evaluation of funded programs in the annual report submitted pursuant to subsection (c) of section 31-3h.

(P.A. 99-195, S. 13, 15.)


Sec. 31-11u. Continuation of other education, employment or job training programs or contracts. Any education, employment or job training program or contract in existence on June 23, 1999, that is funded under the Job Training Partnership Act shall continue in effect until the renewal period, provided such program is consistent with the provisions of the federal Workforce Investment Act of 1998, P.L. 105-220, as from time to time amended.

(P.A. 99-195, S. 14, 15.)


Secs. 31-11v and 31-11w. Reserved for future use.

Sec. 31-11x. Comprehensive job training and related services, grants for. Definitions. Regulations. (a) As used in this section: (1) "Underemployed" means an
individual: (A) Working part time but seeking full-time work; or (B) working full-time but receiving wages below the poverty level determined in accordance with criteria established by the Labor Commissioner, in cooperation with the Commissioner of Social Services; (2) "unemployed" means an individual who is without a job, is available for work and is seeking full-time work; (3) "economically disadvantaged" means an individual who meets the criteria established by the Labor Commissioner; and (4) "comprehensive job training and related services" means recruitment, counseling remediation, motivational prejob training, vocational training, job development, job placement and other appropriate services enabling individuals to secure and retain employment at their maximum capacity.

(b) The Labor Commissioner shall establish a program of grants for: (1) Comprehensive job training and related services or job opportunities programs for economically disadvantaged, unemployed and underemployed individuals, including persons of limited English-speaking ability, through opportunities industrialization centers and other community-based organizations; and (2) the establishment and operation in the state of these centers and organizations.

(c) The Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing criteria for the distribution of funds under this section and shall adopt regulations, in accordance with chapter 54, to further implement the purposes of this section. The criteria shall include requirements that: (1) The program receiving state assistance: (A) Involves the Commissioner of Social Services in the planning of the program; (B) involves residents in the region to be served by the program in the planning and operation of the program; (C) involves the business community in the region to be served by the program in its development and operation; and (D) gives priority to persons who receive state-administered general assistance benefits; and (2) a program receiving financial assistance has adequate internal administrative controls, accounting procedures, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs and other policies as are necessary to promote the effective use of funds received under said programs.


Secs. 31-11y and 31-11z. Reserved for future use.

Sec. 31-11aa. Information technology workforce development plan. Section 31-11aa is repealed, effective July 1, 2011.

(P.A. 00-187, S. 28, 75; P.A. 01-173, S. 46, 67; P.A. 11-48, S. 303.)
Sec. 31-11bb. Adult Literacy Leadership Board: Definitions. As used in this section and sections 31-11cc to 31-11ee, inclusive:

(1) "Board" means the Adult Literacy Leadership Board established pursuant to section 31-11cc;

(2) "Commission" means the Connecticut Employment and Training Commission;

(3) "Adult literacy programs" and "adult literacy services" means services established pursuant to Title II of the federal Workforce Investment Act of 1988, P.L. 105-220, as from time to time amended, that are aimed at improving the ability of persons sixteen years of age or over who are not enrolled in secondary school to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family of the individual and in society;

(4) "Adult education" means a program established pursuant to sections 10-67, 10-69 to 10-71a, inclusive, and 10-73a to 10-73c, inclusive;

(5) "Vision statement" means a written projected overview of the state's adult literacy programs and services at a specified future date; and

(6) "Mission statement" means a written declaration of the purpose of the state's adult literacy programs and services, including elements that address the goals of helping adults develop the reading, critical thinking, problem solving skills and communication skills they need to be self-sufficient, active citizens, effective parents and qualified, competitive workers.

(P.A. 08-163, S. 1.)

History: P.A. 08-163 effective July 1, 2008.

Sec. 31-11cc. Adult Literacy Leadership Board: Members. (a) The Labor Commissioner, with the assistance of the Office of Workforce Competitiveness, shall establish the Adult Literacy Leadership Board as a standing committee of the Connecticut Employment and Training Commission to review and advise the commission on workforce investment and adult literacy programs and services. The board shall consist of seven voting members and eight ex-officio nonvoting members.

(1) The voting members shall include one member who (A) directs a community literacy program; (B) directs a regional literacy program; (C) represents a public library; (D) directs a literacy outcome study from a private university; (E) directs a literacy outcome study from a public university; (F) represents an adult literacy advocacy group; and (G) has experience in research, planning and evaluation in literacy. The Governor shall appoint the chairperson, who shall be a voting member and described in this subdivision. Following the appointment of the chairperson, such chairperson, in consultation with the Labor Commissioner, shall appoint the remaining six voting
members as described in this subdivision.

(2) The ex-officio nonvoting members shall consist of the following members, or their designees: The Commissioners of Correction, Education, Economic and Community Development and Social Services, the president of the Board of Regents for Higher Education, the Labor Commissioner, the Secretary of the Office of Policy and Management and the State Librarian.

(3) The voting members shall serve for a term of four years.

(b) The chairperson of the board may create positions that the board deems necessary and may fill such positions from among its members. The powers of the board shall be vested in and exercised by not less than four members of the board. Four members of the board shall constitute a quorum.

(c) The Labor Department may solicit and receive funds on behalf of the board and the commission from any public or private sources to carry out its activities.

(d) The board shall terminate as a standing committee of the commission on July 1, 2012.

(P.A. 08-163, S. 2; P.A. 11-48, S. 94.)

History: P.A. 08-163 effective July 1, 2008; P.A. 11-48 amended Subsec. (a) by replacing reference to Office of Workforce Competitiveness with reference to Labor Commissioner, with the assistance of Office of Workforce Competitiveness, replacing "director of the Office of Workforce Competitiveness" with "Labor Commissioner" in Subdiv. (1), and deleting references to Commissioner of Higher Education, director of the Office of Workforce Competitiveness and chancellor of the regional community-technical colleges and inserting reference to president of the Board of Regents for Higher Education in Subdiv. (2), and amended Subsec. (c) by replacing "Office of Workforce Competitiveness" with "Labor Department", effective July 1, 2011 (Revisor's note: In Subsec. (a), a reference to "its Office" was changed editorially by the Revisors to "the Office" for clarity, and a reference to "ten ex-officio nonvoting members" was changed editorially by the Revisors to "eight ex-officio nonvoting members" for accuracy).

Sec. 31-11dd. Adult Literacy Leadership Board: Duties and responsibilities. Report and report card. (a) The Adult Literacy Leadership Board shall:

(1) Create vision and mission statements by January 1, 2009;

(2) Develop and update a three-year strategic plan, in accordance with section 31-11ee;

(3) Report recommendations annually through the commission to the Governor and General Assembly, in accordance with subsection (c) of this section, for sources and
levels of funding to meet the goals and objectives outlined in the strategic plan under section 31-11ee;

(4) Establish results-based accountability measures for the adult literacy system and use them to track progress toward the goals and objectives outlined in the strategic plan;

(5) With state-agency partners, develop and maintain an online centralized inventory of all adult literacy programs and services offered in the state that includes a description of the type of service, the time and place it is offered and any eligibility requirements or fees;

(6) Establish standards for adult literacy service providers, including requirements for waiting lists;

(7) Require each adult literacy service provider in the state to maintain a waiting list and report the information to the board, in accordance with standards the board establishes;

(8) Promote coordination and collaboration of delivery of adult literacy programs and services through regionalized service delivery and community partnerships;

(9) Prepare information on the status of adult literacy in this state for inclusion in the commission's annual report card, in accordance with subsection (d) of this section and section 31-3bb; and

(10) Pilot the best practices which are identified through the research and analysis of adult literacy programs state-wide.

(b) The Labor Department, in accordance with subsection (c) of section 4-124w, may request other state agencies, including, but not limited to, the Departments of Education, Economic and Community Development and Social Services, the Board of Regents for Higher Education and the Board of Trustees of the Community-Technical Colleges, to provide information, reports and other assistance to the board in carrying out its duties, pursuant to subsection (a) of this section and sections 31-11cc and 31-11ee, and to the Connecticut Employment and Training Commission in carrying out its duties pursuant to subsection (d) of this section.

(c) On or before January 1, 2009, and annually thereafter, the Connecticut Employment and Training Commission shall report, in accordance with section 11-4a, to the Governor and to the joint standing committees of the General Assembly having cognizance of matters relating to the judiciary, education, higher education, economic and community development, labor and human services on (1) the board's progress in developing and implementing the strategic plan, (2) the board's recommendations for sources and levels of funding to meet the goals outlined in the strategic plan, and (3) the adult literacy section of the commission's annual report card prepared pursuant to subdivision (9) of subsection (a) of this section.
(d) The Connecticut Employment and Training Commission's annual report card, prepared pursuant to subdivision (9) of subsection (a) of this section and section 31-3bb, shall provide information on the status of adult literacy in the state. The commission's annual report card shall identify each major component of the adult literacy system, including, but not limited to, adult education, family literacy and workplace literacy, and provide for each component: (1) The number and demographics of persons served, (2) a description of sources of funding, and (3) performance measures for adult literacy services.

(P.A. 08-163, S. 3, 5-7; P.A. 11-48, S. 95, 285.)

History: P.A. 08-163 effective July 1, 2008; P.A. 11-48 amended Subsec. (b) by replacing "Office of Workforce Competitiveness" with "Labor Department" and deleting Labor Department from list of assisting agencies, effective July 1, 2011; pursuant to P.A. 11-48, "Department of Higher Education" was changed editorially by the Revisors to "Board of Regents for Higher Education" in Subsec. (b), effective July 1, 2011.

Sec. 31-11ee. Adult Literacy Leadership Board: Strategic plan. (a) On or before July 1, 2009, the board shall develop a three-year strategic plan for an adult literacy system in this state.

(b) The strategic plan shall: (1) Be consistent with and guided by the planning requirements of Title I and Title II of the federal Workforce Investment Act of 1988, P.L. 105-220, as from time to time amended; (2) integrate adult education and literacy with workforce training, establishing a comprehensive approach to adult workforce education in this state; (3) include goals for an adult literacy system, including a goal of reducing by a certain percentage each year over a specified period of time the number of adults in this state who lack a high school diploma or proficiency in the English language; (4) define the roles of all adult literacy service providers in the state, examining in particular, (A) governance responsibility for adult education, (B) discrepancies in service delivery and ways to promote regionalized service delivery and community partnerships, and (C) resources for system-wide administration, management, research and coordination; (5) include priorities for services that (A) improve the quality of instruction, (B) improve access and retention, and (C) identify target populations for services; (6) include an analysis of funding requirements of all adult literacy services, identifying (A) estimated resources needed to implement the plan's goals, (B) current sources of funding and possibilities for reallocation, and (C) potential alternatives and new sources of funding; and (7) outline funding policies that provide (A) financial support and incentives to support collaborative delivery of services, and (B) adequate resources for state-funded agencies with adult literacy responsibilities, including public libraries, to carry out data collection, analysis, evaluation and research related to program effectiveness and best practices.

(c) The board shall designate regional planning workgroups under the aegis of the regional workforce development boards consisting of representatives of adult literacy
service providers and persons receiving adult literacy services to assist in developing and reviewing the strategic plan for adult literacy. The board shall review annually the implementation of the strategic plan and make any necessary revisions. The board shall update the strategic plan every three years.

(P.A. 08-163, S. 4.)

History: P.A. 08-163 effective July 1, 2008.
CHAPTER 557*
EMPLOYMENT REGULATION

*Function of commissioner of labor with respect to this chapter. 129 C. 345.

Temporary injunctions would not be granted to restrain the enforcement of the penal provisions even if the enforcement of this chapter would be accompanied by injury to the plaintiff's property. 9 CS 116.

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Sec. 31-57c. Disqualification of certain contractors from bidding on, applying for or participating in public works contracts with the state: Disqualification by Commissioner of Public Works; procedure; causes. Exception permitting disqualified contractor to participate in contract or subcontract.
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Sec. 31-57e. Contracts between the state and federally recognized Indian tribes. Employment Rights Code; protection of persons employed by a tribe.
Sec. 31-57g. Employment protection for displaced service contract workers at Bradley International Airport. Definitions. Obligations of awarding authority and contractors upon termination of service contract; ninety-day retention requirement; required offer of continued employment. Civil action for damages. Penalty for violations.
Sec. 31-57h. Joint enforcement commission on employee misclassification. Members.
Sec. 31-12. Hours of labor of minor, elderly and handicapped persons in manufacturing or mechanical establishments. (a) None of the following persons under the conditions hereinafter described shall be employed in any manufacturing or mechanical establishment more than nine hours in any day or forty-eight hours in any calendar week: (1) Persons under the age of eighteen years who are not enrolled in and have not graduated from a secondary educational institution; (2) persons sixty-six years of age or older, except with their consent; (3) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (4) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health.

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any manufacturing or mechanical establishment, any such person may be employed in such establishment not more than ten hours in any day and not more than fifty-five hours in any calendar week, but the total number of weeks of any such employment in any twelve consecutive months shall not exceed twelve.

(c) With respect to any group, category or class of employees for which a work week of less than five days has been established or agreed upon, the employer shall adhere to the applicable weekly limitation period prescribed but may extend the number of hours per day for each day of the shortened work week provided the number of hours shall be the same for each day of the work week.

(d) In the event of war or other national emergency, the commissioner after investigation may, with the approval of the Governor, extend the number of weeks of any such employment if such extension is necessary to meet scheduled production of war or critical material.

(e) No person under eighteen years of age shall be employed in any manufacturing or mechanical establishment more than (1) six hours in any regularly scheduled school day unless the regularly scheduled school day immediately precedes a nonschool day or eight hours in any other day, and (2) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session, or forty-eight hours in any calendar week during which the school in which such person is enrolled is not in session. Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative
program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.

(f) The provisions of this section shall not apply to permanent salaried employees in executive, administrative or professional positions as defined by the Labor Commissioner, or to persons under eighteen years of age who have graduated from a secondary educational institution.

(1949 Rev., S. 7343; September, 1950, S. 3009d; 1963, P.A. 158; 1969, P.A. 802, S. 1; P.A. 73-65, S. 1, 2; P.A. 85-28, S. 1; P.A. 98-210, S. 1; P.A. 06-139, S. 1; P.A. 07-217, S. 142.)

History: 1963 act deleted provision requiring employers' to post required work hours for minors and women and prohibiting employment of such persons for longer on any day than posted required hours and added provision excluding permanent salaried employees in executive, administrative or professional positions from section provisions; 1969 act changed maximum number of weeks in a year when 10-hour days or 55-hour weeks may be required from 8 to 12; P.A. 73-65 deleted women from applicability of provisions and extended applicability to cover persons 66 and older, handicapped persons and disabled veterans and added provision re shortened work weeks; P.A. 85-28 exempted persons who have graduated from a secondary educational institution from the employment restrictions placed on minors; P.A. 98-210 clarified that applicability is to persons under 18 years of age who are not enrolled in and have not graduated from a secondary educational institution, reduced the number of hours a student under 18 years of age may work in a manufacturing or mechanical establishment while school is in session, created an exemption for graduates under 18 years of age, and added alphabetic Subsec. indicators and numeric Subdiv. indicators; P.A. 06-139 made a technical change in Subsec. (c) and deleted former Subsec. (f) re penalties for violation of section, redesignating existing Subsec. (g) as Subsec. (f), effective January 1, 2007; P.A. 07-217 made a technical change in Subsec. (b), effective July 12, 2007.

See Secs. 31-15a, 31-69a re penalties for violation of section.

Cited. 203 C. 34.

Sec. 31-13. Hours of labor of minors, elderly and handicapped persons in mercantile establishments. (a) None of the following persons under the conditions hereinafter described shall be employed in any mercantile establishment more than eight hours in any one day, or more than six days in any one calendar week or more than forty-eight hours in any one calendar week: (1) Persons under the age of eighteen years who are not enrolled in and have not graduated from a secondary educational institution; (2) persons sixty-six years of age or older, except with their consent; (3) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (4) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will
not be injurious to their health; but any such person may be permitted to work in any such establishment one day in any calendar week for not more than ten hours, for the purpose of making one shorter day during such week, and any employer who, during any year, gives not fewer than seven holidays with pay shall be exempt from the foregoing provisions hereof during the period from the eighteenth to the twenty-fifth day of December of such year.

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any mercantile establishment, any such person may be employed in such establishment not more than ten hours in any day and not more than fifty-two hours in any calendar week, but the total number of weeks of any such employment in any twelve months shall not exceed eight.

(c) No person under eighteen years of age shall be employed in any mercantile establishment more than (1) six hours in any regularly scheduled school day unless the regularly scheduled school day immediately precedes a nonschool day or eight hours in any other day, and (2) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session, or forty-eight hours in any other calendar week during which the school in which such person is enrolled is not in session. Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.

(d) Each employer in any such establishment shall post in a conspicuous place in each room where such persons are employed a notice, the form of which shall be furnished by the Labor Commissioner, stating specifically the hours of work required of such persons on each day of the week, and the employment of any such persons for a longer time than so stated shall be a violation of this section.

(e) The provisions of this section shall not apply to permanent salaried employees in executive, managerial or supervisory positions excepted from the provisions of part I of chapter 558 who receive a regular salary of not less than the minimum fixed for such employment in any wage order or administrative regulation issued under authority of said part, or to persons under eighteen years of age who have graduated from a secondary educational institution.


History: 1969 act increased period during which 10-hour days and 52-hour weeks are permissible from 4 to 8 weeks during any year; P.A. 73-83 deleted women from applicability of provisions and extended applicability to cover persons 66 or older, handicapped persons and disabled veterans; P.A. 85-28 exempted persons who have graduated from a secondary educational institution from the employment restrictions
placed on minors; P.A. 98-210 clarified that applicability is to persons under 18 years of age who are not enrolled in and have not graduated from a secondary educational institution, reduced the number of hours a student under 18 years of age may work in a mercantile establishment while school is in session, created an exemption for graduates under 18 years of age, and added alphabetic Subsec. indicators and numeric Subdiv. indicators; P.A. 06-139 deleted former Subsec. (e) re penalty for violation of section, redesignating existing Subsec. (f) as Subsec. (e), effective January 1, 2007; P.A. 07-217 made a technical change in Subsec. (b), effective July 12, 2007.

See Secs. 31-15a, 31-69a re penalties for violation of section.

Cited. 129 C. 339.

Nominal president deemed an employee. 10 CS 171.

**Sec. 31-13a. Employer to furnish record of hours worked, wages earned and deductions.** With each wage payment each employer shall furnish to each employee in writing a record of hours worked, the gross earnings showing straight time and overtime as separate entries, itemized deductions and net earnings, except that the furnishing of a record of hours worked and the separation of straight time and overtime earnings shall not apply in the case of any employee with respect to whom the employer is specifically exempt from the keeping of time records and the payment of overtime under the Connecticut Minimum Wage Act or the Fair Labor Standards Act.

(1959, P.A. 338; P.A. 80-79.)

History: P.A. 80-79 required that employees be furnished records of earnings "showing straight time and overtime as separate entries", specified that provisions are inapplicable where employer is exempt from paying overtime and deleted provisions which had excluded salaried employees from applicability.

**Sec. 31-13b. Visible clock required as part of time card system.** On and after January 1, 1977, no employer, private, municipal or state, shall use a time card system, recording clock or other device intended to record the work time of an employee unless such system, clock or device has incorporated within it a clock which is synchronized with such system, clock or device and which is displayed so as to be easily visible.

(P.A. 76-87.)

**Sec. 31-14. Night work of minors regulated.** (a) No person under eighteen years of age shall be employed in any manufacturing, mechanical or mercantile establishment between the hours of ten o'clock in the evening and six o'clock in the morning, except that such persons may be employed in any manufacturing, mechanical or mercantile establishment until eleven o'clock in the evening or any supermarket until twelve o'clock midnight on any night other than a night preceding a regularly scheduled school day. No such person may be discharged or discriminated against in any manner for refusing to
work later than ten o'clock in the evening.

(b) In the event of war or other serious emergency, the Governor may suspend the limitations upon evening or night work contained in this section as to any industries or occupations as he may find such emergency demands.

(c) The provisions of this section shall not apply to persons under eighteen years of age who have graduated from a secondary educational institution.

(d) For purposes of this section, "supermarket" means any retail food store occupying a total retail sales area of more than three thousand five hundred square feet.


History: P.A. 84-501 provided that minors may be employed in supermarkets until midnight on nights not preceding a school day, but prohibited discrimination for refusing to work the extra hours, and defined "supermarket"; P.A. 85-28 exempted persons who have graduated from a secondary educational institution from the employment restrictions placed on minors; P.A. 98-210 established eleven p.m. limit for employment of persons under 18 years of age on days preceding nonschool days in manufacturing, mechanical and mercantile establishments, replaced the term "minor" with the term "person" throughout section, and added alphabetic Subsec. indicators and numeric Subdiv. indicators.

Cited. 126 C. 682.

Sec. 31-15. Penalty. (a) Any parent or guardian who permits any minor to be employed in violation of section 31-12, 31-13 or 31-14 shall be subject to penalties under sections 31-15a and 31-69a.

(b) A certificate of the age of a person made as provided in section 10-193 shall be conclusive evidence of such person's age upon the trial of any person other than the parent or guardian for violation of any provision of said section 31-12, 31-13 or 31-14.

(c) Nothing in this chapter shall affect the provisions of section 10-184.


History: P.A. 86-333 deleted reference to repealed Sec. 10-189; P.A. 97-263 doubled the amount of all fines; P.A. 98-210 replaced the term "minor" with the term "person" throughout section and added alphabetic Subsec. indicators and numeric Subdiv. indicators; P.A. 06-139 deleted former Subsec. (a) re penalties for violation of Sec. 31-14, redesignated existing Subsecs. (b), (c) and (d) as Subsecs. (a), (b) and (c), respectively, amended Subsec. (a) to reference penalties under Secs. 31-15a and 31-69a, and made a technical change in Subsec. (b), effective January 1, 2007.
Sec. 31-15a. Criminal penalty. Any employer, officer, agent or other person who violates any provision of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be fined not less than two thousand dollars or more than five thousand dollars or imprisoned not more than five years, or both, for each offense.

(P.A. 06-139, S. 7; P.A. 07-217, S. 144.)


Sec. 31-16. Night work in messenger service. No person under the age of eighteen years shall be employed by any telegraph or messenger company, in cities having a population of twenty thousand or over, to distribute, transmit or deliver goods or messages between the hours of ten o'clock at night and five o'clock in the morning. The manager of the office of any corporation who violates any provision of this section shall be fined not more than fifty dollars for each day of such employment. The provisions of this section shall not apply to persons under the age of eighteen who have graduated from a secondary educational institution.

(1949 Rev., S. 7347; P.A. 85-28, S. 4; P.A. 97-263, S. 8.)

History: P.A. 85-28 exempted persons who have graduated from a secondary educational institution from the employment restrictions placed on minors; P.A. 97-263 increased amount of fine from $20 to $50.

Sec. 31-17. Hours of labor of minors and women in bowling alleys, shoe-shining establishments, billiard and pool rooms. Section 31-17 is repealed.

(1949 Rev., S. 7348; 1963, P.A. 159.)

Sec. 31-18. Hours of labor of minors, elderly and handicapped persons in certain other establishments. (a) No public restaurant, cafe, dining room, barber shop, hairdressing or manicuring establishment, amusement or recreational establishment, bowling alley, shoe-shining establishment, billiard or pool room or photograph gallery shall employ or permit to work any person under eighteen years of age (1) between the hours of ten o'clock in the evening and six o'clock in the morning, or any of the persons described below under conditions herein set forth more than nine hours in any day: (A) Persons sixty-six years of age or older, except with their consent; (B) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (C) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; provided any such person may be permitted to work in any such establishment one day in a week for not more than ten hours on such day, but not more than six days or forty-eight hours in any one week, and provided further,
persons between sixteen and eighteen years of age may be employed in any amusement or recreational establishment, restaurant, cafe or dining room, or employed in any theater until twelve o'clock midnight unless such persons are regularly attending school in which case such minors may be employed until eleven o'clock in the evening on days which precede a regularly scheduled school day and until twelve o'clock midnight during any regular school vacation season and on days which do not precede a regularly scheduled school day, and (2) more than (A) six hours in any regularly scheduled school day unless the regularly scheduled school day immediately precedes a nonschool day or eight hours in any other day, and (B) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session or forty-eight hours in any other calendar week during which the school in which such person is enrolled is not in session.

Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.

(b) The hours of labor of such persons shall be conspicuously posted in such establishment in such form and manner as the Labor Commissioner determines.

(c) The provisions of this section shall not apply to any person under eighteen years of age who has graduated from a secondary educational institution.


History: 1963 act extended applicability to cover amusement or recreational establishments, bowling alleys, shoe-shining establishments and billiard or pool rooms; 1971 act added provision re employment of minors between 16 and 18 years old who do not regularly attend school, in restaurants, cafes or dining rooms; P.A. 73-83 deleted provision prohibiting employment of women for more than nine hours a day in specified establishments and extended nine-hour limit to persons 66 or older, handicapped persons and disabled veterans; P.A. 73-84 allowed employment of persons 16 to 18 years old who do not regularly attend school, in restaurants, cafes and dining rooms until midnight rather than eleven p.m. as was previously the case; P.A. 73-616 extended midnight limit for employment of minors in eating establishments to persons who regularly attend school, during vacations and days which do not precede school days; P.A. 77-204 made provisions re minors between 16 and 18 years old applicable to those employed as ushers in nonprofit theaters; P.A. 81-114 allowed minors who regularly attend school to work in restaurants, cafes or theaters until eleven o'clock in the evening on days preceding school days and replaced alphabetic Subdiv. indicators with numeric indicators; P.A. 85-28 exempted persons who have graduated from a secondary educational institution from the employment restrictions placed on minors; P.A. 97-263 increased the amount of fine from $100 to $200; P.A. 98-210 allowed employment of persons between 16 and 18 years of age who do not regularly attend school, in amusement and recreational establishments and for-profit theaters until midnight rather than ten p.m. as was
previously the case, limited employment of persons between 16 and 18 years of age who regularly attend school, in public restaurants, cafes, dining rooms, barber shops, bowling alleys, hairdressing, manicuring, amusement, recreational or shoe shining establishments while school is in session, deleted the exemption for hotel establishments, created an exemption for graduates under 18 years of age, replaced the term "minor" with the term "person" throughout the section and added alphabetic Subsec. indicators and numeric Subdiv. indicators; P.A. 06-139 deleted former Subsec. (d) re penalty for violation of section, effective January 1, 2007.

See Secs. 31-15a, 31-69a re penalties for violation of section.

Former statute a valid exercise of police power. 126 C. 678. Women entertainers within statute. Id.

Constitutionality. 14 CS 485. Prohibition of employment of females between designated hours in certain establishments held to be valid exercise of police powers. Id.

**Secs. 31-19 and 31-20. Employment of women between one a.m. and six a.m.**
**Hours of women entertainers.** Sections 31-19 and 31-20 are repealed.

(1949 Rev., S. 7350, 7351; 1949, S. 3011; 1972, P.A. 127, S. 60; P.A. 74-185, S. 5.)

**Sec. 31-21. Legal day's work.** Subject to the provisions of subsection (b) of section 51-247a, eight hours of labor performed in any one day by any one person shall be a legal day's work unless otherwise agreed.

(1949 Rev., S. 7355; P.A. 08-103, S. 4.)

History: P.A. 08-103 inserted "Subject to the provisions of subsection (b) of section 51-247a".

Statute is superseded by agreement express or implied; earnings on excess above eight hours, in absence of agreement, not recoverable. 37 C. 221.

Cited. 18 CS 158.

**Sec. 31-22. Labor Commissioner's duties of enforcement and reports.** The Labor Commissioner shall examine into the employment of minors and into the observance of the regulations contained in parts I and II of this chapter and part II of chapter 558, investigate all complaints of violations thereof and report all cases of such violations to the prosecuting officer having jurisdiction thereof. Said commissioner shall include in his annual report to the Governor, as provided in section 4-60, the number of such violations so reported by him and of the prosecutions instituted thereon.

(1949 Rev., S. 7370; September, 1957, P.A. 11, S. 13; P.A. 74-185, S. 2.)
History: P.A. 74-185 deleted references to commissioner's duty to study employment of women.

Secs. 31-22a to 31-22l. Reserved for future use.

PART Ia
APPRENTICESHIP

Sec. 31-22m. (Formerly Sec. 31-51a). Apprenticeship. Definitions. When used in sections 31-22m to 31-22q, inclusive, "apprentice" means a person employed under a written agreement to work at and learn a specific trade; "apprentice agreement" means a written agreement entered into by an apprentice, or on his behalf by his parent or guardian, with an employer, or with an association of employers and an organization of employees acting as a joint apprenticeship committee, which agreement provides for not less than two thousand hours of work experience in approved trade training consistent with recognized requirements established by industry or joint labor-industry practice and for the number of hours of related and supplemental instructions prescribed by the Connecticut State Apprenticeship Council or which agreement meets requirements of the federal government for on-the-job training schedules which are essential, in the opinion of the Labor Commissioner, for the development of manpower in Connecticut industries; "council" means the Connecticut State Apprenticeship Council.

(1959, P.A. 390, S. 1; 1963, P.A. 180; P.A. 78-325.)

History: 1963 act redefined "apprentice agreement" to include agreements meeting federal requirements for on-the-job training schedules; P.A. 78-325 redefined "apprenticeship agreement" to change minimum hours of work experience from 4,000 to 2,000 and to add "consistent with recognized requirements established by industry or joint labor-industry practice"; Sec. 31-51a transferred to Sec. 31-22m in 2005.

Sec. 31-22n. (Formerly Sec. 31-51b). Apprenticeship council. The Governor shall appoint twelve members to the Connecticut State Apprenticeship Council, each of whom shall have some association with apprentice training. Four shall be representative of Connecticut industry, with one representative each from the manufacturing, building, mechanical and service industries, provided at least one such member represents a business that operates without a collective bargaining agreement; four shall be Connecticut members of national labor organizations with apprentice training programs; four shall represent the public, one of whom shall be the Labor Commissioner. Members shall each serve a term which is coterminous with the term of the Governor, each member to hold office until a successor is appointed. Any vacancy in the membership of the council shall be filled by the Governor for the unexpired term. It shall meet on the call of the chairman, who shall be the Labor Commissioner. On or before August first of each year, the council shall prepare a report describing the activities of the council, this report to be included in the Labor Commissioner's report to the Governor. The members of the
council shall not be compensated for their services, but the members, except the Labor Commissioner and any state employee, shall be reimbursed for necessary expenses incurred in the performance of their duties.


History: June Sp. Sess. P.A. 83-21 increased the payments to members from $25 to $40 per day, and specifically excluded from receipt of such payments the deputy labor commissioner and state employees; P.A. 85-580 increased membership on the council from 9 to 12 members, adding an additional member for each category and specifying the background of each industry representative, provided for terms which are coterminous with the governor, provided that the deputy labor commissioner shall be the council chairman, and provided for the reimbursement to the members of necessary expenses, replacing provisions for staggered terms, election of chairman and other officers by the council and for payment of $40 per day in lieu of expenses; P.A. 01-170 changed membership by replacing the Deputy Labor Commissioner with the Labor Commissioner and made technical changes; Sec. 31-51b transferred to Sec. 31-22n in 2005.

Sec. 31-22o. (Formerly Sec. 31-51c). Powers and duties of council. The council may adopt recommendations for minimum standards of apprenticeship and for related and supplementary instruction, encourage registration and approval of apprentice agreements and training programs, and issue certificates of completion upon the verification by employers or joint apprenticeship committees of the satisfactory completion of the term of apprenticeship. The council shall formulate policies for the effective administration of sections 31-22m to 31-22q, inclusive. Such policies by the council shall not invalidate any apprenticeship provision in any collective bargaining agreement between employers and employees. All apprentice programs adopted and registered with the council under said sections shall be on a voluntary basis and shall be installed for the purpose of developing skilled workers for the service trades and industries of Connecticut.

(1959, P.A. 390, S. 3.)

History: Sec. 31-51c transferred to Sec. 31-22o in 2005.

Sec. 31-22p. (Formerly Sec. 31-51d). Labor Commissioner's powers and duties. The Labor Commissioner, with the advice and guidance of the council, shall formulate work training standards which will ensure necessary safeguards for the welfare of apprentices and a full craft experience in any skill, in order to provide equal opportunities to all, without regard to their race, color, religion, sex, gender identity or expression, age or national origin, and to provide training, employment and upgrading opportunities for disadvantaged workers to acquire a comprehensive skilled work experience and to extend the application of such standards of skill training by inclusion thereof in apprenticeship agreements, and shall bring together representatives of management and labor for the development of training programs and terms of apprenticeship incidental thereto and cooperate with state and federal agencies similarly interested in furtherance of training
requirements in keeping with established and new processes of Connecticut industries. The Labor Commissioner shall publish information relating to existing and proposed work standards of apprenticeship, hold area conferences throughout the state for the purpose of promoting interest in skilled trades training and appoint such advisory committees as may be deemed necessary to evaluate the skilled manpower requirements of Connecticut in order to cope with any new technological changes in industry.


History: 1969 act deleted reference to cooperative effort of representatives of industry, labor and education in formulation of standards, required that standards provide equal opportunities "to all, without regard to their race, color, religion, sex, age or national origin" and that they provide training, employment and upgrading opportunities for disadvantaged workers, and made publication of information re apprenticeship standards, holding of conferences, etc. mandatory rather than optional, substituting "shall" for "may"; Sec. 31-51d transferred to Sec. 31-22p in 2005; P.A. 11-55 prohibited discrimination on basis of gender identity or expression.

Sec. 31-22q. (Formerly Sec. 31-51e). Program of apprentice training. To assist in the administration of sections 31-22m to 31-22q, inclusive, there shall continue to be maintained in the Labor Department a program of apprentice training. The Labor Commissioner is authorized to appoint, in accordance with the provisions of chapter 67, such personnel as may be necessary for effective administration of said sections.

(1959, P.A. 390, S. 5; P.A. 77-614, S. 480, 610.)

History: P.A. 77-614 referred to "program" of apprentice training rather than to "division" of apprentice training in the labor department, effective January 1, 1979; Sec. 31-51e transferred to Sec. 31-22q in 2005.

Sec. 31-22r. Apprenticeship registration; apprentices, sponsors. (a)(1) Each person who registered as an apprentice with the Labor Department before July 1, 2003, and has not completed an apprenticeship as of July 9, 2003, shall pay to the Labor Department a registration fee of twenty-five dollars on or before July 1, 2003, and a renewal registration fee of twenty-five dollars on or before July first of each subsequent year until (A) such registration is withdrawn, or (B) such person has completed an apprenticeship and possesses a valid journeyperson card of occupational license, if required.

(2) Each person who initially registers as an apprentice with the Labor Department on or after July 1, 2003, shall pay to the Labor Department a registration fee of fifty dollars at the time of registration and an annual renewal registration fee of fifty dollars until (A) such registration is withdrawn, or (B) such person has completed an apprenticeship and possesses a valid journeyperson card of occupational license, if required.

(b) Each person sponsoring an apprenticeship program registered with the Labor Department as an apprentice shall pay to the Labor Department a registration fee of fifty dollars at the time of registration and an annual renewal registration fee of fifty dollars until (A) such registration is withdrawn, or (B) such person has completed an apprenticeship and possesses a valid journeyperson card of occupational license, if required.
(c) Fifty per cent of any amount collected by the Labor Department pursuant to this section shall be deposited in the General Fund and fifty per cent of such amount shall be credited to a separate nonlapsing appropriation to the Labor Department, for the purpose of administering the department’s apprentice training program and sections 31-22m to 31-22p, inclusive.


History: P.A. 03-207 effective July 9, 2003; June Sp. Sess. P.A. 09-3 increased registration fees in Subsec. (a)(2) from $25 to $50, increased registration fee in Subsec. (b) from $30 to $60 and deleted provision re credit of amount collected to separate nonlapsing appropriation to Labor Department and purpose of same in Subsec. (c); Sept. Sp. Sess. P.A. 09-7 amended Subsec. (c) to provide that 50% of amount collected be credited to separate nonlapsing appropriation to Labor Department for purpose of apprentice training program and Secs. 31-22m to 31-22p.

Sec. 31-22s. Report re feasibility of on-line apprenticeship registration system.
Not later than February 4, 2004, the Labor Commissioner shall report, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to labor and higher education and employment advancement, concerning the feasibility of establishing an on-line system for registering apprentices and apprenticeship programs with the Labor Department.

(P.A. 03-207, S. 2.)

History: P.A. 03-207 effective July 9, 2003.

Sec. 31-22t. (Formerly Sec. 31-51j). Preclusion of apprentice training programs prohibited. All collective bargaining clauses which, in the judgment of the federal or state contracting agency administering the contract, preclude, prohibit or in any way discourage employers or groups of employers from engaging in any federal, state or on-the-job apprentice training program approved by any federal or state agency so empowered shall be void and unenforceable. This section shall not apply to any collective bargaining agreement in effect on July 1, 1969, for the duration of such agreement.

(1969, P.A. 743, S. 2.)

History: Sec. 31-51j transferred to Sec. 31-22t in 2005.
PART II
PROTECTION OF EMPLOYEES

Sec. 31-23. Employment of minors prohibited in certain occupations. Exceptions. (a) No minor under sixteen years of age shall be employed or permitted to work in any manufacturing, mechanical, mercantile or theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-shining establishment or barber shop, provided the Labor Commissioner may authorize such employment of any minor between the ages of fourteen and sixteen who is enrolled in (1) a public school in a work-study program as defined and approved by the Commissioner of Education and the Labor Commissioner or in a program established pursuant to section 10-20a, or (2) a summer work-recreation program sponsored by a town, city or borough or by a human resources development agency which has been approved by the Labor Commissioner, or both, and provided the prohibitions of this section shall not apply to any minor over the age of fourteen who is under vocational probation pursuant to an order of the Superior Court as provided in section 46b-140 or to any minor over the age of fourteen who has been placed on vocational parole by the Commissioner of Children and Families.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, a minor who has reached the age of fourteen may be employed or permitted to work as a caddie or in a pro shop at any municipal or private golf course, and a minor who has reached the age of fifteen may be employed or permitted to work in any mercantile establishment, as a bagger, cashier or stock clerk, provided such employment is (A) limited to periods of school vacation during which school is not in session for five consecutive days or more except that such minor employed in a retail food store may work on any Saturday during the year; (B) for not more than forty hours in any week; (C) for not more than eight hours in any day; and (D) between the hours of seven o'clock in the morning and seven o'clock in the evening, except that from July first to the first Monday in September in any year, any such minor may be employed until nine o'clock in the evening. (2) (A) Each person who employs a fourteen-year-old minor as a caddie or in a pro shop at any municipal or private golf course pursuant to this section shall obtain a certificate stating that such minor is fourteen years of age or older, as provided in section 10-193, and (B) each person who employs a fifteen-year-old minor in any mercantile establishment pursuant to this subsection shall obtain a certificate stating that such minor is fifteen years of age or older, as provided in section 10-193. Such certificate shall be kept on file at the place of employment and shall be available at all times during business hours to the inspectors of the Labor Department. (3) The Labor Commissioner may adopt regulations, in accordance with the provisions of chapter 54, as the commissioner deems necessary to implement the provisions of this subsection.

Public Act 12-154 - Subsection (c) of section 31-23 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2012):

(c) No minor under the age of eighteen years shall be employed or permitted to work in any occupation which has been or shall be pronounced hazardous to health by the Department of Public Health or pronounced hazardous in other respects by the Labor
Department. This section shall not apply to (1) the employment or enrollment of minors sixteen years of age and over as apprentices in bona fide apprenticeship courses in manufacturing or mechanical establishments, vocational schools or public schools, (2) the employment of such minors who have graduated from a public or private secondary or vocational school in any manufacturing or mechanical establishment, (3) the employment of such minors who are participating in a manufacturing or mechanical internship in any manufacturing or mechanical establishment, or (4) the enrollment of such minors in a cooperative work-study program approved by the Commissioner of Education and the Labor Commissioner or in a program established pursuant to section 10-20a. No provision of this section shall apply to agricultural employment, domestic service, street trades or the distribution of newspapers. For purposes of this subsection, (A) "internship" means supervised practical training of a high school student or recent high school graduate that is comprised of curriculum and workplace standards approved by the Department of Education and the Labor Department, and (B) the term "cooperative work-study program" means a program of vocational education, approved by the Commissioner of Education and the Labor Commissioner, for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, provided these two experiences are planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half days, full days, weeks or other periods of time in fulfilling the cooperative work-study program.

(d) Each person who employs a minor under the age of eighteen years shall obtain a certificate stating the age of such minor as provided in section 10-193. Such certificates shall be kept on file at the place of employment and shall be available at all times during business hours to the inspectors of the Labor Department.


History: 1965 act authorized employment of minor between 14 and 16 years old who is enrolled in school in a work-study program in Subsec. (a); 1969 acts authorized employment of minors between 14 and 16 in summer work-recreation programs and specified that prohibitions of section do not apply to minors over 14 years old who are under vocational probation by order of juvenile court in Subsec. (a); P.A. 73-49 specified that provisions do not apply to minors over 14 years old who are placed on vocational probation by the children and youth services commissioner in Subsec. (a); P.A. 75-16 defined "cooperative work-study program" in Subsec. (b) and specified that provisions do not apply to minors enrolled in such programs approved by state board of education and labor commissioner; P.A. 75-282 specified in Subsec. (b) that provisions do not apply to
minors who have graduated from secondary or vocational schools who are employed in a manufacturing or mechanical establishment; P.A. 76-436 replaced juvenile court with superior court in Subsec. (a), effective July 1, 1978; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 86-333 deleted reference to repealed Sec. 10-189 in Subsec. (c); P.A. 87-195 inserted new Subsec. (b) permitting minors who are 15 years of age to work in any mercantile establishment as baggers, cashiers or stock clerks until September 30, 1992, with certain restrictions on the hours of work and relettered prior Subsecs. (b) to (d), inclusive, accordingly; P.A. 88-360 in Subsec. (b)(2) provided that the certificate be obtained pursuant to Sec. 10-193, i.e., from the superintendent of schools, rather than from the state board of education and in Subsec. (d) deleted the provision specifying that the certificate be obtained from the state board of education; May Sp. Sess. P.A. 92-16 amended Subsec. (b) by limiting employment of minors 15 years of age to school vacations of five consecutive days or longer and deleting provision limiting employment of such minors to not more than two consecutive days without a day off; P.A. 93-91 substituted commissioner and department of children and families for commissioner and department of children and youth services, effective July 1, 1993; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 94-116 replaced references to "state board" with "commissioner" and added a provision allowing minors to participate in the Connecticut career certificate program under Sec. 10-20a, effective July 1, 1994; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 97-38 amended Subsec. (b) to extend period a minor may work in any mercantile establishment to September 30, 2002; P.A. 97-263 amended Subsec. (e) to increase amount of fine from $100 to $200; P.A. 00-144 amended Subsec. (b) by adding provision permitting minor employed in a retail food store to work on any Saturday; P.A. 02-44 amended Subsec. (b) to extend period during which a minor may work in a mercantile establishment to September 30, 2007, and make technical changes; P.A. 06-139 amended Subsec. (b)(1) to permit employment of 14-year-old minor as caddie or in pro shop at municipal or private golf course, and added new Subsec. (b)(2)(A) requiring employer of 14-year-old minor as caddie or in pro shop to obtain certificate stating age of minor, designating existing provisions as Subpara. (B), effective June 6, 2006, and made a technical change in Subsec. (a) and deleted former Subsec. (e) re penalty for violation of section, effective January 1, 2007; P.A. 08-108 amended Subsec. (b)(1) by deleting "from September 20, 2002, to September 30, 2007, inclusive" and replacing "shall be" with "is", effective June 2, 2008.

See Secs. 22-13 to 22-17, inclusive, re employment of minors in agriculture.

See Secs. 31-15a, 31-69a re penalties for violation of section.

See Sec. 46b-140(g) re employment of certain children for whom continued school attendance is deemed to be of no benefit.

Child employed in violation of this section is not thereby precluded from compensation for injury otherwise compensable. 95 C. 164. Former statute cited. 111 C.

Subsec. (b):
Cited. 203 C. 34. Cited. 221 C. 465.

Subsec. (c):
Cited. 221 C. 465.

Subsec. (d):
Cited. 221 C. 465.

Sec. 31-23a. Minors employed on or after October 1, 2007, deemed to have been lawfully employed. Notwithstanding the provisions of subsections (a) and (b) of section 31-23 in effect prior to June 2, 2008, any minor who reached the age of fifteen and was employed, on or after October 1, 2007, as a bagger, cashier or stock clerk shall be deemed to have been lawfully employed, provided such employment was in accordance with the provisions of subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (b) of said section 31-23. Any person who employed such minor shall not be deemed (1) to have violated the provisions of subsection (a) of said section 31-23, or (2) subject to the penalties of section 31-15a or 31-69a.

(P.A. 08-108, S. 2.)


Sec. 31-24. Hazardous employment of children forbidden. Except in state vocational schools or in public schools teaching manual training, no child under sixteen years of age shall be employed or permitted to work in adjusting or assisting in adjusting any belt upon any machine, or in oiling or assisting in oiling, wiping or cleaning machinery, while power is attached, or in preparing any composition in which dangerous acids are used, or in soldering, or in the manufacture or packing of paints, dry colors or red or white lead, or in the manufacture, packing or storing of gun or blasting powder, dynamite, nitroglycerine compounds, safety fuses in the raw or unvarnished state, electric fuses for blasting purposes or any other explosive, or in the manufacture or use of any dangerous or poisonous gas or dye, or composition of lye in which the quantity thereof is injurious to health, or upon any scaffolding, or in any heavy work in any building trade or in any tunnel, mine or quarry, or in operating or assisting to operate any emery, stone or buffing wheel; and, except as otherwise provided in subsection (b) of section 31-23, no child under sixteen years of age shall be employed or permitted to work in any capacity requiring such child to stand continuously.

(1949 Rev., S. 7353; P.A. 74-185, S. 3; P.A. 87-195, S. 2; P.A. 97-263, S. 11; P.A.
History: P.A. 74-185 prohibited employment of all children under 16, regardless of sex, in capacity which requires continuous standing where previously prohibition applied to females only; P.A. 87-195 allowed children under 16 years of age to work in jobs requiring them to stand continuously as provided in Sec. 31-23; P.A. 97-263 increased amount of fine from $100 to $200; P.A. 06-139 eliminated provision re penalty for violation of section, effective January 1, 2007.

See Secs. 31-15a, 31-69a re penalties for violation of section.

Cited. 243 C. 66.

**Sec. 31-25. Operation of elevators by minors.** No person under sixteen years of age shall be employed or permitted to have the care, custody, operation or management of an elevator; any person, partnership or corporation violating this provision shall be fined not more than fifty dollars for each offense. No person under eighteen years of age shall be employed or permitted to have the care, custody, management or operation of an elevator, either for freight or passengers, running at a speed of over two hundred feet per minute; any person, whether acting for himself or as agent for another, who authorizes or permits the employment of any person in violation of this provision shall be fined not more than two hundred dollars.

(1949 Rev., S. 7354; P.A. 97-263, S. 12.)

History: P.A. 97-263 doubled the amount of both fines.

**Secs. 31-26 and 31-27. Employment of women before and after confinement. Seats to be provided for female employees.** Sections 31-26 and 31-27 are repealed.

**Sec. 31-28. Registration of manufacturing and mechanical establishments. Repealed by Public Act 12-80.**

**Sec. 31-29. Manufacturing license for residential buildings.** No person, except a member of the immediate family residing in a dwelling house, tenement house, rooming house, apartment house or other residential building, and no firm, partnership or corporation shall use such building, in whole or in part, for the manufacture of any products, or parts thereof, until the owner thereof has obtained from the Labor Commissioner a license authorizing its use for such purpose. Said commissioner shall, before granting such license, establish the fact, by thorough inspection, that the building conforms in every respect to the requirements of the general statutes relating to heat, light, safety, health, ventilation and sanitation. The fee for such inspection, which shall accompany such application, shall be twenty-five dollars, payable, whether a license is granted or not, to the Labor Department.
Sec. 31-30. Home workers. Any person, other than a member of the immediate family residing therein, who, or firm, partnership or corporation which, engages in the manufacture of any products, or parts thereof, in any dwelling house, tenement house, rooming house, apartment house or other residential building, which has been licensed in accordance with section 31-29, shall conform in every respect to the provisions of the general statutes governing the registration and operation of manufacturing and mechanical establishments. Any member or members of the immediate family residing in any dwelling house, tenement house, rooming house, apartment house or other residential building, whether licensed for such purpose or not, may use such place of residence for the purpose of manufacturing products, or parts thereof, either on their own behalf, or on behalf of other manufacturing or mechanical establishments located within the state as hereinafter provided. Such home workers shall conform in every respect to the provisions of the general statutes governing the working hours and conditions of women and minors in manufacturing and mechanical establishments, and, in the observance thereof, they shall be subject to inspection under the supervision of said commissioner. Said commissioner shall report to the board of health, humane society or other agency having jurisdiction any condition believed to be unhealthful, insanitary or otherwise prejudicial to the well-being of such home workers, in order that such condition may be investigated and corrected by such agency.

(1949 Rev., S. 3763.)

Sec. 31-31. Records of home workers and materials. Manufacturing and mechanical establishments may furnish materials to be manufactured in whole or in part by home workers, if such establishments are located within the state and subject to inspection and supervision by said commissioner or other agencies, as authorized by the general statutes, for the protection of life and health. Such establishments shall record the names and home addresses of all persons to whom materials for manufacturing purposes have been furnished and all payments made to such persons for work thus performed. All such records shall be preserved at least three years. They shall be accessible, during the actual operating hours of such establishments, to said commissioner or his representatives upon presentation of properly executed credentials, in order that the inspection and supervision of home work as provided by section 31-30 may be conducted freely and expeditiously at the discretion of said commissioner.

(1949 Rev., S. 3764.)

Sec. 31-32. Penalty. Any person who, or firm, partnership or corporation which, violates any provision of sections 31-29 to 31-31, inclusive, shall be fined not more than five hundred dollars for each separate offense.

(1949 Rev., S. 3765.)
Sec. 31-33. Regulation of industrial home work. Repealed by Public Act 12-80.

Sec. 31-34. Stained glass windows. Section 31-34 is repealed, effective October 1, 2002.

(1949 Rev., S. 3750; P.A. 02-89, S. 90.)

Sec. 31-35. Lighting and sanitary condition of factories and roundhouses. Section 31-35 is repealed.

(1949 Rev., S. 3751; P.A. 73-379, S. 20, 21.)

Sec. 31-36. Toilet room required in foundries. Penalty. The commissioner shall have authority by order to that effect to require the proprietor of any foundry in which ten or more persons are employed, situated in a locality where there is such system for the disposal of sewage as to make such order practicable, to provide for the use of such employees a toilet room of such suitable dimensions as said commissioner determines, containing washbowls or sinks connected with running water, with facilities for heating the same, such room to be directly connected with such foundry building, properly heated, ventilated and protected from the dust of such foundry. Any person, company or corporation failing to comply with such order shall be fined not more than fifty dollars.

(1949 Rev., S. 3752; P.A. 74-185, S. 4.)

History: P.A. 74-185 referred to foundries which employed ten or more "persons" rather than "men".

Sec. 31-37. Toilet accommodations in manufacturing, mechanical and mercantile establishments and restaurants. Section 31-37 is repealed.


Sec. 31-38. Toilet accommodations on tobacco plantations. Any person, firm or corporation employing twenty-five or more laborers on a tobacco plantation, which fails to provide adequate toilet accommodations for such employees, so arranged as to secure reasonable privacy for both sexes of such employees, shall be fined not less than twenty dollars nor more than one hundred dollars.

(1949 Rev., S. 8638.)

Sec. 31-38a. Sanitary, lighting and heating facilities for railroad employees. Each railroad company, as that term is defined in section 16-1, shall provide for its employees employed in, at or near depots, terminals, passenger yards, coach yards, freight yards, switching yards, garages, repair shops, warehouses, assembly points, headquarters and other facilities of such company located in this state, adequate sanitary, lighting and
heating facilities. The Labor Commissioner shall promulgate such regulations as he
deems necessary and reasonable for the provision of such sanitary, lighting and heating
facilities as the health of such employees requires. Such regulations shall provide, among
other things, for the following: A water supply and drinking facilities; adequate toilet
accommodations, which accommodations shall include adequate fixtures and be
maintained in good repair and in a clean and sanitary condition, adequately ventilated
with windows or suitable ventilators opening to the outside; adequate lighting and means
for artificial lighting to illuminate all parts of the required facilities; washing rooms, rest
rooms and dressing rooms, including provisions for showers where the nature of the work
requires, hot water and lockers; heating facilities to provide sixty-five degrees Fahrenheit
heat during the months of November through March; maintenance of such facilities; and
such other items as are necessary to effectuate the purposes of this section.

(1959, P.A. 126, S. 1; P.A. 77-2, S. 3, 4.)

History: P.A. 77-2 changed minimum required temperature during months of
November through March from 68 to 65 degrees Fahrenheit.

Cited. 243 C. 66.

Sec. 31-38b. Commissioner to enforce. The commissioner or his deputies shall
inquire into the compliance with the provisions of section 31-38a and the regulations
promulgated thereunder, shall make at least one inspection each year of all the facilities
involved and shall investigate any complaint regarding the sanitary, lighting or heating
facilities of such companies. The commissioner shall issue such orders of compliance as
are required to enforce section 31-38a or the regulations thereunder and he shall report
any failure to comply with such orders within sixty days to the prosecutor of the criminal
court having jurisdiction in the area where the violation occurs. Any railroad company
which fails to comply with such order or violates section 31-38a shall be fined not less
than one hundred dollars for each such violation. Sections 31-7, 31-8, 31-44 and 31-50
shall, so far as they do not conflict with the terms of section 31-38a and this section,
apply to the orders of the Labor Commissioner.

(1959, P.A. 126, S. 2, 3.)

Sec. 31-39. Employees in paper factory to be vaccinated. Section 31-39 is
repealed.

(1949 Rev., S. 7358; P.A. 87-134.)

Sec. 31-39a. Operation of hydraulic loading and unloading equipment at
resources recovery facilities. (a) Except as provided in subsection (b) of this section,
each owner or operator of a resources recovery facility, as defined in section 22a-207,
that (1) serves more than four municipalities, and (2) employs a floor level feed system to
load solid waste into a combustion unit, but does not use overhead cranes to load
municipal solid waste into the waste feed hoppers, shall have, during such times as solid
waste is being moved with hydraulic loading or unloading equipment, at least two employees of the facility familiar with the operation of such equipment present in the work area in which such equipment is being operated.

(b) No resources recovery facility shall be required to comply with the provisions of subsection (a) of this section if such facility has (1) a properly working camera trained on and with an unobscured view of the feed hopper area, or (2) a device that stops the feeder from operating whenever a person enters onto the feed hopper.

(P.A. 07-136, S. 1.)

Sec. 31-40. Reporting serious accidents in establishments or work places under jurisdiction of Labor Commissioner. Except as otherwise provided by law, the person in active charge of any establishment or work place coming under the jurisdiction of the Labor Commissioner shall forward by mail to the commissioner at his office, within fifteen days after each accident resulting in serious physical injury to an employee while at work in such establishment or work place, a written notice of every such accident of which he has knowledge, which notice shall state the name of the injured employee, the time of the accident and the nature of the injury and shall also contain a general description of the location in the establishment and of the character of the machine, if any, upon which the employee was at work at the time. The commissioner shall forthwith transmit to the person in charge of such establishment a written acknowledgment of the receipt of such notice, and shall keep a record of such accidents thus reported to him. Such records, notices and reports to the commissioner and any investigation made by him or his deputies or agents shall be privileged and confidential and shall not be open for examination or inspection, and neither such commissioner nor any of his deputies or agents shall be a competent witness as to the facts involved in such accident in any proceeding pending in any court, unless such commissioner, deputy or agent was present at the time of the occurrence of the accident. The term "accident resulting in serious physical injury", as used in this section, shall be construed to mean an accident which results in the death of the employee or causes his absence from work for at least one week. Any person, after having received from the commissioner forms for such notices, who fails to send notice of any accident as required by this section, shall be fined not more than twenty dollars.

(1949 Rev., S. 3754; 1967, P.A. 444.)

History: 1967 act deleted reference to Hartford as location of commissioner's office, deleted reference to "manufacturing or mercantile" establishments and added reference to work places under commissioner's jurisdiction.

See Sec. 31-316 re employer's duty to record and report employees' injuries and to report insurance coverage and welfare fund payment provided to employees.

Sec. 31-40a. (Formerly Sec. 19-48). Reports of occupational diseases and investigations concerning them. Each physician having knowledge of any person whom
he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alco-
hol or mercury or their compounds, or from anthrax or from compressed-air illness or any other disease, contracted as a result of the nature of the employment of such person, shall, within forty-eight hours, mail to the Labor Department, Department of Factory Inspection, as provided in section 31-9, a report stating the name, address and occupation of such patient, the name, address and business of his employer, the nature of the disease and such other information as may reasonably be required by said department. The department shall prepare and furnish to the physicians of this state suitable blanks for the reports herein required. No report made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the Workers' Compensation Act against any employer of such diseased person. Any physician who fails to send any report herein required or who fails to send the same within the time specified herein shall be liable to the state for a penalty of not more than ten dollars, recoverable by civil action in the name of the state by said department. The Labor Department, Department of Factory Inspection, as provided in section 31-9, is authorized to investigate and make recommendations for the elimination or prevention of occupational diseases reported to it in accordance with the provisions of this section. Said department is also authorized to study and provide advice in regard to conditions suspected of causing occupational diseases, provided information obtained upon investigations made in accordance with the provisions of this section shall not be admissible as evidence in any action at law to recover damages for personal injury or in any action under the Workers' Compensation Act.

(1949 Rev., S. 3867; P.A. 73-449, S. 2; P.A. 78-349, S. 1, 3; P.A. 79-376, S. 28.)

History: P.A. 73-449 replaced department of health with labor department, department of factory inspection; Sec. 19-48 transferred to Sec. 31-40a in 1975; P.A. 78-349 deleted provision requiring labor department to pay physicians $0.50 for making report; P.A. 79-376 substituted "workers' compensation act" for "workmen's compensation act".

Sec. 31-40b. Employers required to provide lung function tests to certain employees. (a) Each employer shall, when required by the Labor Commissioner, at his own expense, provide lung function tests to each of his employees who, in the course of his employment, comes into contact with chemicals, materials, gases or other substances which have been identified as toxic and hazardous under the Occupational Safety and Health Standards, Subpart Z, Code of Federal Regulations, Title 29, Chapter XVII. The tests to be required, their frequency and the standards of administration of such tests shall be prescribed by regulation by the Labor Commissioner, with the advice of a physician specializing in pulmonary disease. No employee shall be required to have a lung function test against his will.

(b) Each employer employing persons within a foundry shall provide a mandatory lung function test at least once every two years and where appropriate, chest x-rays as prescribed by the Labor Commissioner for those employees exposed to the day to day manufacturing process, at the employer's expense. The tests to be required, the definition
of who shall take the tests and the standards for administration of such tests shall be
prescribed by regulation adopted on or before January 1, 1981, by the Labor
Commissioner, with the advice of a panel of physicians specializing in pulmonary
disease. Said panel shall have five members, consisting of three physicians chosen by the
Labor Commissioner from a list of qualified pulmonary specialists submitted by The
American College of Chest Physicians, one physician chosen by the foundry employers
and one physician chosen by the foundry employees. Employees shall be paid for the
time involved in such testing. An employee shall be exempted from such testing if the
tenets of his religion forbid participation in such tests, and he requests such an exemption.
As used in this section, "foundry" means any business or works which utilizes sand in the
casting of metals.

(P.A. 77-445; P.A. 80-132.)

History: P.A. 80-132 added Subsec. (b) re mandatory lung function tests.

**Sec. 31-40c. Information and notice requirements for employers using or
producing carcinogens.** (a) As used in this section:

(1) "Person" means one or more individuals, partnerships, associations, corporations,
limited liability companies, business trusts, legal representatives or any organized group
of persons.

(2) "Employer" means a person engaged in business who has employees, including
the state and any political subdivision thereof.

(3) "Employee" means any person engaged in service to an employer in a business of
his employer.

(b) Each employer shall post a list of all carcinogenic substances, as described in
sections 19a-329 and 19a-331, which he uses or produces in the manufacture of any item,
product or material, or which he uses or produces for purposes of research,
experimentation or treatment. Such list shall be readily available for viewing by the
employees. Such list shall be updated to reflect any changes to sections 19a-329 and 19a-
331 within ninety days of the effective date of such changes.

(c) Upon offering employment to a prospective employee and on January first of each
year each employer shall furnish to each of his employees a list of all such carcinogenic
substances which he uses or produces in the manufacture of any item, product or material,
or which he uses or produces for purposes of research, experimentation or
treatment, and the dangers inherent in exposure to such substances.

(d) Each employer shall provide an education and training program for his new
employees, during the first month of their employment, adequately describing the
presence of such carcinogenic substances which he uses or produces in the manufacture
of any item, product or material, or which he uses or produces for purposes of research,
experimentation or treatment, the dangers inherent in exposure to such substances and proper methods for avoiding harmful effects from such substances by keeping exposure within the allowable limits set by regulations promulgated by the Federal Occupational Safety and Health Administration.

(e) Any person who supplies such carcinogenic substances to an employer shall label all such substances by generic or basic chemical name only and shall provide safe handling procedures for such substances.

(P.A. 80-257, S. 1-5; P.A. 95-79, S. 107, 189.)

History: P.A. 95-79 amended Subsec. (a) to redefine "person" to include limited liability companies, effective May 31, 1995.

Cited. 243 C. 66.

Sec. 31-40d. Complaints of violations. Inspections. Discrimination prohibited. (a) Any employee or representative of employees who believes that there is a violation by the employer of such employee of any provisions of section 31-40c may request an inspection by filing a complaint of such violation with the Labor Commissioner. The complaint shall be in writing, signed and set forth with reasonable particularity the grounds for the complaint. Within a reasonable period of time after receipt of such complaint, the Labor Commissioner shall notify the employer in writing of the complaint and permit the employer to demonstrate compliance with the provisions of section 31-40c. If such compliance has not been demonstrated to the satisfaction of the commissioner within fourteen days of the mailing of the notification, the commissioner or his authorized representative, upon presenting appropriate credentials to the employer, operator or agent in charge, shall inspect, at reasonable times, the employer's workplace and all conditions pertinent to the grounds of the complaint and shall, in a reasonable manner, make any additional investigation deemed necessary by the commissioner or his representative for the full and effective determination of such employer's compliance with the provisions of section 31-40c. Whenever the commissioner or his authorized representative, proceeding pursuant to this section, is denied admission to any such place of employment, he shall obtain a warrant to make an inspection or investigation of such place of employment from any judge of the Superior Court. Any judge of the Superior Court within the state is authorized to issue a warrant pursuant to this section and shall issue such warrant whenever he is satisfied that the following conditions are met: That the individual seeking the warrant is a duly authorized agent of the department; and that such individual has established under oath or affirmation that the place of employment to be investigated in accordance with this section is to be inspected to determine compliance or noncompliance with the requirements of section 31-40c.

(b) An employer shall not discriminate against or discipline, in any manner, any employee because such employee has filed a complaint of violations of section 31-40c, as provided in this section, or has assisted the commissioner or his authorized representative in the investigation of such a complaint.
Sec. 31-40e. Order to comply. Citation. Hearing. Appeal. (a) If, upon inspection or investigation of a complaint, the Labor Commissioner or his authorized representative believes that an employer has violated any requirements of section 31-40c, he shall with reasonable promptness issue to the employer an order to comply. Such order shall be in writing and shall specifically describe the nature of the violation, and shall state a reasonable time period within which the violation must be corrected by the employer. If such violation has not been corrected within such time period, the Labor Commissioner or his authorized representative shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall specifically describe the nature of the violation, and shall state a reasonable time period within which the violation must be corrected by the employer.

(b) The employer may request the commissioner to provide a hearing concerning any orders to comply, citations or penalties issued to the employer under the provisions of this section or section 31-40d or 31-40f, and such hearing shall then be afforded in accordance with sections 4-176e to 4-181a, inclusive. The employer may appeal the final decision of such hearing in accordance with section 4-183.

Sec. 31-40f. Penalties. Duties of Labor Commissioner. Private right of action. (a) Any employer who has received a citation for a violation of the requirements of section 31-40c may be assessed a civil penalty of not more than one thousand dollars for each such violation.

(b) Any employer who fails to correct a violation for which a citation has been issued under the provisions of section 31-40d or 31-40e within the period permitted for its correction may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(c) Any person who gives advance notice of any inspection to be conducted under section 31-40d or 31-40e, without authority from the Labor Commissioner or his designees, shall be assessed a civil penalty of not more than one thousand dollars.

(d) Any person who knowingly makes any false statement, representation or certification in any list, record or other document required to be maintained pursuant to section 31-40c shall be assessed a civil penalty of not more than ten thousand dollars.

(e) Any employer or individual who refuses entry to any authorized representative of
the Labor Commissioner while such representative is attempting to conduct an investigation or inspection pursuant to the provisions of section 31-40d or 31-40e, or in any way wilfully obstructs him from carrying out his investigation or inspection, shall be assessed a civil penalty of not more than one thousand dollars.

(f) Any employer or individual who wilfully causes bodily harm to any authorized representative of the Labor Commissioner while such representative is attempting to conduct an investigation or inspection pursuant to the provisions of section 31-40d or 31-40e, shall be assessed a civil penalty of not more than ten thousand dollars.

(g) The Labor Commissioner shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer or owner being charged, the gravity of the violation, the good faith of the employer or owner, and the history of previous violations.

(h) Civil penalties owed under this section shall be paid to the commissioner for deposit into the Treasury of the state and may be recovered in a civil action in the name of the state of Connecticut brought in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. The penalties collected shall be used to defray the costs of enforcement of section 31-40c, as provided in sections 31-40d and 31-40e and this section.

(i) If an employer has not made timely correction of the violation stated in an order to comply issued according to the provisions of sections 31-40d and 31-40e, and the Labor Commissioner or his authorized representative has not issued a citation for such violation within sixty days of the expiration of such order to comply, any employee of such employer may bring a civil action for judicial enforcement of the requirements of section 31-40c, in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office.

(P.A. 81-291, S. 3.)

Sec. 31-40g. Information requirements for employers using or producing substances hazardous to reproductive systems. Upon offering employment to a prospective employee, each employer shall inform the prospective employee of any chemicals, toxic substances, radioactive materials or any other substances which he uses or produces in the manufacture of any item, product or material, or which he uses or produces for purposes of research, experimentation or treatment, which the employer should have reasonable cause to believe will cause birth defects or constitute a hazard to an individual's reproductive system or to a fetus when the individual is exposed to any of such substances in the course of his job assignment. Such information shall be made available to current employees who are exposed to such hazards.

(P.A. 81-382, S. 3.)

Cited. 243 C. 66.
Sec. 31-40h. Sterilization as condition of employment prohibited. No employer, including the state or any political subdivision thereof, shall condition the employment, transfer or promotion of any individual on the sterilization of such individual.

(P.A. 81-382, S. 4.)

Sec. 31-40i. Enforcement. Private right of action. If an employer has violated any of the provisions of section 31-40h, any individual aggrieved by such violation may bring a civil action for judicial enforcement of such provisions in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office. Any individual who prevails in such civil action shall be awarded reasonable attorney's fees and costs to be taxed by the court.

(P.A. 81-382, S. 5.)

Sec. 31-40j. Definitions. As used in sections 31-40j to 31-40p, inclusive:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons.

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof.

(3) "Employee" means any person who may be exposed under normal operating conditions or foreseeable emergencies to toxic substances while engaged in service to an employer in a business of his employer. For the purposes of this subdivision, "emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which may or does result in an uncontrolled release of a toxic substance.

(4) "Toxic substance" means any substance: (A) Which has been identified as an air contaminant under the Occupational Safety and Health Standards, Code of Federal Regulations, Title 29, Chapter XVII, Subpart Z, Section 1910.1000, and (B) which an employer uses or produces in the manufacture of any item, product or material, or which he uses or produces for purposes of research, experimentation or treatment. "Toxic substance" shall not include carcinogenic substances, as described in sections 19a-329 and 19a-331.

(5) "Trade secret" means any unpatented, secret, commercially valuable plan, appliance, formulation or process which is used for the making, preparing, compounding, treating or processing of articles or materials which are trade commodities obtained from a person and which are recognized by law as confidential.

(P.A. 82-251, S. 1, 8; P.A. 95-79, S. 108, 189.)
Sec. 31-40k. Employee's right to information concerning toxic substances.

Employer's list. (a) Each employer shall post a sign, at a location readily available for viewing by employees, which informs the employees that they have the right to information from their employer regarding the toxic substances which the employer uses or produces in the manufacture of any item, product or material, or which he uses or produces for purposes of research, experimentation or treatment.

(b) On January 1, 1984, and annually thereafter, the employer shall furnish to the Labor Department a list of all such toxic substances.

(c) Each employee, or his representative, may request in writing from his employer all information relating to toxic substances, as provided in section 31-40l. If an employee, or his representative, has made a request for information on such a substance, and the employer has not supplied such information within five working days, the employer shall not require the employee to work with the substance until the information has been provided to the employee.

(P.A. 82-251, S. 2, 8.)

History: P.A. 82-251 effective July 1, 1983.

Sec. 31-40l. Information requirements for employer using or producing toxic substances. (a) Each employer shall provide information on the toxic substances which he uses or produces in the manufacture of any item, product or material, or which he uses or produces for purposes of research, experimentation or treatment, for each of his new employees, during the first month of their employment, as follows: (1) The name of the toxic substance, including generic or chemical name; (2) the location of toxic substances to which the employee may be exposed; (3) the properties of toxic substances to which employees may be exposed; (4) the acute and chronic effects of exposure at hazardous levels and the symptoms of effect of such exposure, to the extent such information is available from the manufacturer, the supplier, the Federal Occupational Safety and Health Administration and the Labor Department's Division of Occupational Safety and Health; (5) appropriate emergency treatment; (6) proper conditions for safe use of and exposure to such toxic substances; and (7) procedures for cleanup of leaks and spills of such toxic substances. All such information shall be provided, to the extent practicable, in informal and readily understandable language. Each employer shall also provide such information for any employee who is transferred from one job to another by the employer, within one month of such transfer, if the employee is exposed to additional toxic substances in his new job.

(b) Upon distribution of information to an employee under the provisions of
subsection (a) of this section or subsection (c) of section 31-40k, the employer may require the employee to sign a statement acknowledging receipt of such information.

(P.A. 82-251, S. 3, 8.)

History: P.A. 82-251 effective July 1, 1983.

Sec. 31-40m. Information requirements of supplier of toxic substances. Labor Department assistance. (a) Any person who supplies any toxic substance to an employer shall provide the following information to the employer: (1) The generic or basic chemical name of the toxic substance; (2) the level at which exposure to the substance is determined to be hazardous, if known; (3) the acute and chronic effects of exposure at hazardous levels; (4) the symptoms of such effects; (5) appropriate emergency treatment; (6) proper conditions for safe use and exposure to such toxic substance; (7) procedures for cleanup of leaks and spills of such toxic substance; and (8) a label on each container of any such substance which states, in a clearly legible and conspicuous form, that a toxic substance is contained therein, except that no such label shall be required for any container of alcoholic liquor, as defined in section 30-1, or food, as defined in section 21a-92.

(b) Upon request of an employer, the Labor Department shall provide such employer with all the information concerning the employer's toxic substances which is available to the department at the time of such request, and which is relevant to the information requirements of sections 31-40j to 31-40p, inclusive.

(P.A. 82-251, S. 4, 8; P.A. 83-511, S. 1, 4.)

History: P.A. 82-251 effective July 1, 1983; P.A. 83-511 amended Subsec. (a)(8) to exclude containers of food and alcoholic liquor from the labeling requirements.

Sec. 31-40n. Trade secret protections. Registration with Labor Commissioner. When an employer or an employer's supplier claims that revealing the identity of a toxic substance, pursuant to the requirements of sections 31-40j to 31-40p, inclusive, would constitute the disclosure of a legally protectable trade secret, he may register this information as a trade secret with the Labor Commissioner. The commissioner shall assign a registry number to the substance. No employee of the Labor Department shall disclose to any person the identity of any substance so registered, except as required under the provisions of section 1-210. When responding to any request for information under the provisions of sections 31-40j to 31-40p, inclusive, such employer or supplier may refer to such substance by its registry number, and the employer or supplier shall not be required to reveal the name of such substance. All other information concerning such substance shall be provided by the employer or supplier as required by the provisions of sections 31-40j to 31-40p, inclusive.

(P.A. 82-251, S. 5, 8.)
Sec. 31-40o. Discrimination prohibited. Waiver of rights void. (a) No employer shall discharge, or cause to be discharged, or in any manner discriminate against any employee who exercises the rights afforded to him pursuant to the provisions of sections 31-40j to 31-40p, inclusive, nor shall any pay, position, seniority or other benefits to which the employee may be entitled be lost because the employee exercised the rights provided by said sections.

(b) Any waiver by an employee or applicant for employment of the benefits or requirements of the provisions of sections 31-40j to 31-40p, inclusive, shall be against public policy and shall be null and void. Any employer's request or requirement that an employee waive any rights provided under said sections as a condition of employment shall constitute an act of discrimination, for purposes of this section.

(P.A. 82-251, S. 6, 8.)

History: P.A. 82-251 effective July 1, 1983.

Sec. 31-40p. Severability. If any section, clause or provision of sections 31-40j to 31-40o, inclusive, shall be unconstitutional or be ineffective in whole or in part, to the extent that it is not unconstitutional or ineffective, it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

(P.A. 82-251, S. 7. 8.)

History: P.A. 82-251 effective July 1, 1983.

Sec. 31-40q. Smoking in the workplace. Designation of smoking rooms. (a) As used in this section:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons.

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision thereof.

(3) "Employee" means any person engaged in service to an employer in the business of his employer.

(4) "Business facility" means a structurally enclosed location or portion thereof at which employees perform services for their employer. The term "business facility" does not include: (A) Facilities listed in subparagraph (A), (C) or (G) of subdivision (2) of
subsection (b) of section 19a-342; (B) any establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued on or before May 1, 2003; (C) for any business that is engaged in the testing or development of tobacco or tobacco products, the areas of such business designated for such testing or development; or (D) during the period from October 1, 2003, to April 1, 2004, establishments with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c.

(5) "Smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

(b) Each employer with fewer than five employees in a business facility shall establish one or more work areas, sufficient to accommodate nonsmokers who request to utilize such an area, within each business facility under his control, where smoking is prohibited. The employer shall clearly designate the existence and boundaries of each nonsmoking area by posting signs which can be readily seen by employees and visitors. In the areas within the business facility where smoking is permitted, existing physical barriers and ventilation systems shall be used to the extent practicable to minimize the effect of smoking in adjacent nonsmoking areas.

(c) (1) Each employer with five or more employees shall prohibit smoking in any business facility under said employer's control, except that an employer may designate one or more smoking rooms.

(2) Each employer that provides a smoking room pursuant to this subsection shall provide sufficient nonsmoking break rooms for nonsmoking employees.

(3) Each smoking room designated by an employer pursuant to this subsection shall meet the following requirements: (A) Air from the smoking room shall be exhausted directly to the outside by an exhaust fan, and no air from such room shall be recirculated to other parts of the building; (B) the employer shall comply with any ventilation standard adopted by (i) the Commissioner of Labor pursuant to chapter 571, (ii) the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970, as from time to time amended, or (iii) the federal Environmental Protection Agency; (C) such room shall be located in a nonwork area, where no employee, as part of his or her work responsibilities, is required to enter, except such work responsibilities shall not include any custodial or maintenance work carried out in the smoking room when it is unoccupied; and (D) such room shall be for the use of employees only.

(d) Nothing in this section may be construed to prohibit an employer from designating an entire business facility as a nonsmoking area.

(P.A. 83-268; P.A. 87-149, S. 1, 3; P.A. 91-94; P.A. 95-79, S. 109, 189; P.A. 03-45, S. 2; 03-235, S. 3; P.A. 04-9, S. 3.)
History: P.A. 87-149 amended Subsec. (b) to require employers to establish sufficient nonsmoking areas in business facilities and added Subsec. (c) to enable the labor commissioner to exempt certain employers from compliance with those requirements, effective April 1, 1988; P.A. 91-94 amended Subsec. (a) by reducing the minimum number of employees from 50 to 20 in Subdiv. (4); P.A. 95-79 amended Subsec. (a) to redefine "person" to include limited liability companies, effective May 31, 1995; P.A. 03-45 redefined "business facility" in Subsec. (a)(4), amended Subsec. (b) and replaced former Subsec. (c) with new Subsecs. (c) and (d) to prohibit smoking in any workplace with 5 or more employees, delete provision for exemption by Labor Commissioner, and provide for designation of smoking rooms, if desired by employer; P.A. 03-235 amended Subsec. (a)(4)(D) by adding the bar area of a bowling establishment holding a permit issued pursuant to Sec. 30-37c(a) to definition of "business facility"; P.A. 04-9 amended Subsec. (a)(4) by making technical changes.


Sec. 31-40r. Regulations establishing guidelines for exemptions from nonsmoking area requirements. Section 31-40r is repealed, effective October 1, 2003.

(P.A. 87-149, S. 2, 3; P.A. 03-45, S. 4.)

Sec. 31-40s. Smoking or use of tobacco products outside of the workplace. (a) No employer or agent of any employer shall require, as a condition of employment, that any employee or prospective employee refrain from smoking or using tobacco products outside the course of his employment, or otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges of employment for smoking or using tobacco products outside the course of his employment, provided any nonprofit organization or corporation whose primary purpose is to discourage use of tobacco products by the general public shall be exempt from the provisions of this section.

(b) Nothing contained in this section shall be construed to affect (1) the provisions of section 31-40q, (2) municipal hiring practices involving paid firefighters and paid police officers, and (3) any collective bargaining agreement between a municipality and paid firefighters or paid police officers.

(P.A. 91-271, S. 3; P.A. 03-45, S. 3.)

History: P.A. 03-45 deleted reference to repealed Sec. 31-40r in Subsec. (b)(1).

Sec. 31-40t. Employee's right to act in case of hazardous conditions. Complaints to and investigations by Labor Commissioner. Hearings. Regulations. (a) As used in this section:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;
(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision of the state;

(3) "Employee" means any person engaged in service to an employer in a business of his employer;

(4) "Hazardous condition" means a condition which (A) causes or creates a substantial risk of death, disease or serious physical harm, whether imminent or as a result of long-term exposure, and which is beyond the ordinary expected risks inherent in a job after all feasible safety and health precautions have been taken, and (B) results from the employer's violation of applicable safety and health standards established under any federal, state and local laws and regulations, any collective bargaining agreements and any industry codes.

(b) No employer shall discharge, discipline or otherwise penalize any employee because the employee (1) informs another employee that such other employee is working in or exposed to a hazardous condition or (2) refuses in good faith to expose himself to a hazardous condition in the workplace, provided (A) the condition causing the employee's apprehension of death, disease or serious physical harm is of such a nature that a reasonable person, having the knowledge, education, training and experience necessary for the performance of the employee's job, under the circumstances confronting the employee, would conclude that there is a hazardous condition, (B) there is insufficient time, due to the urgency of the situation, to eliminate or abate the hazardous condition through resort to regular statutory enforcement procedures, (C) the employee notifies the employer of the hazardous condition and asks the employer to correct or abate the hazardous condition and (D) the employer is unable or refuses to correct or abate such condition. No employee shall be discharged, disciplined or otherwise penalized while a hazardous condition continues to exist or is in the process of being corrected or abated.

(c) Any employee who believes that there is a violation by his employer of any provision of this section may file a written complaint with the Labor Commissioner within one hundred eighty days of the alleged violation. The complaint shall be signed and shall set forth with reasonable particularity the grounds for the complaint. Within thirty days after receipt of such complaint, the Labor Commissioner shall notify the employer in writing of the complaint. The commissioner, or his authorized representative, upon presenting appropriate credentials to the employer, operator or agent in charge, may inspect, at reasonable times, the employer's workplace and all conditions pertinent to the grounds of the complaint and shall, in a reasonable manner, make any additional investigation deemed necessary by the commissioner or his representative for full and effective determination of any complaint he receives.

(d) If, upon inspection or investigation of a complaint, the Labor Commissioner or his authorized representative believes that an employer has violated any provisions of this section, he shall hold a hearing and shall, at least thirty days prior to the date of such hearing, mail a notice of such hearing to the employer and the employee. The
commissioner shall resolve all issues relating to any dispute arising under the provisions of this section.

(e) The Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

(f) Nothing in this section shall be construed to diminish or impair the rights of any person under any collective bargaining agreement.

(P.A. 91-33; P.A. 92-27; P.A. 95-79, S. 110, 189.)

History: P.A. 92-27 amended Subsec. (a)(2) to include the state and any political subdivision of the state in the definition of "employer"; P.A. 95-79 amended Subsec. (a) to redefine "person" to include limited liability companies, effective May 31, 1995.

Cited. 243 C. 66.

Sec. 31-40u. Regulations establishing guidelines for use of video display terminals in state facilities. Not later than July 1, 1994, the Labor Commissioner, in consultation with the Commissioner of Public Health shall issue guidelines establishing standards for the use of video display terminals by state employees. Such standards shall include, but not be limited to: (1) Maximum time limits that state employees may be required to work with a video display terminal without a rest break and the duration of the rest break; (2) requirements for protective screens or other safety devices; and (3) requirements designed to reduce or eliminate the adverse effects of repetitive motion in connection with the use of such terminals.

(P.A. 93-228, S. 29, 35; 93-381, S. 9, 39; 93-435, S. 59, 95; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-228 effective July 1, 1993; P.A. 93-381 and P.A. 93-435 authorized substitution of commissioner and department of public health and addiction services for commissioner and department of health services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Sec. 31-40v. Establishment of safety and health committees by certain employers. (a) In order to promote health and safety in places of employment in this state, each employer of twenty-five or more employees in this state, including the state and any political subdivision of the state, and each employer whose rate of work related injury and illness exceeds the average incidence rate of all industries in this state, shall administer a safety and health committee in accordance with regulations adopted pursuant to subsection (b) of this section. For purposes of this subsection, "incidence rate" means the number of federal Occupational Safety and Health Administration recordable injuries and illnesses per one hundred full-time employees.
(b) The chairman of the Workers' Compensation Commission, in consultation with the Labor Commissioner and in accordance with the provisions of chapter 54, shall adopt regulations to carry out the provisions of this section. The regulations shall (1) prescribe the membership of safety and health committees to ensure representation of employees and employers; (2) specify the frequency of committee meetings; (3) require employers to make, file and maintain adequate written records of each committee meeting subject to inspection by the chairman or his authorized designee; (4) require employers to compensate employee representatives at their regular hourly wage while the employee representatives are engaged in safety and health committee training or are attending committee meetings; (5) prescribe the duties and functions of safety and health committees, which shall include (A) establishing procedures for workplace safety inspections by the committee, (B) establishing procedures for investigating all safety incidents, accidents, illnesses and deaths, (C) evaluating accident and illness prevention programs, (D) establishing training programs for the identification and reduction of hazards in the workplace which damage the reproductive systems of employees, and (E) establishing training programs to assist committee members in understanding and identifying the effects of employee substance abuse on workplace accidents and safety; and (6) prescribe guidelines for the training of safety and health committee members.

(c) Notwithstanding the provisions of this section, each employer who, on July 1, 1993, has an existing health and safety program or other program determined by the chairman of the Workers' Compensation Commission to be effective in the promotion of health and safety in the workplace, shall not be required to comply with this section. The chairman of the Workers' Compensation Commission, in consultation with the Labor Commissioner, shall adopt regulations, in accordance with the provisions of chapter 54, establishing the criteria for evaluating such programs.

(P.A. 93-228, S. 28, 35.)

History: P.A. 93-228 effective July 1, 1993.

Sec. 31-40w. Breastfeeding in the workplace. (a) Any employee may, at her discretion, express breast milk or breastfeed on site at her workplace during her meal or break period.

(b) An employer shall make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where the employee can express her milk in private.

(c) An employer shall not discriminate against, discipline or take any adverse employment action against any employee because such employee has elected to exercise her rights under subsection (a) of this section.

(d) As used in this section, "employer" means a person engaged in business who has one or more employees, including the state and any political subdivision of the state; "employee" means any person engaged in service to an employer in the business of the
employer; "reasonable efforts" means any effort that would not impose an undue hardship on the operation of the employer's business; and "undue hardship" means any action that requires significant difficulty or expense when considered in relation to factors such as the size of the business, its financial resources and the nature and structure of its operation.

(P.A. 01-182.)

Sec. 31-41. Order to remove excessive dust. Section 31-41 is repealed.

(1949 Rev., S. 3755; P.A. 73-379, S. 20, 21.)

Sec. 31-42. Appliances for threading shuttles. Each person, firm or corporation engaged in weaving shall furnish suitable appliances to permit the threading of shuttles without the necessity of the operator putting any thread into his mouth or touching any portion of the shuttle with his lips.

(1949 Rev., S. 3758.)

Sec. 31-43. Public laundries; sanitation. A public laundry shall be regarded as a manufacturing establishment within the provisions of the statutes. No laundry work shall be done in any public laundry in a room used as a sleeping or living room. No employer shall permit any person to work in his public laundry who is affected with pulmonary tuberculosis, a scrofulous or venereal disease or a communicable skin affection.

(1949 Rev., S. 3759.)

Sec. 31-44. Penalty for violation of orders. Each owner, lessee or occupant of a factory or other building included within the provisions of this chapter, or owning or controlling the use of any room in such building, shall, for the violation of any provision of section 31-42 or 31-43, or for obstructing or hindering the commissioner or the commissioner's deputies in carrying out the duties imposed on them by law, be fined not more than fifty dollars; but no prosecution shall be brought for any such violation until four weeks after notice has been given by the commissioner to such owner, lessee or occupant of any changes necessary to be made to comply with the provisions of said sections, and not then if, in the meantime, such changes have been made in accordance with such notification. Nothing herein shall limit the right of a person injured to bring an action to recover damages.

(1949 Rev., S. 3761; P.A. 74-338, S. 34, 94; P.A. 02-89, S. 71.)

History: P.A. 74-338 deleted reference to repealed Sec. 31-35; P.A. 02-89 deleted reference to Sec. 31-34, reflecting repeal of said section by the same public act, and made a technical change for purposes of gender neutrality.
Sec. 31-45. Emergency kits required in factories. Section 31-45 is repealed.

(1949 Rev., S. 7369; P.A. 73-379, S. 20, 21.)

Sec. 31-45a. Protection of feet. The Labor Commissioner may promulgate and enforce regulations concerning adequate protection for those individuals who are employed in occupations where injuries to the foot present a hazard. Said commissioner may authorize the use of safety work shoes, boots or inner soles that provide adequate protection against puncture, bruises or other wounds which may be inflicted by nails, glass or other objects encountered in the normal course of employment.

(1972, P.A. 230.)

Cited. 243 C. 66.

Secs. 31-46 and 31-46a. Safety regulations for workmen in building operations. Regulations for safe working conditions where no other provision; industrial safety committee. Sections 31-46 and 31-46a are repealed.


Sec. 31-47. Inspection of employee lodging houses. Any agent of a firm or corporation and every other person who maintains or has charge of any structure used as a boarding house or place of abode for laborers employed by such person, firm or corporation shall, within seventy-two hours after such structure has been occupied for such purpose or purposes, notify the director of health of the town, city or borough in which such structure is located. Such director, within five days thereafter, shall inspect such premises and may forbid the use of the same altogether or make such other orders as he deems necessary to protect the health of the inmates. Any person violating any provision of this section or failing to comply with any order of a director of health made pursuant to this section shall be fined not more than one hundred dollars.

(1949 Rev., S. 7364.)

Sec. 31-48. Laborers not to be overcharged. Any agent of a corporation, or other person employing laborers, who charges or exacts for articles or merchandise sold to such laborers a greater sum than is a reasonable price therefor in the town or city where such sales are made, shall be fined not more than twenty-five dollars for such sale of each separate article.

(1949 Rev., S. 7365.)

Sec. 31-48a. Recruitment or referral of professional strikebreaker restricted. (a)
As used in this section, "professional strikebreaker" means any person who has been employed anywhere two or more times in the same craft or industry in place of
employees involved in strikes or lockouts. No person, partnership, agency, firm or corporation, or officer or agent thereof, shall recruit, procure, supply or refer any professional strikebreaker for employment in place of an employee involved in a strike or lockout in which such person, partnership, agency, firm or corporation is not directly interested. No professional strikebreaker shall take or offer to take the place in employment of employees involved in a strike or lockout. Any person, partnership, agency, firm or corporation which violates this section shall be fined not less than one hundred dollars or more than one thousand dollars or imprisoned not more than three years or both.

(b) Nothing in this section shall prevent or interfere with the recruiting or procuring of any person who is not a professional strikebreaker within the meaning of subsection (a) of this section, provided there shall be compliance with the provisions of section 31-121.

(1967, P.A. 509, S. 1.)

Section 31-48b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

Sec. 31-48b. Use of electronic surveillance devices by employers limited. Prohibition on recording negotiations between employers and employees. (a) For purposes of this section, "employer" means the owner or owners in the case of an unincorporated business, the partners in the case of a partnership, the officers in the case of a corporation or in the case of the state, any town, city or borough, or district, local or regional board of education, or housing authority or district department of health, the chief executive officer thereof.

(b) No employer or agent or representative of an employer shall operate any electronic surveillance device or system, including but not limited to the recording of sound or voice or a closed circuit television system, or any combination thereof, for the purpose of recording or monitoring the activities of his employees in areas designed for the health or personal comfort of the employees or for safeguarding of their possessions, such as rest rooms, locker rooms or lounges.

(c) Any employer who violates any provision of subsection (b) of this section shall, for the first offense, be fined five hundred dollars, for the second offense, be fined one thousand dollars and, for the third and any subsequent offense, be fined one thousand dollars and imprisoned thirty days.

(d) No employer or his agent or representative and no employee or his agent or representative shall intentionally overhear or record a conversation or discussion pertaining to employment contract negotiations between the two parties, by means of any instrument, device or equipment, unless such party has the consent of all parties to such conversation or discussion.
(e) Any employer or his agent or representative or any employee or his agent or representative who violates any provision of subsection (d) of this section shall be fined one thousand dollars or imprisoned one year, or both.

(1971, P.A. 338, S. 1-3; P.A. 80-209.)

History: P.A. 80-209 added Subsecs. (d) and (e) prohibiting secretive overhearing or recording of employment contract negotiations and imposing penalty for violation.

Subsec. (d):

Cited. 201 C. 685.

Sec. 31-48c. Hiring of municipal police during labor dispute prohibited. No employer, except the state or any political subdivision thereof, or employee organization involved in a labor dispute shall hire any member of a municipal police department in the town in which the labor dispute is taking place for protection or other duties related to the labor dispute during the period of the labor dispute.

(P.A. 81-77.)

Sec. 31-48d. Employers engaged in electronic monitoring required to give prior notice to employees. Exceptions. Civil penalty. (a) As used in this section:

(1) "Employer" means any person, firm or corporation, including the state and any political subdivision of the state which has employees;

(2) "Employee" means any person who performs services for an employer in a business of the employer, if the employer has the right to control and direct the person as to (A) the result to be accomplished by the services, and (B) the details and means by which such result is accomplished; and

(3) "Electronic monitoring" means the collection of information on an employer's premises concerning employees' activities or communications by any means other than direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems, but not including the collection of information (A) for security purposes in common areas of the employer's premises which are held out for use by the public, or (B) which is prohibited under state or federal law.

(b) (1) Except as provided in subdivision (2) of this subsection, each employer who engages in any type of electronic monitoring shall give prior written notice to all employees who may be affected, informing them of the types of monitoring which may occur. Each employer shall post, in a conspicuous place which is readily available for viewing by its employees, a notice concerning the types of electronic monitoring which the employer may engage in. Such posting shall constitute such prior written notice.
(2) When (A) an employer has reasonable grounds to believe that employees are engaged in conduct which (i) violates the law, (ii) violates the legal rights of the employer or the employer's employees, or (iii) creates a hostile workplace environment, and (B) electronic monitoring may produce evidence of this misconduct, the employer may conduct monitoring without giving prior written notice.

(c) The Labor Commissioner may levy a civil penalty against any person that the commissioner finds to be in violation of subsection (b) of this section, after a hearing conducted in accordance with sections 4-176e to 4-184, inclusive. The maximum civil penalty shall be five hundred dollars for the first offense, one thousand dollars for the second offense and three thousand dollars for the third and each subsequent offense.

(d) The provisions of this section shall not apply to a criminal investigation. Any information obtained in the course of a criminal investigation through the use of electronic monitoring may be used in a disciplinary proceeding against an employee.

(P.A. 98-142.)

There is no private cause of action under this section, and legislature intended enforcement mechanisms for violation of section to be limited to proceedings before the Labor Commissioner. 294 C. 461.

Sec. 31-49. Care required of a master for his servant's safety. It shall be the duty of the master to exercise reasonable care to provide for his servant a reasonably safe place in which to work, reasonably safe appliances and instrumentalities for his work and fit and competent persons as his colaborers and to exercise reasonable care in the appointment or designation of a vice-principal and to appoint as such vice-principal a fit and competent person. The default of a vice-principal in the performance of any duty imposed by law on the master shall be the default of the master.

(1949 Rev., S. 7367.)

Cited. 80 C. 205. Cited. 143 C. 197. No basis for action under this statute where case is clearly within scope of Workers' Compensation Act. 196 C. 529. Cited. 243 C. 66. Employer's refusal to accommodate employee's work-at-home request did not create an unlawful working condition under the section. 249 C. 766.

Sec. 31-50. Enforcement. The commissioner shall enforce the provisions of part I of this chapter and sections 31-23 to 31-49, inclusive, by giving proper orders or notices to the persons or corporations owning, operating or managing the factories or buildings inspected by him and shall make complaint to the state's attorneys of any violation of said provisions.

(1949 Rev., S. 3760.)
Statute does not apply when it is agreed that reciprocal notice shall be given. 58 C. 104. Cited. 196 C. 529.

Sec. 31-50a. Noncompete agreements: Security guards. (a) No employer may require any person employed in the classification 339032 of the standard occupational classification system of the Bureau of Labor Statistics of the United States Department of Labor to enter into an agreement prohibiting such person from engaging in the same or a similar job, at the same location at which the employer employs such person, for another employer or as a self-employed person, unless the employer proves that such person has obtained trade secrets, as defined in subsection (d) of section 35-51, of the employer.

(b) (1) Any person who is aggrieved by a violation of this section may bring a civil action in the Superior Court to recover damages and for such injunctive and equitable relief as the court deems appropriate.

(2) The Labor Commissioner may request the Attorney General to bring an action in the superior court for the judicial district of Hartford for restitution on behalf of any person injured by any violation of this section and for such injunctive or equitable relief as the court deems appropriate.

(c) The provisions of this section shall apply to agreements entered into, renewed or extended on or after October 1, 2007.

(P.A. 07-237, S. 1.)

Sec. 31-50b. Noncompete agreements: Broadcast employees. (a) As used in this section:

(1) "Associated broadcast entities" means entities that provide reporting services to broadcast television or radio stations, including without limitation, subcontractors that provide weather, sports, traffic and other reports for broadcast or cablecast;

(2) "Broadcast employee" means any employee of a broadcast industry employer, except those employees whose services primarily include sales or management functions;

(3) "Broadcast industry employer" means the owner or operator of one or more broadcast television or radio stations, including any associated broadcast entity, but excluding cable stations or cable networks;

(4) "Broadcast television or radio station" means an entity that is owned or operated either by holding a Federal Communications Commission television or radio license for the station, or by operating a station through a local service, sales, marketing or outsourcing agreement;

(5) "Cable network" means an entity that distributes programming to two or more local cable systems;
(6) "Cable station" means an entity that produces or transmits programming to one or more local cable systems; and

(7) "Local cable system" means a cable system, as defined in 47 USC 522, as from time to time amended, operating in the state.

(b) No broadcast industry employer employment contract for the services of a broadcast employee may contain a provision requiring that such broadcast employee:

(1) Refrain from obtaining employment in a specified geographical area for a specified period of time after termination of employment with that broadcast industry employer;

(2) Disclose the terms or conditions of an offer of employment, or the existence of any such offer, from any other broadcast industry employer following the expiration of the term of the employment contract; or

(3) Agree to enter into a subsequent employment contract with the broadcast industry employer, or extend or renew the existing employment contract, upon the same terms and conditions offered by a prospective employer.

(c) Any person who is aggrieved by a violation of this section may bring a civil action in the Superior Court to recover damages, together with court costs and reasonable attorney's fees.

(d) The provisions of this section shall apply to employment contracts entered into, renewed or extended on or after July 1, 2007.

(P.A. 07-237, S. 2.)


Sec. 31-51. Blacklisting. Any person, or any officer or agent of any corporation, company, firm, or the state or any political subdivision thereof, who blacklists any employee, mechanic or laborer, or publishes or causes to be published the name of any such employee, mechanic or laborer, with the intent and for the purpose of preventing such employee, mechanic or laborer from engaging in or securing employment from any other person, corporation, company, firm, or the state or any political subdivision thereof, or, in any manner, conspires or contrives, by correspondence or otherwise, to prevent such employee, mechanic or laborer from procuring employment, shall be fined not less than fifty and not more than two hundred dollars; but the provisions of this section shall not be construed so as to prohibit any person, or any officer or agent of any corporation, company, firm, or the state or any political subdivision thereof, from giving a truthful statement of any facts concerning a present or former employee of such person, corporation, company, firm, or the state or any political subdivision thereof, on the
application of such employee or of any person, or any officer or agent of any corporation, company, firm, or the state or any political subdivision thereof, who may be considering the employment of such employee.

(1949 Rev., S. 8531; P.A. 75-104.)

History: P.A. 75-104 made provisions applicable to the state and its political subdivisions.

See Sec. 31-105 re unfair labor practices.

Cited. 313 U.S. 184. Section does not preclude application of a qualified privilege to statements made in an employment reference. 284 C. 35.

Secs. 31-51a to 31-51e. Transferred to Chapter 557, Part Ia, Secs. 31-22m to 31-22q, inclusive.

Sec. 31-51f. Participation in Manpower Development and Training Act. The Labor Department and the Department of Education are authorized to participate in the Manpower Development and Training Act of 1962, as amended, by providing from funds appropriated or transferred to them for such purpose, in accordance with and to the extent required by said federal act, amounts necessary to match the amounts expended by the United States Treasury.

(1963, P.A. 608, S. 1.)

History: (Revisor's note: In 1997 a reference to "Education Department" was changed editorially by the Revisors to "Department of Education" for consistency with customary statutory usage).

Sec. 31-51g. Use of polygraph prohibited. Penalty. Exceptions. (a) For the purposes of this section "polygraph" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test or question individuals for the purpose of determining truthfulness.

(b) (1) No person, firm, corporation, association or the state or any political subdivision thereof shall request or require any prospective employee or any employee to submit to, or take, a polygraph examination as a condition of obtaining employment or of continuing employment with such employer or dismiss or discipline in any manner an employee for failing, refusing or declining to submit to or take a polygraph examination. (2) No employment agency, as defined in section 31-129, and no agent for an employer shall require any person to submit to, or take, a polygraph examination for any purposes whatsoever.

(c) Any person, firm, corporation or association which violates any provision of this section shall be fined not less than two hundred fifty dollars nor more than one thousand
dollars for each violation.

(d) The provisions of this section shall not apply to persons to be employed (1) by the state or any local government or any political subdivision thereof in any police department except for civilian employees within the department or (2) by the Department of Correction, but shall apply with respect to obtaining and maintaining employment of other persons by the state or any local government or political subdivision thereof.


History: P.A. 75-631 made provisions applicable to the state and its political subdivisions; P.A. 98-126 amended Subsec. (d) to make provisions of section inapplicable to persons to be employed by the Department of Correction.

Sec. 31-51h. Employer not to cancel insurance coverage or cease making contributions to welfare fund of employee eligible to receive or receiving workers' compensation or sick leave payments. Employer accident report. Complaint. Hearing. Appeal. Section 31-51h is repealed.

(1967, P.A. 782; P.A. 76-420, S. 1, 2; P.A. 77-116; P.A. 79-376, S. 29; P.A. 81-464, S. 1; P.A. 82-398, S. 7.)

Sec. 31-51i. Employer inquiries about erased criminal record prohibited. Discrimination on the basis of erased criminal record or provisional pardon prohibited. Availability of information on employment application form. Duties of consumer reporting agency issuing consumer report for employment purposes containing criminal matters of public record. (a) For the purposes of this section, “employer” means any person engaged in business who has one or more employees, including the state or any political subdivision of the state.

(b) No employer or an employer's agent, representative or designee may require an employee or prospective employee to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a.

(c) An employment application form that contains any question concerning the criminal history of the applicant shall contain a notice, in clear and conspicuous language: (1) That the applicant is not required to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a, (2) that criminal records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolled, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon, and (3) that any person whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a shall be deemed to have never been
arrested within the meaning of the general statutes with respect to the proceedings so
erased and may so swear under oath.

(d) No employer or an employer’s agent, representative or designee shall deny
employment to a prospective employee solely on the basis that the prospective employee
had a prior arrest, criminal charge or conviction, the records of which have been erased
pursuant to section 46b-146, 54-76o or 54-142a or that the prospective employee had a
prior conviction for which the prospective employee has received a provisional pardon
pursuant to section 54-130a.

(e) No employer or an employer’s agent, representative or designee shall discharge, or
cause to be discharged, or in any manner discriminate against, any employee solely on
the basis that the employee had, prior to being employed by such employer, an arrest,
criminal charge or conviction, the records of which have been erased pursuant to section
46b-146, 54-76o or 54-142a or that the employee had, prior to being employed by such
employer, a prior conviction for which the employee has received a provisional pardon
pursuant to section 54-130a.

(f) The portion of an employment application form which contains information
concerning the criminal history record of an applicant or employee shall only be available
to the members of the personnel department of the company, firm or corporation or, if the
company, firm or corporation does not have a personnel department, the person in charge
of employment, and to any employee or member of the company, firm or corporation, or
an agent of such employee or member, involved in the interviewing of the applicant.

(g) Notwithstanding the provisions of subsection (f) of this section, the portion of an
employment application form which contains information concerning the criminal history
record of an applicant or employee may be made available as necessary to persons other
than those specified in said subsection (f) by:

(1) A broker-dealer or investment adviser registered under chapter 672a in connection
with (A) the possible or actual filing of, or the collection or retention of information
contained in, a form U-4 Uniform Application for Securities Industry Registration or
Transfer, (B) the compliance responsibilities of such broker-dealer or investment adviser
under state or federal law, or (C) the applicable rules of self-regulatory organizations
promulgated in accordance with federal law;

(2) An insured depository institution in connection with (A) the management of risks
related to safety and soundness, security or privacy of such institution, (B) any waiver
that may possibly or actually be sought by such institution pursuant to section 19 of the
Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or actual obtaining by
such institution of any security or fidelity bond, or (D) the compliance responsibilities of
such institution under state or federal law; and

(3) An insurance producer licensed under chapter 701a in connection with (A) the
management of risks related to security or privacy of such insurance producer, or (B) the
compliance responsibilities of such insurance producer under state or federal law.

(h) (1) For the purposes of this subsection: (A) "Consumer reporting agency" means any person who regularly engages, in whole or in part, in the practice of assembling or preparing consumer reports for a fee, which reports compile and report items of information on consumers that are matters of public record and are likely to have an adverse effect on a consumer's ability to obtain employment, but does not include any public agency; (B) "consumer report" means any written, oral or other communication of information bearing on an individual's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living; and (C) "criminal matters of public record" means information obtained from the Judicial Department relating to arrests, indictments, convictions, outstanding judgments, and any other conviction information, as defined in section 54-142g.

(2) Each consumer reporting agency that issues a consumer report that is used or is expected to be used for employment purposes and that includes in such report criminal matters of public record concerning the consumer shall:

(A) At the time the consumer reporting agency issues such consumer report to a person other than the consumer who is the subject of the report, provide the consumer who is the subject of the consumer report (i) notice that the consumer reporting agency is reporting criminal matters of public record, and (ii) the name and address of the person to whom such consumer report is being issued;

(B) Maintain procedures designed to ensure that any criminal matter of public record reported is complete and up-to-date as of the date the consumer report is issued, which procedures shall, at a minimum, conform to the requirements set forth in section 54-142e.

(3) This subsection shall not apply in the case of an agency or department of the United States government seeking to obtain and use a consumer report for employment purposes if the head of the agency or department makes a written finding pursuant to 15 USC 1681b(b)(4)(A).


History: P.A. 02-136 added new Subsecs. (a) to (e) to define "employer", to prohibit employers from requiring disclosure by applicants or employees of erased criminal records, to require notice on employment application forms advising applicants that they are not required to disclose erased criminal records, to prohibit the denial of employment solely on the basis of an erased criminal record and to prohibit discharge or discrimination against an employee solely on the basis that the employee had criminal records erased prior to the employment, respectively, designated existing provisions as Subsec. (f) and amended said Subsec. by replacing "a job application form" with "an employment application form", replacing "arrest record of a job applicant" with "criminal history record of an applicant or employee", deleting former provisions re availability of
arrest records and adding provisions re availability of employment application forms containing criminal history records; P.A. 03-203 added Subsec. (g) re exceptions to confidentiality of criminal history record portion of employment application, effective July 9, 2003; P.A. 06-187 amended Subsec. (d) to prohibit denial of employment solely on the basis that prospective employee had a prior conviction for which the prospective employee has received a provisional pardon pursuant to Sec. 54-130a and amended Subsec. (e) to prohibit discrimination against any employee solely on the basis that employee had, prior to being employed by such employer, a prior conviction for which the employee has received a provisional pardon pursuant to Sec. 54-130a; P.A. 07-243 added Subsec. (h) re duties of consumer reporting agency issuing consumer report used for employment purposes that includes criminal matters of public record, effective February 1, 2008; Jan. Sp. Sess. P.A. 08-1 changed effective date of P.A. 07-243, S. 1, from February 1, 2008, to May 1, 2008, effective January 25, 2008; P.A. 08-53 amended Subsec. (h) to delete erased records and pardons in definition of "criminal matters of public record" in Subdiv. (1)(C), to delete former Subdiv. (2)(B) re access to information on Judicial Department's Internet web site, to redesignate existing Subdiv. (2)(C) as new Subdiv. (2)(B) and to amend same to require procedures that, at a minimum, conform to requirements in Sec. 54-142e, effective May 1, 2008.

See Sec. 54-142e re duties of consumer reporting agencies and Judicial Department re information necessary to identify and delete erased criminal records.

Sec. 31-51j. Transferred to Chapter 557, Part Ia, Sec. 31-22t.

Sec. 31-51k. Employment of alien not entitled to residence. (a) No employer shall knowingly employ an alien who is not entitled to lawful residence in the United States.

(b) Violation of the provisions of this section shall be punishable by a fine of not less than two hundred nor more than five hundred dollars and, for any subsequent offense, by the penalty for a class A misdemeanor.

(c) The Labor Commissioner shall, on or before October 1, 1972, promulgate regulations specifying the procedure to be followed by each employer to insure compliance with the provisions of this section.

(1972, P.A. 275, S. 1-3.)

Sec. 31-51l. Leave of absence for certain public and private employees elected to public office. Any person employed by a private employer which employs more than twenty-five persons, or by a municipality in which there is no ordinance or charter provision to the contrary, who leaves such employment to accept a full-time elective municipal or state office shall be granted a personal leave of absence from such employment for not more than two consecutive terms of such office. Upon reapplication for his original position at the expiration of such term or terms of office, such person shall be reinstated to his original position or a similar position with equivalent pay and accumulated seniority, retirement, fringe benefits and other service credits, unless the
employer's circumstances have so changed as to make it impossible or unreasonable to do so. Such person shall give notice in writing to his employer that he is a candidate for a full-time municipal or state office within thirty days after nomination for that office.

(P.A. 73-258; P.A. 74-241; P.A. 77-120.)

History: P.A. 74-241 made provisions re personal leaves of absence for persons elected to office applicable to municipalities "in which there is no ordinance or charter provision to the contrary"; P.A. 77-120 permitted leaves of absence for not more than two consecutive terms rather than for a single term.

See Sec. 2-3a re prohibition against employers' discrimination against candidates for or members of General Assembly.

Sec. 31-51m. Protection of employee who discloses employer's illegal activities or unethical practices. Civil action. (a) As used in this section and section 31-278:

(1) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;

(2) "Employer" means a person engaged in business who has employees, including the state and any political subdivision of the state;

(3) "Employee" means any person engaged in service to an employer in a business of his employer;

(4) "Public body" means (A) any public agency, as defined in subdivision (1) of section 1-200, or any employee, member or officer thereof, or (B) any federal agency or any employee, member or officer thereof.

(b) No employer shall discharge, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally or in writing, a violation or a suspected violation of any state or federal law or regulation or any municipal ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. No municipal employer shall discharge, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally or in writing, to a public body concerning the unethical practices, mismanagement or abuse of authority by such employer. The provisions of this subsection shall not be applicable when the employee knows that such report is false.

(c) Any employee who is discharged, disciplined or otherwise penalized by his employer in violation of the provisions of subsection (b) may, after exhausting all available administrative remedies, bring a civil action, within ninety days of the date of the final administrative determination or within ninety days of such violation, whichever
is later, in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office, for the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he would have otherwise been entitled if such violation had not occurred. An employee's recovery from any such action shall be limited to such items, provided the court may allow to the prevailing party his costs, together with reasonable attorney's fees to be taxed by the court. Any employee found to have knowingly made a false report shall be subject to disciplinary action by his employer up to and including dismissal.

(d) This section shall not be construed to diminish or impair the rights of a person under any collective bargaining agreement.

(P.A. 82-289, S. 1; P.A. 85-58; 85-245, S. 2; 85-613, S. 71, 154; P.A. 87-14; P.A. 95-79, S. 111, 189; P.A. 97-47, S. 48.)

History: P.A. 85-58 redefined "public body" to include any federal agency or any employee, member or officer thereof; P.A. 85-245 amended definition of "employer" in Subsec. (a) to include the state; P.A. 85-613 made technical change deleting reference to Sec. 31-278 as section to which definitions apply; P.A. 87-14 amended Subsec. (b) to prohibit municipal employers from penalizing employees who report their employers' unethical practices, mismanagement or abuse of authority; P.A. 95-79 amended Subsec. (a) to redefine "person" to include limited liability companies, effective May 31, 1995; P.A. 97-47 made a technical change in Subsec. (a)(4).


Cited. 4 CA 69. Cited. 15 CA 130. Cited. 40 CA 577. Section allows for costs, but does not expressly provide for expert witness fees; therefore, general cost provisions of Secs. 52-257 and 52-260 apply, which do not mention nontestimonial costs. Accordingly, the nontestimonial work performed by plaintiff's economics expert was not taxable as costs. 79 CA 501. Nothing in the legislative history indicates that legislature's use of term "costs" in either this section or Sec. 31-51q was intended to authorize court to award prevailing party the cost of an economist. Further, because an economist is not a listed expert witness whose cost may be reimbursed under Sec. 52-260(f), testimonial fees of plaintiff's expert economist cannot be reimbursed. Id.

Subsec. (b):

Existence of a statutory remedy in this section precludes plaintiff from bringing a common-law wrongful discharge action. 252 C. 153.

Cited. 15 CA 130. In an action under this subsec., plaintiff has initial burden of proving by a preponderance of evidence a prima facie case of retaliatory discharge. Once plaintiff has made prima facie showing of a retaliatory discharge, defendant is obligated to produce evidence that, if taken as true, would permit conclusion that there was a nonretaliatory reason for termination of employment. If defendant provides a legitimate
and nonretaliatory reason for the discharge, plaintiff must offer some significantly probative evidence showing that defendant's proffered reason is pretextual and that retaliatory intention resulted in his discharge. 79 CA 501.

Subsec. (c):

Employer is entitled to attorney's fees as a prevailing party only if plaintiff acted in bad faith in bringing or conducting the action. 265 C. 210.

Cited. 15 CA 130. Unemployment compensation is not an administrative remedy under section, and receipt of unemployment benefits does not toll the statute of limitations provided. 74 CA 67.

Sec. 31-51n. Definitions. When used in this section and section 31-51o:

(1) "Covered establishment" means any industrial, commercial or business facility which employs, or has employed at any time in the preceding twelve-month period, one hundred or more persons;

(2) "Employer" means any person who directly or indirectly owns, operates or has a controlling interest in a covered establishment, excluding the state or any political subdivision thereof, or any agricultural enterprise or any construction enterprise;

(3) "Employee" means any individual engaged in service to an employer in a business of his employer;

(4) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;

(5) "Relocation" means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a location outside the state of Connecticut;

(6) "Closing" means the permanent shutting down of all operations within a covered establishment, provided "closing" shall not include the reopening of a covered establishment within the state, covered establishments which close under the provisions of the Federal Bankruptcy Act, as amended (USC Title 11), or covered establishments shutting down operations due to natural disasters.

(P.A. 83-451, S. 1, 4; P.A. 95-79, S. 112, 189.)

History: P.A. 95-79 redefined "person" to include limited liability companies, effective May 31, 1995.
Sec. 31-51o. Continuation of group health insurance for employees affected by relocation or closing of covered establishment. Exceptions. (a) Whenever a relocation or closing of a covered establishment occurs, the employer of the covered establishment shall pay in full for the continuation of existing group health insurance, no matter where the group policy was written, issued or delivered, for each affected employee and his dependents, if covered under the group policy, from the date of relocation or closing for a period of one hundred twenty days or until such time as the employee becomes eligible for other group coverage, whichever is the lesser, provided any right of such employee and his dependents to a continuation of coverage, as required by section 38a-538 or 38a-554, shall not be affected by the provisions of this section, and provided further the period of continued coverage required by said sections shall not commence until the period of continued coverage established by this section has terminated.

(b) The provisions of this section shall not apply to those employees who, upon the relocation or closing of a covered establishment, choose to continue their employment with the employer at the new location of the facility.

(c) Notwithstanding the provisions of this section, any contractual agreement arrived at through a collective bargaining process that contains provisions requiring the employer to pay for the continuation of existing group health insurance for his affected employees in the event of a relocation or closing of a covered establishment shall supersede the requirements of this section and, in the event of a conflict, the contractual provisions shall be deemed to be controlling.


History: P.A. 85-362 amended Subsec. (a) to increase from 90 to 120 days the maximum period of continuation of group health insurance coverage to be paid by employers of employees and dependents affected by a relocation or closing; P.A. 87-274 amended Subsec. (a) to change the reference to coverage continuation periods required in Secs. 38-262d and 38-374 to 78 and 156 weeks in recognition of the changes made to those sections in the same public act; June Sp. Sess. P.A. 98-1 amended Subsec. (c) to change the reference to "plant" to a "covered establishment", effective June 24, 1998; P.A. 10-13 amended Subsec. (a) to delete provision re continuation of coverage for up to 78 or 156 weeks, effective May 5, 2010.

Sec. 31-51p. Membership in health care center as part of health benefits plan. (a) All employers subject to the provisions of chapter 567 employing twenty-five or more employees shall, at the request of a health care center, include in any health benefits plan offered to their employees the option of membership in a health care center, provided such health care center serves an area in which at least twenty-five employees of such employer reside.

(b) For those employees of an employer represented by a bargaining representative, the offer of the health care center alternative shall be made in a manner which is
consistent with the collective bargaining process.

(c) If there is more than one health care center which is engaged in the provision of health services in the area in which at least twenty-five eligible employees of the employer reside and which has requested inclusion in the health benefits plan offered by the employer, the employer shall be required to offer the option of membership in (1) at least one health care center which provides health services primarily through staff physicians or medical groups or a combination thereof; and (2) at least one health care center which arranges for the delivery of health services primarily through physicians who provide services out of their own offices, provided that health care centers in the area differ in their primary method of health service delivery.

(d) No employer shall be required to pay more for health benefits as a result of the application of subsection (b) of section 38a-199, subsection (b) of section 38a-214 or this section than would otherwise be required by any prevailing collective bargaining agreement or other legally enforceable contract for the provision of health benefits between an employer and its employees.

(e) Each employer required to offer the option of membership in a health care center pursuant to the provisions of this section and which provides payroll deductions as a means of paying employees' contributions for health benefits shall, with the consent of an employee who exercises such option, provide for the collection of employee premiums through payroll deductions provided such payroll deductions are made for employees who choose other health benefits options.

(P.A. 83-216, S. 3.)

Sec. 31-51q. Liability of employer for discipline or discharge of employee on account of employee's exercise of certain constitutional rights. Any employer, including the state and any instrumentality or political subdivision thereof, who subjects any employee to discipline or discharge on account of the exercise by such employee of rights guaranteed by the first amendment to the United States Constitution or section 3, 4 or 14 of article first of the Constitution of the state, provided such activity does not substantially or materially interfere with the employee's bona fide job performance or the working relationship between the employee and the employer, shall be liable to such employee for damages caused by such discipline or discharge, including punitive damages, and for reasonable attorney's fees as part of the costs of any such action for damages. If the court determines that such action for damages was brought without substantial justification, the court may award costs and reasonable attorney's fees to the employer.

(P.A. 83-578.)

particular statement is of public concern involves a question of law for the court, and whether the statement addresses such a matter depends on its content, form and context which is a question of fact, and in this case, it was within court's discretion to submit the question to the jury. 249 C. 766. In an action under this section it is within province of trial court to determine as a matter of law which topics are considered to be of public concern, but whether employee's statements address such a topic is within the province of the jury to be determined by looking at content, form and context. Id. Jury instruction was permissible that for protection to apply, employee’s statement must concern a broader issue of public concern and not merely employee's personal matters. Id. Section extends protection of rights of free speech under federal and state constitutions to employees in a private workplace. 251 C. 1. Managerial decision about placement of flags in the workplace does not involve employee's constitutional rights of free speech. Id.

Section (Sec. 31-15q cited in error) constitutes a waiver of sovereign immunity. 15 CA 297. See certification for appeal of 209 C. 807. Cited. 20 CA 231. Cited. 33 CA 600. Cited. 40 CA 757. Cited. 45 CA 712. Statute applies to some activities and speech that occur at the workplace. 48 CA 618. Plaintiff's failure to display an American flag at his workstation is not constitutionally protected speech to which the statute applies since plaintiff's expression did not involve a matter of public concern. Id. Nothing in the legislative history indicates that legislature's use of term "costs" in either Sec. 31-51m or this section was intended to authorize court to award prevailing party the cost of an economist. Further, because an economist is not a listed expert witness whose cost may be reimbursed under Sec. 52-260(f), testimonial fees of plaintiff's expert economist cannot be reimbursed. 79 CA 501.

**Sec. 31-51r. Execution of employment promissory note prohibited.** (a) As used in this section:

(1) "Employer" means any person engaged in business who has twenty-six or more employees, including the state and any political subdivision thereof.

(2) "Employee" means any person engaged in service to an employer in the business of his employer.

(3) "Employment promissory note" means any instrument or agreement executed on or after October 1, 1985, which requires an employee to pay the employer, or his agent or assignee, a sum of money if the employee leaves such employment before the passage of a stated period of time. "Employment promissory note" includes any such instrument or agreement which states such payment of moneys constitutes reimbursement for training previously provided to the employee.

(b) On or after October 1, 1985, no employer may require, as a condition of employment, any employee or prospective employee to execute an employment promissory note. The execution of an employment promissory note as a condition of employment is against public policy and any such note shall be void. If any such note is part of an employment agreement, the invalidity of such note shall not affect the other
provisions of such agreement.

    (c) Nothing in this section shall prohibit or render void any agreement between an employer and an employee (1) requiring the employee to repay to the employer any sums advanced to such employee, (2) requiring the employee to pay the employer for any property it has sold or leased to such employee, (3) requiring educational personnel to comply with any terms or conditions of sabbatical leaves granted by their employers, or (4) entered into as part of a program agreed to by the employer and its employees' collective bargaining representative.

    (P.A. 85-521, S. 2; P.A. 87-42; 87-589, S. 8, 87.)

    History: P.A. 87-42 made technical change in Subsec. (b) and added Subsec. (c) which established certain exceptions from the prohibition of the use of employment promissory notes; P.A. 87-589 made technical change in Subsec. (a).

Sec. 31-51s. Notice to retired employees of sale of employer's business and effect on retirement benefits. At least thirty days prior to the intended date of sale of any business in this state which (1) employs twenty-five or more employees and (2) has retirees from such employment who are receiving health or life insurance benefits, or both, from such former employer, the chief executive of such business shall mail or deliver to each such retiree written notice stating what the status of the retiree's health and life insurance benefits will be after such sale. A copy of such notice shall be mailed or delivered at the same time to the Labor Commissioner.

    (P.A. 87-548.)

    Sec. 31-51t. Drug testing: Definitions. For the purposes of sections 31-51t to 31-51aa, inclusive:

    (1) "Employee" means any individual currently employed or formerly employed and currently being rehired by the same employer within twelve months of terminating his employment, and includes any individual in a managerial position;

    (2) "Employer" means any individual, corporation, partnership or unincorporated association, excluding the state or any political subdivision thereof;

    (3) "Prospective employee" means any individual applying for employment with an employer, other than an individual who terminated his employment with such employer within twelve months prior to such application.

    (P.A. 87-551, S. 1; P.A. 94-42.)

    History: P.A. 94-42 amended the definition of "employee" to include any individual referred by the same employer within 12 months of terminating his employment and added a definition for "prospective employee".
Sec. 31-51u. Drug testing: Requirements. (a) No employer may determine an employee's eligibility for promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action solely on the basis of a positive urinalysis drug test result unless (1) the employer has given the employee a urinalysis drug test, utilizing a reliable methodology, which produced a positive result and (2) such positive test result was confirmed by a second urinalysis drug test, which was separate and independent from the initial test, utilizing a gas chromatography and mass spectrometry methodology or a methodology which has been determined by the Commissioner of Public Health to be as reliable or more reliable than the gas chromatography and mass spectrometry methodology.

(b) No person performing a urinalysis drug test pursuant to subsection (a) of this section shall report, transmit or disclose any positive test result of any test performed in accordance with subdivision (1) of subsection (a) of this section unless such test result has been confirmed in accordance with subdivision (2) of said subsection (a).

(P.A. 87-551, S. 2; P.A. 91-271, S. 1; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 91-271 designated existing section as Subsec. (a), eliminated the requirement for a third urinalysis drug test and added Subsec. (b) re disclosure of test results; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 26 CA 553.

Sec. 31-51v. Drug testing: Prospective employees. No employer may require a prospective employee to submit to a urinalysis drug test as part of the application procedure for employment with such employer unless (1) the prospective employee is informed in writing at the time of application of the employer's intent to conduct such a drug test, (2) such test is conducted in accordance with the requirements of subdivisions (1) and (2) of subsection (a) of section 31-51u and (3) the prospective employee is given a copy of any positive urinalysis drug test result. The results of any such test shall be confidential and shall not be disclosed by the employer or its employees to any person other than any such employee to whom such disclosure is necessary.

(P.A. 87-551, S. 3; May Sp. Sess. P.A. 92-11, S. 43, 70.)


Sec. 31-51w. Drug testing: Observation prohibited. Privacy of results. (a) No employer or employer representative, agent or designee engaged in a urinalysis drug testing program shall directly observe an employee or prospective employee in the
process of producing the urine specimen.

(b) Any results of urinalysis drug tests conducted by or on behalf of an employer shall be maintained along with other employee medical records and shall be subject to the privacy protections provided for in sections 31-128a to 31-128h, inclusive. Such results shall be inadmissible in any criminal proceeding.

(P.A. 87-551, S. 4, 5.)

Sec. 31-51x. Drug testing: Reasonable suspicion required. Random tests. (a) No employer may require an employee to submit to a urinalysis drug test unless the employer has reasonable suspicion that the employee is under the influence of drugs or alcohol which adversely affects or could adversely affect such employee's job performance. The Labor Commissioner shall adopt regulations in accordance with chapter 54 to specify circumstances which shall be presumed to give rise to an employer having such a reasonable suspicion, provided nothing in such regulations shall preclude an employer from citing other circumstances as giving rise to such a reasonable suspicion.

(b) Notwithstanding the provisions of subsection (a) of this section, an employer may require an employee to submit to a urinalysis drug test on a random basis if (1) such test is authorized under federal law, (2) the employee serves in an occupation which has been designated as a high-risk or safety-sensitive occupation pursuant to regulations adopted by the Labor Commissioner pursuant to chapter 54, or is employed to operate a school bus, as defined in section 14-275, or a student transportation vehicle, as defined in section 14-212, or (3) the urinalysis is conducted as part of an employee assistance program sponsored or authorized by the employer in which the employee voluntarily participates.

(P.A. 87-551, S. 6, 7; P.A. 91-271, S. 2; P.A. 07-224, S. 4.)

History: P.A. 91-271 amended Subsec. (a) to require the labor commissioner to adopt regulations specifying circumstances giving rise to reasonable suspicion; (Revisor's note: In 1997 references to "Commissioner of Labor" were changed editorially by the Revisors to "Labor Commissioner" for consistency with customary statutory usage); P.A. 07-224 amended Subsec. (b)(2) by adding provision re employee employed to operate a school bus or student transportation vehicle, effective July 1, 2007.

Cited. 243 C. 66.

Subsec. (a):

Issue of voluntary testing under the statute should be resolved in manner consistent with federal fourth amendment constitutional law. 244 C. 598. Plaintiff seen as voluntarily consenting to testing in case in which he was motivated by fear that he would be dismissed for attempting to remove employer's property from the plant without authorization. Id.
Sec. 31-51y. Drug testing: Medical screenings, regulation of employees and testing of gaming participants permitted. (a) Nothing in sections 31-51t to 31-51aa, inclusive, shall prevent an employer from conducting medical screenings, with the express written consent of the employees, to monitor exposure to toxic or other unhealthy substances in the workplace or in the performance of their job responsibilities. Any such screenings or tests shall be limited to the specific substances expressly identified in the employee consent form.

(b) Nothing in sections 31-51t to 31-51aa, inclusive, shall restrict an employer's ability to prohibit the use of intoxicating substances during work hours or restrict an employer's ability to discipline an employee for being under the influence of intoxicating substances during work hours.

(c) Nothing in sections 31-51t to 31-51aa, inclusive, shall restrict or prevent a urinalysis drug test program conducted under the supervision of the Department of Consumer Protection relative to jai alai players, jai alai court judges, jockeys, harness drivers or stewards participating in activities upon which pari-mutuel wagering is authorized under chapter 226.

(P.A. 87-551, S. 8-10; P.A. 11-51, S. 204.)

History: P.A. 11-51 amended Subsec. (c) by substituting "Department of Consumer Protection" for "Division of Special Revenue within the Department of Revenue Services", effective July 1, 2011.

Sec. 31-51z. Drug testing: Enforcement. Damages. (a) Any aggrieved person may enforce the provisions of sections 31-51t to 31-51aa, inclusive, by means of a civil action. Any employer, laboratory or medical facility that violates any provision of sections 31-51t to 31-51aa, inclusive, or who aids in the violation of any provision of said sections shall be liable to the person aggrieved for special and general damages, together with attorney's fees and costs.

(b) Any employer, laboratory or medical facility that commits, or proposes to commit, an act in violation of any provision of sections 31-51t to 31-51aa, inclusive, may be enjoined therefrom by any court of competent jurisdiction. An action for injunctive relief under this subsection may be brought by any aggrieved person, by the Attorney General or by any person or entity which will fairly and adequately represent the interests of the protected class.

(P.A. 87-551, S. 11.)

Sec. 31-51aa. Drug testing: Effect of collective bargaining agreement. No provision of any collective bargaining agreement may contravene or supersede any provision of sections 31-51t to 31-51aa, inclusive, so as to infringe the privacy rights of any employee.
Sec. 31-51bb. **Right of employee to pursue cause of action.** No employee shall be denied the right to pursue, in a court of competent jurisdiction, a cause of action arising under the state or federal Constitution or under a state statute solely because the employee is covered by a collective bargaining agreement. Nothing in this section shall be construed to give an employee the right to pursue a cause of action in a court of competent jurisdiction for breach of any provision of a collective bargaining agreement or other claims dependent upon the provisions of a collective bargaining agreement.

(P.A. 88-275, S. 1.)

Permits an employee, despite prior voluntary submission of a related claim to final arbitration under collective bargaining agreement, to pursue statutory cause of action in superior court. 226 C. 475. P.A. 88-275 cited. Id. Cited. 229 C. 801. Cited. 236 C. 421. Section does not create independent right to jury determination of damages when it is unclear that any litigant has such a right. 278 C. 692.


(P.A. 89-382, S. 1-6; P.A. 95-79, S. 113, 189; P.A. 96-140, S. 9, 10.)

Sec. 31-51hh. **Reimbursement by employee of any loss or shortage resulting from wrongdoing by a customer.** No employer may request or require reimbursement from an employee for any loss or shortage incurred in the course of the employer's business as a result of any wrongdoing on the part of a customer.

(P.A. 89-78.)

Sec. 31-51ii. **Meal periods. Exemptions. Regulations.** (a) No person shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal. Such period shall be given at some time after the first two hours of work and before the last two hours.

(b) The provisions of this section shall not be construed to alter or impair the provisions of any collective bargaining agreement in effect on July 1, 1990.

(c) The Labor Commissioner shall exempt any employer from the requirements of this section if he finds that (1) requiring compliance would be adverse to public safety, (2) the duties of a position may only be performed by one employee, (3) the employer employs less than five employees on a shift at a single place of business provided the exemption shall only apply to the employees on such shift or (4) the continuous nature of
an employer's operations, such as chemical production or research experiments, requires that employees be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedures and requirements for the granting of such exemptions.

(d) The provisions of this section shall not apply to any professional employee certified by the State Board of Education and employed by a local or regional board of education of any town or regional school district to work directly with children.

(e) The provisions of this section shall not prevent any employer and employee from entering into a written agreement providing for a different schedule of meal periods than the schedule required by subsection (a) of this section.

(f) The provisions of this section shall not apply to any employer who provides thirty or more total minutes of paid rest or meal periods to employees within each seven and one-half hour work period.

(g) Any employer who violates the provisions of this section may be subject to civil penalties in accordance with section 31-69a.

P.A. 89-71, S. 1, 2; P.A. 90-37, S. 1, 2; P.A. 96-122.

History: P.A. 89-71 effective July 1, 1990; P.A. 90-37 added Subsec. (e) concerning written agreements for different schedules and Subsec. (f) concerning employers who provide 30 or more total minutes of paid rest or meal periods within seven-and-one-half-hour work periods; P.A. 96-122 added Subsec. (g) making employers who violate the section subject to civil penalties.

Sec. 31-51jj. Notice to employees of incoming emergency telephone calls. (a) For purposes of this section:

(1) "Emergency" means a situation in which a member of the employee's family or a person designated by the employee in accordance with section 1-56r has died, has experienced a serious physical injury or is ill and in need of medical attention; and

(2) "Member of the employee's family" means a mother, father, husband, wife, son, daughter, sister or brother of the employee.

(b) An employer shall notify an employee of an incoming emergency telephone call for the employee if the caller states that the emergency involves a member of the employee's family or a person designated by the employee in accordance with section 1-56r. It shall not be a violation of this section if the employer proves, by a preponderance of the evidence, that he or she made reasonable efforts to notify the employee of the emergency telephone call.
(c) The failure of an employer to comply with any provision of this section shall be an infraction.

(P.A. 93-347; P.A. 02-105, S. 10.)

History: P.A. 02-105 amended Subsec. (a)(1) to redefine "emergency" and amended Subsec. (b) to require employer to notify employee of incoming emergency call from a person designated by the employee in accordance with Sec. 1-56r.

Sec. 31-51kk. Family and medical leave: Definitions. As used in sections 31-51kk to 31-51qq, inclusive:

(1) "Eligible employee" means an employee who has been employed (A) for at least twelve months by the employer with respect to whom leave is requested; and (B) for at least one thousand hours of service with such employer during the twelve-month period preceding the first day of the leave;

(2) "Employ" includes to allow or permit to work;

(3) "Employee" means any person engaged in service to an employer in the business of the employer;

(4) "Employer" means a person engaged in any activity, enterprise or business who employs seventy-five or more employees, and includes any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer and any successor in interest of an employer, but shall not include the state, a municipality, a local or regional board of education, or a private or parochial elementary or secondary school. The number of employees of an employer shall be determined on October first annually;

(5) "Employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits and pensions, regardless of whether such benefits are provided by practice or written policy of an employer or through an "employee benefit plan", as defined in Section 1002(3) of Title 29 of the United States Code;

(6) "Health care provider" means (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (B) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (C) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; (E) any health care provider from whom an employer or a group health plan's benefits
manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; (F) a health care provider as defined in subparagraphs (A) to (E), inclusive, of this subdivision who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or (G) such other health care provider as the Labor Commissioner determines, performing within the scope of the authorized practice. The commissioner may utilize any determinations made pursuant to chapter 568;

(7) "Parent" means a biological parent, foster parent, adoptive parent, stepparent or legal guardian of an eligible employee or an eligible employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a son or daughter;

(8) "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or organized groups of persons;

(9) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee;

(10) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider;

(11) "Son or daughter" means a biological, adopted or foster child, stepchild, legal ward, or, in the alternative, a child of a person standing in loco parentis, who is (A) under eighteen years of age; or (B) eighteen years of age or older and incapable of self-care because of a mental or physical disability; and

(12) "Spouse" means a husband or wife, as the case may be.

(P.A. 96-140, S. 1, 10; P.A. 06-102, S. 12.)

History: P.A. 96-140 effective January 1, 1997; P.A. 06-102 redefined "son or daughter" to substitute "or, in the alternative, a child" for "or a child".

Interpretation of state leave statute should be consistent with interpretation of federal Family and Medical Leave Act. 276 C. 16.

Sec. 31-51ll. Family and medical leave: Length of leave; eligibility; intermittent or reduced leave schedules; substitution of accrued paid leave; notice to employer.

(a)(1) Subject to section 31-51mm, an eligible employee shall be entitled to a total of sixteen workweeks of leave during any twenty-four-month period, such twenty-four-month period to be determined utilizing any one of the following methods: (A) Consecutive calendar years; (B) any fixed twenty-four-month period, such as two consecutive fiscal years or a twenty-four-month period measured forward from an employee's first date of employment; (C) a twenty-four-month period measured forward
from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive; or (D) a rolling twenty-four-month period measured backward from an employee's first day of leave taken under sections 31-51kk to 31-51qq, inclusive.

(2) Leave under this subsection may be taken for one or more of the following reasons:

(A) Upon the birth of a son or daughter of the employee;

(B) Upon the placement of a son or daughter with the employee for adoption or foster care;

(C) In order to care for the spouse, or a son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition;

(D) Because of a serious health condition of the employee; or

(E) In order to serve as an organ or bone marrow donor.

(b) Entitlement to leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section may accrue prior to the birth or placement of a son or daughter when such leave is required because of such impending birth or placement.

(c) (1) Leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section for the birth or placement of a son or daughter may not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer agree otherwise. Subject to subdivision (2) of this subsection concerning an alternative position, subdivision (2) of subsection (f) of this section concerning the duties of the employee and subdivision (5) of subsection (b) of section 31-51mm concerning sufficient certification, leave under subparagraph (C) or (D) of subdivision (2) of subsection (a) or under subsection (i) of this section for a serious health condition may be taken intermittently or on a reduced leave schedule when medically necessary. The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not result in a reduction of the total amount of leave to which the employee is entitled under subsection (a) of this section beyond the amount of leave actually taken.

(2) If an employee requests intermittent leave or leave on a reduced leave schedule under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section that is foreseeable based on planned medical treatment, the employer may require the employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that (A) has equivalent pay and benefits, and (B) better accommodates recurring periods of leave than the regular employment position of the employee, provided the exercise of this authority shall not conflict with any provision of a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the employee is a part.
(d) Except as provided in subsection (e) of this section, leave granted under subsection (a) of this section may consist of unpaid leave.

(e) (1) If an employer provides paid leave for fewer than sixteen workweeks, the additional weeks of leave necessary to attain the sixteen workweeks of leave required under sections 5-248a and 31-51kk to 31-51qq, inclusive, may be provided without compensation.

(2) (A) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave or family leave of the employee for leave provided under subparagraph (A), (B) or (C) of subdivision (2) of subsection (a) of this section for any part of the sixteen-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of such leave.

(B) An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) of this section for any part of the sixteen-week period of such leave under said subsection or under subsection (i) of this section for any part of the twenty-six-week period of leave, except that nothing in section 5-248a or sections 31-51kk to 31-51qq, inclusive, shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.

(f) (1) In any case in which the necessity for leave under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section is foreseeable based on an expected birth or placement of a son or daughter, the employee shall provide the employer with not less than thirty days' notice, before the date of the leave is to begin, of the employee's intention to take leave under said subparagraph (A) or (B), except that if the date of the birth or placement of a son or daughter requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(2) In any case in which the necessity for leave under subparagraph (C), (D) or (E) of subdivision (2) of subsection (a) or under subsection (i) of this section is foreseeable based on planned medical treatment, the employee (A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse or parent of the employee, as appropriate; and (B) shall provide the employer with not less than thirty days' notice, before the date the leave is to begin, of the employee's intention to take leave under said subparagraph (C), (D) or (E) or said subsection (i), except that if the date of the treatment requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.

(g) In any case in which a husband and wife entitled to leave under subsection (a) of
this section are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to sixteen workweeks during any twenty-four-month period, if such leave is taken: (1) Under subparagraph (A) or (B) of subdivision (2) of subsection (a) of this section; or (2) to care for a sick parent under subparagraph (C) of said subdivision. In any case in which a husband and wife entitled to leave under subsection (i) of this section are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to twenty-six workweeks during any twelve-month period.

(h) Unpaid leave taken pursuant to sections 5-248a and 31-51kk to 31-51qq, inclusive, shall not be construed to affect an employee's qualification for exemption under chapter 558.

(i) Subject to section 31-51mm, an eligible employee who is the spouse, son or daughter, parent or next of kin of a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty shall be entitled to a one-time benefit of twenty-six workweeks of leave during any twelve-month period for each armed forces member per serious injury or illness incurred in the line of duty. Such twelve-month period shall commence on an employee's first day of leave taken to care for a covered armed forces member and end on the date twelve months after such first day of leave. For the purposes of this subsection, (1) "next of kin" means the armed forces member's nearest blood relative, other than the covered armed forces member's spouse, parent, son or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the armed forces member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered armed forces member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave, in which case the designated individual shall be deemed to be the covered armed forces member's next of kin; and (2) "son or daughter" means a biological, adopted or foster child, stepchild, legal ward or child for whom the eligible employee or armed forces member stood in loco parentis and who is any age.

(j) Leave taken pursuant to sections 31-51kk to 31-51qq, inclusive, shall not run concurrently with the provisions of section 31-313.

(k) Notwithstanding the provisions of sections 5-248a and 31-51kk to 31-51qq, inclusive, all further rights granted by federal law shall remain in effect.

(P.A. 96-140, S. 2, 10; P.A. 03-213, S. 2; P.A. 04-95, S. 2; 04-257, S. 49; P.A. 09-70, S. 1; P.A. 10-88, S. 4-6.)

History: P.A. 96-140 effective January 1, 1997; P.A. 03-213 amended Subsec. (a) by deleting "begin with the first day of leave taken," and adding provisions specifying alternative methods for determining the 24-month period during which family and
medical leave may be taken; P.A. 04-95 amended Subsec. (a) to expand leave entitlement

### Sec. 31-51mm. Family and medical leave: Certification.

(a) An employer may require that request for leave based on a serious health condition in subparagraph (C) or (D) of subdivision (2) of subsection (a) of section 31-51ll, or leave based on subsection (i) of section 31-51ll, be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, parent or next of kin of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.

(b) Certification provided under subsection (a) of this section shall be sufficient if it states:

1. The date on which the serious health condition commenced;

2. The probable duration of the condition;

3. The appropriate medical facts within the knowledge of the health care provider regarding the condition;

4. (A) For purposes of leave under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51ll, a statement that the eligible employee is needed to care for the son, daughter, spouse or parent and an estimate of the amount of time that such employee needs to care for the son, daughter, spouse or parent; and (B) for purposes of leave under subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll, a statement that the employee is unable to perform the functions of the position of the employee;

5. In the case of certification for intermittent leave or leave on a reduced leave schedule for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment;

6. In the case of certification for intermittent leave or leave on a reduced leave schedule under subparagraph (D) of subdivision (2) of subsection (a) of section 31-51ll, a statement of the medical necessity of the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule;

7. In the case of certification for intermittent leave or leave on a reduced leave
schedule under subparagraph (C) of subdivision (2) of subsection (a) of section 31-51/ll, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the son, daughter, parent or spouse who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule; and

(8) In the case of certification for intermittent leave or leave on a reduced leave schedule under subsection (i) of section 31-51/ll, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the spouse, son or daughter, parent or next of kin who is a current member of the armed forces, as defined in section 27-103, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary disability retired list, for a serious injury or illness incurred in the line of duty, and the expected duration and schedule of the intermittent leave or reduced leave schedule. For the purposes of this subsection, "son or daughter" and "next of kin" shall have the same meaning as in subsection (i) of section 31-51/ll.

(c) (1) In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) of this section for leave under subparagraph (C) or (D) of subdivision (2) of subsection (a) or under subsection (i) of section 31-51/ll, the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) of this section for such leave.

(2) A health care provider designated or approved under subdivision (1) of this subsection shall not be employed on a regular basis by the employer.

(d) (1) In any case in which the second opinion described in subsection (c) of this section differs from the opinion in the original certification provided under subsection (a) of this section, the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b) of this section.

(2) The opinion of the third health care provider concerning the information certified under subsection (b) of this section shall be considered to be final and shall be binding on the employer and the employee.

(e) The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis, provided the standards for determining what constitutes a reasonable basis for recertification may be governed by a collective bargaining agreement between such employer and a labor organization which is the collective bargaining representative of the unit of which the worker is a part if such a collective bargaining agreement is in effect. Unless otherwise required by the employee's health care provider, the employer may not require recertification more than once during
a thirty-day period and, in any case, may not unreasonably require recertification. The employer shall pay for any recertification that is not covered by the employee's health insurance.

(P.A. 96-140, S. 3, 10; P.A. 04-95, S. 3; 04-257, S. 50; P.A. 09-70, S. 2; P.A. 10-88, S. 3.)

History: P.A. 96-140 effective January 1, 1997; P.A. 04-95, effective October 1, 2004, and P.A. 04-257, effective June 14, 2004, both made identical technical changes in Subsecs. (a) to (c); P.A. 09-70 amended Subsecs. (a) and (c) by adding reference to Sec. 31-51/(i), amended Subsecs. (a) and (b) by adding "or next of kin", and amended Subsec. (b) by adding Subdiv. (8) re requirements for certification of intermittent leave for an eligible employee to receive additional leave to provide care under Sec. 31-51/, effective May 27, 2009; P.A. 10-88 amended Subsec. (b)(4)(A) by deleting "or next of kin" and making technical changes, effective May 26, 2010.

Sec. 31-51nn. Family and medical leave: Employment and benefits protection.
(a) Any eligible employee who takes leave under section 31-51/ for the intended purpose of the leave shall be entitled on return from such leave (1) to be restored by the employer to the position of employment held by the employee when the leave commenced; (2) if the original position of employment is not available, to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment; or (3) in the case of a medical leave, if the employee is medically unable to perform the employee's original job upon the expiration of such leave, to be transferred to work suitable to such employee's physical condition if such work is available.

(b) The taking of leave under section 31-51/ shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

(c) Nothing in this section shall be construed to entitle any restored employee to (1) the accrual of any seniority or employment benefits during any period of leave; or (2) any right, benefit or position of employment other than any right, benefit or position to which the employee would have been entitled had the employee not taken the leave.

(d) As a condition of restoration under subsection (a) of this section for an employee who has taken leave under subparagraph (D) of subdivision (2) of subsection (a) of section 31-51/, the employer may have a uniformly applied practice or policy that requires each such employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this subsection shall supersede a valid law of this state or a collective bargaining agreement that governs the return to work of such employees.

(e) Nothing in this section shall be construed to prohibit an employer from requiring an employee on leave under section 31-51/ to report periodically to the employer on the status and intention of the employee to return to work.
(f) Employees may have additional rights under other state and federal law, including rights under the federal Americans with Disabilities Act of 1990. Nothing in sections 5-248a and 31-51kk to 31-51qq, inclusive, shall limit any such additional rights.

(P.A. 96-140, S. 4, 10; P.A. 04-95, S. 4; 04-257, S. 51.)

History: P.A. 96-140 effective January 1, 1997; P.A. 04-95, effective October 1, 2004, and P.A. 04-257, effective June 14, 2004, both made identical technical changes in Subsec. (d).

Section does not expressly obligate employer to accommodate employee's work-at-home requests or to refrain from taking adverse action against employee who persists in efforts to secure such arrangement. 249 C. 766.

Sec. 31-51oo. Family and medical leave: Confidentiality of medical records and documents. Records and documents relating to medical certifications, recertifications or medical histories of employees or employees' family members, created for purposes of sections 5-248a and 31-51kk to 31-51qq, inclusive, shall be maintained as medical records pursuant to chapter 563a, except that: (1) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations; (2) first aid and safety personnel may be informed, when appropriate, if the employee's physical or medical condition might require emergency treatment; and (3) government officials investigating compliance with sections 5-248a and 31-51kk to 31-51qq, inclusive, or other pertinent law shall be provided relevant information upon request.

(P.A. 96-140, S. 5, 10.)

History: P.A. 96-140 effective January 1, 1997.

Sec. 31-51pp. Family and medical leave: Prohibited acts, complaints, rights and remedies. (a)(1) It shall be a violation of sections 5-248a and 31-51kk to 31-51qq, inclusive, for any employer to interfere with, restrain or deny the exercise of, or the attempt to exercise, any right provided under said sections.

(2) It shall be a violation of sections 5-248a and 31-51kk to 31-51qq, inclusive, for any employer to discharge or cause to be discharged, or in any other manner discriminate, against any individual for opposing any practice made unlawful by said sections or because such employee has exercised the rights afforded to such employee under said sections.

(b) It shall be a violation of sections 5-248a and 31-51kk to 31-51qq, inclusive, for any person to discharge or cause to be discharged, or in any other manner discriminate, against any individual because such individual:

(1) Has filed any charge, or has instituted or caused to be instituted any proceeding,
under or related to sections 5-248a and 31-51kk to 31-51qq, inclusive;

(2) Has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under said sections; or

(3) Has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under said sections.

(c) (1) It shall be a violation of sections 31-51kk to 31-51qq, inclusive, for any employer to deny an employee the right to use up to two weeks of accumulated sick leave or to discharge, threaten to discharge, demote, suspend or in any manner discriminate against an employee for using, or attempting to exercise the right to use, up to two weeks of accumulated sick leave to attend to a serious health condition of a son or daughter, spouse or parent of the employee, or for the birth or adoption of a son or daughter of the employee. For purposes of this subsection, "sick leave" means an absence from work for which compensation is provided through an employer's bona fide written policy providing compensation for loss of wages occasioned by illness, but does not include absences from work for which compensation is provided through an employer's plan, including, but not limited to, a short or long-term disability plan, whether or not such plan is self-insured.

(2) Any employee aggrieved by a violation of this subsection may file a complaint with the Labor Commissioner alleging violation of the provisions of this subsection. Upon receipt of any such complaint, the commissioner shall hold a hearing. After the hearing, the commissioner shall send each party a written copy of the commissioner's decision. The commissioner may award the employee all appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages and reestablishment of employee benefits to which the employee otherwise would have been eligible if a violation of this subsection had not occurred. Any party aggrieved by the decision of the commissioner may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(3) The rights and remedies specified in this subsection are cumulative and nonexclusive and are in addition to any other rights or remedies afforded by contract or under other provisions of law.

(P.A. 96-140, S. 6, 10; P.A. 03-213, S. 1.)

History: P.A. 96-140 effective January 1, 1997; P.A. 03-213 added new Subsec. (c) re rights relative to use of sick leave during family and medical leave and complaint and remedial procedures for violation of such rights.

Subsec. (c):

"Accumulated sick leave" refers to paid sick leave that has been earned by an employee but not yet used. 283 C. 644.
Sec. 31-51qq. Family and medical leave: Regulations, report. On or before January 1, 1997, the Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish procedures and guidelines necessary to implement the provisions of sections 5-248a and 31-51kk to 31-51qq, inclusive, including, but not limited to, procedures for hearings and redress, including restoration and restitution, for an employee who believes that there is a violation by the employer of such employee of any provision of said sections, and procedures for the periodic reporting by employers to the commissioner of their current experience with leaves of absence taken pursuant to said sections. In adopting such regulations, the commissioner shall make reasonable efforts to ensure compatibility of state regulatory provisions with similar provisions of the federal Family and Medical Leave Act of 1993 and the regulations promulgated pursuant to said act.

(P.A. 96-140, S. 7, 10.)

History: P.A. 96-140 effective January 1, 1997.

Public Act 12-43 - Section 31-51rr of the general statutes is repealed and the following is substituted in lieu thereof:

Sec. 31-51rr. Family and medical leave benefits for employees of political subdivisions. (a) Each political subdivision of the state shall grant any employee of such political subdivision who is (1) a party to a marriage in which the other party is of the same sex as the employee, and who has been employed for at least twelve months by such employer and for at least one thousand two hundred fifty hours of service with such employer during the previous twelve-month period the same family and medical leave benefits under the federal Family and Medical Leave Act, P.L. 103-3, and 29 CFR 825.112, as are provided to an employee who is a party to a marriage in which the other party is of the opposite sex of such employee, or (2) on or after the date regulations are adopted pursuant to subsection (f) of this section, a school paraprofessional in an educational setting who has been employed for at least twelve months by such employer and for at least nine hundred fifty hours of service with such employer during the previous twelve-month period the same family and medical leave benefits provided under subdivision (1) of this subsection to an employee who has been employed for at least twelve months by such employer and for at least one thousand two hundred fifty hours of service with such employer during the previous twelve-month period.

(b) (1) Any employee of a political subdivision of the state who has worked at least twelve months and one thousand two hundred fifty hours for such employer during the previous twelve-month period, or (2) on or after the date regulations are adopted pursuant to subsection (f) of this section, a school paraprofessional in an educational setting who has been employed for at least twelve months by such employer and for at least nine hundred fifty hours of service with such employer during the previous twelve-month period may request leave in order to serve as an organ or bone marrow donor, provided such employee may be required, prior to the inception of such leave, to provide sufficient written certification from the physician of such employee of the proposed organ or bone
marrow donation and the probable duration of the employee's recovery from such donation.

(c) Nothing in this section shall be construed as authorizing leave in addition to the total of twelve workweeks of leave during any twelve-month period provided under the federal Family and Medical Leave Act, P.L. 103-3.

(d) The Labor Department shall enforce compliance with the provisions of this section.

(e) For the purposes of subdivision (2) of subsections (a) and (b) of this section, no hours of service worked by a paraprofessional prior to the date regulations are adopted pursuant to subsection (f) of this section shall be included in the requisite nine hundred fifty hours of service.

(f) The Labor Commissioner shall promulgate regulations for the provision of family and medical leave benefits to school paraprofessionals in an educational setting pursuant to this section.

(P.A. 07-245, S. 1.)

*Note: Section 46b-38aa was repealed effective October 1, 2010, by section 21 of public act 09-13.

Sec. 31-51ss. Leave from employment for victims of family violence. Action for damages and reinstatement. (a) For the purposes of this section:

(1) "Employer" means a person engaged in business who has three or more employees, including the state and any political subdivision of the state;

(2) "Employee" means any person engaged in service to an employer in the business of the employer;

(3) "Family violence" means family violence, as defined in section 46b-38a; and

(4) "Leave" includes paid or unpaid leave which may include, but is not limited to, compensatory time, vacation time, personal days off or other time off.

(b) If an employee is a victim of family violence, an employer shall permit the employee to take paid or unpaid leave during any calendar year in which such leave is reasonably necessary (1) to seek medical care or psychological or other counseling for physical or psychological injury or disability for the victim, (2) to obtain services from a victim services organization on behalf of the victim, (3) to relocate due to such family violence, or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. An employer may limit unpaid leave under this section to twelve days during any calendar year. Leave under this section shall not affect any other leave provided under state or federal law.
(c) If an employee's need to use leave under this section is foreseeable, an employer may require advance notice, not to exceed seven days prior to the date such leave is to begin, of the intention to use such leave. If an employee's need for such leave is not foreseeable, an employer may require an employee to give notice of such intention as soon as practicable.

(d) Upon an employer's request, an employee who takes leave pursuant to this section shall provide the employer a signed written statement certifying that the leave is for a purpose authorized under this section. The employer may also, but need not, request that the employee provide a police or court record related to the family violence or a signed written statement that the employee is a victim of family violence, provided such statement is from an employee or agent of a victim services organization, an attorney, an employee of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, or a licensed medical professional or other licensed professional from whom the employee has sought assistance with respect to the family violence.

(e) Nothing in this section shall be construed to (1) prevent employers from providing more leave than is required under this section, (2) diminish any rights provided to any employee under the terms of the employee's employment or a collective bargaining agreement, or (3) preempt or override the terms of any collective bargaining agreement effective prior to October 1, 2010.

(f) Nothing in this section shall be construed to require an employer to provide paid leave under this section if (1) the employee is not entitled to paid leave pursuant to the terms and conditions of the employee's employment, or (2) such paid leave exceeds the maximum amount of leave due the employee during any calendar year, provided the employee shall be entitled to unpaid leave under this section if paid leave is exhausted or not provided.

(g) Any written statement or police or court record provided to an employer pursuant to subsection (d) of this section shall be maintained as confidential by the employer and shall not be further disclosed by the employer except as required by federal or state law or as necessary to protect the employee's safety in the workplace, provided the employee is given notice prior to the disclosure.

(h) If an employer discharges, penalizes or threatens or otherwise coerces an employee in violation of this section, the employee, not later than one hundred eighty days from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.

(P.A. 10-144, S. 15.)
Sec. 31-51tt. Employer inquiries about an employee's or prospective employee's credit. Exceptions. Enforcement. (a) As used in this section:

(1) "Employee" means any person engaged in service to an employer in a business of his employer;

(2) "Employer" means any person engaged in business who has one or more employees, including the state or any political subdivision of the state;

(3) "Financial institution" means any entity or affiliate of a state bank and trust company, national banking association, state or federally chartered savings bank, state or federally chartered savings and loan association, state or federally chartered credit union, insurance company, investment advisor, broker-dealer or an entity registered with the Securities and Exchange Commission; and

(4) "Substantially related to the employee's current or potential job" means the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because the position:

(A) Is a managerial position which involves setting the direction or control of a business, division, unit or an agency of a business;

(B) Involves access to customers', employees' or the employer's personal or financial information other than information customarily provided in a retail transaction;

(C) Involves a fiduciary responsibility to the employer, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts;

(D) Provides an expense account or corporate debit or credit card;

(E) Provides access to (i) confidential or proprietary business information, or (ii) information, including a formula, pattern, compilation, program, device, method, technique, process or trade secret that: (I) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the disclosure or use of the information; and (II) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; or

(F) Involves access to the employer's nonfinancial assets valued at two thousand five dollars or more, including, but not limited to, museum and library collections and to prescription drugs and other pharmaceuticals.

(b) No employer or employer's agent, representative or designee may require an employee or prospective employee to consent to a request for a credit report that contains information about the employee's or prospective employee's credit score, credit account
balances, payment history, savings or checking account balances or savings or checking account numbers as a condition of employment unless (1) such employer is a financial institution, (2) such report is required by law, (3) the employer reasonably believes that the employee has engaged in specific activity that constitutes a violation of the law related to the employee's employment, or (4) such report is substantially related to the employee's current or potential job or the employer has a bona fide purpose for requesting or using information in the credit report that is substantially job-related and is disclosed in writing to the employee or applicant.

(c) Any employee or prospective employee may file a complaint with the Labor Commissioner alleging a violation of the provisions of subsection (b) of this section. Within thirty days after the filing of such complaint, the commissioner shall conduct an investigation and shall render his findings. Should such findings warrant, the commissioner shall hold a hearing, in accordance with the provisions of chapter 54. An employer shall be liable to the Labor Department for a civil penalty of three hundred dollars for each inquiry made in violation of subsection (b) of this section.

(d) The Attorney General, upon complaint of the Labor Commissioner, shall institute civil actions to recover the penalties provided for under subsection (c) of this section. Any amount recovered shall be deposited in the General Fund.

(P.A. 11-223, S. 1.)

Sec. 31-51uu. Optional exclusion of employee health insurance premiums from gross income. Any employer that provides health insurance benefits to its employees for which any portion of the premiums are deducted from the employees' pay shall offer such employees the opportunity to have such portion excluded from their gross income for state or federal income tax purposes, except as required under Section 125 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

(P.A. 07-185, S. 23.)

Sec. 31-51vv. Employment of person coerced to engage in such employment prohibited. (a) No employer shall employ any person knowing that such person is being coerced by another person to engage in such employment in violation of section 53a-192a.

(b) The Attorney General, upon the request of the Labor Commissioner, may bring a civil action in the Superior Court to recover a civil penalty of not more than ten thousand dollars for each violation of subsection (a) of this section and such injunctive or other equitable relief as the court may, in its discretion, order.

(P.A. 06-43, S. 3.)

History: P.A. 06-43 effective July 1, 2006.
PART IIa
INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS

Sec. 31-51ww. Individual development account programs: Definitions. As used in this section and sections 31-51xx to 31-51eee, inclusive:

(1) "Account holder" means a participant in a certified state IDA program;

(2) "Department" means the Labor Department;

(3) "Approved plan" means a plan prepared jointly by the account holder and the community-based organization that defines savings goals, program requirements and permissible uses of the individual development account and its matching funds pursuant to sections 31-51xx to 31-51aaa, inclusive, and regulations adopted pursuant to section 31-51ddd. The approved plan shall be a contract between the account holder and the community-based organization;

(4) "Area median income" means area median household income as determined from time to time by the United States Department of Housing and Urban Development;

(5) "Certified state IDA program" means a program of matched savings accounts that has been certified by the department in accordance with regulations adopted pursuant to section 31-51ddd;

(6) "Clearinghouse" means a service to provide organizations interested in establishing, or which have established, individual development account programs with literature on federal, state and other sources of funding, guidelines for best practices and program standards, and information regarding the establishment and maintenance of certified state IDA programs;

(7) "Community-based organization" means an organization exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986 or any subsequent corresponding internal revenue code of the United States, as from time to time amended, which meets the requirements set forth in regulations pursuant to section 31-51ddd;

(8) "Education" means (A) a postsecondary program of instruction provided by a college, university, community college, area vocational-technical school, professional institution or specialized college or school legally authorized to grant degrees, or (B) any related educational program approved by the community-based organization and the department;

(9) "Entrepreneurial activity" means the purchase of or investment in a small business, as defined in subsection (a) of section 4-168a, in Connecticut in which, upon such purchase or investment, the account holder will be a principal;

(10) "Federal poverty level" means the most recent poverty income guidelines
published by the United States Department of Health and Human Services;

(11) "Financial institution" means a "financial institution", as defined in section 36a-330;

(12) "Household" means a household, as defined in the federal Assets for Independence Act, P.L. 105-235;

(13) "Individual development account" means a savings account, maintained in a program that is established pursuant to section 31-51xx that is held in a financial institution, for the sole purpose of holding the funds of the account holder for one of the purposes described in subsection (a) of section 31-51xx;

(14) "Individual Development Account Reserve Fund" means a nonlapsing fund administered by the department for the purposes of providing matching funds for individual development accounts in certified state IDA programs, and for funding costs incurred by community-based organizations in the operation and administration of such programs and department's administrative costs for the Connecticut IDA Initiative;

(15) "Connecticut IDA Initiative" means the state-wide individual development account initiative established in section 31-51xx;

(16) "Job training" means a program for job entrance or skill development approved by the community-based organization and the department; and

(17) "Qualified disabled individual" means a disabled individual eligible for assistance to the disabled pursuant to chapter 319mm.

(P.A. 00-192, S. 1, 102.)

History: P.A. 00-192 effective January 1, 2001.

**Sec. 31-51xx. Connecticut IDA Initiative established. Implementation.** (a) There is established the "Connecticut IDA Initiative". The initiative shall be administered by the Labor Department. The initiative shall provide an eligible individual as provided in section 31-51yy with an opportunity, through a certified state IDA program, to establish an individual development account from which funds may be used by the account holder for one of the following purposes as specified in the approved plan: (1) The costs of education or job training; (2) the purchase of a home as a primary residence; (3) the participation in or development of a new or existing entrepreneurial activity; (4) the purchase of an automobile for the purpose of obtaining or maintaining employment; (5) the making of a lease deposit on a primary residence; or (6) the costs of education or job training for a dependent child of the account holder.

(b) To implement the Connecticut IDA Initiative, the department shall, in accordance with regulations adopted pursuant to section 31-51ddd: (1) Establish an Individual
Development Account Reserve Fund in accordance with section 31-51aaa; (2) establish and operate, directly or by contract with another entity, the clearinghouse; (3) solicit, review, accept or reject proposals from community-based organizations seeking to operate certified state IDA programs on a not-for-profit basis; and (4) perform such monitoring, evaluation and oversight functions as are appropriate for the administration of the Connecticut IDA Initiative.

(c) The department shall determine the maximum per cent of all funds received from the Individual Development Account Reserve Fund that may be used by a community-based organization operating a certified state IDA program in providing training, counseling, case management and for administrative purposes.

(P.A. 00-192, S. 2, 102; P.A. 08-23, S. 1.)

History: P.A. 00-192 effective January 1, 2001; P.A. 08-23 amended Subsec. (a) to add Subdiv. (6) re education or job training for dependent child as purpose for which fund may be used and to make technical changes.

Sec. 31-51yy. Eligibility. Duties of community-based organizations and financial institutions. (a) An individual who has earned income, and who is a member of a household whose adjusted gross income is not in excess of eighty per cent of the area median household income for the area where such individual resides, is eligible to participate in a certified state IDA program for the purpose of accumulating and withdrawing moneys for purposes specified in subsection (a) of section 31-51xx; except that, if an individual does not have earned income solely due to a qualified disability, the earned income requirement shall not apply to such individual.

(b) Each community-based organization operating a certified state IDA program shall establish, through written governing instruments with a qualified financial institution: (1) A trust or custodial account on behalf of each account holder in its program into which the account holder shall deposit savings, which accounts shall conform to the requirements of the federal Assets for Independence Act, P.A. 105-285; and (2) a separate local reserve fund into which the department shall deposit funds from the Individual Development Account Reserve Fund and into which the community-based organization shall deposit funds received from the certified state IDA program from any other source. The community-based organization shall certify to the department, on forms prescribed by the department and accompanied by any documentation required by the department, that such accounts have been established pursuant to the provisions of sections 31-51ww to 31-51eee, inclusive, and that deposits have been made to an account by or on behalf of the account holder.

(c) A financial institution establishing a trust or custodial account on behalf of an account holder shall: (1) Permit deposits to be made in the account by the account holder; and (2) pay a market rate of interest on the account.

(d) The community-based organization shall determine and monitor the earned
income levels of all account holders in its certified state IDA program and shall use its best efforts to ensure that at least thirty per cent of such account holders have earned income at or below two hundred per cent of the federal poverty level.

(P.A. 00-192, S. 3, 102.)

History: P.A. 00-192 effective January 1, 2001.

Sec. 31-51zz. Individual Development Account Reserve Fund: Funds deposited in. All amounts appropriated by the state for the Connecticut IDA Initiative shall be deposited in the Individual Development Account Reserve Fund, which shall be administered by the department. In addition to all amounts appropriated by the state, the department shall deposit in the Individual Development Account Reserve Fund grants, donations, contributions and any other sources of revenue received for this purpose.

(P.A. 00-192, S. 4, 102.)

History: P.A. 00-192 effective May 26, 2000.

Sec. 31-51aaa. Individual Development Account Reserve Fund: Use and administration. (a) Funds from the Individual Development Account Reserve Fund shall be used to provide grants to community-based organizations that are operating certified state IDA programs for the purpose of providing matching funds for the individual development accounts in their programs, to assist the organizations to provide training, counseling and case management for program participants and for program administration purposes. Funds may also be used to pay for the evaluation required pursuant to section 31-51ccc, the operation of the clearinghouse, and the department's administrative expenses for the Connecticut IDA Initiative. The department shall determine what proportion of the funds in the Individual Development Account Reserve Fund shall be used for each of these purposes.

(b) The Individual Development Account Reserve Fund shall be administered as follows:

(1) No new grant shall be approved by the department unless there is sufficient funding in the Individual Development Account Reserve Fund, as determined by the department, to meet all existing funding obligations including the maximum amount of state matching funds that would be required if each account holder in these certified programs met the savings goal in such account holder's approved plan.

(2) Any funds remaining in the Individual Development Account Reserve Fund at the end of each fiscal year, and the interest thereon, shall be retained in said fund and used in the next succeeding fiscal year for expenditures set forth in subsection (a) of this section.

(c) Grants received by the community-based organization from the Individual Development Account Reserve Fund for matching funds shall be held in the
organization's local reserve fund. This fund shall be an account separate from account holders' individual development accounts, and its funds shall be disbursed in accordance with subsections (e) and (f) of this section pursuant to regulations adopted pursuant to section 31-51ddd. Grants from the Individual Development Account Reserve Fund for matching funds to certified state IDA programs shall be made on behalf of each individual account holder in the maximum amount of two dollars for every one dollar deposited in the individual development account by the account holder, not to exceed one thousand dollars of such matching funds per account holder for any calendar year and three thousand dollars per account holder for the duration of the account holder's participation in the program.

(d) The department and the community-based organizations, separately or cooperatively, may solicit grants and private contributions for the Individual Development Account Reserve Fund and for the local reserve funds of community-based organizations operating certified state IDA programs.

(e) If moneys are withdrawn from an individual development account by an account holder due to the account holder's decision to leave the certified state IDA program, all matching funds designated for said moneys shall be forfeited by the account holder and not later than December thirty-first of each year, the matching funds from the Individual Development Account Reserve Fund shall be returned by the community-based organization to the department for redeposit into the Individual Development Account Reserve Fund; except that, if the withdrawal is an emergency withdrawal, as defined in regulations adopted pursuant to section 31-51ddd, or is a withdrawal due to circumstances other than an account holder's decision to leave the certified state IDA program, the community-based organization may retain the matching funds for the account holder in its local reserve fund until such account holder redeposits the withdrawn funds or leaves the certified state IDA program, in accordance with such regulations.

(f) When the account holder has made sufficient deposits to such account holder's individual development account to achieve the savings goal set forth in such account holder's approved plan, the community-based organization shall pay such sum together with the matching funds from the organization's local reserve account that are attributed to this individual development account, directly to the person or entity providing the goods or services. Where matching funds from the Individual Development Account Reserve Fund have not been paid out by the community-based organization for an eligible purpose within five years after the opening of an individual development account due to an account holder not making contributions as provided in the approved plan, the matching funds from the Individual Development Account Reserve Fund shall be returned to the department for deposit in the Individual Development Account Reserve Fund, except that the community-based organization may grant a leave of absence or extension of time to an account holder for a period not to exceed two years, within such five-year period in accordance with regulations adopted pursuant to section 31-51ddd.

(P.A. 00-192, S. 5, 102.)
History: P.A. 00-192 effective January 1, 2001.

Sec. 31-51bbb. Account funds excluded in determination of eligibility for or benefit level of certain programs. Notwithstanding any other provision of the general statutes, funds deposited into, held in, credited to, or withdrawn from an individual development account for a purpose consistent with the approved plan, including accrued interest, shall be excluded in the determination of eligibility for, or the benefit level of, any needs-based program using state or joint federal and state funding, consistent with applicable state and federal law.

(P.A. 00-192, S. 7, 102.)

History: P.A. 00-192 effective January 1, 2001.

Sec. 31-51ccc. Program evaluation. Report. The department shall evaluate the Connecticut IDA Initiative for each fiscal year ending June thirtieth. Based on such evaluation, the department shall provide a comprehensive report on the initiative to the speaker of the House of Representatives and the president pro tempore of the Senate no later than February first of the year following the end of each fiscal year, beginning for the fiscal year ending June 30, 2001.

(P.A. 00-192, S. 8, 102.)

History: P.A. 00-192 effective January 1, 2001.

Sec. 31-51ddd. Regulations. (a) The Labor Commissioner, in consultation with the State Treasurer shall, in accordance with chapter 54, adopt regulations to implement the provisions of sections 31-51ww to 31-51eee, inclusive, and to administer the Connecticut IDA Initiative. Such regulations shall establish standards and guidelines, consistent with the provisions of sections 31-51ww to 31-51eee, inclusive, for certified state IDA programs, including, but not limited to: (1) Income eligibility requirements for account holders; (2) permissible savings goals for certified state IDA programs; (3) the services that each certified state IDA program shall provide to assist its account holders in meeting their savings goals including credit history assessments, assistance in credit repair and ongoing credit stability, general financial education and asset-specific training, ongoing case management and other support services; (4) procedures and timelines for establishment of savings accounts within financial institutions and for the deposit of funds into individual savings accounts, the department's Individual Development Account Reserve Fund, and local reserve funds maintained by certified community-based organizations; (5) allowable uses of matching funds from the Individual Development Account Reserve Fund and procedures for the making of grants from such fund; (6) procedures and permissible reasons for emergency withdrawals of funds from individual accounts and leaves of absence from the program; (7) accounting and financial reporting procedures required of all certified community-based organizations; (8) required content of and deadlines for all program and evaluation reports by community-based organizations.
organizations to the department; (9) required components of the approved plan between the account holder and the community-based organization, including but not limited to, savings goals, matching rates, required participation in education and training, contingency plans if the account holder fails to meet projected savings goals or schedules, savings withdrawal procedures and limitations, procedures for withdrawing from the program, provision for the disposition of funds in the event of the account holder's death, and provision for amendment of the plan with the concurrence of the account holder and the community-based organization; (10) the process of approval, certification, suspension and decertification of an individual development account program; and (11) the application and implementation of any restrictions on or requirements of funding expenditures as required under state or federal law.

(b) Such regulations shall specify the process by which the department shall solicit proposals from community-based organizations to operate certified state IDA programs, and the criteria and process that shall be used by the department in granting state certification and determining the number of individual development accounts eligible for matching funds from the Individual Development Account Reserve Fund. Criteria that shall be used in granting state certification and in allocating funds from the Individual Development Account Reserve Fund to certified state IDA programs shall include, but not be limited to, the community-based organization's level of competence in meeting all financial and programmatic requirements of a certified state IDA program and the fiscal capacity of the organization to meet all financial obligations of the program and, to the extent possible, the geographic location of the organization.

(P.A. 00-192, S. 9, 102.)

History: P.A. 00-192 effective May 26, 2000 (Revisor's note: In Subsec. (a), "with" was inserted editorially by the Revisors before "chapter 54", for proper form).

Sec. 31-51eee. Receipt of funds authorized. Nothing in sections 31-51ww to 31-51ddd, inclusive, shall preclude a community-based organization or other entity from establishing an individual development account program and receiving matching funds from sources other than the Individual Development Account Reserve Fund.

(P.A. 00-192, S. 10, 102.)

History: P.A. 00-192 effective May 26, 2000.

Sec. 31-51fff. Restrictions on funding expenditures to apply. Notwithstanding the provisions of sections 31-51ww to 31-51eee, inclusive, any restrictions on funding expenditures required under any state or federal law shall apply.

(P.A. 00-192, S. 12, 102.)

History: P.A. 00-192 effective May 26, 2000.
PART III
STATE CONTRACTS

**Sec. 31-52. Preference to state citizens in construction of public buildings.**

**Enforcement of violations.** (a) In the employment of mechanics, laborers and workmen in the construction, remodeling or repairing of any public building, by the state or any of its agents or by persons contracting therewith, preference shall be given to citizens of the state, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States. Any contractor who knowingly and wilfully employs any person in violation of any provision of this subsection shall be fined two hundred dollars for each week or fraction of a week each such person is so employed.

(b) Each contract for the construction or repair of any building under the supervision of the state or any of its agents shall contain the following provisions: "In the employment of labor to perform the work specified herein, preference shall be given to citizens of the United States, who are, and continuously for at least three months prior to the date hereof have been, residents of the labor market area, as established by the Labor Commissioner, in which such work is to be done, and if no such qualified person is available, then to citizens who have continuously resided in the county in which the work is to be performed for at least three months prior to the date hereof, and then to citizens of the state who have continuously resided in the state at least three months prior to the date hereof." In no event shall said provisions be deemed to abrogate or supersede, in any manner, any provision regarding residence requirements contained in a collective bargaining agreement to which the contractor is a party.

(c) No person who receives an award or contract for public works projects from the state, or who receives an order or contract for which a portion of funds is derived from the state, shall knowingly employ nonresidents of the state while residents who may qualify for such work are reasonably available for employment. In the employment of nonresidents, the construction supervisor or construction inspector assigned to the public works project shall verify that the contracting employer, by reasonable efforts, sought to obtain construction job applicants from existing employment sources in Connecticut.

(d) The agent contracting on behalf of the state or any political subdivision thereof shall investigate promptly any alleged violation of this section or section 31-52a. If said agent finds evidence of such a violation, he shall immediately notify the alleged violator of such evidence and allegations. If the alleged violator fails to take corrective action within one week, or to produce evidence which satisfies said agent that no violation has occurred, said agent shall (1) institute a civil action to recover as liquidated damages for the violation of the contract an amount equal to the wages paid to any employees employed in violation of this section or section 31-52a and cost of suit, including reasonable attorney's fees and (2) notify the office of the state's attorney in the judicial district for the area in which such work was performed so that appropriate criminal action may be instituted against the alleged violator.

(e) In contracts so financed preference in employment shall be given to citizens of the
United States or any possession thereof.

(f) Nothing in this section shall abrogate or supersede any provision regarding residence requirements in a collective bargaining agreement to which the contractor is a party.


History: 1967 act clarified provisions and specified that $100 fine applies for each week or fraction of a week during which a person is employed in violation of Subsec. (a) where previously $100 fine was the maximum fine for each offense, substituted labor market areas for towns under Subsec. (b) and added Subsecs. (c) to (e) re employment of state residents in preference to nonresidents, hiring preference to U.S. citizens and procedure to be followed in investigation of and action on violations; P.A. 78-280 required notification of state's attorney in the appropriate judicial district rather than notification of prosecuting attorney in the appropriate circuit, circuit courts having been abolished pursuant to P.A. 76-436, under Subsec. (d)(2); P.A. 83-530 added a new Subsec. (f) prohibiting this section from abrogating or superseding any residence requirement in a collective bargaining agreement to which the contractor is a party; P.A. 83-552 amended Subsec. (b) to provide that collective bargaining agreement is not superseded by preference provisions of contract; P.A. 97-263 amended Subsec. (a) to increase amount of fine from $100 to $200.

See Sec. 7-112 re applicability of this section to construction, remodeling, etc. of public buildings by political subdivisions of state.

Commissioner's duty under statute is carried out when he has caused proper preference clause to be inserted in contract. 26 CS 384.

Sec. 31-52a. Residents' preference in work on other public facilities. (a) In the employment of mechanics, laborers or workmen in connection with any public works project, including, but not limited to, construction, remodeling or repairing of any public facility, structure, except public buildings covered by section 31-52, site preparation or site improvement, appurtenances or highways or in preparation or improvement of any land or waterway on or in which a structure is situated or to be constructed by the state or any of its agents or by persons contracting therewith, preference shall be given to persons who are residents of the state, and, if they cannot be obtained in sufficient numbers, then to residents of other states. Nothing herein shall abrogate or supersede any provision regarding residence requirements in a collective bargaining agreement to which the contractor is a party. Any contractor who knowingly and wilfully employs any person in violation of any provision of this section shall be fined two hundred dollars for each week or a fraction of a week each such person is employed.

(b) Each contract for any such project covered by this section under the supervision of the state or any of its agents shall contain the following provision: "In the employment of
mechanics, laborers or workmen to perform the work specified herein, preference shall be
given to residents of the state who are, and continuously for at least six months prior to
the date hereof have been, residents of this state, and if no such person is available then to
residents of other states."

(1967, P.A. 757, S. 2.)

**Sec. 31-52b. Exceptions.** The provisions of sections 31-52 and 31-52a shall not apply
where the state or any subdivision thereof may suffer the loss of revenue granted or to be
granted from any agency or department of the federal government as a result of said
sections or regulative procedures pursuant thereto.

(1967, P.A. 757, S. 3.)

**Sec. 31-53. Construction, alteration or repair of public works project by state or
political subdivision; wage rates; certified payroll. Penalties. Civil action.**

**Exceptions.** (a) Each contract for the construction, remodeling, refinishing, refurbishing,
rehabilitation, alteration or repair of any public works project by the state or any of its
agents, or by any political subdivision of the state or any of its agents, shall contain the
following provision: "The wages paid on an hourly basis to any person performing the
work of any mechanic, laboror or worker on the work herein contracted to be done and
the amount of payment or contribution paid or payable on behalf of each such person to
any employee welfare fund, as defined in subsection (i) of this section, shall be at a rate
equal to the rate customary or prevailing for the same work in the same trade or
occupation in the town in which such public works project is being constructed. Any
contractor who is not obligated by agreement to make payment or contribution on behalf
of such persons to any such employee welfare fund shall pay to each mechanic, laboror or
worker as part of such person's wages the amount of payment or contribution for such
person's classification on each pay day."

(b) Any contractor or subcontractor who knowingly or wilfully employs any
mechanic, laboror or worker in the construction, remodeling, refinishing, refurbishing,
rehabilitation, alteration or repair of any public works project for or on behalf of the state
or any of its agents, or any political subdivision of the state or any of its agents, at a rate
of wage on an hourly basis that is less than the rate customary or prevailing for the same
work in the same trade or occupation in the town in which such public works project is
being constructed, remodeled, refinished, refurbished, rehabilitated, altered or repaired,
or who fails to pay the amount of payment or contributions paid or payable on behalf of
each such person to any employee welfare fund, or in lieu thereof to the person, as
provided by subsection (a) of this section, shall be fined not less than two thousand five
hundred dollars but not more than five thousand dollars for each offense and (1) for the
first violation, shall be disqualified from bidding on contracts with the state or any
political subdivision until the contractor or subcontractor has made full restitution of the
back wages owed to such persons and for an additional six months thereafter, and (2) for
subsequent violations, shall be disqualified from bidding on contracts with the state or
any political subdivision until the contractor or subcontractor has made full restitution of
the back wages owed to such persons and for not less than an additional two years thereafter. In addition, if it is found by the contracting officer representing the state or political subdivision of the state that any mechanic, laborer or worker employed by the contractor or any subcontractor directly on the site for the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as required by this section, the state or contracting political subdivision of the state may (A) by written notice to the contractor, terminate such contractor's right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and the contractor's sureties shall be liable to the state or the contracting political subdivision for any excess costs occasioned the state or the contracting political subdivision thereby, or (B) withhold payment of money to the contractor or subcontractor. The contracting department of the state or the political subdivision of the state shall, not later than two days after taking such action, notify the Labor Commissioner, in writing, of the name of the contractor or subcontractor, the project involved, the location of the work, the violations involved, the date the contract was terminated, and steps taken to collect the required wages.

(c) The Labor Commissioner may make complaint to the proper prosecuting authorities for the violation of any provision of subsection (b) of this section.

(d) For the purpose of predetermining the prevailing rate of wage on an hourly basis and the amount of payment or contributions paid or payable on behalf of each person to any employee welfare fund, as defined in subsection (i) of this section, in each town where such contract is to be performed, the Labor Commissioner shall (1) hold a hearing at any required time to determine the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of each person to any employee welfare fund, as defined in subsection (i) of this section, upon any public work within any specified area, and shall establish classifications of skilled, semiskilled and ordinary labor, or (2) adopt and use such appropriate and applicable prevailing wage rate determinations as have been made by the Secretary of Labor of the United States under the provisions of the Davis-Bacon Act, as amended.

(e) The Labor Commissioner shall determine the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of such person to any employee welfare fund, as defined in subsection (i) of this section, in each locality where any such public work is to be constructed, and the agent empowered to let such contract shall contact the Labor Commissioner, at least ten but not more than twenty days prior to the date such contracts will be advertised for bid, to ascertain the proper rate of wages and amount of employee welfare fund payments or contributions and shall include such rate of wage on an hourly basis and the amount of payment or contributions paid or payable on behalf of each person to any employee welfare fund, as defined in subsection (i) of this section, or in lieu thereof the amount to be paid directly to each person for such payment or contributions as provided in subsection (a) of this section for all classifications of labor in the proposal for the contract. The rate of wage on an hourly basis and the amount of payment or contributions to any employee welfare
fund, as defined in subsection (i) of this section, or cash in lieu thereof, as provided in subsection (a) of this section, shall, at all times, be considered as the minimum rate for the classification for which it was established. Prior to the award of any contract subject to the provisions of this section, such agent shall certify in writing to the Labor Commissioner the total dollar amount of work to be done in connection with such public works project, regardless of whether such project consists of one or more contracts. Upon the award of any contract subject to the provisions of this section, the contractor to whom such contract is awarded shall certify, under oath, to the Labor Commissioner the pay scale to be used by such contractor and any of the contractor’s subcontractors for work to be performed under such contract.

(f) Each employer subject to the provisions of this section or section 31-54 shall (1) keep, maintain and preserve such records relating to the wages and hours worked by each person performing the work of any mechanic, laborer and worker and a schedule of the occupation or work classification at which each person performing the work of any mechanic, laborer or worker on the project is employed during each work day and week in such manner and form as the Labor Commissioner establishes to assure the proper payments due to such persons or employee welfare funds under this section or section 31-54, regardless of any contractual relationship alleged to exist between the contractor and such person, and (2) submit monthly to the contracting agency by mail, first class postage prepaid, a certified payroll that shall consist of a complete copy of such records accompanied by a statement signed by the employer that indicates (A) such records are correct; (B) the rate of wages paid to each person performing the work of any mechanic, laborer or worker and the amount of payment or contributions paid or payable on behalf of each such person to any employee welfare fund, as defined in subsection (i) of this section, are not less than the prevailing rate of wages and the amount of payment or contributions paid or payable on behalf of each such person to any employee welfare fund, as determined by the Labor Commissioner pursuant to subsection (d) of this section, and not less than those required by the contract to be paid; (C) the employer has complied with the provisions of this section and section 31-54; (D) each such person is covered by a workers' compensation insurance policy for the duration of such person's employment, which shall be demonstrated by submitting to the contracting agency the name of the workers' compensation insurance carrier covering each such person, the effective and expiration dates of each policy and each policy number; (E) the employer does not receive kickbacks, as defined in 41 USC 52, from any employee or employee welfare fund; and (F) pursuant to the provisions of section 53a-157a, the employer is aware that filing a certified payroll which the employer knows to be false is a class D felony for which the employer may be fined up to five thousand dollars, imprisoned for up to five years, or both. This subsection shall not be construed to prohibit a general contractor from relying on the certification of a lower tier subcontractor, provided the general contractor shall not be exempted from the provisions of section 53a-157a if the general contractor knowingly relies upon a subcontractor's false certification. Notwithstanding the provisions of section 1-210, the certified payroll shall be considered a public record and every person shall have the right to inspect and copy such records in accordance with the provisions of section 1-212. The provisions of subsections (a) and (b) of section 31-59 and sections 31-66 and 31-69 that are not inconsistent with the
provisions of this section or section 31-54 apply to this section. Failing to file a certified payroll pursuant to subdivision (2) of this subsection is a class D felony for which the employer may be fined up to five thousand dollars, imprisoned for up to five years, or both.

(g) Any contractor who is required by the Labor Department to make any payment as a result of a subcontractor's failure to pay wages or benefits, or any subcontractor who is required by the Labor Department to make any payment as a result of a lower tier subcontractor's failure to pay wages or benefits, may bring a civil action in the Superior Court to recover no more than the damages sustained by reason of making such payment, together with costs and a reasonable attorney's fee.

(h) The provisions of this section do not apply where the total cost of all work to be performed by all contractors and subcontractors in connection with new construction of any public works project is less than four hundred thousand dollars or where the total cost of all work to be performed by all contractors and subcontractors in connection with any remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project is less than one hundred thousand dollars.

Public Act 12-80 - Subsection (i) of section 31-53 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(i) As used in this section [.,] and section 31-54, [and section 31-89a,] "employee welfare fund" means any trust fund established by one or more employers and one or more labor organizations or one or more other third parties not affiliated with the employers to provide from moneys in the fund, whether through the purchase of insurance or annuity contracts or otherwise, benefits under an employee welfare plan; provided such term shall not include any such fund where the trustee, or all of the trustees, are subject to supervision by the Banking Commissioner of this state or any other state or the Comptroller of the Currency of the United States or the Board of Governors of the Federal Reserve System, and "benefits under an employee welfare plan" means one or more benefits or services under any plan established or maintained for persons performing the work of any mechanics, laborers or workers or their families or dependents, or for both, including, but not limited to, medical, surgical or hospital care benefits; benefits in the event of sickness, accident, disability or death; benefits in the event of unemployment, or retirement benefits.


History: 1961 act added provisions re political subdivision and employee welfare
funds and added Subsecs. (f) and (g) re records and schedules which must be kept and re inapplicability of provisions where total cost of work is less than $5,000; 1963 act substituted "alteration" for "remodeling" and "public works project" for references to public buildings; 1967 act added Subsec. (h) defining "employee welfare fund" and "benefits under an employee welfare plan" and substituted references to Subsec. (h) for references to Sec. 31-78; P.A. 73-566 amended Subsec. (b) to add provisions re termination of contract when discovery is made that employees are being paid less than the amount required under contract; P.A. 75-90 added references to remodeling, refurnishing, refurbishing and rehabilitation of projects in Subsecs. (a), (b) and (g); P.A. 77-442 added Subsec. (d)(2) requiring commissioner to adopt and use appropriate and applicable prevailing wage rate determinations made by U.S. Secretary of Labor; P.A. 77-614 replaced bank commissioner with banking commissioner within the department of business regulation and made banking department the division of banking within that department, effective January 1, 1979; P.A. 79-325 replaced former provisions of Subsec. (g) which had rendered section inapplicable where total cost of project is less than $50,000 with provision rendering provisions inapplicable to new construction projects where total cost is less than $50,000 and to remodeling, refinishing etc. projects where total cost is less than $10,000; P.A. 80-482 restored banking division as independent department with commissioner as its head following abolition of business regulation department; P.A. 83-537 amended Subsec. (e) to require the local agent to contact the labor commissioner, to ascertain proper wage rates and payment levels, at least ten but not more than 20 days prior to putting the contract out to bid; P.A. 85-355 amended Subsec. (e) to require the agent to certify the total cost of work to be done on the public works project, and to require the contractor to certify the pay scale to be used on the project after having been awarded the contract and amended Subsec. (g) to make the prevailing wage requirements inapplicable to projects costing less than $200,000 if new construction, or to projects costing less than $50,000 if remodeling; (Revisor's note: Pursuant to P.A. 87-9 "banking commissioner" was changed editorially by the Revisors to "commissioner of banking"); P.A. 91-74 made a technical change in Subsec. (a), amended Subsec. (b) to increase fines from $100 to not less than $2,500 but not more than $5,000 and amended Subsec. (g) by changing the cost thresholds from $200,000 to $400,000 and from $50,000 to $100,000; P.A. 91-407 changed effective date of P.A. 91-74 from October 1, 1991, to July 1, 1991; P.A. 93-392 deleted reference to Sec. 51-53 in Subsec. (a) and added (f)(2) requiring employers subject to the state prevailing wage laws to file weekly certified payrolls with the contracting public agency and designating such certified payrolls as public records; P.A. 93-435 made technical change in Subsec. (a) to reinstate language in existence prior to amendment made by P.A. 93-392, effective June 28, 1993; P.A. 97-263 added Subsec. (b)(1) and (2) disqualifying bidders from bidding on contracts with the state until certain requirements are met and adding provision permitting the withholding of payment of money to the contractor or subcontractor, amended Subsec. (d) to change "employee" to "person", amended Subsec. (f) to require monthly submission of certified payroll and to make failure to file a certified payroll a class D felony, and amended Subsec. (h) by redefining "employee welfare fund" to include one or more other third parties not affiliated with the employers; P.A. 03-84 changed "Commissioner of Banking" to "Banking Commissioner" in Subsec. (h), effective June 3, 2003; P.A. 05-50 substituted "person" for "employee" and made
technical changes throughout, amended Subsec. (a) to require payment of prevailing wage to persons performing the work of any mechanic, laborer or worker and to require contractor not obligated to contribute to employee welfare fund to pay to each mechanic, laborer or worker the amount of contribution for such person's classification, amended Subsec. (b) to impose penalties on any contractor or subcontractor who fails to pay prevailing wage or make required contributions to employee welfare fund, amended Subsec. (f) to require employer to keep, maintain and preserve records and schedule of occupation or work classification for each person performing the work of any mechanic, laborer and worker, adding "regardless of any contractual relationship alleged to exist between the contractor and such person" and amended Subsec. (h) to redefine "benefits under an employee welfare plan"; P.A. 06-196 made a technical change in Subsec. (c), effective June 7, 2006; P.A. 09-25 amended Subsec. (f)(2) to require employer to submit certified payroll to contracting agency by mail, first class postage prepaid; P.A. 10-47 added new Subsec. (g) re civil action for contractor or subcontractor required by Labor Department to make payment on behalf of subcontractor or lower-tiered subcontractor to recover damages, costs and fees, redesignated existing Subsecs. (g) and (h) as Subsecs. (h) and (i) and made technical changes in Subsecs. (a), (b), (d) and (e); June Sp. Sess. P.A. 10-1 made a technical change in Subsec. (f).

See Sec. 7-112 re applicability of section to construction, remodeling or repair of public buildings by state agencies and political subdivisions of the state.

Where an employee is working under a contract which violates the statute or fails to provide for pay at least equal to the prevailing wages as fixed by the board, the state is in no position to claim that, if he is injured, compensation should not be based on the prevailing wage as so determined. 135 C. 498. Cited. 223 C. 573.

Cited. 36 CA 29.

Subsec. (f):

Jurisdiction conferred on Labor Department over prevailing wages and certified payroll records by this Subsec. does not preempt exercise of jurisdiction by state electrical work examining board to sanction a licensee for misconduct in misclassifying employees and permitting employees to perform work that they were not licensed to perform. 104 CA 655.

Subsec. (h):

Cited. 44 CA 397.

Sec. 31-53a. Distribution of accrued payments. Debarment list. Limitation on awarding contracts. Sworn affidavits required of subcontractors. Civil penalty. Right of action. (a) The State Comptroller or the contracting authority acting pursuant to section 31-53 is hereby authorized and directed to pay to mechanics, laborers and workers from any accrued payments withheld under the terms of a contract terminated
pursuant to subsection (b) of said section 31-53 any wages found to be due such mechanics, laborers and workers pursuant to said section 31-53. The Labor Commissioner is further authorized and directed to distribute a list to all departments of the state and political subdivisions of the state giving the names of persons or firms whom the Labor Commissioner has found to have disregarded their obligations under said section 31-53 and section 31-76c to employees and subcontractors on public works projects or to have been barred from federal government contracts in accordance with the provisions of the Davis-Bacon Act, 49 Stat. 1011 (1931), 40 USC 276a-2.

(b) (1) No contract shall be awarded by the state or any of its political subdivisions to the persons or firms appearing on the list distributed by the Labor Commissioner pursuant to subsection (a) of this section or to any firm, corporation, partnership, or association in which such persons or firms have an interest until a period of up to three years, as determined by the Labor Commissioner, has elapsed from the date of publication of the list containing the names of such persons or firms.

(2) No general contractor that enters into a contract with the state or any of its agents, or with any political subdivision of the state or any of its agents, for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project subject to the provisions of section 31-53 or for any state highway project that falls under the provisions of section 31-54, shall award any work under such contract to the persons or firms appearing on the list distributed by the Labor Commissioner pursuant to subsection (a) of this section or to any firm, corporation, partnership or association in which such persons or firms have an interest until a period of up to three years, as determined by the Labor Commissioner, has elapsed from the date of publication of the list containing the names of such persons or firms.

(3) Prior to performing any work under a contract for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project subject to the provisions of section 31-53 or for any state highway project that falls under the provisions of section 31-54, each person, firm, corporation, partnership or association engaged by a general contractor to perform such work shall submit a sworn affidavit to the general contractor attesting that such person, firm, corporation, partnership or association does not hold an interest of ten per cent or greater in a firm appearing on the list distributed by the Labor Commissioner pursuant to subsection (a) of this section. The receipt and retention by a general contractor of such sworn affidavit shall fulfill the general contractor's obligation under subdivision (2) of this subsection.

(4) Any person or firm that appears on the list distributed by the Labor Commissioner pursuant to subsection (a) of this section, for a period of up to three years from the date of publication of such list, shall be liable to the Labor Department for a civil penalty of one thousand dollars for each day or part of a day in which such person or firm performs any work under any contract with the state or any of its agents, or with any political subdivision of the state or any of its agents, for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project subject to the provisions of section 31-53 or any state highway project that falls under the provisions of
section 31-54. The Attorney General, upon complaint of the Labor Commissioner, shall institute a civil action to recover such civil penalty. Any amount recovered shall be deposited in the General Fund and credited to a separate nonlapsing appropriation to the Labor Department, for other current expenses, and may be used by the Labor Department to enforce the provisions of this part. As used in this subdivision, "person or firm" includes any firm, corporation, partnership or association in which a person or firm appearing on the list distributed by the Labor Commissioner pursuant to subsection (a) of this section holds an interest of ten per cent or greater.

(c) If the accrued payments withheld under the terms of a contract terminated pursuant to subsection (b) of section 31-53 are insufficient to reimburse all the mechanics, laborers and workers with respect to whom there has been a failure to pay the wages required pursuant to said section 31-53, such mechanics, laborers and workers shall have the right of action and of intervention against the contractor and the contractor's sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such mechanics, laborers and workers accepted or agreed to accept less than the required wages or that such persons voluntarily made refunds.

(P.A. 73-566, S. 2; P.A. 78-362, S. 1, 3; P.A. 91-74, S. 2; 91-407, S. 40, 42; P.A. 93-392, S. 2; P.A. 97-263, S. 15; P.A. 04-102, S. 1.)

History: P.A. 78-362 required that list distributed by commissioner to departments of the state and to its political subdivisions contain names of those who have been barred from federal government contracts in accordance with provisions of Davis-Bacon Act in Subsec. (a); P.A. 91-74 amended Subsec. (a) by increasing the period of ineligibility from three years to five years; P.A. 91-407 changed effective date of P.A. 91-74 from October 1, 1991, to July 1, 1991; P.A. 93-392 amended Subsec. (a) to add reference to Sec. 31-76c, to require that list distributed by labor commissioner to departments of the state and to its political subdivisions contain names of those who have violated overtime laws of the state on public works projects and to decrease the period of ineligibility from five to a maximum of three years, as determined by the commissioner; P.A. 97-263 incorporated changes to Sec. 31-53 by reference; P.A. 04-102 made technical changes in Subsec. (a), designated portion of said Subsec. as new Subsec. (b) and amended same by designating existing provisions as Subdiv. (1), providing that list referred to in said Subdiv. is debarment list distributed by the Labor Commissioner pursuant to Subsec. (a), and adding Subdivs. (2), (3) and (4) re general contractors' and subcontractors' obligations and potential liability for civil penalties relative to service on public works or state highway projects, and redesignated existing Subsec. (b) as Subsec. (c), making technical changes therein.

Cited. 223 C. 573.

Sec. 31-53b. Worker training requirements for public works projects.  
Enforcement. Regulations. Exceptions. (a) Each contract for a public works project entered into on or after July 1, 2009, by the state or any of its agents, or by any political
subdivision of the state or any of its agents, described in subsection (h) of section 31-53, shall contain a provision requiring that each contractor furnish proof with the weekly certified payroll form for the first week each employee begins work on such project that any person performing the work of a mechanic, laborer or worker pursuant to the classifications of labor under section 31-53 on such public works project, pursuant to such contract, has completed a course of at least ten hours in duration in construction safety and health approved by the federal Occupational Safety and Health Administration or, has completed a new miner training program approved by the Federal Mine Safety and Health Administration in accordance with 30 CFR 46 or, in the case of telecommunications employees, has completed at least ten hours of training in accordance with 29 CFR 1910.268, and, on or after July 1, 2012, that any plumber or electrician subject to the continuing education requirements of section 20-334d, who has completed a course of at least ten hours in duration in construction safety and health approved by the federal Occupational Safety and Health Administration five or more years prior to the date such electrician or plumber begins work on such public works project, has completed a supplemental refresher training course of at least four hours in duration in construction safety and health taught by a federal Occupational Safety and Health Administration authorized trainer.

   (b) Any person required to complete a course or program under subsection (a) of this section who has not completed the course or program shall be subject to removal from the worksite if the person does not provide documentation of having completed such course or program by the fifteenth day after the date the person is found to be in noncompliance. The Labor Commissioner or said commissioner's designee shall enforce this section.

   (c) Not later than January 1, 2012, the Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of subsections (a) and (b) of this section. Such regulations shall require that the ten-hour construction safety and health courses required under subsection (a) of this section be conducted in accordance with federal Occupational Safety and Health Administration Training Institute standards, or, in the case of a supplemental refresher training course, shall include, but not be limited to, an update of revised Occupational Safety and Health Administration standards and a review of required construction hazards training, or in accordance with Federal Mine Safety and Health Administration Standards or in accordance with 29 CFR 1910.268, as appropriate. The Labor Commissioner shall accept as sufficient proof of compliance with the provisions of subsection (a) or (b) of this section a student course completion card issued by the federal Occupational Safety and Health Administration Training Institute, or such other proof of compliance said commissioner deems appropriate, dated no earlier than five years before the commencement date of such public works project or, in the case of supplemental refresher training, a student course completion card issued by said Occupational Safety and Health Administration authorized trainer dated not earlier than five years prior to the date such electrician or plumber begins work on such public works project.

   (d) This section shall not apply to employees of public service companies, as defined
in section 16-1, or drivers of commercial motor vehicles driving the vehicle on the public works project and delivering or picking up cargo from public works projects provided they perform no labor relating to the project other than the loading and unloading of their cargo.

(P.A. 06-175, S. 1; P.A. 08-83, S. 1; P.A. 10-47, S. 2; P.A. 11-63, S. 1.)

History: P.A. 08-83 amended Subsec. (a) by making provisions applicable to public works project contracts entered into on or after July 1, 2009, replacing provision re total cost of work with reference to Sec. 31-53(g), requiring proof in certified payroll form that new mechanic, laborer or worker has completed a 10-hour or more construction safety course and adding provision re new miner training program, amended Subsec. (b) by substituting "person" for "employee" and adding "or program", amended Subsec. (c) by adding "or in accordance with Federal Mine Safety and Health Administration Standards" and setting new deadline of January 1, 2009, deleted former Subsec. (d) re "public building", added new Subsec. (d) re exemptions for public service company employees and delivery drivers who perform no labor other than delivery and made conforming and technical changes, effective January 1, 2009; P.A. 10-47 made a technical change in Subsec. (a); P.A. 11-63 amended Subsec. (a) by adding provision re supplemental refresher training course for plumbers and electricians subject to Sec. 20-334d, amended Subsec. (c) by adding provisions re regulations and subject matter of refresher training course and refresher training course student completion cards, and made technical changes, effective July 1, 2011.

Sec. 31-54. Rate of wages for work on state highways. The Labor Commissioner shall hold a hearing at any required time to determine the prevailing rate of wages upon any highway contract within any specified area on an hourly basis and the amount of payment or contributions paid or payable on behalf of each employee to any employee welfare fund, as defined in section 31-53, upon any classifications of skilled, semiskilled and ordinary labor. Said commissioner shall determine the prevailing rate of wages on an hourly basis and the amount of payment or contributions paid or payable on behalf of each employee to any employee welfare fund, as defined in section 31-53, in each locality where any highway or bridge is to be constructed, and the Commissioner of Transportation shall include such rate of wage on an hourly basis and the amount of payment or contributions paid or payable on behalf of each employee to any employee welfare fund, as defined in section 31-53, in each pay day, for each classification of labor in the proposal for the contract and in the contract. The rate and the amount so established shall, at all times, be considered as the minimum rate of wage on an hourly basis and the amount of payment or contributions to an employee welfare fund, or cash in lieu thereof, for the classification for which it was established. Any contractor who pays any person at a lower rate of wage on an hourly basis or the amount of payment or contributions paid or payable on behalf of each employee to any employee welfare fund, as defined in section 31-53, or where he is not obligated by any agreement to make payment or contributions to the employee welfare funds, as defined in section 31-53, and fails to pay the amount of such payment or contributions directly to the employee as a part of his wages each pay day, than that so
established for the classifications of work specified in any such contract shall be fined not
more than two hundred dollars for each offense. The provisions of this section shall apply
only to state highways and bridges on state highways.

2; 1969, P.A. 768, S. 260; P.A. 97-263, S. 17.)

History: 1961 act added establishment of rate on hourly basis and provisions re
employee welfare funds; 1967 act replaced references to Sec. 31-78 with references to
Sec. 31-53; 1969 act replaced highway commissioner with commissioner of
transportation; P.A. 97-263 increased amount of fine from $100 to $200.

See Sec. 7-112 re applicability of this section to construction, remodeling, etc. of
public buildings by political subdivisions of state.

Sec. 31-55. Posting of wage rates by contractors doing state work. Every
contractor or subcontractor performing work for the state subject to the provisions of
section 31-53 or 31-54 shall post the prevailing wages as determined by the Labor
Commissioner in prominent and easily accessible places at the site of work or at such
place or places as are used to pay its employees their wages.

(1955, S. 3020d; P.A. 97-263, S. 16.)

History: P.A. 97-263 incorporated changes to Secs. 31-53 and 31-54 by reference.

Sec. 31-55a. Annual adjustments to wage rates by contractors doing state work.
Each contractor that is awarded a contract on or after October 1, 2002, for (1) the
construction of a state highway or bridge that falls under the provisions of section 31-54,
or (2) the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or
repair of any public works project that falls under the provisions of section 31-53 shall
contact the Labor Commissioner on or before July first of each year, for the duration of
such contract, to ascertain the prevailing rate of wages on an hourly basis and the amount
of payment or contributions paid or payable on behalf of each mechanic, laborer or
worker employed upon the work contracted to be done, and shall make any necessary
adjustments to such prevailing rate of wages and such payment or contributions paid or
payable on behalf of each such employee, effective each July first.

(P.A. 02-69, S. 1.)

Sec. 31-56. Hours of labor on state bridges. Section 31-56 is repealed, effective
October 1, 2008.

31.)
Sec. 31-57. Hours of labor on construction, alteration or repair of public works project. Each contract entered into by the Commissioner of Public Works for the construction, alteration or repair of any public works project shall contain a provision to the effect that no person shall be employed to work or be permitted to work more than eight hours in any day or more than forty hours in any week on any work provided for in such contract. The operation of such limitation of hours of work may be suspended during an emergency, upon the approval of the Commissioner of Public Works.


History: 1963 act substituted "public works project" for "public building" and added reference to alterations; P.A. 77-614 replaced public works commissioner with commissioner of administrative services; P.A. 87-496 replaced administrative services commissioner with public works commissioner.

Sec. 31-57a. Awarding of contracts to National Labor Relations Act violators prohibited. The Labor Commissioner shall, not later than June thirtieth of each year, distribute a list to all departments of the state giving the names of persons or firms that have been found in violation of the National Labor Relations Act, 49 Stat. 449 (1935), 29 USC 151 et seq., by the National Labor Relations Board and by a final decision rendered by a federal court or that have been found in contempt of court by a final decision of a federal court for failure to correct a violation of said National Labor Relations Act, on three or more occasions involving different violations during the five preceding calendar years. Such list shall be compiled from the records of the National Labor Relations Board. No state contract shall be awarded to the persons or firms appearing on such list until three years have elapsed from the first day of July following publication of such list and, during such three-year period no state contract shall be awarded, to any subcontractor or supplier, for merchandise produced or services provided by such persons or firms. This section shall not prohibit any award of a state contract where such award is determined by the Labor Commissioner to be in the best interest of the state or where the Commissioner of Administrative Services certifies to the Labor Commissioner that there is only one source for the merchandise or services for which such contract is to be awarded.

(P.A. 79-390, S. 1, 2.)

Sec. 31-57b. Awarding of contracts to occupational safety and health law violators prohibited. No contract shall be awarded by the state or any of its political subdivisions to any person or firm or any firm, corporation, partnership or association in which such persons or firms have an interest (1) which has been cited for three or more wilful or serious violations of any occupational safety and health act or of any standard, order or regulation promulgated pursuant to such act, during the three-year period preceding the bid, provided such violations were cited in accordance with the provisions of any state occupational safety and health act or the Occupational Safety and Health Act of 1970, and not abated within the time fixed by the citation and such citation has not
been set aside following appeal to the appropriate agency or court having jurisdiction or
(2) which has received one or more criminal convictions related to the injury or death of
any employee in the three-year period preceding the bid. Any person who knowingly
provides false information concerning the information required pursuant to this section
shall be assessed a civil penalty of not less than five hundred dollars nor more than five
thousand dollars and shall be disqualified from bidding on or participating in a contract
with the state or any of its political subdivisions for five years from the date of the final
determination that the information is false. Any political subdivision or any state agency
receiving false information pursuant to this section shall notify the Commissioner of
Administrative Services and, upon receipt of such notice, the commissioner shall conduct
a hearing in accordance with the provisions of chapter 54. Upon a determination that
false information was provided, the commissioner shall impose a civil penalty in
accordance with the provisions of this section. Such civil penalty shall be paid to the
Treasurer or to an official of the political subdivision, as the case may be. Any civil
penalty imposed pursuant to this section may be collected in a civil proceeding by any
official of a political subdivision authorized to institute civil actions or, in the case of the
state, by the attorney general, upon complaint of the Commissioner of Administrative
Services.

(P.A. 89-367, S. 6.)

Sec. 31-57c. Disqualification of certain contractors from bidding on, applying for
or participating in public works contracts with the state: Disqualification by
Commissioner of Construction Services; procedure; causes. Exception permitting
disqualified contractor to participate in contract or subcontract. (a) As used in this
section, the term "contractor" shall mean any person, firm or corporation which has
contracted or seeks to contract with the state, or to participate in such a contract, in
connection with any public works of the state or a political subdivision of the state.

(b) Disqualification of a contractor is a serious action that shall be used only in the
public interest and for the state government's protection and not for purposes of
punishment or in lieu of other applicable enforcement or compliance procedures. The
causes for and consequences of disqualification under this section shall be separate from
and in addition to causes for and consequences of disqualification under sections 4b-95,
31-53a, 31-57a and 31-57b.

(c) The Commissioner of Construction Services may disqualify any contractor, for up
to two years, from bidding on, applying for, or participating as a subcontractor under,
contracts with the state, acting through any of its departments, commissions or other
agencies, except the Department of Administrative Services, the Department of
Transportation and the constituent units of the state system of higher education, for one
or more causes set forth under subsection (d) of this section. The commissioner may
initiate a disqualification proceeding only after consulting with the contract awarding
agency, if any, and the Attorney General and shall provide notice and an opportunity for
a hearing to the contractor who is the subject of the proceeding. The hearing shall be
conducted in accordance with the contested case procedures set forth in chapter 54. The
commissioner shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the commissioner shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The commissioner shall send the decision to the contractor by certified mail, return receipt requested. The written decision shall be a final decision for the purposes of sections 4-180 and 4-183.

(d) Causes for disqualification from bidding on, or participating in, contracts shall include the following:

(1) Conviction or entry of a plea of guilty or nolo contendere for or admission to commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(2) Conviction or entry of a plea of guilty or nolo contendere or admission to the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a state contractor;

(3) Conviction or entry of a plea of guilty or nolo contendere or admission to a violation of any state or federal antitrust, collusion or conspiracy law arising out of the submission of bids or proposals on a public or private contract or subcontract;

(4) A wilfull failure to perform in accordance with the terms of one or more public contracts, agreements or transactions;

(5) A history of failure to perform or of unsatisfactory performance of one or more public contracts, agreements or transactions; or

(6) A wilfull violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction.

(e) For purposes of a disqualification proceeding under this section, conduct may be imputed as follows:

(1) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor and the contractor knew of or had reason to know of such conduct. The term "other seriously improper conduct" shall not include advice from an attorney, accountant or other paid consultant if
it was reasonable for the contractor to rely on such advice.

(2) The fraudulent, criminal or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of or had reason to know of the contractor's conduct.

(3) The fraudulent, criminal or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement and these contractors knew of or had reason to know of such conduct.

(f) The commissioner may reduce the period or extent of disqualification, upon the contractor's request, supported by documentation, for the following reasons:

(1) Newly discovered material evidence;

(2) Reversal of the conviction upon which the disqualification was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the disqualification was imposed; or

(5) Other reasons the commissioner deems appropriate.

(g) The commissioner may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination by the head of the contract awarding agency that there is good cause, in the interest of the public, for such action.

(P.A. 93-220, S. 1, 3; P.A. 11-51, S. 71.)

History: P.A. 93-220 effective July 2, 1993; (Revisor's note: In 1997 references in Subsec. (e) and Subsec. (e)(2) to "inputed" were changed editorially by the Revisors to "imputed"); P.A. 11-51 amended Subsec. (c) to replace "Commissioner of Public Works" with "Commissioner of Construction Services", effective July 1, 2011.

Sec. 31-57d. Disqualification of certain contractors from bidding on, applying for or participating in public works contracts with the state: Disqualification by Commissioner of Transportation; procedure; causes. Exception permitting disqualified contractor to participate in contract or subcontract. (a) As used in this section, the term "contractor" shall mean any person, firm or corporation which has contracted or seeks to contract with the state, or to participate in such a contract, in connection with any public works of the state or a political subdivision of the state.
(b) Disqualification of a contractor is a serious action that shall be used only in the public interest and for the state government's protection and not for purposes of punishment or in lieu of other applicable enforcement or compliance procedures. The causes for and consequences of disqualification under this section shall be separate from and in addition to causes for and consequences of disqualification under sections 4b-95, 31-53a, 31-57a and 31-57b.

(c) The Commissioner of Transportation may disqualify any contractor, for up to two years, from bidding on, applying for, or participating as a subcontractor under, contracts with the state, acting through the Department of Transportation, for one or more causes set forth under subsection (d) of this section. The commissioner may initiate a disqualification proceeding only after consulting with the Attorney General and shall provide notice and an opportunity for a hearing to the contractor who is the subject of the proceeding. The hearing shall be conducted in accordance with the contested case procedures set forth in chapter 54. The commissioner shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification does not require that the contractor be disqualified. In determining whether to disqualify a contractor, the commissioner shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The commissioner shall send the decision to the contractor by certified mail, return receipt requested. The written decision shall be a final decision for the purposes of sections 4-180 and 4-183.

(d) Causes for disqualification from bidding on, or participating in, contracts shall include the following:

(1) Conviction or entry of a plea of guilty or nolo contendere for or admission to commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract;

(2) Conviction or entry of a plea of guilty or nolo contendere or admission to the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty which affects responsibility as a state contractor;

(3) Conviction or entry of a plea of guilty or nolo contendere or admission to a violation of any state or federal antitrust, collusion or conspiracy law arising out of the submission of bids or proposals on a public or private contract or subcontract;

(4) A willful failure to perform in accordance with the terms of one or more public contracts, agreements or transactions;

(5) A history of failure to perform or of unsatisfactory performance of one or more
public contracts, agreements or transactions; or

(6) A wilfull violation of a statutory or regulatory provision or requirement applicable to a public contract, agreement or transaction.

(e) For purposes of a disqualification proceeding under this section, conduct may be imputed as follows:

(1) The fraudulent, criminal or other seriously improper conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor may be imputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor and the contractor knew of or had reason to know of such conduct. The term "other seriously improper conduct" shall not include advice from an attorney, accountant or other paid consultant if it was reasonable for the contractor to rely on such advice.

(2) The fraudulent, criminal or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of or had reason to know of the contractor's conduct.

(3) The fraudulent, criminal or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement and these contractors knew of or had reason to know of such conduct.

(f) The commissioner may reduce the period or extent of disqualification, upon the contractor's request, supported by documentation, for the following reasons:

(1) Newly discovered material evidence;

(2) Reversal of the conviction upon which the disqualification was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the disqualification was imposed; or

(5) Other reasons the commissioner deems appropriate.

(g) The commissioner may grant an exception permitting a disqualified contractor to participate in a particular contract or subcontract upon a written determination that there is good cause, in the interest of the public, for such action.

(P.A. 93-220, S. 2, 3.)
Sec. 31-57e. Contracts between the state and federally recognized Indian tribes. Employment Rights Code; protection of persons employed by a tribe. (a) As used in this section:

(1) "Commercial enterprise" means any form of commercial conduct or a particular commercial transaction or act, including the operation of a casino, which relates to or is connected with any profit-making pursuit;

(2) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection in connection with employment;

(3) "Tribe" means any federally recognized Indian tribe which is subject to the Indian Gaming Regulatory Act, P.L. 100-497, 25 USC 2701 et seq.

(b) The state shall not provide any funds or services which directly or indirectly assist any tribe engaged in a commercial enterprise until the tribe adopts an Employment Rights Code established pursuant to subsection (e) of this section, unless such funds or services are (1) required by federal or state law, (2) were agreed to in writing prior to July 1, 1993, or (3) are provided to a project which is covered by federal or state employment regulations or employment rights laws. This subsection shall not be construed to prohibit the state from enforcing any civil or criminal law, or any gaming regulation at a commercial enterprise owned or operated by a tribe, or to require the state to enforce a violation of any criminal law which would not be a violation if it occurred outside tribal land. The Governor, upon consulting with the leaders of the General Assembly, may waive the restrictions set forth in this subsection in the event of a declared emergency.

(c) The state shall oppose any application by a tribe, pursuant to 25 CFR chapter 151, to convert any parcel of fee interest land to federal trust status. The conversion shall be deemed contrary to the interest of the state and its residents.

(d) The Governor shall include in each future proposal by the state in negotiations conducted pursuant to the Indian Gaming Regulatory Act, a provision requiring the adoption of an Employment Rights Code established pursuant to subsection (e) of this section. The Governor shall employ his best efforts to ensure that any final agreement, compact or contract established under the Indian Gaming Regulatory Act includes an Employment Rights Code in accordance with subsection (e) of this section.

(e) The Employment Rights Code referred to under this section shall include the following provisions:

(1) A commercial enterprise subject to tribal jurisdiction shall not, except in the case
of a bona fide occupational qualification or need, refuse to hire or employ or bar or discharge from employment any individual or discriminate against him in compensation or in terms, conditions or privileges of employment because of the individual's race, color, religious creed, sex, gender identity or expression, marital status, national origin, ancestry, age, present or past history of mental disorder, mental retardation, sexual orientation, learning or physical disability, political activity, union activity or the exercise of rights protected by the United States Constitution. This subdivision shall not be construed to restrict the right of a tribe to give preference in hiring to members of the tribe.

(2) A commercial enterprise subject to tribal jurisdiction shall not deny any individual, including a representative of a labor organization, seeking to ensure compliance with this section, access to employees of the tribe's commercial enterprise during nonwork time in nonwork areas. The tribe shall not permit any supervisor, manager or other agent of the tribe to restrict or otherwise interfere with such access.

(3) When a labor organization claims that it has been designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, the labor organization may apply to an arbitrator to verify the claim pursuant to subdivision (4) of this subsection. If the arbitrator verifies that the labor organization has been designated or selected as the bargaining representative by a majority of the employees in an appropriate unit, the tribe shall, upon request, recognize the labor organization as the exclusive bargaining agent and bargain in good faith with the labor organization in an effort to reach a collective bargaining agreement. However, the arbitrator shall disallow any claim by a labor organization which is dominated or controlled by the tribe.

(4) (A) Any individual or organization claiming to be injured by a violation of any provision of this subsection shall have the right to seek binding arbitration under the rules of the American Arbitration Association. Such individual or organization shall file a demand for arbitration with the tribe not later than one hundred eighty days after the employee or labor organization knows or should know of the tribe's violation of any provision of this subsection. The demand shall state, in plain language, the facts giving rise to the demand.

(B) The demand for arbitration shall also be served upon the Connecticut office of the American Arbitration Association. Absent settlement, a hearing shall be held in accordance with the rules and procedures of the American Arbitration Association. The costs and fees of the arbitrator shall be shared equally by the tribe and the labor organization.

(C) The decision of the arbitrator shall be final and binding on both parties and shall be subject to judicial review and enforcement against all parties in the manner prescribed by chapter 909.

(5) A tribe shall not retaliate against any individual who exercises any right under the
Employment Rights Code. Any individual or organization claiming to be injured by a violation of the provisions of this section shall have the right to seek binding arbitration pursuant to subdivision (4) of this subsection.

(f) Notwithstanding the provisions of this section, the Governor may negotiate an agreement with a tribe which establishes rights for employees of commercial enterprises subject to tribal jurisdiction in addition to those provided under the Employment Rights Code established under subsection (e) of this section.

(P.A. 93-365, S. 1-6; P.A. 11-55, S. 16.)

History: P.A. 93-365 effective July 1, 1993; P.A. 11-55 amended Subsec. (e)(1) to prohibit discrimination on basis of gender identity or expression.

Sec. 31-57f. Standard wage rate for certain service workers. Definitions.
Standard rate required. Civil penalty. Complaints. Determination of standard rate by Labor Commissioner. Effect on employers bound by collective bargaining agreements. Recordkeeping requirement. Penalty for filing false certified payroll. Exemptions. Regulations. (a) As used in this section: (1) "Required employer" means any provider of food, building, property or equipment services or maintenance listed in this subdivision whose rate of reimbursement or compensation is determined by contract or agreement with the state or any state agent: (A) Building, property or equipment service companies; (B) management companies providing property management services; and (C) companies providing food preparation or service, or both; (2) "state agent" means any state official, state employee or other person authorized to enter into a contract or agreement on behalf of the state; (3) "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or organized groups of persons; (4) "building, property or equipment service" means any janitorial, cleaning, maintenance or related service; (5) "prevailing rate of wages" means the hourly wages paid for work performed within the city of Hartford under the collective bargaining agreement covering the largest number of hourly nonsupervisory employees employed within Hartford County in each classification established by the Labor Commissioner under subsection (e) of this section, provided the collective bargaining agreement covers no less than five hundred employees in the classification; (6) "prevailing rate of benefits" means the total cost to the employer on an hourly basis for work performed within the city of Hartford, under a collective bargaining agreement that establishes the prevailing rate of wages, of providing health, welfare and retirement benefits, including, but not limited to, (A) medical, surgical or hospital care benefits; (B) disability or death benefits; (C) benefits in the event of unemployment; (D) pension benefits; (E) vacation, holiday and personal leave; (F) training benefits; and (G) legal service benefits, and may include payment made directly to employees, payments to purchase insurance and the amount of payment or contributions paid or payable by the employer on behalf of each employee to any employee benefit fund; (7) "employee benefit fund" means any trust fund established by one or more employers and one or more other third parties not affiliated with such employers to provide, whether through the purchase of insurance or annuity contracts or
otherwise, benefits under an employee health, welfare or retirement plan, but does not
include any such fund where the trustee or trustees are subject to supervision by the
Banking Commissioner of this state or of any other state, or the Comptroller of the
Currency of the United States or the Board of Governors of the Federal Reserve System;
and (8) "benefits under an employee health, welfare or retirement plan" means one or
more benefits or services under any plan established or maintained for employees or their
families or dependents, or for both, including, but not limited to, medical, surgical or
hospital care benefits, benefits in the event of sickness, accident, disability or death,
benefits in the event of unemployment, retirement benefits, vacation and paid holiday
benefits, legal service benefits or training benefits.

(b) On and after July 1, 2000, the wages paid on an hourly basis to any employee of a
required employer in the provision of food, building, property or equipment services
provided to the state pursuant to a contract or agreement with the state or any state agent,
shall be at a rate not less than the standard rate determined by the Labor Commissioner
pursuant to subsection (g) of this section.

(c) Any required employer or agent of such employer that violates subsection (b) of
this section shall pay a civil penalty in an amount not less than two thousand five hundred
dollars but not more than five thousand dollars for each offense. The contracting
department of the state that has imposed such civil penalty on the required employer or
agent of such employer shall, within two days after taking such action, notify the Labor
Commissioner, in writing, of the name of the employer or agent involved, the violations
involved and steps taken to collect the fine.

(d) The Labor Commissioner may make complaint to the proper prosecuting
authorities for the violation of any provision of subsection (b) of this section.

(e) For the purpose of predetermining the standard rate of covered wages on an hourly
basis, the Labor Commissioner shall establish classifications for all hourly
nonsupervisory employees based on the applicable occupation codes and titles set forth in
the federal Register of Wage Determinations under the Service Contract Act of 1965, 41
USC 351, et seq., provided the Labor Commissioner shall classify any individual
employed on or before July 1, 2009, as a grounds maintenance laborer or laborer as a
janitor, and shall classify any individual hired after July 1, 2009, performing the duty of
grounds maintenance laborer, laborer or janitor as a light cleaner, heavy cleaner, furniture
handler or window cleaner, as appropriate. The Labor Commissioner shall then determine
the standard rate of wages for each classification of hourly nonsupervisory employees
which shall be (1) the prevailing rate of wages paid to employees in each classification,
or if there is no such prevailing rate of wages, the minimum hourly wages set forth in the
federal Register of Wage Determinations under the Service Contract Act, plus (2) the
prevailing rate of benefits paid to employees in each classification, or if there is no such
prevailing rate of benefits, a thirty per cent surcharge on the amount determined in
subdivision (1) of this subsection to cover the cost of any health, welfare and retirement
benefits or, if no such benefits are provided to the employees, an amount equal to thirty
per cent of the amount determined in subdivision (1) of this section, which shall be paid
directly to the employees. The standard rate of wages for any employee entitled to receive such rate on or before July 1, 2009, shall not be less than the minimum hourly wage for the classification set forth in the federal Register of Wage Determinations under the Service Contract Act plus the prevailing rate of benefits for such classification for as long as that employee continues to work for a required employer.

(f) Required employers with employees covered by collective bargaining agreements which call for wages and benefits that are reasonably related to the standard rate of wages shall not be economically disadvantaged in the bidding process, provided the collective bargaining agreement was arrived at through arms-length negotiations.

(g) The Labor Commissioner shall, in accordance with subsection (e) of this section, determine the standard rate of wages for each classification on an hourly basis where any covered services are to be provided, and the state agent empowered to let such contract shall contact the Labor Commissioner at least ten days prior to the date such contract will be advertised for bid, to ascertain the standard rate of wages and shall include the standard rate of wages on an hourly basis for all classifications of employment in the proposal for the contract. The standard rate of wages on an hourly basis shall, at all times, be considered the minimum rate for the classification for which it was established.

(h) Where a required employer is awarded a contract to perform services that are substantially the same as services that have been rendered under a predecessor contract, such required employer shall retain, for a period of ninety days, all employees who had been employed by the predecessor to perform services under such predecessor contract, except that the successor contract need not retain employees who worked less than fifteen hours per week or who had been employed at the site for less than sixty days. During such ninety-day period, the successor contract shall not discharge without just cause an employee retained pursuant to this subsection. If the performance of an employee retained pursuant to this subsection or section 4a-82 is satisfactory during the ninety-day period, the successor contractor shall offer the employee continued employment for the duration of the successor contract under the terms and conditions established by the successor contractor, or as required by law. The provisions of this subsection shall not apply to any contract covered by section 31-57g or subsections (o) and (p) of section 4a-82.

(i) Each required employer subject to the provisions of this section shall (1) keep, maintain and preserve such records relating to the wages and hours worked by each employee and a schedule of the occupation or work classification at which each person is employed during each work day and week in such manner and form as the Labor Commissioner establishes to assure the proper payments due to such employees, and (2) annually or upon written request, submit to the contracting state agent a certified payroll which shall consist of a complete copy of such records accompanied by a statement signed by the employer which indicates that (A) such records are correct, (B) the rate of wages paid to each employee is not less than the standard rate of wages required by this section, (C) such employer has complied with the provisions of this section, and (D) such employer is aware that filing a certified payroll which it knows to be false is a class D
felony for which such employer may be fined not more than five thousand dollars or imprisoned not more than five years, or both. Notwithstanding the provisions of section 1-210, the certified payroll shall be considered a public record and every person shall have the right to inspect and copy such record in accordance with the provisions of section 1-212. The provisions of subsections (a) and (b) of section 31-59, section 31-66 and section 31-69 which are not inconsistent with the provisions of this section shall apply. Any person who files a false certified payroll in violation of subdivision (2) of this subsection shall be guilty of a class D felony for which such person may be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(j) This section shall not apply to contracts, agreements or grants which do not exceed forty-nine thousand nine hundred ninety-nine dollars per annum.

(k) On receipt of a complaint for nonpayment of the standard rate of wages, the Labor Commissioner, the Director of Wage and Workplace Standards and wage enforcement agents of the Labor Department shall have power to enter, during usual business hours, the place of business or employment of any employer to determine compliance with this section, and for such purpose may examine payroll and other records and interview employees, call hearings, administer oaths, take testimony under oath and take depositions in the manner provided by sections 52-148a to 52-148e, inclusive. The commissioner or the director, for such purpose, may issue subpoenas for the attendance of witnesses and the production of books and records. Any required employer, an officer or agent of such employer, or the officer or agent of any corporation, firm or partnership who wilfully fails to furnish time and wage records as required by law to the commissioner, the director or any wage enforcement agent upon request or who refuses to admit the commissioner, the director or such agent to a place of employment or who hinders or delays the commissioner, the director or such agent in the performance of any duties in the enforcement of this section shall be fined not less than twenty-five dollars nor more than one hundred dollars, and each day of such failure to furnish time and wage records to the commissioner, the director or such agent shall constitute a separate offense, and each day of refusal of admittance, of hindering or of delaying the commissioner, the director or such agent shall constitute a separate offense.

(l) Notwithstanding subsection (j) of this section, any employer that pays the state for a franchise to provide food preparation or service, or both, for the state shall be required to certify that the wages and benefits paid to its employees are not less than the standard rate established pursuant to this section, provided, if no prevailing rate of wages or benefits was in effect at the time the state entered into a franchise agreement, then the employer shall not be required to pay the prevailing rate of wages or benefits during the life of the agreement, unless the agreement is amended, extended or renewed.

(m) The Labor Commissioner may adopt regulations, in accordance with chapter 54, to carry out the provisions of this section.

(n) The provisions of this section and any regulation adopted pursuant to subsection (m) of this section shall not apply to any contract or agreement entered into before July 1,
Sec. 31-57g. Employment protection for displaced service contract workers at Bradley International Airport. Definitions. Obligations of awarding authority and contractors upon termination of service contract; ninety-day retention requirement; required offer of continued employment. Civil action for damages. Penalty for violations. (a)(1) "Awarding authority" means any person, including a contractor or subcontractor, that awards or otherwise enters into a contract to perform food and beverage services at Bradley International Airport.

(2) "Contractor" means any person that enters into a service contract with the awarding authority and any subcontractors to such service contract at any tier who employs ten or more persons.

(3) "Employee" means any person engaged to perform services pursuant to a service contract, but does not include a person who is (A) a managerial, supervisory or confidential employee, including any person who would be so defined under the federal Fair Labor Standards Act, or (B) employed for less than fifteen hours per week.

(4) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust association or other entity that may employ or enter into other contracts, including the state and its political subdivisions.

(5) "Service contract" means a contract for the performance of food and beverage services at Bradley International Airport, let by the awarding authority (A) after July 1, 2001, and before July 1, 2002, provided the successor contractor had actual knowledge of the pendency in the General Assembly of proposed legislation with content similar to this section, or (B) on or after July 1, 2002.
(6) "Successor service contract" means a service contract with the awarding authority under which substantially the same services to be performed have previously been rendered to the awarding authority as part of the same program or at the same facility under another service contract or have previously been rendered by the awarding authority's own employees.

(7) "Terminated contractor" means a contractor whose service contract expires without renewal or whose contract is terminated, and includes the awarding authority itself when work previously rendered by the awarding authority's own employees is the subject of a successor service contract.

(b) Each contractor and awarding authority that enters into a service contract to be performed at Bradley International Airport shall be subject to the following obligations:

(1) The awarding authority shall give advance notice to a contractor and the exclusive bargaining representative of any of the contractor's employees, of the termination or nonrenewal of such service contract and shall provide the contractor and the exclusive bargaining representative with the name, telephone number and address of the successor contractor or contractors, if known. The terminated contractor shall, not later than three days after receipt of such notice, provide the successor contractor with the name, date of hire and employment occupation classification of each person employed by the terminated contractor at the site or sites covered by the service contract as of the date the terminated contractor receives the notice of termination or nonrenewal.

(2) On the date the service contract terminates, the terminated contractor shall provide the successor contractor with updated information concerning the name, date of hire and employment occupation classification of each person employed by the terminated contractor at the site or sites covered by the service contract, to ensure that such information is current up to the actual date of service contract termination.

(3) If the awarding authority fails to notify the terminated contractor of the identity of the successor contractor, as required by subdivision (1) of this subsection, the terminated contractor shall provide the information described in subdivision (2) of this subsection to the awarding authority not later than three days after receiving notice that the service contract will be terminated. The awarding authority shall be responsible for providing such information to the successor contractor as soon as the successor contractor has been selected.

(4) (A) Except as provided in subparagraph (D) of this subdivision, a successor contractor shall retain, for at least ninety days from the date of first performance of services under the successor service contract, all of the employees who were continuously employed by the terminated contractor at the site or sites covered by the service contract during the six-month period immediately preceding the termination or nonrenewal of such service contract, including any periods of layoff or leave with recall rights.
(B) Except as provided in subparagraph (D) of this subdivision, if the successor service contract is terminated prior to the expiration of such ninety-day period, then any contractor awarded a subsequent successor service contract shall be bound by the requirements set forth in this subsection to retain, for a new ninety-day period commencing with the onset of the subsequent successor service contract, all of the employees who were previously employed by any one or more of the terminated contractors at the site or sites covered by the service contract continuously during the six-month period immediately preceding the date of the most recently terminated service contract, including any periods of layoff or leave with recall rights.

(C) At least five days prior to the termination of a service contract, or at least fifteen days prior to the commencement of the first performance of service under a successor service contract, whichever is later, the successor contractor shall hand-deliver a written offer of employment in substantially the form set forth below to each such employee in such employee’s native language or any other language in which such employee is fluent:

"IMPORTANT INFORMATION REGARDING YOUR EMPLOYMENT

To: ....(Name of employee)

We have received information that you are employed by .... (name of predecessor contractor) and are currently performing work at .... (address of worksite) .... (name of predecessor contractor's) contract to perform .... (describe services under contract) at .... (address of worksite) will terminate as of .... (last day of predecessor contract) and it will no longer be providing those services as of that date.

We are .... (name of successor contractor) and have been hired to provide services similar to those of .... (name of predecessor contractor) at .... (address of worksite). We are offering you a job with us for a ninety-day probationary period starting .... (first day of successor contract) to perform the same type of work that you have already been doing for .... (name of predecessor contractor) under the following terms:

Payrate (per hour): $....
Hours per shift: ....
Total hours per week: ....
Benefits: ....

You must respond to this offer within the next ten days. If you want to continue working at .... (address of worksite) you must let us know by .... (no later than ten days after the date of this letter). If we do not receive your response by the end of business that day, we will not hire you and you will lose your job. We can be reached at .... (successor contractor telephone number).

Connecticut state law gives you the following rights:
1. You have the right with certain exceptions, to be hired by our company for the first ninety days that we begin to provide services at .... (address of worksite).

2. During this ninety-day period, you cannot be fired without just cause.

3. If you believe that you have been fired or laid off in violation of this law, you have the right to sue us and be awarded back pay, attorneys' fees and court costs.

   From: .... (Name of successor contractor)
   .... (Address of successor contractor)
   .... (Telephone number of successor contractor)

Each offer of employment shall state the time within which such employee must accept such offer but in no case shall that time be less than ten days from the date of the offer of employment.

(D) The provisions of subparagraphs (A) and (B) of this subdivision shall not be construed to require a successor contractor to retain any employee whose attendance and performance records, while working under the terminated service contract, would lead a reasonably prudent employer to terminate the employee.

(5) If at any time a successor contractor determines that fewer employees are required to perform the successor service contract than were required by the terminated contractor, the successor contractor shall be required to retain such employees by seniority within each job classification, based upon the employees' total length of service at the affected site or sites.

(6) During such ninety-day period, the successor contractor shall maintain a preferential hiring list of employees eligible for retention pursuant to subdivision (4) of this subsection, who were not initially retained by the successor contractor, from which the successor contractor shall hire additional employees, if necessary.

(7) Except as provided under subdivision (5) of this subsection, during such ninety-day period, the successor contractor shall not discharge without just cause an employee retained pursuant to this section. For purposes of this subdivision, "just cause" shall be determined solely by the performance or conduct of the particular employee.

(8) If the performance of an employee retained pursuant to this section is satisfactory during the ninety-day period, the successor contractor shall offer the employee continued employment under the terms and conditions established by the successor contractor, or as required by law.

(c) (1) An employee displaced or terminated in violation of this section, or such employee's collective bargaining representative, may bring an action in Superior Court
against the awarding authority, the terminated contractor or the successor contractor, jointly or severally, to recover damages for any violation of the obligations imposed under this section.

(2) If the employee prevails in such action, the court may award the employee (A) back pay, including the value of benefits, for each day during which the violation continues, that shall be calculated at a rate of compensation not less than the higher of (i) the average regular rate of pay received by the employee during the last year of employment in the same job occupation classification, or, if the employee has been employed for less than one year, the average rate of pay for the employee's entire employment multiplied by the average number of hours worked per day over the last four months of employment preceding the date of the violation, or (ii) the final regular rate of pay received by the employee at the date of termination multiplied by the average number of hours worked per day over the last four months, and (B) reinstatement to the employee's former position at not less than the most recent rate of compensation received by the employee, including the value of any benefits.

(3) If the employee prevails in such action, the court shall award the employee reasonable attorney fees and costs.

(4) Nothing in this subsection shall be construed to limit an employee's right to bring a common law cause of action for wrongful termination against the awarding authority, the terminated contractor or the successor contractor.

(d) Any awarding authority or contractor who knowingly violates the provisions of this section shall pay a penalty not to exceed one hundred dollars per employee for each day the violation continues.

(P.A. 02-134, S. 1; P.A. 03-278, S. 90; P.A. 06-129, S. 8.)

History: P.A. 02-134 effective July 1, 2002; P.A. 03-278 made a technical change in Subsec. (a)(1) and (2), effective July 9, 2003; P.A. 06-129 amended Subsec. (c) to provide right of employee's collective bargaining representative to bring civil action for damages.

Sec. 31-57h. Joint enforcement commission on employee misclassification. Members. Duties. Report.

(a) There is established a joint enforcement commission on employee misclassification. The commission shall consist of the Labor Commissioner, the Commissioner of Revenue Services, the chairperson of the Workers' Compensation Commission, the Attorney General and the Chief State's Attorney, or their designees.

(b) The joint enforcement commission on employee misclassification shall meet not less than four times each year. The task force shall review the problem of employee misclassification by employers for the purposes of avoiding their obligations under state and federal labor, employment and tax laws. The commission shall coordinate the civil prosecution of violations of state and federal laws as a result of employee
misclassification and shall report any suspected violation of state criminal statutes to the
Chief State's Attorney or the State's Attorney serving the district in which the violation is
alleged to have occurred.

(c) On or before February 1, 2010, and annually thereafter, the commission shall
report, in accordance with section 11-4a, to the Governor and the joint standing
committee of the General Assembly having cognizance of matters relating to labor. The
report shall summarize the commission's actions for the preceding calendar year and
include any recommendations for administrative or legislative action.

(P.A. 08-105, S. 9; 08-156, S. 1.)

History: P.A. 08-105 and 08-156 effective July 1, 2008.

Sec. 31-57i. Employee Misclassification Advisory Board. Members. Duties. There
is established the Employee Misclassification Advisory Board to advise the joint
enforcement commission on employee misclassification established pursuant to section
31-57h on misclassification in the construction industry in this state. The advisory board
shall consist of members representing management and labor in the construction industry
and shall be appointed as follows: One member representing labor and one member
representing management, appointed by the Governor; one member representing labor,
appointed by the speaker of the House of Representatives; one member representing
management, appointed by the minority leader of the House of Representatives; one
member representing management, appointed by the president pro tempore of the Senate
and one member representing labor, appointed by the minority leader of the Senate. All
appointments shall be made by August 1, 2008. The terms of members shall be
coterminous with the terms of the appointing authority for each member and any vacancy
shall be filled by the appointing authority. Members of the advisory board shall serve
without compensation but shall, within available funds, be reimbursed for expenses
necessarily incurred in the performance of their duties.

(P.A. 08-156, S. 2.)

History: P.A. 08-156 effective July 1, 2008.

PART IV
GENERAL PROVISIONS

Sec. 31-57r. Definitions. As used in this section and sections 31-57s to 31-57w,
inclusive:

(1) "Child" means a biological, adopted or foster child, stepchild, legal ward of a
service worker, or a child of a service worker standing in loco parentis, who is (A) under
eighteen years of age; or (B) eighteen years of age or older and incapable of self-care
because of a mental or physical disability;

(2) "Day or temporary worker" means an individual who performs work for another on (A) a per diem basis, or (B) an occasional or irregular basis for only the time required to complete such work, whether such individual is paid by the person for whom such work is performed or by an employment agency or temporary help service, as defined in section 31-129;

(3) "Employee" means an individual engaged in service to an employer in the business of the employer;

(4) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company or other entity that employs fifty or more individuals in the state in any one quarter in the previous year, which shall be determined on January first, annually. Such determination shall be made based upon the wage information submitted to the Labor Commissioner by the employer pursuant to subsection (j) of section 31-225a. "Employer" does not include: (A) Any business establishment classified in sector 31, 32 or 33 in the North American Industrial Classification System, or (B) any nationally chartered organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, that provides all of the following services: Recreation, child care and education;

(5) "Family violence" has the same meaning as provided in section 46b-38a;

(6) "Retaliatory personnel action" means any termination, suspension, constructive discharge, demotion, unfavorable reassignment, refusal to promote, disciplinary action or other adverse employment action taken by an employer against an employee or a service worker;

(7) "Service worker" means an employee primarily engaged in an occupation with one of the following broad or detailed occupation code numbers and titles, as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system or any successor system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and Human Service Assistants; (E) 21-1094 Community Health Workers; (F) 21-1099 Community and Social Service Specialists, All Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health Practitioner Support Technologists and Technicians; (R) 29-2060 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food
Preparation Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers and Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and Information Processing Workers; (CCC) 43-9030 Desktop Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous Office and Administrative Support Workers; (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers; (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency Medical Technicians; (OOO) 53-3020 Bus Drivers; or (PPP) 53-3040 Taxi Drivers and Chauffeurs, and is (i) paid on an hourly basis, or (ii) not exempt from the minimum wage and overtime compensation requirements of the Fair Labor Standards Act of 1938 and the regulations promulgated thereunder, as amended from time to time. "Service worker" does not include day or temporary workers;

(8) "Sexual assault" means any act that constitutes a violation of section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a; and

(9) "Spouse" means a husband or wife, as the case may be.

(P.A. 11-52, S. 1.)


Sec. 31-57s. Employer requirement to provide sick leave to service workers. Use of leave. Employer compliance. Rate of pay during leave. (a) Each employer shall provide paid sick leave annually to each of such employer's service workers in the state. Such paid sick leave shall accrue (1) beginning January 1, 2012, or for a service worker hired after said date, beginning on the service worker's date of employment, (2) at a rate of one hour of paid sick leave for each forty hours worked by a service worker, and (3) in one-hour increments up to a maximum of forty hours per calendar year. Each service worker shall be entitled to carry over up to forty unused accrued hours of paid sick leave

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from the current calendar year to the following calendar year, but no service worker shall be entitled to use more than the maximum number of accrued hours, as described in subdivision (3) of this subsection, in any year.

(b) A service worker shall be entitled to the use of accrued paid sick leave upon the completion of the service worker's six-hundred-eightieth hour of employment from January 1, 2012, if the service worker was hired prior to January 1, 2012, or if hired after January 1, 2012, upon the completion of the service worker's six-hundred-eightieth hour of employment from the date of hire, unless the employer agrees to an earlier date. A service worker shall not be entitled to the use of accrued paid sick leave if such service worker did not work an average of ten or more hours a week for the employer in the most recent complete calendar quarter.

(c) An employer shall be deemed to be in compliance with this section if the employer offers any other paid leave, or combination of other paid leave that (1) may be used for the purposes of section 31-57t, and (2) is accrued in total at a rate equal to or greater than the rate described in subsections (a) and (b) of this section. For the purposes of this subsection, "other paid leave" may include, but not be limited to, paid vacation, personal days or paid time off.

(d) Each employer shall pay each service worker for paid sick leave at a pay rate equal to the greater of either (1) the normal hourly wage for that service worker, or (2) the minimum fair wage rate under section 31-58 in effect for the pay period during which the employee used paid sick leave. For any service worker whose hourly wage varies depending on the work performed by the service worker, the "normal hourly wage" shall mean the average hourly wage of the service worker in the pay period prior to the one in which the service worker used paid sick leave.

(e) Notwithstanding the provisions of this section and sections 31-57t to 31-57w, inclusive, and upon the mutual consent of the service worker and employer, a service worker who chooses to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, shall not use accrued paid sick leave.

(P.A. 11-52, S. 2.)


Sec. 31-57t. Permitted uses for sick leave. (a) An employer shall permit a service worker to use the paid sick leave accrued pursuant to section 31-57s:

(1) For (A) a service worker's illness, injury or health condition, (B) the medical diagnosis, care or treatment of a service worker's mental illness or physical illness, injury or health condition, or (C) preventative medical care for a service worker;

(2) For (A) a service worker's child's or spouse's illness, injury or health condition, (B) the medical diagnosis, care or treatment of a service worker's child's or spouse's
mental or physical illness, injury or health condition, or (C) preventative medical care for a child or spouse of a service worker; and

(3) Where a service worker is a victim of family violence or sexual assault (A) for medical care or psychological or other counseling for physical or psychological injury or disability, (B) to obtain services from a victim services organization, (C) to relocate due to such family violence or sexual assault, or (D) to participate in any civil or criminal proceedings related to or resulting from such family violence or sexual assault.

(b) If a service worker's need to use paid sick leave is foreseeable, an employer may require advance notice, not to exceed seven days prior to the date such leave is to begin, of the intention to use such leave. If a service worker's need for such leave is not foreseeable, an employer may require a service worker to give notice of such intention as soon as practicable. For paid sick leave of three or more consecutive days, an employer may require reasonable documentation that such leave is being taken for the purpose permitted under subsection (a) of this section. If such leave is permitted under subdivision (1) or (2) of subsection (a) of this section, documentation signed by a health care provider who is treating the service worker or the service worker's child or spouse indicating the need for the number of days of such leave shall be considered reasonable documentation. If such leave is permitted under subdivision (3) of subsection (a) of this section, a court record or documentation signed by a service worker or volunteer working for a victim services organization, an attorney, a police officer or other counselor involved with the service worker shall be considered reasonable documentation.

(c) Nothing in sections 31-57s to 31-57w, inclusive, shall be deemed to require any employer to provide paid sick leave for a service worker's leave for any purpose other than those described in this section.

(d) Unless an employee policy or collective bargaining agreement provides for the payment of accrued fringe benefits upon termination, no service worker shall be entitled to payment of unused accrued sick leave under this section upon termination of employment.

(e) Nothing in sections 31-57s to 31-57w, inclusive, shall be construed to prohibit an employer from taking disciplinary action against a service worker who uses paid sick leave provided under sections 31-57s to 31-57w, inclusive, for purposes other than those described in this section.

(P.A. 11-52, S. 3.)


Sec. 31-57u. Additional leave. Donation of unused leave. Breaks in service. (a) Nothing in sections 31-57s to 31-57w, inclusive, shall be construed to (1) prevent employers from providing more paid sick leave than is required under sections 31-57s to 31-57w, inclusive, (2) diminish any rights provided to any employee or service worker
under a collective bargaining agreement, or (3) preempt or override the terms of any collective bargaining agreement effective prior to January 1, 2012.

(b) Nothing in sections 31-57s to 31-57w, inclusive, shall be construed to prohibit an employer (1) from establishing a policy whereby a service worker may donate unused accrued paid sick leave to another service worker, and (2) who provides more paid sick leave than is required under sections 31-57s to 31-57w, inclusive, for the purposes described in subdivision (1) of subsection (a) of section 31-57t from limiting the amount of such leave a service worker may use for other purposes.

(c) Any termination of a service worker's employment by an employer, whether voluntary or involuntary, shall be construed as a break in service. Should any service worker subsequently be rehired by the employer following a break in service, the service worker shall (1) begin to accrue sick leave in accordance with section 31-57s, and (2) shall not be entitled to any unused hours of paid sick leave that had been accrued prior to the service worker's break in service unless agreed to by the employer.

(P.A. 11-52, S. 4.)


**Sec. 31-57v. Retaliatory personnel action prohibited. Filing of complaint with Labor Commissioner. Hearing. Penalties.** (a) No employer shall take retaliatory personnel action or discriminate against an employee because the employee (1) requests or uses paid sick leave either in accordance with sections 31-57s and 31-57t or in accordance with the employer's own paid sick leave policy, as the case may be, or (2) files a complaint with the Labor Commissioner alleging the employer's violation of sections 31-57s to 31-57w, inclusive.

(b) The Labor Commissioner shall advise any employee who (1) is covered by a collective bargaining agreement that provides for paid sick days, and (2) files a complaint pursuant to subsection (a) of this section of his or her right to pursue a grievance with his or her collective bargaining agent.

(c) Any employee aggrieved by a violation of the provisions of sections 31-57s to 31-57w, inclusive, may file a complaint with the Labor Commissioner. Upon receipt of any such complaint, said commissioner may hold a hearing. After the hearing, any employer who is found by the Labor Commissioner, by a preponderance of the evidence, to have violated the provisions of subsection (a) of this section shall be liable to the Labor Department for a civil penalty of five hundred dollars for each violation. Any employer who is found by the Labor Commissioner, by a preponderance of the evidence, to have violated the provisions of sections 31-57s to 31-57u, inclusive, or section 31-57w shall be liable to the Labor Department for a civil penalty of up to one hundred dollars for each violation. The Labor Commissioner may award the employee all appropriate relief, including the payment for used paid sick leave, rehiring or reinstatement to the employee's previous job, payment of back wages and reestablishment of employee
benefits to which the employee otherwise would have been eligible if the employee had not been subject to such retaliatory personnel action or discriminated against. Any party aggrieved by the decision of the commissioner may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(d) The Labor Commissioner shall administer this section within available appropriations.

(P.A. 11-52, S. 5.)


**Sec. 31-57w. Notice to service workers of sick leave requirements. Regulations.**
Each employer subject to the provisions of section 31-57s shall, at the time of hiring, provide notice to each service worker (1) of the entitlement to sick leave for service workers, the amount of sick leave provided to service workers and the terms under which sick leave may be used, (2) that retaliation by the employer against the service worker for requesting or using sick leave for which the service worker is eligible is prohibited, and (3) that the service worker has a right to file a complaint with the Labor Commissioner for any violation of this section and of sections 31-57s to 31-57v, inclusive. Employers may comply with the provisions of this section by displaying a poster in a conspicuous place, accessible to service workers, at the employer's place of business that contains the information required by this section in both English and Spanish. The Labor Commissioner may adopt regulations, in accordance with chapter 54, to establish additional requirements concerning the means by which employers shall provide such notice. The Labor Commissioner shall administer this section within available appropriations.

(P.A. 11-52, S. 6.)

CHAPTER 558*
WAGES

*Function of commissioner of labor with respect to this chapter. 129 C. 345. Cited. 160 C. 133.

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PART I*
MINIMUM WAGES

*Minimum wage law should receive liberal construction as regards beneficiaries so it may accomplish its purpose. 147 C. 277. Burden rests on employer to establish that his employees come within exemption. Id. Cited. 223 C. 573.

Sec. 31-58. Definitions. As used in this part:

(a) "Commissioner" means the Labor Commissioner;

(b) "Wage board" means a board created as provided in section 31-61;

(c) "Fair wage" means a wage fairly and reasonably commensurate with the value of a particular service or class of service rendered, and, in establishing a minimum fair wage for such service or class of service under this part, the commissioner and the wage board, without being bound by any technical rules of evidence or procedure, (1) may take into account all relevant circumstances affecting the value of the services rendered, including hours and conditions of employment affecting the health, safety and general well-being of the workers, and (2) may be guided by such considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and (3) may consider the wages, including overtime or premium rates, paid in the state for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards;

(d) "Department" means the Labor Department;

(e) "Employer" means any owner or any person, partnership, corporation, limited liability company or association of persons acting directly as, or on behalf of, or in the
interest of an employer in relation to employees, including the state and any political
subdivision thereof;

(f) "Employee" means any individual employed or permitted to work by an employer
but shall not include any individual employed in camps or resorts which are open no
more than six months of the year or in domestic service in or about a private home,
except any individual in domestic service employment as defined in the regulations of the
federal Fair Labor Standards Act, or an individual employed in a bona fide executive,
administrative or professional capacity as defined in the regulations of the Labor
Commissioner or an individual employed by the federal government, or any individual
engaged in the activities of an educational, charitable, religious, scientific, historical,
literary or nonprofit organization where the employer-employee relationship does not, in
fact, exist or where the services rendered to such organizations are on a voluntary basis,
or any individual employed as a head resident or resident assistant by a college or
university, or any individual engaged in baby sitting, or an outside salesman as defined in
the regulations of the federal Fair Labor Standards Act; or any individual employed by a
nonprofit theater, provided such theater does not operate for more than seven months in
any calendar year;

(g) A resort is defined as an establishment under one management whose principal
function it is to offer lodging by the day, week, month or season, or part thereof, to
vacationers or those in search of recreation;

(h) "Employ" means to employ or suffer to work;

(i) "Wage" means compensation due to an employee by reason of his employment;

(j) "Minimum fair wage" in any industry or occupation in this state means a wage of
not less than six dollars and seventy cents per hour, and effective January 1, 2003, not
less than six dollars and ninety cents per hour, and effective January 1, 2004, not less
than seven dollars and ten cents per hour, and effective January 1, 2006, not less than
seven dollars and forty cents per hour, and effective January 1, 2007, not less than seven
dollars and sixty-five cents per hour, and effective January 1, 2009, not less than eight
dollars per hour, and effective January 1, 2010, not less than eight dollars and twenty-five
cents per hour or one-half of one per cent rounded to the nearest whole cent more than
the highest federal minimum wage, whichever is greater, except as may otherwise be
established in accordance with the provisions of this part. All wage orders in effect on
October 1, 1971, wherein a lower minimum fair wage has been established, are amended
to provide for the payment of the minimum fair wage herein established except as
hereinafter provided. Whenever the highest federal minimum wage is increased, the
minimum fair wage established under this part shall be increased to the amount of said
federal minimum wage plus one-half of one per cent more than said federal rate, rounded
to the nearest whole cent, effective on the same date as the increase in the highest federal
minimum wage, and shall apply to all wage orders and administrative regulations then in
force. The rates for learners, beginners, and persons under the age of eighteen years shall
be not less than eighty-five per cent of the minimum fair wage for the first two hundred
hours of such employment and equal to the minimum fair wage thereafter, except institutional training programs specifically exempted by the commissioner.

(1949 Rev., S. 3786; 1951, S. 2025d; 1957, P.A. 435, S. 1, 2; 1959, P.A. 683, S. 1; 1961, P.A. 519, S. 1, 2; 1963, P.A. 357; 1967, P.A. 484, S. 1; 492, S. 1; 565, S. 1; 1969, P.A. 535; 1971, P.A. 45, S. 1, 85, S. 1; 615, S. 1; 2; 616, S. 1; 1972, P.A. 116, S. 1; P.A. 73-82, S. 3, 4; P.A. 77-154; 77-329; P.A. 78-358, S. 3, 6; P.A. 79-41; P.A. 83-537, S. 1; P.A. 87-366, S. 1; P.A. 93-144, S. 2; P.A. 95-79, S. 114, 189; P.A. 98-44; P.A. 00-144, S. 1; P.A. 02-33, S. 1; P.A. 05-32, S. 1; P.A. 08-92, S. 1; P.A. 10-32, S. 101.)

History: 1959 act added "owner" and "partnership" to Subsec. (e) and the proviso and authority to define executive, etc., capacity by regulation to Subsec. (f); 1961 act added to Subsec. (f) the clause re employees of industry and increased the minimum wage rate provided for by Subsec. (j); 1963 act included beginners in minimum wage provisions of Subsec. (j), specified that $0.95 minimum wage for learners, beginners and persons under eighteen applies for the first 500 hours of employment, set rate at $1.25 thereafter and exempted institutional training programs designated by commissioner from pay provision; 1967 acts redefined "employee" to delete reference to individuals exempt under specified Subdivs. of Fair Labor Standards Act and individuals employed in industries for which wage orders have been established as employees, redefined "minimum fair wage", revising wage amounts and reducing hours at which beginners, etc. are paid a lesser amount from 500 to 200; 1969 act redefined "minimum fair wage" to add provisions pegging increases to increases in federal minimum wage; 1971 acts redefined "employee" to delete exclusion for employees of state, municipalities or political subdivisions and redefined "minimum fair wage" to increase wage amounts, to delete provision re formula for increase in gratuities allowance for restaurant employees and to add provision re fair wage for agricultural employees; 1972 act redefined "employee" to delete exclusion for individuals in manufacturing establishments subject to provisions of Fair Labor Standards Act; P.A. 73-82 redefined "employee" to specifically exclude persons employed in executive, administrative, professional or outside sales capacity; P.A. 77-154 excluded employees of nonprofit theaters which operate less than seven months a year from consideration as employees; P.A. 77-329 qualified exclusion of persons in domestic service from consideration as employees by adding exception and excluded baby-sitters; P.A. 78-358 raised minimum wage, pegged rates to "highest" federal minimum wage, changed basis of wage for beginners, etc. from $1.50 for the first 200 hours and $1.85 thereafter to not less than 85% of basic minimum wage for first 200 hours and equaling basic minimum wage thereafter and deleted provision re minimum wage for agricultural employees; P.A. 79-41 redefined "employer" to include the state and its political subdivisions; P.A. 83-537 amended Subsec. (f) to exempt any individual employed as a head resident or resident assistant at a college or university from the definition of "employee"; P.A. 87-366 amended Subsec. (j) to increase the minimum fair wage to $3.75 on October 1, 1987, and to $4.25 on October 1, 1988; P.A. 93-144 redefined "employee" to delete specific exclusion of persons employed in a bona fide executive, administrative or professional capacity; P.A. 95-79 redefined "employer" to include a limited liability company, effective May 31, 1995; P.A. 98-44 amended Subsec. (j) to increase the minimum fair wage to $5.65 on January 1, 1999, and to $6.15 on
January 1, 2000; P.A. 00-144 amended Subsec. (j) to increase the minimum fair wage to $6.40 on January 1, 2001, and to $6.70 on January 1, 2002; P.A. 02-33 amended Subsec. (j) by deleting prior minimum fair wage amounts and by increasing the minimum fair wage to $6.90 on January 1, 2003, and to $7.10 on January 1, 2004, effective July 1, 2002; P.A. 05-32 amended Subsec. (j) to increase the minimum fair wage to $7.40 on January 1, 2006, and $7.65 on January 1, 2007; P.A. 08-92 amended Subsec. (j) to increase minimum fair wage to $8.00 per hour on January 1, 2009, and to $8.25 per hour on January 1, 2010; P.A. 10-32 made a technical change in Subsec. (e), effective May 10, 2010.

Cited. 219 C. 520.

Subsec. (f):

Authority of labor commissioner to define term "employee" under former statute. 147 C. 277. When one qualifies as an "executive employee". Id. Cited. 160 C. 133. Qualifications for bona fide administrative capacity exclusion discussed. 243 C. 454.

Sec. 31-58a. Minimum wage for minors in government or agricultural employment. Notwithstanding the provisions of subsection (j) of section 31-58, minors between the ages of sixteen and eighteen years who are employees of the state or any political subdivision thereof shall be paid a minimum wage of not less than eighty-five per cent of the minimum fair wage as defined in said subsection, and notwithstanding the provisions of said subsection, minors between the ages of fourteen and eighteen who are agricultural employees shall be paid a minimum wage of not less than eighty-five per cent of the minimum fair wage as defined in said section except agricultural employees between the ages of fourteen and eighteen who are employed by employers who did not, during the preceding calendar year, employ eight or more workers at the same time shall be paid a minimum wage of not less than seventy per cent of the minimum wage as defined in said section 31-58.

(1971, P.A. 85, S. 2; 615, S. 3; P.A. 79-312, S. 1, 2.)

History: P.A. 79-312 added exceptions re payments to agricultural employees between 14 and 18 years old who are employed by employers who did not employ eight or more workers during preceding years.

Sec. 31-59. Investigation. The commissioner or any authorized representative of the commissioner shall have authority: (a) To investigate and ascertain the wages of persons employed in any occupation in the state; (b) to enter the place of business or employment of any employer of persons in any occupation for the purpose of examining and inspecting any and all books, registers, payrolls and other records of any such employer that in any way appertain to or have a bearing upon the question of wages of any such persons and for the purpose of ascertaining whether the provisions of this part and the orders of the commissioner have been and are being complied with; and (c) to require from such employer full and correct statements in writing, when the commissioner or any
authorized representative of the commissioner deems necessary, of the wages paid to all persons in his employment. The commissioner may, on his own motion, and shall, on the petition of fifty or more residents of the state, cause an investigation to be made of the wages being paid to persons in any occupation to ascertain whether any substantial number of persons in such occupation is receiving less than a fair wage. If the commissioner is of the opinion that any substantial number of persons in any occupation or occupations is receiving less than a fair wage, he shall appoint a wage board as provided in section 31-61 to report upon the establishment of minimum fair wage rates of not less than the minimum fair wage as defined in section 31-58 for such persons in such occupation or occupations.


History: 1959 act removed references to establishment of minimum wage for restaurant, hotel, inn and cabin employees and to $1.00 minimum wage, substituting wage as defined in Sec. 31-58.

See Sec. 31-22 re commissioner's duties with respect to enforcement of regulations and reporting of violations.

Cited. 140 C. 73. Cited. 223 C. 573.

Sec. 31-60. Payment of less than minimum or overtime wage. Regulations. (a) Any employer who pays or agrees to pay to an employee less than the minimum fair wage or overtime wage shall be deemed in violation of the provisions of this part.

(b) The Labor Commissioner shall adopt such regulations, in accordance with the provisions of chapter 54, as may be appropriate to carry out the purposes of this part. Such regulations may include, but are not limited to, regulations defining and governing an executive, administrative or professional employee and outside salesperson; learners and apprentices, their number, proportion and length of service; and piece rates in relation to time rates; and shall recognize, as part of the minimum fair wage, gratuities in an amount (1) equal to twenty-nine and three-tenths per cent, and effective January 1, 2009, equal to thirty-one per cent of the minimum fair wage per hour for persons, other than bartenders, who are employed in the hotel and restaurant industry, including a hotel restaurant, who customarily and regularly receive gratuities, (2) equal to eight and two-tenths per cent, and effective January 1, 2009, equal to eleven per cent of the minimum fair wage per hour for persons employed as bartenders who customarily and regularly receive gratuities, and (3) not to exceed thirty-five cents per hour in any other industry, and shall also recognize deductions and allowances for the value of board, in the amount of eighty-five cents for a full meal and forty-five cents for a light meal, lodging, apparel or other items or services supplied by the employer; and other special conditions or circumstances which may be usual in a particular employer-employee relationship. The commissioner may provide, in such regulations, modifications of the minimum fair wage herein established for learners and apprentices; persons under the age of eighteen years; and for such special cases or classes of cases as the commissioner finds appropriate to
prevent curtailment of employment opportunities, avoid undue hardship and safeguard
the minimum fair wage herein established. Regulations in effect on July 1, 1973,
providing for a board deduction and allowance in an amount differing from that provided
in this section shall be construed to be amended consistent with this section without the
necessity of convening a wage board or amending such regulations.

(c) Regulations adopted by the commissioner pursuant to subsection (b) of this
section which define executive, administrative and professional employees shall be
updated not later than October 1, 2000, and every four years thereafter, to specify that
such persons shall be compensated on a salary basis at a rate determined by the Labor
Commissioner.

1967, P.A. 492, S. 2; 1971, P.A. 616, S. 2; P.A. 73-561, S. 1, 2; 73-616, S. 29, 64, 67;
P.A. 80-64, S. 1, 7; P.A. 99-199; P.A. 00-144, S. 2; P.A. 01-42, S. 2, 3; P.A. 02-33, S. 2;
P.A. 03-278, S. 91; P.A. 04-68, S. 1; P.A. 08-113, S. 1.)

History: 1959 act extended regulatory authority to cover executive, administrative
and professional employees, deleted bonuses and special pay from matters subject to
regulation and established gratuity rates of $0.35 for restaurant employees and $0.30 for
others; 1961 act increased gratuity rates and added "based on the actual cost of food and
labor"; 1967 act raised maximum gratuities in Subsec. (b) from $0.40 per hour to $0.47
until July 1, 1968, and $0.50 thereafter for persons employed in hotel and restaurant
industry; 1971 act increased gratuities limit to $0.60 per hour; P.A. 73-561 authorized
deduction for board "in the amount of eighty-five cents for a full meal and forty-five
cents for a full meal" rather than for "reasonable value of board, based on the actual cost
of food and labor" in Subsec. (b); P.A. 73-616 amended Subsec. (b) to add provision
allowing amendment of regulations without convening a wage board and amended
Subsec. (c) to delete provision specifying that regulations take effect upon publication in
the Connecticut Law Journal; P.A. 80-64 made recognition of gratuities as part of
minimum wage mandatory rather than optional, substituting "shall" for "may", and
changed gratuity limit from $0.60 per hour to 23% of the minimum fair wage; P.A. 99-
199 amended Subsec. (b) to delete provisions requiring commissioner to consult with
wage board prior to adopting regulations, to require commissioner to adopt regulations in
accordance with the Uniform Administrative Procedure Act and to make gender neutral
changes and amended Subsec. (c) to delete provisions specifying procedure for adoption
of regulations and to require that regulations defining executive, administrative and
professional employees be updated by the commissioner by October 1, 2000, and every
four years thereafter; P.A. 00-144 amended Subsec. (b) by making a technical change and
adding provisions requiring regulations re the minimum wage for certain hotel and
restaurant employees from January 1, 2001, to December 31, 2002; P.A. 01-42 amended
Subsec. (b) by making a technical change, deleting existing provisions requiring
regulations re the minimum wage for certain hotel and restaurant employees from
January 1, 2001, to December 31, 2002, and adding provision re minimum wage
regulation requirements for such employees for the periods from January 1, 2001, to
P.A. 02-33 amended Subsec. (b) by deleting regulations requirement in effect from January 1, 2001, to December 31, 2001, re calculations of the minimum wage for certain hotel and restaurant employees and bartenders, by extending the expiration date of regulations requirement for certain hotel and restaurant employees and bartenders from December 31, 2002, to December 31, 2004, by adding provision re regulations' applicability to hotel and restaurant employees "who customarily and regularly receive gratuities" and by making technical changes, effective July 1, 2002; P.A. 03-278 made technical changes in Subsec. (b), effective July 9, 2003; P.A. 04-68 amended Subsec. (b) to permanently increase amount of gratuities recognized as part of minimum fair wage per hour (or "tip credit") from 23% to 29% for hotel and restaurant workers, excluding bartenders, to establish permanent tip credit of 8.2% for bartenders who customarily and regularly receive gratuities, and to delete identical temporary provisions for both categories of workers which were scheduled to sunset on December 31, 2004, effective January 1, 2005; P.A. 08-113 amended Subsec. (b) to increase amount of gratuities recognized as part of minimum fair wage per hour, effective January 1, 2009, from 29.3% to 31% for hotel and restaurant workers, excluding bartenders, and from 8.2% to 11% for bartenders who customarily and regularly receive gratuities.

See Sec. 31-58(j) for definition of "minimum fair wage".


Limited amount of gratuity allowed for minimum wage. 18 CS 452.

Sec. 31-61. Wage board. (a) A wage board shall be composed of not more than three representatives of the employers in any occupation or occupations, an equal number of representatives of the employees in such occupation or occupations and not more than three disinterested persons representing the public, one of whom shall be designated as chairman. The commissioner shall appoint the members of such wage board, the representatives of the employers and employees to be selected so far as practicable from nominations submitted by employers and employees in such occupation or occupations. Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members. Members of a wage board shall serve without pay. The commissioner shall make, from time to time, rules and regulations governing the selection of a wage board and its mode of procedure not inconsistent with this part.

(b) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books, records and other evidence relative to any matter under investigation. Such subpoenas shall be signed and issued by the chairman of the wage board and shall be served and have the same effect as if issued out of the Superior Court. A wage board shall have power to cause depositions of witnesses residing within or without the state to be taken in the manner prescribed for like depositions in civil actions in the Superior Court.
(c) The commissioner shall present to a wage board, promptly upon its organization, all the evidence and information in the possession of the commissioner relating to the wages of workers in the occupation for which the wage board was appointed and all other information which the commissioner deems relevant to the establishment of a minimum fair wage for such persons.

(d) Within sixty days of its organization a wage board shall submit a report, including its recommendations as to minimum fair wage standards for the persons in the occupation the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time, the commissioner may reconstitute the same board or may constitute a new wage board.

(e) A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair rates for different employments. A wage board, for the purpose of establishing a fair wage, may recommend overtime or part-time rates, or special pay for special or extra work, deductions for board, lodging, apparel or other items or services supplied by the employer or such other conditions or circumstances as may be usual in a particular employer-employee relationship, including gratuities. A wage board may also recommend minimum fair wage rates varying with localities if, in the judgment of the wage board, conditions make such local differentiation equitable and do not effect an unreasonable discrimination against any locality.

(f) A wage board may recommend a suitable scale of rates for learners and apprentices, which may be less than the regular minimum fair wage rates recommended for experienced workers in such occupation or occupations.

(1949 Rev., S. 3788; 1951, S. 2027d.)

Cited. 140 C. 73.

Sec. 31-62. Report and regulations. (a) A report from a wage board shall be submitted to the commissioner, who shall, within fifteen days, accept or reject such report. If the report is rejected, the commissioner shall resubmit the matter to the same wage board or to a new wage board, with a statement of the reasons for the resubmission. If the report is accepted, it shall be published, together with such administrative regulations as the commissioner deems appropriate, and notice shall be given of a public hearing to be held by the commissioner not sooner than fifteen nor more than thirty days after such publication, at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulation may be heard.

(b) Within fifteen days after such hearing, the commissioner shall approve or disapprove the report of the wage board. If the report is disapproved, the commissioner may resubmit the matter to the same wage board or to a new wage board. If the report is approved, the commissioner shall make an order, which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board.
and which shall include such proposed administrative regulations as the commissioner
deems appropriate. Such administrative regulations may include, among other things,
regulations defining and governing outside salesmen; learners and apprentices, their rates,
number, proportion or length of service; piece rates or their relation to time rates;
overtime or part-time rates; bonuses or special pay for special or extra work; deductions
for board, lodging, apparel or other items or services supplied by the employer; and other
special conditions or circumstances. The commissioner may provide in such regulations,
without departing from the basic minimum rates recommended by the wage board, such
modifications or reductions of or additions to such rates in or for such special cases or
classes of cases as those herein enumerated as the commissioner finds appropriate to
safeguard the basic minimum rates established.

(1949 Rev., S. 3789; 1951, S. 2028d.)

Cited. 140 C. 73.

Sec. 31-63. Orders and appeal. Any person in interest in any occupation for which
any administrative regulation or a minimum fair wage order has been issued under the
provisions of this part who is aggrieved by such regulation or such order may obtain a
review of such regulation or such order in the Superior Court by filing an appeal pursuant
to the provisions of chapter 54. Hearings in the Superior Court on all appeals taken under
the provisions hereof shall be privileged and take precedence over all other matters,
except matters of the same character. The jurisdiction of the court shall be exclusive and
its judgment and decree final, except that the same shall be subject to review by the
Appellate Court, under the provisions of section 51-197b.


History: 1971 act replaced superior court with court of common pleas, effective
September 1, 1971, except that courts with cases pending retain jurisdiction unless
pending matters deemed transferable; P.A. 74-183 specified that supreme court review is
pursuant to Sec. 51-265 later transferred to Sec. 52-6a; P.A. 76-436 replaced court of
common pleas with superior court and reference to Sec. 52-6a with reference to Sec. 52-
7, effective July 1, 1978; June Sp. Sess. P.A. 83-29 deleted reference to supreme court
and substituted appellate court in lieu thereof; P.A. 88-317 required appeal to be filed
"pursuant to the provisions of chapter 54" instead of specifying the procedure for the
appeal, effective July 1, 1989, and applicable to all agency proceedings commencing on
or after that date.

A party cannot avail himself of an appeal as provided for by a statute and in the same
proceeding attack the constitutionality of the statute; but the taking of an appeal does not
preclude the raising of the constitutional issue in an independent proceeding. 142 C. 437.

Regulations concerning gratuities need not be in conformity with this section. 18 CS
452.
Sec. 31-64. Reconsideration of wage rates. At any time after a minimum fair wage order has been in effect for six months or more, the commissioner may, on his own motion, and shall, on petition of fifty or more residents of the state, reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified. The report of such wage board shall be dealt with in the manner prescribed in section 31-62.

(1949 Rev., S. 3792; 1951, S. 2030d.)

Sec. 31-65. Modification of orders. The commissioner may, from time to time, propose such modification of or additions to any administrative regulations included in any order of the commissioner, without reference to a wage board, as he deems appropriate to effectuate the purposes of this part, provided such proposed modification or additions could legally have been included in the original order, and notice shall be given of a public hearing to be held by the commissioner not less than fifteen days after such publication, at which all persons in favor of or opposed to such proposed modifications or additions may be heard. After such hearing, the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as he deems appropriate.

(1949 Rev., S. 3793; 1951, S. 2031d.)

Sec. 31-66. Employers' records. Orders to be posted. Each employer subject to the provisions of this part, unless exempted by regulation issued by the commissioner or as hereinafter provided, shall keep at the place of employment for a period of three years a true and accurate record of the hours worked by, and the wages paid by him to, each employee, as required by the applicable regulations issued by the Labor Commissioner, and shall furnish to the commissioner or his authorized representative, upon demand, a sworn statement of the same provided if the place of employment is designed primarily as an establishment for the housing and use of coin-operated service or vending machines, such records may be kept by the employer in some location approved by the commissioner other than at the place of employment. Such records shall be open to inspection by the commissioner or his authorized representative at any reasonable time. Each employer subject to this part or to a minimum fair wage order shall keep a copy of such order and the regulations issued by the Labor Commissioner posted at the place of employment where it can be read easily by the employees. Employers shall be furnished copies of orders and regulations on request, without charge.


History: 1959 act specified place and length of time for keeping records as required by commissioner's regulations; removed requirement to post provisions of this part but required posting of regulations, specified posting to be at place of employment and provided for furnishing of regulations without charge; 1969 act allowed employer to keep required records at place authorized by commissioner rather than at place of employment
if place of employment is primarily used for housing vending or coin-operated machines.

See Sec. 31-13a re requirement that employers furnish employees with record of hours worked, wages earned and deductions.

Officer of corporation, whose duties are supervisory and whose hours are not controlled and whose compensation is not dependent on hours worked, is not within contemplation of statute. 129 C. 344. Cited. 223 C. 573.

Where duties of a nominal president are insignificant and he performs the same kind and class of work as other employees, such person is an employee. 10 CS 171.

Sec. 31-67. Exception for person with impaired capacity. The commissioner may cause to be issued, to any person whose earning capacity is impaired by age or physical or mental deficiency or injury, a special license authorizing employment at such wages less than the minimum fair wage and for such period of time as is fixed by the commissioner and stated in the license.

(1949 Rev., S. 3790; 1957, P.A. 435, S. 4.)

Sec. 31-68. Collection of minimum or overtime wage. Collection of wages for employee whose whereabouts are unknown. (a) If any employee is paid by his employer less than the minimum fair wage or overtime wage to which he is entitled under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair wage order he may recover, in a civil action, twice the full amount of such minimum wage less any amount actually paid to him by the employer, with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such minimum fair wage or overtime wage shall be no defense to such action. The commissioner may collect the full amount of unpaid minimum fair wages or unpaid overtime wages to which an employee is entitled under said sections or order, as well as interest calculated in accordance with the provisions of section 31-265 from the date the wages should have been received, had they been paid in a timely manner. In addition, the commissioner may bring any legal action necessary to recover twice the full amount of unpaid minimum fair wages or unpaid overtime wages to which the employee is entitled under said sections or under an order, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall distribute any wages or interest collected pursuant to this section to the employee or in accordance with the provisions of subsection (b) of this section.

(b) All wages collected by the commissioner for an employee whose whereabouts are unknown to the commissioner shall be held by the commissioner for three months and thereafter the commissioner may, in his discretion, pay the same, on application, to the husband or wife or, if none, to the next of kin of such employee. As a condition of such payment, the commissioner or his authorized representative shall require proof of the relationship of the claimant and the execution of a bond of indemnity and a receipt for
such payment. Notwithstanding the provisions of section 3-60b, any such wages held by
the commissioner for two years without being claimed shall escheat to the state, subject
to the provisions of sections 3-66a to 3-71a, inclusive.

94-184, S. 1; June 30 Sp. Sess. P.A. 03-1, S. 72.)

History: 1959 act added overtime wage; 1963 act added Subsec. (b) re disposition of
wages of employee whose whereabouts are unknown; P.A. 89-157 provided that an
employee may recover twice the amount of wages due him, authorized the commissioner
to collect unpaid wages on behalf of the employee and to bring any legal action necessary
for the collection of the wages and provided for the distribution of any collected wages;
P.A. 94-184 deleted reference to repealed Sec. 3-72a; June 30 Sp. Sess. P.A. 03-1
amended Subsec. (b) by adding provision re notwithstanding Sec. 3-60b, effective August


Formula for determining minimum hourly rate examined. 18 CS 157.

Sec. 31-68a. Enforcement of chapter. The Labor Commissioner may act as agent
for or in cooperation with the federal government in the enforcement of this chapter, and
as requested by the federal government to aid and assist in the effecting of payment of the
prescribed minimum or overtime wage, under either the law of this state or under federal
law.

(1971, P.A. 45, S. 2.)

Sec. 31-68b. Reciprocal agreements. (a) In the performance of his duties under part
III of chapter 557 and this chapter, the Labor Commissioner may enter into reciprocal
agreements with the Labor Department or corresponding agency of any other state or
with the person, board, officer or commission authorized to act on behalf of the Labor
Department or corresponding agency, for the collection in such other state of claims and
judgments for wages based upon violations of part III of chapter 557 and this chapter by
out-of-state employers.

(b) The Labor Commissioner may, to the extent provided for by any reciprocal
agreement entered into pursuant to subsection (a) of this section, maintain actions in the
courts of such other state for the collection of claims and judgments for wages and may
assign such claims and judgments to the Labor Department or agency of such other state
for collection to the extent that an assignment is permitted or provided for by the law of
such state or by reciprocal agreement.

(c) The commissioner may, upon the written consent of the Labor Department or
other corresponding agency of any other state or of a person, board, officer or
commission authorized to act on behalf of the Labor Department or corresponding
agency of such other state maintain actions in the courts of this state upon assigned claims and judgments for wages arising in such other state in the same manner and to the same extent that such actions by the commissioner are authorized when arising in this state; provided, such actions may be maintained only in cases where such other state by law or reciprocal agreement extends a like comity to cases arising in this state.

(P.A. 93-392, S. 9; 93-435, S. 66; P.A. 94-58.)

History: P.A. 93-435 made technical change in Subsec. (a); P.A. 94-58 applied Subsec. (a) to all out-of-state employers where previously applicable only to out-of-state employers performing work "for this state, its agencies or any political subdivision of this state".

Sec. 31-69. Penalty. (a) Any employer or his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this part, or because such employer believes that such employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this part, shall be fined not less than one hundred dollars nor more than four hundred dollars.

(b) Any employer or the officer or agent of any corporation who pays or agrees to pay to any employee less than the rates applicable to such employee under the provisions of this part or a minimum fair wage order shall be: (1) Fined not less than four thousand nor more than ten thousand dollars or imprisoned not more than five years or both for each offense if the total amount of all unpaid wages owed to an employee is more than two thousand dollars; (2) fined not less than two thousand nor more than four thousand dollars or imprisoned not more than one year or both for each offense if the total amount of all unpaid wages owed to an employee is more than two thousand dollars but not more than two thousand dollars; (3) fined not less than one thousand nor more than two thousand dollars or imprisoned not more than six months or both for each offense if the total amount of all unpaid wages owed to an employee is more than five hundred but not more than one thousand dollars; or (4) fined not less than four hundred nor more than one thousand dollars or imprisoned not more than three months or both for each offense if the total amount of all unpaid wages owed to an employee is five hundred dollars or less.

(c) Any employer, his officer or agent, or the officer or agent of any corporation, firm or partnership, who fails to keep the records required under this part or by regulation made in accordance with this part or to furnish such records to the commissioner or any authorized representative of the commissioner, upon request, or who refuses to admit the commissioner or his authorized representative to his place of employment or who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this part shall be fined not less than fifty dollars nor more than two hundred dollars, and each day of such failure to keep the records required under this part or to furnish the same to the commissioner or any authorized representative of
the commissioner shall constitute a separate offense, and each day of refusal to admit or
of hindering or delaying the commissioner or his authorized representative shall
constitute a separate offense.

(d) Nothing in this part shall be deemed to interfere with, impede or in any way
diminish the right of employees to bargain collectively with their employers through
representatives of their own choosing in order to establish wages or conditions of work in
excess of the applicable minimum under this part.

97-263, S. 18.)

History: 1959 act added failure to keep records required by regulation to penalty
provision; P.A. 93-392 amended Subsec. (b) to increase the maximum fine and prison
term for nonpayment of minimum or overtime wages from $200 and 90 days to $5,000
and five years, and to allow for the imposition of varying fines and prison terms based on
the amount of wages owed by an employer; P.A. 97-263 doubled the amount of all fines
in Subsecs. (a), (b) and (c).

Failure to keep records not material when court finds number of hours worked in
action between employer and employee. 140 C. 73. Cited. 223 C. 573.

Cited. 10 CS 171.

Sec. 31-69a. Additional penalty. (a) In addition to the penalties provided in this
chapter and chapter 568, any employer, officer, agent or other person who violates any
provision of this chapter, chapter 557 or subsection (g) of section 31-288 shall be liable to
the Labor Department for a civil penalty of three hundred dollars for each violation of
said chapters and for each violation of subsection (g) of section 31-288, except that (1)
any person who violates (A) a stop work order issued pursuant to subsection (c) of
section 31-76a shall be liable to the Labor Department for a civil penalty of one thousand
dollars and each day of such violation shall constitute a separate offense, and (B) any
provision of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or section 31-
18, 31-23 or 31-24 shall be liable to the Labor Department for a civil penalty of six
hundred dollars for each violation of said sections, and (2) a violation of subsection (g) of
section 31-288 shall constitute a separate offense for each day of such violation.

(b) Any employer, officer, agent or other person who violates any provision of
chapter 563a shall be liable to the Labor Department for a civil penalty of five hundred
dollars for the first violation of chapter 563a related to an individual employee, and for
each subsequent violation of said chapter related to such individual employee, shall be
liable to the Labor Department for a civil penalty of one thousand dollars.

(c) The Attorney General, upon complaint of the Labor Commissioner, shall institute
civil actions to recover the penalties provided for under subsections (a) and (b) of this
section. Any amount recovered shall be deposited in the General Fund and credited to a
separate nonlapsing appropriation to the Labor Department, for other current expenses, and may be used by the Labor Department to enforce the provisions of chapter 557, chapter 563a, this chapter and subsection (g) of section 31-288 and to implement the provisions of section 31-4.

(P.A. 93-392, S. 8; May Sp. Sess. P.A. 94-6, S. 11, 28; P.A. 97-263, S. 19; P.A. 00-58, S. 1; P.A. 01-147, S. 2; P.A. 06-139, S. 6; P.A. 07-89, S. 2; P.A. 08-75, S. 1; P.A. 09-101, S. 1; P.A. 10-12, S. 1; 10-88, S. 1; P.A. 11-12, S. 1; 11-35, S. 1.)

History: May Sp. Sess. P.A. 94-6 specified that the appropriation to the department is "separate and nonlapsing" and substituted the budget line item for the appropriation from "personal services" to "other expenses", effective June 21, 1994; P.A. 97-263 increased amount of fine from $150 to $300; P.A. 00-58 added references to chapter 568 and Sec. 31-288(g) and made conforming technical changes; P.A. 01-147 deleted references to "part III" of chapter 557 and added provision permitting use of money to implement provisions of Sec. 31-4; P.A. 06-139 designated existing provisions as Subsecs. (a) and (c), inserted new provision as Subsec. (b) increasing civil penalty for violation of specified sections and made conforming changes, effective January 1, 2007; P.A. 07-89 amended Subsec. (a) by establishing a civil penalty for violation of a stop work order issued pursuant to Sec. 31-76a(c); P.A. 08-75 amended Subsec. (a) by creating a civil penalty for violation of Ch. 557, redesignated existing Subsec. (b) as Subsec. (a)(2), redesignated existing Subsec. (c) as new Subsec. (b) and made technical changes; P.A. 09-101 added references to Ch. 563a; P.A. 10-12 amended Subsec. (a) by making technical changes and creating a separate offense for each day of violation of Sec. 31-288(g); P.A. 10-88 made technical changes in Subsec. (a), effective May 26, 2010; P.A. 11-12 amended Subsec. (a) by deleting reference to Ch. 563a, added new Subsec. (b) re penalty for violation of Ch. 563a, redesignated existing Subsec. (b) as Subsec. (c) and made technical changes; P.A. 11-35 made technical changes in Subsec. (a), effective June 3, 2011.

Sec. 31-69b. Discharge, discipline, penalty or discrimination prohibited. Right of action. (a) An employer shall not discharge, discipline, penalize or in any manner discriminate against any employee because the employee has filed a claim or instituted or caused to be instituted any investigation or proceeding under part III of chapter 557 or this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by part III of chapter 557 or this chapter.

(b) Any employee who believes that he has been discharged, disciplined, penalized or otherwise discriminated against by any person in violation of this section may file a complaint with the Labor Commissioner alleging violation of the provisions of subsection (a) of this section. Upon receipt of any such complaint, the commissioner shall hold a hearing. After the hearing, the commissioner shall send each party a written copy of his decision. The commissioner may award the employee all appropriate relief including rehiring or reinstatement to his previous job, payment of back wages and reestablishment of employee benefits to which he otherwise would have been eligible if
he had not been discharged, disciplined, penalized or discriminated against. Any employee who prevails in such a complaint shall be awarded reasonable attorney's fees and costs. Any party aggrieved by the decision of the commissioner may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(P.A. 93-392, S. 10; 93-435, S. 67.)

History: P.A. 93-435 made technical changes and deleted a provision prohibiting an employer from discharging, disciplining, penalizing in any manner or discriminating against any employee who institutes or testifies at a proceeding under part III of chapter 557 or chapter 558.

**PART II*  
GENERAL PROVISIONS**

*Cited. 16 CA 232. Secs. 31-70-31-76k cited. Id., 232. The requirement of exhaustion of administrative remedies as prerequisite to relief under Sec. 31-72 was not satisfied where plaintiff's informal grievance did not comply with the procedures specified in collective bargaining agreement. 58 CA 485.

**Sec. 31-70. Withholding wages.** Any person who or corporation which withholds any part of the wages of any person, because of any agreement expressed or implied requiring notice before leaving the employment, shall be fined not more than fifty dollars.

(1949 Rev., S. 7360.)

Statute does not apply when it is agreed that reciprocal notice shall be given. 58 C. 104.

Never been construed as prohibiting assignment of wages. 15 CS 37.

**Sec. 31-71. Weekly payment of wages; how paid when employment ends.** Section 31-71 is repealed.


**Sec. 31-71a. Payment of wages: Definitions.** Whenever used in sections 31-71a to 31-71i, inclusive:

(1) "Employer" includes any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased person, the conservator of the estate of an incompetent, or the receiver, trustee, successor or assignee of any of the same, employing any person, including the state and any political subdivision thereof;
(2) "Employee" includes any person suffered or permitted to work by an employer;

(3) "Wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece, commission or other basis of calculation;

(4) "Commissioner" means the Labor Commissioner.

(1967, P.A. 714, S. 1; P.A. 87-366, S. 2.)

History: P.A. 87-366 amended Subdiv. (1) to include the state and its political subdivisions within "employer" definition.

Cited. 212 C. 294. Cited. 231 C. 690. Bonuses awarded solely on discretionary basis and not solely due to ascertainable efforts of the particular employee are not wages under section. 289 C. 769. Managers' bonuses tied to subjective factors such as diversity and profitability, which factors are not entirely predictable or within control of specific employee, are not wages under section. Id. Definitions in section apply to Sec. 31-72. 293 C. 515. A bonus, which is nondiscretionary and narrowly tailored to success of the corporate division over which plaintiff had direct supervisory authority, is a wage as defined in Subdiv. (3). 298 C. 145.

Cited. 18 CA 451.

Subdiv. (1):


Cited. 37 CA 379.

Subdiv. (2):

Cited. 228 C. 106.

Liquor Control Commission did not abuse its discretion in finding that those who worked at café were "employees" because they worked at the will and interest of the café, had regular schedules and received compensation, and there is no legal support for claim that they are family members and cannot be considered "employees". 120 CA 92.

Subdiv. (3):

"Wages" does not include bonus when amount of bonus is indeterminate and discretionary. 296 C. 579.

Cited. 8 CA 254. Cited. 16 CA 232; Id., 437. Cited. 27 CA 800. Under the employment contract, employee's bonus could have been classified as wages for purposes
of Subdiv. 111 CA 287; judgment reversed in part, see 296 C. 579.

Cited. 40 CS 246.

Sec. 31-71b. Weekly payment of wages. Electronic direct deposit of wages for state employees. Exemptions. (a)(1) Except as provided in subdivision (2) of this subsection, each employer, or the agent or representative of an employer, shall pay weekly all moneys due each employee on a regular pay day, designated in advance by the employer, in cash, by negotiable checks or, upon an employee's written request, by credit to such employee's account in any bank that has agreed with the employer to accept such wage deposits.

(2) Unless otherwise requested by the recipient, the Comptroller shall, as soon as is practicable, pay all wages due each state employee, as defined in section 5-196, by electronic direct deposit to such employee's account in any bank, Connecticut credit union or federal credit union that has agreed with the Comptroller to accept such wage deposits.

(b) The end of the pay period for which payment is made on a regular pay day shall be not more than eight days before such regular pay day, provided, if such regular pay day falls on a nonwork day, payment shall be made on the preceding work day.

(c) This section shall not be construed to prohibit a local or regional board of education and a recognized or certified exclusive bargaining representative of its certified or noncertified employees from including within their collective bargaining agreement a schedule for the payment of wages to certified employees or noncertified employees that differs from the requirements of subsections (a) and (b) of this section.

(d) Nothing in this section shall be construed to apply to employees swapping workdays or shifts as permitted under a collective bargaining agreement.

(1967, P.A. 714, S. 2; 1969, P.A. 251, S. 1; P.A. 00-65, S. 1, 2; May 9 Sp. Sess. 02-7, S. 91; P.A. 03-11, S. 1; 03-107, S. 10; P.A. 04-13, S. 1; P.A. 11-48, S. 34; 11-61, S. 76, 77.)

History: 1969 act authorized payment of wages by credit to employee's bank account upon employee's written request in Subsec. (a); P.A. 00-65 added new Subsec. (c) re payment of wages to certified employees of local and regional boards of education, effective May 16, 2000; May 9 Sp. Sess. P.A. 02-7 added new Subsec. (d) to exempt from weekly payment of wages requirement employees who swap workdays or shifts as permitted under a collective bargaining agreement, effective August 15, 2002; P.A. 03-11 amended Subsec. (c) by adding provisions re paraprofessionals, effective July 1, 2003; P.A. 03-107 made a technical change, effective June 18, 2003; P.A. 04-13 amended Subsec. (c) to extend authorization for different payment schedule to all noncertified board of education employees, replacing references to "paraprofessionals" with references to "noncertified employees", and deleting definition of "paraprofessional",
effective July 1, 2004; P.A. 11-48 amended Subsec. (a) by designating existing provisions as Subdiv. (1) and amending same to add exception re Subdiv. (2) and make technical changes, and by adding Subdiv. (2) requiring Comptroller to pay wages for state employees by electronic direct deposit unless employee requests otherwise, effective July 1, 2011; P.A. 11-61 changed effective date of P.A. 11-48, S. 34, from July 1, 2011, to June 13, 2011, and amended Subsec. (a)(2) by adding ", as soon as is practicable," effective June 21, 2011.

Sec. 31-71c. Payment of wages on termination of employment. (a) Whenever an employee voluntarily terminates his employment, the employer shall pay the employee's wages in full not later than the next regular pay day, as designated under section 31-71b, either through the regular payment channels or by mail.

(b) Whenever an employer discharges an employee, the employer shall pay the employee's wages in full not later than the business day next succeeding the date of such discharge.

(c) When work of any employee is suspended as a result of a labor dispute, or when an employee for any reason is laid off, the employer shall pay in full to such employee the wages earned by him not later than the next regular pay day, as designated under section 31-71b.

(1967, P.A. 714, S. 3.)

Cited. 212 C. 294.

Subsec. (b):

Cited. 40 CS 246.

Sec. 31-71d. Payment where wages disputed. (a) In case of a dispute over the amount of wages, the employer shall pay, without condition and within the time set by sections 31-71a to 31-71i, inclusive, all wages, or parts thereof, conceded by him to be due, and the employee shall have all remedies provided by law, including those under said sections as to recovery of any balance claimed.

(b) The acceptance by any employee of a payment under this section shall not constitute a release as to the balance of his claim and any release required by an employer as a condition to payment shall be void.

(1967, P.A. 714, S. 4.)

Cited. 212 C. 294.

Sec. 31-71e. Withholding of part of wages. No employer may withhold or divert any portion of an employee's wages unless (1) the employer is required or empowered to
do so by state or federal law, or (2) the employer has written authorization from the employee for deductions on a form approved by the commissioner, or (3) the deductions are authorized by the employee, in writing, for medical, surgical or hospital care or service, without financial benefit to the employer and recorded in the employer's wage record book, or (4) the deductions are for contributions attributable to automatic enrollment, as defined in section 31-71j, in a retirement plan described in Section 401(k), 403(b), 408, 408A or 457 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, established by the employer.

(1967, P.A. 714, S. 5; P.A. 08-118, S. 1.)

History: P.A. 08-118 added Subdiv. (4) to permit employer to withhold employee's wages for contributions to automatic enrollment retirement plan.

Cited. 212 C. 294. Formula for calculating salesperson's commissions did not violate prohibition against employer deducting money from employees' wages. 260 C. 152. Under revision of 2007, written authorization re potential forfeiture of withheld wages was informed and voluntary and complied with requirements of Subdiv. (2), and employer's failure to seek Labor Commissioner's approval of plan election form did not, by itself, require invalidation of authorized payroll plan deductions because statute is directory, not mandatory, re form approval. 289 C. 769.

Plaintiff, an at-will employee, failed to provide any law or legal analysis to support claim that trial court improperly concluded that, in implementing furlough program affecting all salaried and hourly employees, employer did not violate statute prohibiting withholding of any portion of an employee's salary. 52 CA 724.

Cited. 40 CS 246.

Sec. 31-71f. Employer to furnish employee certain information. Each employer shall: (1) Advise his employees in writing, at the time of hiring, of the rate of remuneration, hours of employment and wage payment schedules, and (2) make available to his employees, either in writing or through a posted notice maintained in a place accessible to his employees, any employment practices and policies or change therein with regard to wages, vacation pay, sick leave, health and welfare benefits and comparable matters.

(1967, P.A. 714, S. 6.)

Cited. 212 C. 294.

Sec. 31-71g. Penalty. Any employer or any officer or agent of an employer or any other person authorized by an employer to pay wages who violates any provision of this part may be: (1) Fined not less than two thousand nor more than five thousand dollars or imprisoned not more than five years or both for each offense if the total amount of all
unpaid wages owed to an employee is more than two thousand dollars; (2) fined not less than one thousand nor more than two thousand dollars or imprisoned not more than one year or both for each offense if the total amount of all unpaid wages owed to an employee is more than one thousand dollars but not more than two thousand dollars; (3) fined not less than five hundred nor more than one thousand dollars or imprisoned not more than six months or both for each offense if the total amount of all unpaid wages owed to an employee is more than five hundred but not more than one thousand dollars; or (4) fined not less than two hundred nor more than five hundred dollars or imprisoned not more than three months or both for each offense if the total amount of all unpaid wages owed to an employee is five hundred dollars or less.

(1967, P.A. 714, S. 7; P.A. 78-358, S. 1, 6; P.A. 93-392, S. 4.)

History: P.A. 78-358 made imposition of penalty optional rather than mandatory, substituting "may" for "shall", imposed minimum fine of $200 and raised maximum fine from $200 to $1,000; P.A. 93-392 increased the maximum penalty for violating the state's wage laws from $1,000 and 30 days to $5,000 and five years, and to allow for the imposition of varying fines and prison terms based on the amount of wages owed by an employer.

Cited. 212 C. 294. Structural relationship to Sec. 31-72 discussed. 243 C. 454.

Cited. 36 CA 29. Cited. 37 CA 379.

Sec. 31-71h. Regulations. The commissioner is authorized to issue regulations for the establishment of procedures for carrying out the provisions of sections 31-71a to 31-71i, inclusive.

(1967, P.A. 714, S. 8.)

Cited. 212 C. 294.

Sec. 31-71i. Waiver of weekly payment requirement. The commissioner may, upon application, waive the provisions of section 31-71b with respect to any particular week or weeks, and may also, upon application, permit any employer, subject to the provisions of this section, to establish regular pay days less frequently than weekly, provided each employee affected shall be paid in full at least once in each calendar month on a regularly established schedule.

(1967, P.A. 714, S. 9.)

Cited. 212 C. 294.

Sec. 31-71j. Automatic enrollment retirement plans. (a) As used in this section: (1) "Automatic enrollment" means a plan provision in an employee retirement plan described in Section 401(k) or 403(b) of the Internal Revenue Code of 1986, or any subsequent
corresponding internal revenue code of the United States, as from time to time amended, or a governmental deferred compensation plan described in Section 457 of said Internal Revenue Code, or a payroll deduction Individual Retirement Account plan described in Section 408 or 408A of said Internal Revenue Code under which an employee is treated as having elected to have the employer make a specified contribution to the plan equal to a percentage of compensation specified in the plan until such employee affirmatively elects to not have such contribution made or elects to make a contribution in another amount; and (2) "automatic contribution arrangement" means an arrangement under an automatic enrollment plan under which, in the absence of an investment election by the participating employee, contributions made under such plan are invested in accordance with regulations prescribed by the United States Secretary of Labor under Section 404(c)(5) of the Employee Retirement Income Security Act of 1974, as amended from time to time.

(b) Any employer who provides automatic enrollment shall be relieved of liability for the investment decisions made by the employer on behalf of any participating employee under an automatic contribution arrangement, provided:

(1) The plan allows the participating employee at least quarterly opportunities to select investments for the employee's contributions between investment alternatives available under the plan;

(2) The employee is given notice of the investment decisions that will be made in the absence of the employee's direction, a description of all the investment alternatives available under the plan and a brief description of procedures available for the employee to change investments;

(3) The employee is given at least annual notice of the actual investments made on behalf of the employee under such automatic contribution arrangement.

(c) Nothing in this section shall modify any existing responsibility of employers or other plan officials for the selection of investment funds for participating employees.

(d) The relief from liability of the employer under this section shall extend to any other plan official who actually makes the investment decisions on behalf of participating employees under an automatic contribution arrangement.

(P.A. 08-118, S. 2.)

Sec. 31-72. Civil action to collect wage claim, fringe benefit claim or arbitration award. When any employer fails to pay an employee wages in accordance with the provisions of sections 31-71a to 31-71i, inclusive, or fails to compensate an employee in accordance with section 31-76k or where an employee or a labor organization representing an employee institutes an action to enforce an arbitration award which requires an employer to make an employee whole or to make payments to an employee welfare fund, such employee or labor organization may recover, in a civil action, twice
the full amount of such wages, with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer for payment of wages other than as specified in said sections shall be no defense to such action. The Labor Commissioner may collect the full amount of any such unpaid wages, payments due to an employee welfare fund or such arbitration award, as well as interest calculated in accordance with the provisions of section 31-265 from the date the wages or payment should have been received, had payment been made in a timely manner. In addition, the Labor Commissioner may bring any legal action necessary to recover twice the full amount of unpaid wages, payments due to an employee welfare fund or arbitration award, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall distribute any wages, arbitration awards or payments due to an employee welfare fund collected pursuant to this section to the appropriate person.

(1951, S. 1291b; 1955, S. 3015d; 1967, P.A. 641; P.A. 78-358, S. 2, 6; P.A. 89-157, S. 2; P.A. 90-55, S. 1, 3.)

History: 1967 act deleted reference to repealed Sec. 31-71, added reference to Secs. 31-71a to 31-37i, authorized recoveries by labor organizations and made provisions applicable to cases where employee or labor organization institutes action to enforce arbitration award; P.A. 78-358 authorized recovery of twice the amount of wages and costs where previously recovery was limited to the amount itself and substituted "recover the amount provided by this section" for "collect such claim" in provision re bringing of legal action; P.A. 89-157 deleted the provisions allowing the labor commissioner to take an assignment of an employee's wage claim and provided for the collection and distribution by the labor commissioner of unpaid wages, payments due an employee welfare fund and arbitration awards; P.A. 90-55 made provisions applicable to cases where employer has failed to compensate an employee in accordance with Sec. 31-76k.

See Sec. 31-89a re civil action to collect past due payments to employee welfare funds.

See Sec. 52-596 re statute of limitation for actions for payment of remuneration for employment.

Award of attorney's fees and costs does not apply to proceedings to confirm, modify or vacate arbitration awards, which are not civil actions within meaning of title 52, but only to civil actions later brought to enforce such orders. 176 C. 401. Cited. 209 C. 818. Cited. 211 C. 648. Cited. 212 C. 294. Cited. 217 C. 490. Cited. 219 C. 217. Legislature did not exempt real estate salespersons from section as was done in Unemployment and Workers' Compensation Acts. 231 C. 690. Award of double damages justified where employer requested employee to work additional hours, assured employee that she would be paid and then subsequently denied payment of overtime wages. 243 C. 454. Determination of whether an individual can be considered an employer where a corporate entity exists depends on the individual's authority to control hours and wages and responsibility for illegally withholding wages. Id. Analysis of legislative history. Wage
statutes, as a whole, do not provide substantive rights regarding how a wage is earned, but provide remedial protections where employer-employee wage agreement is violated. 260 C. 152. It is well established that it is appropriate for plaintiff to recover attorney's fees and double damages under this section only when defendant has acted with bad faith, arbitrariness or unreasonableness. If a contingency fee agreement is reasonable, trial court may depart from its terms only when necessary to prevent substantial unfairness to the party who bears ultimate responsibility for payment of the fee. 265 C. 210. Double damage award under section not equivalent to punitive or exemplary damages; provision prohibiting employer from raising agreement for payment of wages between employer and employee as defense against action for unpaid wages does not bar employer from raising agreement for other purposes, such as ground for vacating arbitration award. 275 C. 72. Definitions in Sec. 31-71a apply when construing section. 293 C. 515.

Cited. 8 CA 254. Cited. 10 CA 22. Provisions govern collection of wages; employees' rights under these statutory provisions are not preempted by collective bargaining agreements. 16 CA 232. Cited. 18 CA 618. Cited. 26 CA 251. Cited. 27 CA 800. Cited. 35 CA 31. Cited. 36 CA 29. Plaintiff's pension and medical benefits do not qualify as "wages" pursuant to section. 57 CA 419. Award of double damages and attorney's fees in unpaid wage case was reasonable exercise of court's discretion. 69 CA 463. Statute construed to empower Labor Commissioner to initiate legal action for enforcement of payment bond on behalf of employees of subcontractor against general contractor and surety on public works project. Statute, together with Secs. 49-41 and 49-42 re public works and bond enforcement, intended by legislature as remedial statutory scheme to ensure that employees on public works projects are paid wages to which they are entitled. 73 CA 39. Since grievance procedures established in collective bargaining agreement were not capable of providing relief for plaintiff's claim, plaintiff did not have to exhaust her administrative remedies before bringing an action under this section since to do so would be futile. 78 CA 601.

Sec. 31-73. Refund of wages for furnishing employment. (a) When used in this section, "refund of wages" means: (1) The return by an employee to his employer or to any agent of his employer of any sum of money actually paid or owed to the employee in return for services performed or (2) payment by the employer or his agent to an employee of wages at a rate less than that agreed to by the employee or by any authorized person or organization legally acting on his behalf.

(b) No employer, contractor, subcontractor, foreman, superintendent or supervisor of labor, acting by himself or by his agent, shall, directly or indirectly, demand, request, receive or exact any refund of wages, fee, sum of money or contribution from any person, or deduct any part of the wages agreed to be paid, upon the representation or the understanding that such refund of wages, fee, sum of money, contribution or deduction is necessary to secure employment or continue in employment. No such person shall require, request or demand that any person agree to make payment of any refund of wages, fee, contribution or deduction from wages in order to obtain employment or continue in employment. A payment to any person of a smaller amount of wages than the wage set forth in any written wage agreement or the repayment of any part of any wages
received, if such repayment is not made in the payment of a debt evidenced by an instrument in writing, shall be prima facie evidence of a violation of this section.

(c) The provisions of this section shall not apply to any deductions from wages made in accordance with the provisions of any law, or of any rule or regulation made by any governmental agency.

(d) Any person who violates any provision of this section shall be fined not more than one hundred dollars or imprisoned not more than thirty days for the first offense, and, for each subsequent offense, shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(1949 Rev., S. 7363.)

Cited. 37 CA 85.

Subsec. (b):

Formula for calculating salesperson's commissions did not violate prohibition against employer deducting money from employees' wages. 260 C. 152.

Sec. 31-74. Wages not to be scaled. No employer of labor or any person acting for him shall make a discount or deduction from the wages of any person employed by him, when the wages of the employee or any part thereof are paid at an earlier time than that at which such wages would regularly have been paid. Any person violating any provision of this section shall be fined not more than one hundred dollars.

(1949 Rev., S. 7366.)

Sec. 31-74a. Computation and payment of vacation pay. Whenever an employee is eligible to receive both vacation pay and his regular wage payment on the same pay day, his employer shall compute federal social security and withholding taxes from the regular wage payment and the vacation pay separately.

(P.A. 84-303.)

Sec. 31-75. Discrimination in compensation on the basis of sex. Prohibited practices. Employer demonstration. (a) No employer shall discriminate in the amount of compensation paid to any employee on the basis of sex. Any difference in pay based on sex shall be deemed a discrimination within the meaning of this section.

(b) If an employee can demonstrate that his or her employer discriminates on the basis of sex by paying wages to employees at the employer's business at a rate less than the rate at which the employer pays wages to employees of the opposite sex at such business for equal work on a job, the performance of which requires equal skill, effort and responsibility, and which are performed under similar working conditions, such
The employer must demonstrate that such differential in pay is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential system based upon a bona fide factor other than sex, such as education, training or experience. Said bona fide factor defense shall apply only if the employer demonstrates that such factor (A) is not based upon or derived from a sex-based differential in compensation, and (B) is job-related and consistent with business necessity. Such defense shall not exist where the employee demonstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.

(c) No employer shall discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory compensation practice or because such person has filed a complaint or testified or assisted in any proceeding pursuant to section 31-76.

(1949, 1953, S. 3016d; P.A. 09-101, S. 2.)

History: P.A. 09-101 designated existing provisions as Subsec. (a) and amended same to delete provision re employment practices recognizing length of service or merit rating as factor in determining wage or salary rates, added Subsec. (b) re employer's defense to complaint of discrimination in wage rate based on sex, and added Subsec. (c) re retaliation for complaint of discriminatory compensation practice.

Cited. 38 CA 506.

Sec. 31-76. Discrimination in compensation on the basis of sex. Enforcement by commissioner. Civil action. When discrimination in compensation occurs.

(a) The Labor Commissioner shall carry out the provisions of section 31-75 either upon complaint or upon the commissioner's own motion. For this purpose, the commissioner, or the commissioner's authorized representative, may enter places of employment, inspect payrolls, investigate work and operations on which employees are engaged, question employees and take such action as is reasonably necessary to determine compliance with section 31-75. At the request of any employee who has received less than the wage to which the employee is entitled under section 31-75, the commissioner may take an assignment of such wage claim in trust and may bring any legal action necessary to collect such claim. In any action brought by the commissioner, the employer who violates the provisions of section 31-75 may be found liable to the employee or the employees affected for the difference between the amount of wages paid and the maximum wage paid any other employee for equal work, compensatory damages and, if the violation is found to be intentional or committed with reckless indifference to the employee's or employees' rights under section 31-75, punitive damages. Any agreement to work for less than the wage to which such employee is entitled under section 31-75 shall not be a defense to such action.

(b) Unless and except to the extent that a wage claim has been assigned to the
commissioner pursuant to subsection (a) of this section, an action to redress a violation of section 31-75 may be maintained in any court of competent jurisdiction by any one or more employees. Any agreement to work for less than the wage to which such employee is entitled under section 31-75 shall not be a defense to such action. An employer who violates section 31-75 may be found liable for the difference between the amount of wages paid and the maximum wage paid any other employee for equal work, compensatory damages, attorney's fees and costs, punitive damages if the violation is found to be intentional or committed with reckless indifference to the employee's or employees' rights under section 31-75 and such legal and equitable relief as the court deems just and proper.

(c) For purposes of this section, discrimination in compensation under section 31-75 occurs when a discriminatory compensation decision or practice is adopted, when an individual is subject to a discriminatory compensation decision or practice, or when an individual is affected by application of a discriminatory compensation decision or practice, and shall be deemed to be a continuing violation each time wages, benefits or other compensation is paid, resulting in whole or in part from such a decision or practice.

(d) No action shall be brought or any prosecution instituted for any violation of section 31-75 except within two years after such violation or any act described in subsection (c) of this section, or within three years if such violation is intentional or committed with reckless indifference.


History: P.A. 97-263 increased amount of fine from $100 to $200; P.A. 09-101 designated existing provisions as Subsecs. (a) and (d), amended Subsec. (a) by repositioning provision re assignment of wage claim under Sec. 31-75 to commissioner, providing for compensatory damages for claimants and for punitive damages for violation committed with intentional or reckless indifference to employee's rights, deleting provision re costs and attorney's fees, and making technical changes, added Subsec. (b) re employee's private action for violation of Sec. 31-75 and relief that may be sought, added Subsec. (c) re when violation of Sec. 31-75 occurs and amended Subsec. (d) by deleting provision re fine and extending limitation of action for violation of Sec. 31-75.

See Sec. 31-22 re commissioner's duties re enforcement of regulations and reporting of violations.

Cited. 165 C. 318.

Sec. 31-76a. Investigations on complaint of nonpayment of wages and certain misrepresentations re employees. Issuance of stop work order. (a) On receipt of a complaint for nonpayment of wages or a violation of the provisions of subsection (g) of section 31-288, the Labor Commissioner, the director of minimum wage and wage enforcement agents of the Labor Department shall have power to enter, during usual
business hours, the place of business or employment of any employer to determine compliance with the wage payment laws or subsection (g) of section 31-288, and for such purpose may examine payroll and other records and interview employees, call hearings, administer oaths, take testimony under oath and take depositions in the manner provided by sections 52-148a to 52-148e, inclusive.

(b) The commissioner or the director, for such purpose, may issue subpoenas for the attendance of witnesses and the production of books and records. Any employer or any officer or agent of any employer, corporation, firm or partnership who wilfully fails to furnish time and wage records as required by law to the commissioner, the director of minimum wage or any wage enforcement agent upon request, or who refuses to admit the commissioner, the director or such agent to the place of employment of such employer, corporation, firm or partnership, or who hinders or delays the commissioner, the director or such agent in the performance of the commissioner's, the director's or such agent's duties in the enforcement of this section shall be fined not less than one hundred dollars nor more than two hundred fifty dollars. Each day of such failure to furnish the time and wage records to the commissioner, the director or such agent shall constitute a separate offense, and each day of refusal to admit, of hindering or of delaying the commissioner, the director or such agent shall constitute a separate offense.

(c) (1) If the commissioner determines, after an investigation pursuant to subsection (a) of this section, that an employer is in violation of subsection (g) of section 31-288, the commissioner shall issue, not later than seventy-two hours after making such determination, a stop work order against the employer requiring the cessation of all business operations of such employer. Such stop work order shall be issued only against the employer found to be in violation of subsection (g) of section 31-288 and only as to the specific place of business or employment for which the violation exists. Such order shall be effective when served upon the employer or at the place of business or employment. A stop work order may be served at a place of business or employment by posting a copy of the stop work order in a conspicuous location at the place of business or employment. Such order shall remain in effect until the commissioner issues an order releasing the stop work order upon a finding by the commissioner that the employer has come into compliance with the requirements of subsection (b) of section 31-284, or after a hearing held pursuant to subdivision (2) of this subsection.

(2) Any employer against which a stop work order is issued pursuant to subdivision (1) of this subsection may request a hearing before the commissioner. Such request shall be made in writing to the commissioner not more than ten days after the issuance of such order. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(3) Stop work orders and any penalties imposed under section 31-288 or 31-69a against a corporation, partnership or sole proprietorship for a violation of subsection (g) of section 31-288 shall be effective against any successor entity that has one or more of the same principals or officers as the corporation, partnership or sole proprietorship against which the stop work order was issued and are engaged in the same or equivalent trade or activity.
(4) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, necessary to carry out this subsection.

(1959, P.A. 369; P.A. 77-604, S. 31, 84; P.A. 00-58, S. 2; P.A. 07-89, S. 3.)

History: P.A. 77-604 substituted reference to Secs. 52-148a to 52-148e for reference to Sec. 52-148; P.A. 00-58 divided existing provisions into Subsecs. (a) and (b), added references to Sec. 31-288(g) in Subsec. (a) and made technical changes in Subsec. (b); P.A. 07-89 amended Subsec. (b) by increasing penalty from not less than $25 or more than $100 to not less than $100 or more than $250, and added Subsec. (c) re issuance of stop work orders and authorizing Labor Commissioner to adopt regulations to carry out provisions of subsection.

Sec. 31-76b. Overtime pay: Definitions. As used in sections 31-76b to 31-76j, inclusive:

(1) The "regular rate" at which an employee is employed shall be deemed to include all remuneration for employment paid to, or on behalf of, the employee, but shall not be deemed to include (A) sums paid as gifts; payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production or efficiency; (B) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of the employer's interests and properly reimbursable by the employer; and other similar payments to an employee that are not made as compensation for the employee's hours of employment; (C) sums paid in recognition of services performed during a given period if either, (i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement or promise causing the employee to expect such payments regularly; (ii) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the approval of the Labor Commissioner who shall give due regard, among other relevant factors, to the extent to which the amounts paid to the employee are determined with regard to hours of work, production or efficiency; (D) contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident or health insurance or similar benefits for employees; (E) extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight in a day or in excess of the maximum workweek applicable to such employee under section 31-76c, or in excess of the employee's normal working hours or regular working hours, as the case may be; (F) extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work.
performed in nonovertime hours on other days; or (G) extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective-bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal or regular workday, not exceeding the maximum workweek applicable to such employee under section 31-76c, where such premium rate is not less than one and one-half times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek.

For the purpose of calculating the overtime rate of compensation required to be paid to an employee who is (i) employed as a delivery driver or sales merchandiser, (ii) paid on a base salary and commission basis, and (iii) not exempt from the overtime requirements of this chapter, the employee's regular rate shall be one-fortieth of the employee's weekly remuneration;

(2) (A) "Hours worked" include all time during which an employee is required by the employer to be on the employer's premises or to be on duty, or to be at the prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so, provided time allowed for meals shall be excluded unless the employee is required or permitted to work. Such time includes, but shall not be limited to, the time when an employee is required to wait on the premises while no work is provided by the employer. (B) All time during which an employee is required to be on call for emergency service at a location designated by the employer shall be considered to be working time and shall be paid for as such, whether or not the employee is actually called upon to work. (C) When an employee is subject to call for emergency service but is not required to be at a location designated by the employer but is simply required to keep the employer informed as to the location at which he may be contacted, or when an employee is not specifically required by his employer to be subject to call but is contacted by his employer or on the employer's authorization directly or indirectly and assigned to duty, working time shall begin when the employee is notified of his assignment and shall end when the employee has completed his assignment;

(3) "Employee" means employee as defined in section 31-58.

(1967, P.A. 493, S. 1; 1972, P.A. 116, S. 2; P.A. 80-64, S. 3, 7; P.A. 03-239, S. 1.)

History: 1972 act made technical change; P.A. 80-64 deleted references to repealed Sec. 31-76d in Subdiv. (1)(E) and (G); P.A. 03-239 amended Subdiv. (1) to add provision defining the "regular rate" of pay for the purpose of calculating overtime wages for nonexempt delivery drivers and sales merchandisers paid on a base salary and commission basis and to make technical changes.


Subdiv. (1):

Cited. 16 CA 437.
Subdiv. (2):

Subpara. (A) cited. 16 CA 437. For purposes of Subpara. (C), work time begins at the time employee is notified of the assignment when the employee "punches in" at the workplace and not at the time employee is first contacted by supervisor to report to work. 49 CS 354.

Sec. 31-76c. Length of workweek. No employer, except as otherwise provided herein, shall employ any of his employees for a workweek longer than forty hours, unless such employee receives remuneration for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.

(1967, P.A. 493, S. 2.)


Cited. 16 CA 437.

Sec. 31-76d. Workweek for certain establishments. Section 31-76d is repealed.

(1967, P.A. 493, S. 3; 1969, P.A. 731; P.A. 80-64, S. 2, 7.)

Sec. 31-76e. Maximum workweek under contract or collective bargaining agreement. No employer shall be deemed to have violated section 31-76c by employing any employee for a workweek in excess of the maximum workweek applicable to such employee if such employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of such employee necessitate irregular hours of work, and the contract or agreement (1) specifies a regular rate of pay of not less than the minimum hourly rate provided in subsection (j) of section 31-58 and compensation at not less than one and one-half times such rate for all hours worked in excess of such maximum workweek, and (2) provides a weekly guaranty of pay for not more than sixty hours based on the rates so specified.

(1967, P.A. 493, S. 4; P.A. 80-64, S. 4, 7.)

History: P.A. 80-64 deleted reference to repealed Sec. 31-76d.

Scope of federal preemption discussed and determined. 164 C. 233.

Sec. 31-76f. Piece rates; two or more kinds of work. No employer shall be deemed to have violated section 31-76c by employing any employee for a workweek in excess of the maximum workweek applicable to such employee if, pursuant to an agreement or
understanding arrived at between the employer and the employee before performance of work, the amount paid to the employee for the number of hours worked by him in such workweek in excess of the maximum workweek applicable to such employee under section 31-76c: (A) In the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half times the bona fide piece rates applicable to the same work when performed during nonovertime hours; or (B) in the case of an employee performing two or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half times such bona fide rates applicable to the same work when performed during nonovertime hours; and if (i) the employee's average hourly earnings for the workweek exclusive of payments described in subparagraphs (A) to (G), inclusive, of subdivision (1) of section 31-76b are not less than the minimum hourly rate required by applicable law, and (ii) extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

(1967, P.A. 493, S. 5; P.A. 80-64, S. 5, 7.)

History: P.A. 80-64 deleted references to repealed Sec. 31-76d.

Scope of federal preemption discussed and determined. 164 C. 233.

**Sec. 31-76g. Crediting of certain extra compensation.** Extra compensation paid as described in subparagraphs (E), (F) and (G) of subdivision (1) of section 31-76b shall be creditable toward overtime compensation payable pursuant to sections 31-76b to 31-76j, inclusive.

(1967, P.A. 493, S. 6.)

Scope of federal preemption discussed and determined. 164 C. 233.

**Sec. 31-76h. Hospital employees.** No employer engaged in the operation of a hospital shall be deemed to have violated section 31-76c if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if, for his employment in excess of eight hours in any workday and in excess of eighty hours in such fourteen-day period, the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed.

(1967, P.A. 493, S. 7; P.A. 80-64, S. 6, 7.)

History: P.A. 80-64 deleted reference to repealed Sec. 31-76d.

Scope of federal preemption discussed and determined. 164 C. 233.
Sec. 31-76i. Exceptions. The provisions of sections 31-76b to 31-76j, inclusive, shall not apply with respect to (a) any driver or helper, excluding drivers or helpers employed by exempt employers, with respect to whom the Interstate Commerce Commission or its successor agency or the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of applicable federal law or regulation of any employee of a carrier by air subject to the Railway Labor Act or any employee of any employer subject to said Railway Labor Act; (b) any employee employed as a seaman; (c) any employee employed as an announcer, a news editor or chief engineer by a radio station or television station; (d) repealed by 1972, P.A. 116, S. 3, 6; (e) any person employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; (f) any person employed in the capacity of outside salesman as defined in the regulations of the Federal Fair Labor Standards Act; (g) any inside salesperson whose sole duty is to sell a product or service (1) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under section 31-58, (2) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services, and (3) who does not work more than fifty-four hours during a work week of seven consecutive calendar days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; (h) any person employed as a taxicab driver by any employer engaged in the business of operating a taxicab, if such driver is paid forty per cent or more of the fares recorded on the meter of the taxicab operated by him; (i) any person employed in the capacity of a household delivery route salesman engaged in delivering milk or bakery products to consumers and who is paid on a commission basis as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; (j) any salesman primarily engaged in selling automobiles. For the purposes of this subdivision, "salesman" includes any person employed by a licensed new car dealer (1) whose primary duty is to sell maintenance and repair services, (2) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under the provisions of section 31-58, (3) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services, and (4) who does not work more than fifty-four hours during a work week of seven consecutive days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; (k) any person employed in agriculture; (l) any permanent paid members of the uniformed police force of municipalities and permanent paid members of the uniformed firefighters of municipalities; (m) any person employed as a firefighter by a private nonprofit corporation which on May 24, 1984, has a valid contract with any municipality to extinguish fires and protect its inhabitants from loss by fire; (n) any person, except a person paid on an hourly basis, employed as a beer delivery truck driver by a licensed distributor, as defined in section 12-433; (o) any person employed as a mechanic primarily engaged in the servicing of motor vehicles, as defined in section 14-1, or farm implements, as defined in section 14-1, by a nonmanufacturing employer.
primarily engaged in the business of selling such vehicles or implements to consumers, to
the extent that such employees are exempt under the federal Wage-Hour and Equal Pay
Act, 29 USC 201 et seq. and 29 USC 213(b)(10), provided such person's actual weekly
earnings exceed an amount equal to the total of (1) such person's basic contractual hourly
rate of pay times the number of hours such person has actually worked plus (2) such
person's basic contractual hourly rate of pay times one-half the number of hours such
person has actually worked in excess of forty hours in such week. For the purposes of this
section, "basic contractual hourly rate" means the compensation payable to a person at an
hourly rate separate from and exclusive of any flat rate, incentive rate or any other basis
of calculation; or (p) any mortgage loan originator, as defined in section 36a-485, who is
a highly compensated employee, as defined in 29 CFR 541.601, provided this subdivision
shall not apply to an individual who performs the functions of a mortgage loan originator
solely from the office of such mortgage loan originator's employer. For purposes of this
subdivision, an office in the mortgage loan originator's home shall not be considered the
office of such mortgage loan originator's employer. Beginning on October 1, 2012, the
total annual compensation for purposes of Subsection (a) of 29 CFR 541.601 shall be
increased annually, effective October first of each year, based on the percentage increase,
from year to year, in the average of all workers' weekly earnings as determined by the
Labor Commissioner pursuant to subdivision (1) of subsection (b) of section 31-309.

(1967, P.A. 493, S. 8; 1969, P.A. 547, S. 1; 548; 1971, P.A. 93; 448, S. 1, 2; 615, S.
4; 1972, P.A. 116, S. 3-5; P.A. 73-82, S. 1, 2, 4; P.A. 84-234, S. 1, 2; P.A. 89-24, S. 1, 2;
P.A. 90-55, S. 2, 3; P.A. 95-357, S. 1; P.A. 96-222, S. 21, 41; P.A. 11-201, S. 6.)

History: 1969 acts substituted "driver, excluding drivers employed by exempt
employers" for "employee" in Subdiv. (a) and added additional exclusions for certain
persons employed in outside sales, certain persons determined by amount and manner of
payment and by hours worked and taxi drivers in new Subdivs. (f), (g) and (h); 1971 acts
excluded household delivery route salesmen delivering milk, automobile salesmen and
agricultural employees in new Subdivs. (i), (j) and (k); 1972 act repealed Subdiv. (d)
which had excluded persons employed in manufacturing establishments subject to the
Fair Labor Standards Act, included persons delivering bakery products in Subdiv. (i) and
added Subdiv. (l) excluding permanent paid municipal policemen and firemen; P.A. 73-82
changed exclusion for outside salesmen to refer to those defined as such in regulation
of Fair Labor Standards Act rather than those defined as such in commissioner's
regulations who receive at least one hundred times the minimum hourly rate applicable to
them under Sec. 31-58 and amended Subdiv. (g) to specifically exclude outside salesmen;
P.A. 84-234 added Subdiv. (m) providing that firefighters employed by private nonprofit
corporations having contracts with any municipality on May 24, 1984, to extinguish fires
are exempted from Secs. 31-76b to 31-76j, inclusive; P.A. 89-24 substituted "inside
salesperson whose sole duty is to sell a product or service" for "employee except outside
salesmen" in Subdiv. (g) and added Subdiv. (n) concerning certain beer delivery truck
drivers; P.A. 90-55 added Subdiv. (o) providing that certain automotive mechanics are
exempted from Secs. 31-76b to 31-76j, inclusive; P.A. 95-357 amended Subdiv. (j) by
adding a definition of "salesman"; P.A. 96-222 inserted "or its successor agency" after
"Interstate Commerce Commission", effective July 1, 1996; P.A. 11-201 added Subdiv.

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(p) re mortgage loan originators who are highly compensated employees and added provision re annual compensation increase, effective July 13, 2011.

**Sec. 31-76j. Prior wage orders and regulations.** All wage orders and administrative regulations in effect on July 1, 1967, based upon a workweek other than the workweek herein established are amended consistent with sections 31-76b to 31-76j, inclusive.

(1967, P.A. 493, S. 9.)

Scope of federal preemption discussed and determined. 164 C. 233.

**Sec. 31-76k. Payment of fringe benefits upon termination of employment.** If an employer policy or collective bargaining agreement provides for the payment of accrued fringe benefits upon termination, including but not limited to paid vacations, holidays, sick days and earned leave, and an employee is terminated without having received such accrued fringe benefits, such employee shall be compensated for such accrued fringe benefits exclusive of normal pension benefits in the form of wages in accordance with such agreement or policy but in no case less than the earned average rate for the accrual period pursuant to sections 31-71a to 31-71i, inclusive.

(P.A. 78-340.)

Cited. 238 C. 809.

Cited. 27 CA 800.

**Sec. 31-76l. Regulations.** The Labor Commissioner shall adopt regulations in accordance with the provisions of chapter 54 to implement the provisions of section 31-76i.

(P.A. 95-357, S. 2.)

**Sec. 31-76m. Remission of portion of fine or civil penalty to municipality.** Notwithstanding any other provisions of the general statutes, if the Labor Commissioner imposes a fine or civil penalty under the provisions of section 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-52, 31-53, 31-54, 31-69, 31-69a, 31-76 or 31-76a, as a result of a violation initially reported by a municipal official, the commissioner shall, within thirty days after collecting such fine or penalty, remit one-half of the amount collected to such municipality.

(P.A. 97-263, S. 21.)
CHAPTER 559
LABOR ORGANIZATIONS

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Sec. 31-77. Annual reports. As used in this section, "labor organization“ means any organization or association or any agency or employee representation committee or plan which exists for the purpose, in whole or part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or conditions of work, or any federation or council located in this state representing any group of such labor organizations. Except for labor organizations subject to the provisions of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-267), each labor organization functioning in the state and having twenty-five or more members in any calendar or fiscal year shall, annually, within three months after the end of the calendar or fiscal year used as the basis for such report, file with the Labor Commissioner and make available to its membership a written report either in the form required by Public Law 86-267 or the Internal Revenue Code. Such report shall be filed and transmitted by the treasurer or other chief financial officer of such labor organization and shall be verified by the oath of the treasurer or other chief financial officer filing such report and copies of such report shall be furnished to individual members at the regular or special meeting of the labor organization at which such report is presented and shall be available during the year following the year covered by the report at the labor organization's office during regular business hours and upon request of any member. Reports under the provisions of this section shall not be open to public inspection except that any person may examine the report of any labor organization of which he is a member, and except that the state may audit any such report so filed at the written request of any member and shall transmit to any such member and the labor organization which submitted the report the results of any such audit. The treasurer or other chief financial officer of any labor organization or any other individual charged with the filing of such reports who fails to comply with the provisions of this section shall forfeit to the state twenty-five dollars for each such failure. The Labor Commissioner may destroy any report filed under the provisions of this section after such report has been on file two years.

(1957, P.A. 628, S. 1, 2, 3; 1959, P.A. 507; 1961, P.A. 258; 1971, P.A. 77; P.A. 88-
History: 1959 act changed time for filing report and content requirement; 1961 act added exception to filing requirement for labor organizations subject to provisions of Taft-Hartley Act to Public Act 86-267, and specified that provisions re examination and audit of reports apply to reports of labor organizations for clarity; 1971 act required that reports be filed with labor commissioner rather than with secretary of the state and accordingly transferred power to destroy reports from the secretary to the commissioner; P.A. 88-364 made technical changes.


Sec. 31-89a. Civil action to collect past due payments to funds. Penalty. Repealed by Public Act 12-80.

Sec. 31-89b. Allocation of electricians' union pension fund contributions. (a) Whenever any contribution is made by an employer to a pension fund for the benefit of a member of a labor union of licensed electricians and apprentices as defined in section 20-330, the contribution made on behalf of such individual member shall be transmitted to the pension fund of the local union of which he is a member.

(b) Any funds held by a local electrical union pension fund either directly or indirectly under its control, which were contributed after June 1, 1963, on behalf of a member of another local electrical union, shall be transmitted to the pension fund of the local electrical union, of which the person on behalf of whom the contribution was made was a member at the time such contribution was made.

(c) Any such local electrical union which, within ninety days from July 1, 1969, fails to remit such contributions, received prior to such date, which are required to be remitted under this section, shall be fined not less than fifty dollars nor more than one hundred dollars for each day, after such period, during which it fails to remit such funds.

(d) Any such local electrical union which fails, within sixty days of their receipt, to remit such contributions, received after July 1, 1969, which are required by this section to be remitted shall be fined not less than fifty dollars nor more than one hundred dollars for each day, after such period, during which it fails to remit such funds.

(1969, P.A. 621, S. 1.)
Sec. 31-90. Attempt to prevent laborers joining labor organizations. Any person, and any agent or officer of any corporation, who coerces or compels, or attempts to coerce or compel, any laborer, mechanic or other employee in the employ of such person or corporation to agree that, as a condition of retaining his position as such employee, he will not join any labor organization, shall be fined not more than two hundred dollars or be imprisoned not more than six months or both.

(1949 Rev., S. 8530.)

Sec. 31-90a. Balloting in labor organization elections. In any election held by a local labor organization for the purpose of election of officers, election of trustees or ratification of the terms of a collective bargaining agreement, voting shall be by secret ballot at the request of any member in good standing of such local labor organization.

(P.A. 79-444.)
CHAPTER 560*
BOARD OF MEDIATION AND ARBITRATION


Cited. 3 CA 590. Board of Mediation and Arbitration Sec. 31-91 et seq. cited. 43 CA 133.

This chapter makes any agreement to arbitrate valid, irrevocable and enforceable. 5 CS 174.

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Sec. 31-91. Membership of board; appointment; officers. There shall be, in the Labor Department, a Board of Mediation and Arbitration, consisting of two panels of three members each. One member of each panel of said board shall represent employers of labor, one shall represent employees and one shall represent the public in general. No such public member shall have been the representative of any employer or employee in a labor dispute during the five years immediately preceding the year of his appointment. One of the public members of said board shall be the chairman. Each member representing employees shall be a member of a bona fide labor organization, which may be either a national or an independent organization, but said two board members shall not be members of the same labor organization. On or before July fifteenth in the odd-numbered years, the Governor shall appoint two members of said board to succeed the members whose terms expire. The term of office for the members of said board shall be six years. The members so appointed shall have power to complete any matter pending at
the expiration of the terms for which they were appointed. The board shall choose a public member as deputy chairman to serve in case of the death, removal, incapacity or absence of the chairman. Any vacancy in the membership of said board shall be filled by the Governor for the unexpired portion of the term. Any member of the board may be removed by the Governor for cause or for the good of the service, but only after notice and public hearing upon charges preferred and subject to the right of appeal to the Superior Court. A vacancy in the membership for any cause shall be filled by the Governor within thirty days of the date of its occurrence.


History: P.A. 75-230 prohibited public members from serving on board if they have represented employers or employees in a labor dispute within five years preceding their appointment; P.A. 85-62 provided that any member shall have the authority to continue any matter pending at the time his term expires.

See Sec. 4-9a for definition of "public member".


Cited. 9 CA 260.

Cited. 40 CS 365.

Sec. 31-92. Alternate members. Whenever conditions warrant, the Labor Commissioner or the chairman of the board shall request the Governor to appoint, and the governor shall have authority to appoint, one or more alternate members to the Board of Mediation and Arbitration in such numbers as may be necessary, in order that said board may render efficient service to employers and their employees whenever grievances or disputes arise. An alternate member may be so appointed for a period of up to one year or until a replacement is appointed. Alternate members so appointed shall have power to complete any matter pending at the expiration of the terms for which they were appointed. Alternate labor members shall be members of a bona fide national or independent labor organization. Alternate members of the Board of Mediation and Arbitration shall serve at any time when so delegated by the board and while so serving shall have all the powers of members of the board. Whenever an alternate member serves in place of a member of the board, he shall represent the same interest as the member in whose place he serves. Said board may, at its option, require alternate members to sit with it in the fulfillment of any function of the board.

(1949, 1951, S. 3023d; 1957, P.A. 427, S. 2; P.A. 77-91, S. 1; P.A. 88-3.)

History: P.A. 77-91 changed period of service of appointed alternates from maximum of six months to maximum of one year; P.A. 88-3 authorized an appointed alternate to serve for up to one year or until a replacement is appointed, where previously one year
was the maximum time allowed.


Cited. 9 CA 260.

**Sec. 31-92a. Oaths for members.** (a) Each public member of the Board of Mediation and Arbitration, including alternates, shall be sworn once at the beginning of such member's term of office (1) to support the Constitution of the United States, and the Constitution of the state of Connecticut, as long as such member continues to be a citizen thereof, (2) to faithfully discharge, according to law, the duties of the office of member of the Board of Mediation and Arbitration for the state of Connecticut to the best of such member's abilities, (3) to hear and examine all matters in controversy which come before such member during such member's term faithfully and fairly, and (4) to make a just award according to the best of such member's understanding. Notwithstanding the provisions of subsection (d) of section 52-414, the taking of this oath shall cover all matters heard during the term and the completion of any matter pending at the expiration of such term.

(b) Each member of the Board of Mediation and Arbitration representing the interests of employees or employers, including alternate members, shall be sworn once at the beginning of such member's term of office (1) to support the Constitution of the United States, and the Constitution of the state of Connecticut, as long as such member continues to be a citizen thereof, (2) to faithfully discharge, according to law, the duties of the office of member of the Board of Mediation and Arbitration for the state of Connecticut to the best of such member's abilities, (3) to represent the interests of employees or employers respectively in hearing and examining all matters in controversy, and (4) to make a just award according to the best of such member's understanding. Notwithstanding the provisions of subsection (d) of section 52-414, the taking of this oath shall cover all matters heard during the term and the completion of any matter pending at the expiration of such term.

(P.A. 85-62, S. 1; P.A. 06-196, S. 263.)

History: P.A. 06-196 made technical changes, effective June 7, 2006.

**Sec. 31-93. Panel or single member to arbitrate. Membership of panel.** In the performance of the duties of conciliation, mediation or arbitration, the board shall be represented by a panel of three of its members, except that, in arbitration, a single public member of the board may arbitrate instead of a panel by joint agreement of the parties involved, and in such event such member shall have all the powers of a panel. In each case, the employee or his representative appearing before said board shall be permitted to designate the labor member of the Board of Mediation and Arbitration who shall serve and the employer or his representative appearing before said board may designate the employer member of the Board of Mediation and Arbitration who shall serve. The chairman of the Board of Mediation and Arbitration shall serve as the member
representing the public; if he is unable to serve, the deputy chairman shall serve in his stead. Whenever members are unable to serve, alternate members may be delegated to serve in accordance with the provisions of this chapter.

(1949, S. 3024d; 1961, P.A. 141.)

History: 1961 act added exception re arbitration by single board member rather than by panel.

See Sec. 4-9a for definition of "public member".


Cited. 9 CA 260.

Sec. 31-94. Compensation of members and alternates. Section 31-94 is repealed.


Sec. 31-95. Powers of board. Subpoena. Said board, or any member thereof, may enter any establishment in which a strike or lockout exists in order to examine payrolls and other records and to inspect conditions affecting the relations between employees and employers. Said board, or any member thereof, may summon, by subpoena, employers, employees or any other persons whose testimony may be pertinent to the matters before said board, together with any records or other documents relating to such strike or lockout. In case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the board, shall have jurisdiction to order such person to appear before the board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. In case of a dispute which has not reached the stage of a strike or lockout, said board, upon the request of either party to the dispute, is authorized to exercise the same powers and perform the same duties as in case of a strike or lockout. Said board, or any member thereof, shall have the power to take testimony under oath and to administer oaths.

(1949 Rev., S. 7381; 1949, S. 3026d.)
Sec. 31-96. Appointment and testimonial privilege of mediators. Duties of Labor Commissioner. The Labor Commissioner, with the advice and approval of said board, shall appoint at least five mediators to act for it in making investigations and adjusting labor disputes. Each such mediator shall, with the approval of said board, expressly granted in each case in which he is required to function, have all the powers of a member of said board to enter establishments, to examine payrolls or other records, to issue subpoenas and to administer oaths. In any civil or criminal case, any preliminary proceeding to such case, or any legislative or administrative proceeding, any person acting as a mediator under this chapter shall not disclose any confidential communication made to him in the course of his mediation duties unless the party making such communication waives such privilege. Said commissioner shall assign such stenographic and other clerical assistants to said board as may be necessary in the performance of its duties. All records of hearings and other proceedings of said board shall be kept on file in the Labor Department.


History: 1959 act substituted "mediator" for "investigator"; 1969 act substituted "labor" disputes for "industrial" disputes and required appointment of at least five mediators rather than one as previously; P.A. 81-15 afforded mediators a testimonial privilege in order to prevent disclosure of confidential communications made by parties to the mediator, unless the right is waived by the affected party.


Sec. 31-97. Submission of grievance or dispute; procedure. Claim of nonarbitrability of issue. (a) Whenever a grievance or dispute arises between an employer and his employees, the parties may submit the same directly to said board and notify said board or its clerk in writing and upon payment by each party of a filing fee of twenty-five dollars. Whenever a single public member of the board is chosen to arbitrate a grievance or dispute, as provided in section 31-93, the parties shall each be refunded the filing fee. Whenever such notification is given, a panel of said board, as directed by its chairman, shall proceed with as little delay as possible to the locality of such grievance or dispute and inquire into the causes thereof. The parties shall thereupon submit to said panel in writing, succinctly, clearly and in detail, their grievances and complaints and the causes thereof, and severally promise and agree to continue in business or at work without a strike or lockout until the decision of the panel is rendered; but such agreement shall not be binding unless such decision is rendered within ten days after the completion of the investigation. The panel shall fully investigate and inquire into the matters in controversy, take testimony under oath in relation thereto and may administer oaths and issue subpoenas for the attendance of witnesses and for the production of books and papers.
(b) No panel of said board may consider any claim that one or more of the issues before the panel are improper subjects for arbitration unless the party making such claim has notified the opposing party and the chairman of the panel of such claim, in writing, at least ten days prior to the date of hearing, except that the panel may consider such claim if it determines there was reasonable cause for the failure of such party to comply with said notice requirement.


History: P.A. 79-610 imposed $25 filing fee payable by each party; P.A. 80-447 added Subsec. (b) re claims that issues are improper subjects for arbitration; P.A. 82-91 required that whenever a single public member is chosen to arbitrate, the parties will be refunded the filing fee.


Cited. 9 CA 260.

Cited. 31 CS 88.

Sec. 31-97a. Failure to prosecute grievances or disputes. Section 31-97a is repealed, effective October 1, 2002.

(P.A. 94-226, S. 1, 2; S.A. 02-12, S. 1.)

Sec. 31-98. Oral or written decision. Reduction of oral decision to writing. Compensation of members. (a) The panel, or its single member if sitting in accordance with section 31-93, may, in its discretion and with the consent of the parties, issue an oral decision immediately upon conclusion of the proceedings. If the decision is to be in writing, it shall be signed, within fifteen days, by a majority of the members of the panel or by the single member so sitting, and the decision shall state such details as will clearly show the nature of the decision and the points disposed of by the panel. Where the decision is in writing, one copy thereof shall be filed by the panel in the office of the town clerk in the town where the controversy arose and one copy shall be given to each of the parties to the controversy. The panel or single member which has rendered an oral decision immediately upon conclusion of the proceedings shall submit a written copy of the decision to each party within fifteen days from the issuance of such oral decision. In all cases where a decision is rendered orally from the bench, the secretary shall cause such oral decision to be transcribed, approved by the panel or single member as applicable and filed with the records of the board proceedings.

(b) Upon the conclusion of the proceedings, each member of the panel shall receive one hundred seventy-five dollars, and on and after July 1, 2006, two hundred twenty-five dollars and a panel member who prepares a written decision shall receive an additional
one hundred twenty-five dollars, and on and after July 1, 2006, one hundred seventy-five dollars, or the single member, if sitting in accordance with section 31-93, shall receive two hundred seventy-five dollars, and on and after July 1, 2006, three hundred twenty-five dollars, provided if the proceedings extend beyond one day, each member shall receive one hundred dollars, and on and after July 1, 2006, one hundred fifty dollars for each additional day beyond the first day, and provided further no proceeding may be extended beyond two days without the prior approval of the Labor Commissioner for each such additional day.

(c) Upon the conclusion of an executive panel session, each member of such panel shall receive one hundred dollars, and on and after July 1, 2006, one hundred fifty dollars.


History: P.A. 73-176 amended provisions to allow issuance of oral decisions; P.A. 82-91 added provision that, upon conclusion of proceedings, each panel member receives $100 and a member who prepares a written decision receives an additional $50, or the single member, if sitting in accordance with Sec. 31-83, receives $150; June Sp. Sess. P.A. 83-16 provided that, for proceedings which extend beyond two days, the members shall be paid $50 per day, and the labor commissioner must give prior approval to any such extension; P.A. 87-349 increased compensation for panel members to $150 per member, an extra $100 for the member who prepares the written decision, and $200 for a single member sitting in accordance with Sec. 31-93; P.A. 88-275 increased compensation for single member sitting in accordance with Sec. 31-93 from $200 to $250; P.A. 99-270 divided section into Subsecs., amended Subsec. (b) to increase arbitrator fee from $50 for each day after the second day of proceedings to $75 for each day after the first day of proceedings and amended Subsec. (c) to establish a $75 arbitrator fee upon the conclusion of an executive panel session; June Sp. Sess. P.A. 05-3 amended Subsec. (b) to increase compensation to panel members from $150 to $175 and, on and after July 1, 2006, to $225, to increase compensation to member who writes decision from $100 to $125 and, on and after July 1, 2006, to $175, to increase compensation to single panel member from $250 to $275 and, on and after July 1, 2006 to $325, and to increase compensation to all panel members for each additional day from $75 to $100 and, on and after July 1, 2006, to $150 per day and amended Subsec. (c) to increase compensation to panel members upon conclusion of executive panel from $75 to $100 and, on and after July 1, 2006, to $250, effective January 1, 2006.


Cited. 23 CA 727. Cited. 41 CA 649. Cited. 43 CA 800. Section applies to labor
dispute heard by state board of mediation and arbitration. Time for rehearing following vacated award. 49 CA 33.

This section rather than 52-416 is applicable to an arbitration before the board of mediation and arbitration; requirement that written decision be filed within 15 days after matter has been fully heard is directory rather than mandatory; question of reasonable time for filing discussed. 20 CS 303. Cited. 31 CS 88. The appeal period under this section runs from the receipt of the written copy of the decision and not from the oral rendition of the decision. 32 CS 85. Cited. 44 CS 312.

Sec. 31-99. Duty of board in case of a strike or lockout. Whenever a strike or lockout occurs or is seriously threatened and it comes to the knowledge of the board, a panel of said board, as directed by its chairman, shall proceed as soon as practicable to the locality of such strike or lockout, put itself in communication with the parties of the controversy and endeavor by mediation to effect a settlement of such strike or lockout; and may inquire into the causes of the controversy and may subpoena witnesses and send for persons and papers.

(1949 Rev., S. 7386; 1949, S. 3030d.)


Sec. 31-100. Annual report. Confidential information. Said board shall, as provided in section 4-60, make a report to the Governor and shall include therein statements of such facts and explanations as will disclose the actual doings of the board and such suggestions as to legislation as seem to it conducive to harmony in the relations between employers and employees. The board shall hold confidential all information submitted to it by any party to a labor dispute and shall not reveal such information unless specifically authorized to do so by such party.

(1949 Rev., S. 7387; September, 1957, P.A. 11, S. 13; P.A. 75-32.)

History: P.A. 75-32 substituted "labor dispute" for "industrial dispute".

CHAPTER 561*
LABOR RELATIONS ACT


Corresponding sections of the Norris-La Guardia Act (National Labor Relations Act). 8 CS 330; 17 CS 289. Modeled closely after National Labor Relations Act of 1935. 22 CS 137. Where an action for a declaratory judgment invokes court's independent, rather than its appellate, jurisdiction, claimed fact that an appeal would not lie because ruling was interlocutory and because Labor Relations Act did not provide for judicial review was not a ground of abatement. 23 CS 30. Connecticut State Labor Relations Act (CSLRA) cited. 43 CS 340.

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Sec. 31-101. Definitions. When used in this chapter:

(1) "Agent" means the representative of the board who handles all investigations of complaints and violations of this chapter;

(2) "Board" means the labor relations board provided for in section 31-102;

(3) "Commissioner" means the Labor Commissioner or any representative designated
by him;

(4) "Company union" means any committee, employee representation plan or association of employees which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms and conditions of employment which the employer has initiated or created or whose initiation or creation he has suggested or participated in or the formulation of whose governing rules or policies or the conduct of whose management, policies or elections the employer participates in or supervises or which the employer manages, finances, controls, dominates or assists in maintaining or financing, whether by compensation to anyone for service performed in its behalf or by donating free service, equipment, materials, office or meeting space or anything else of value or by any other means;

(5) "Department" means the Labor Department;

(6) "Employee" includes, but shall not be restricted to, any individual employed by a labor organization, any individual whose employment has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, and shall not be limited to the employees of a particular employer; but shall not include any individual employed by his parent or spouse or in the domestic service of any person in his home, any individual employed only for the duration of a labor dispute or any individual employed as an agricultural worker;

(7) "Employer" means any person acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include any person engaged in farming, or any person subject to the provisions of the National Labor Relations Act, unless the National Labor Relations Board has declined to assert jurisdiction over such person, or any person subject to the provisions of the Federal Railway Labor Act, or the state or any political or civil subdivision thereof or any religious agency or corporation, or any labor organization, except when acting as an employer, or any one acting as an officer or agent of such labor organization. An employer licensed by the Department of Public Health under section 19a-490 shall be subject to the provisions of this chapter with respect to all its employees except those licensed under chapters 370 and 379, unless such employer is the state or any political subdivision thereof;

(8) "Labor dispute" includes, but shall not be restricted to, any controversy between employers and employees or their representatives concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing or maintaining, or seeking to negotiate, fix, maintain or change, terms or conditions of employment;

(9) "Labor organization" means any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection, and which is not a company union as defined herein;
(10) "Person" includes individuals, partnerships, associations, corporations, limited liability companies, trustees, receivers and legal representatives;

(11) "Representative" includes a labor organization or an individual, whether or not employed by the employer or those whom he represents;

(12) "Unfair labor practice" means only those unfair labor practices listed in section 31-105;

(13) "Supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment, and such individuals shall be "employees" within the meaning of subdivision (6) of this section;

(14) "Professional employee" means (A) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or (B) any employee who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of subparagraph (A), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in subparagraph (A).


History: 1967 act deleted exclusion of charitable and educational agencies and corporations in definition of "employer" and added provision setting forth conditions under which employers licensed by health department are subject to provisions of chapter, and added definitions of "supervisor" and "professional employee"; P.A. 77-614 replaced health department with department of health services, effective January 1, 1979; (Revisor's note: In 1991 the lower case alphabetic Subpara. indicators in Subdiv. (14) were replaced editorially by the Revisors with upper case indicators); P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-79 redefined "person" to include limited liability companies, effective May 31, 1995; P.A. 95-257 replaced Commissioner and Department
of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 142 C. 457. Definitional section does not provide exclusion for nonprofit entities. 175 C. 165.

Cited. 22 CS 31; Id., 140.

Subdiv. (8):

Cited. 201 C. 685.

**Sec. 31-102. State Board of Labor Relations.** (a) There shall continue to be in the Labor Department the Connecticut State Board of Labor Relations, which shall be composed of three members. On or before June first in the odd-numbered years, as the term of each member expires, the Governor shall, with the advice and consent of the General Assembly, appoint a successor to serve for a term of six years. Each member of the board shall have been an elector in this state for at least one year next preceding his appointment. Any member may be removed by the Governor for cause shown in a public hearing after the accused has been given a copy of the charges made and has had an opportunity to answer such charges. The Governor shall fill any vacancy by appointment for the unexpired term. No member shall receive a salary but each member shall be paid one hundred fifty dollars in lieu of expenses for each day during which he is engaged in the duties of the board. The offices of the board shall be in the department at Wethersfield. The board is authorized to hold hearings at any place in this state. Subject to the provisions of chapter 67, the board shall appoint such employees, including an assistant to the agent, for such periods as may be necessary to carry out the work of the board and the provisions of this chapter without undue delay. All files, records and documents accumulated by the board shall be kept in offices provided by the department. All decisions shall be made by a majority of the board and a copy shall be filed with the commissioner. As provided in section 4-60 and more frequently if required by the governor, the board shall make a written report to the Governor, a copy of which shall be filed with the commissioner.

(b) Whenever conditions warrant, the Labor Commissioner or the chairman of the board shall request the Governor to appoint, and the Governor shall have authority to appoint, alternate members of said board in such numbers and for such periods of time as he may determine to be necessary but not longer than one year, in order that said board may render efficient service in performing the duties committed to it by statute. Any such alternate shall meet the same qualifications and receive the same compensation as regular members of the board. An alternate member shall serve in place of an absent member of the board at any time when so directed by the board and while so serving shall have all the powers of members of the board. Alternate members so appointed shall have power to complete any matter pending at the expiration of the term for which they were appointed.

(1949 Rev., S. 7389; 1949, 1951, S. 3031d; 1957, P.A. 426, S. 2; September, 1957,
P.A. 11, S. 13; 1967, P.A. 354; 870, S. 2; P.A. 75-15; P.A. 77-91, S. 2; P.A. 79-610, S. 35; P.A. 87-284, S. 1, 2.)

History: 1967 acts added Subsec. (b) re alternate members and increased per diem payments from $50 to $60; P.A. 75-15 changed location of board offices from Hartford to Wethersfield; P.A. 77-91 changed maximum term of appointment for alternates from six months to one year; P.A. 79-610 increased per diem payments to $75; P.A. 87-284 increased per diem payments to $150.

Cited. 142 C. 457.

Sec. 31-103. Appointment and removal of agent. Testimonial privilege. Appointment and removal of legal counsel. (a) The board shall, on or before July 1, 1973, and quadrennially thereafter, appoint an agent, who shall be the representative of the board, for a term of four years at an annual salary to be set by the board, subject to the approval of the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management in accordance with the provisions of section 4-40. Said agent may be removed by the board for cause shown in public hearing, after the agent has been given a copy of the charges made and has had an opportunity to answer such charges. The board may fill any vacancy in this office by appointment for the unexpired term. Said agent shall diligently investigate any complaints referred to him by the board and any other violations of this chapter that come to his attention. If the agent finds reasonable ground for any complaint or considers that there has been a violation of this chapter, he shall issue, and cause to be served upon the person complained of, a petition stating the charges and containing a notice of a hearing before the board at the time and place therein fixed, to be held not less than seven days after the service of such complaint. If the agent considers that there has been no violation of this chapter, he shall report in writing to the board, stating fully his reasons and recommendations. In any civil or criminal case, any preliminary proceeding to such case, or any legislative or administrative proceeding, the agent or assistant agent shall not disclose any confidential communication made to him in the course of his duties under any of the statutes administered by the board, unless the party making such communication waives such privilege.

(b) There shall be established the full-time position of legal counsel for the State Board of Labor Relations. On or before October 1, 1977, and quadrennially thereafter, the board shall appoint said counsel for a term of four years, at an annual salary to be set by the board subject to the approval of the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management in accordance with the provisions of section 4-40. Said counsel may be removed by the board for cause shown in public hearing, after said counsel has been given a copy of the charges made and has an opportunity to answer such charges. The board may fill any vacancy in this office by appointment for the unexpired term. Notwithstanding the provisions of section 3-125, said counsel shall represent the State Board of Labor Relations in court on all matters in which the board is a party or is interested, or in which the official acts or doings of said board are called in question, investigate legal questions for the board, and aid in the preparation of decisions. Said counsel shall also represent the State Board of Mediation
and Arbitration in all matters involving collective bargaining rights of state employees. The board shall designate the agent appointed under subsection (a) of this section or any assistant agent who is an attorney to serve as assistant counsel as it deems necessary.

(1949 Rev., S. 7390; 1949, S. 3032d; P.A. 77-610, S. 2, 3; P.A. 81-22; P.A. 82-472, S. 106, 183.)

History: P.A. 77-610 added Subsec. (b) establishing position of legal council for board of labor relations; P.A. 81-22 afforded agents and assistant agents a testimonial privilege in order to prevent disclosure of confidential communications made by parties to an agent in the course of his duties unless the right is waived by the affected party; P.A. 82-472 made technical correction.

Sec. 31-104. Rights of employees. Employees shall have the right of self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choice and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion by employers.

(1949 Rev., S. 7391.)

Cited. 138 C. 277. Guarantees to employees right of self-organization free from coercion by employers. 139 C. 95. Cited. 142 C. 497. Allows employees to decide whether to join a labor organization, except where there is a valid closed or union shop agreement. 146 C. 93. Cited. 226 C. 475.


Sec. 31-105. Unfair labor practices. It shall be an unfair labor practice for an employer: (1) To spy upon or keep under surveillance, whether directly or through agents or any other person, any activities of employees or their representatives in the exercise of the rights set forth in section 31-104; (2) to prepare, maintain, distribute or circulate any blacklist of individuals for the purpose of preventing any of such individuals from obtaining or retaining employment because of the exercise by such individuals of any of the rights set forth in section 31-104; (3) to dominate or actually interfere with the formation, existence or administration of any employee organization or association, agency or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment, labor disputes or grievances, or to contribute financial or other support to any such organization, by any means, including but not limited to the following: (A) By participating or assisting in, supervising, controlling or dominating (i) the initiation or creation of any such employee organization or association, agency or plan, or (ii) the meetings, management, operation, elections, formulation or amendment of the constitution, rules or policies of any such employee organization or association, agency or plan; (B) by urging the employees to join any such employee organization or association, agency or plan for the purpose of encouraging membership in the same; (C) by compensating any employee or individual for services
performed on behalf of any such employee organization or association, agency or plan, or by donating free services, equipment, materials, office or meeting space or anything else of value for the use of any such employee organization or association, agency or plan, provided an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay; (4) to require an employee or one seeking employment as a condition of employment to reveal membership, past membership or nonmembership in a labor organization, either by the use of written application forms, questionnaires or oral inquiries, or to join any company union or to refrain from forming or joining or assisting a labor organization of his own choosing; (5) to encourage membership in any company union or discourage membership in any labor organization by discrimination in regard to hire or tenure or in any term or condition of employment, provided nothing in this chapter shall preclude an employer from making an agreement with a labor organization requiring as a condition of employment membership therein, if such labor organization is the representative of employees as provided in section 31-106; (6) to refuse to bargain collectively with the representatives of employees, subject to the provisions of said section 31-106; (7) to refuse to discuss grievances with representatives of employees, subject to the provisions of said section 31-106; (8) to discharge or otherwise discriminate against an employee because the employee has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter; (9) to distribute or circulate any blacklist of individuals exercising any right created or confirmed by this chapter or of members of labor organizations, or to inform any person of the exercise by any individual of such right, or of the membership of any individual in a labor organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining employment; or (10) to do any acts other than those enumerated in this section which restrain, coerce or interfere with employees in the exercise of the rights set forth in section 31-104.


History: 1965 act amended Subdiv. (4) to specify that requiring employee or potential employee to reveal membership, past membership or nonmembership in a labor organization is an unfair practice; (Revisor's note: In 1991 the lower case alphabetic Subpara. indicators in Subdiv. (3) were replaced editorially by the Revisors with upper case alphabetic indicators); P.A. 10-32 made technical changes in Subdivs. (3) and (8), effective May 10, 2010.

See Sec. 31-51 re blacklisting.


Cited. 14 CS 72. The hiring of men known not to be in favor of the union in order to
destroy union's majority status held to be an unfair labor practice. 19 CS 280. See note to section 31-236. Cited. 20 CS 11. Failure of union to properly represent an employee held an unfair labor practice under federal statute. Id., 438. Cited. 22 CS 138.

Although defendant was a union representative, employer did not violate this subdivision by refusing to discuss grievances with him because there was no claim by defendant nor finding of the court that he was the duly designated or selected representative of the employees as required. 3 Conn. Cir. Ct. 529.

Subsec. (3):
Cited. 175 C. 625.

Subsec. (5):
Union shop clause expressly provided for. 180 C. 459.

Subsec. (6):
An unfair labor practice under this subsection must be a failure to bargain with a union which in fact had been selected as bargaining agent for a unit. 147 C. 344. If collective bargaining agreement does not permit individual employee to seek arbitration personally, then employee must seek relief through bargaining agent. Id., 608. Cited. Id. Cited. 175 C. 165. Refusal to bargain collectively with certified representatives of one's employees violates this section. Id., 625. Cited. 232 C. 57.

Cited. 43 CS 340.

Subsec. (10):
Picketing to compel employer to violate provision of this subsection is unlawful. 146 C. 93.

Sec. 31-106. Election of representatives. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted pursuant to this section shall be the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment, provided any employee, directly or through representatives, shall have the right at any time to present any grievance to his employer. In order to secure to employees the full benefit of this chapter, the board shall decide in each case whether the appropriate unit shall be an employer unit, craft unit, plant unit or any other unit, except that, when the majority of the employees of a craft so decide, the board shall designate such craft as the appropriate unit. In the case of an employer licensed by the Department of Public Health under section 19a-490 and subject to the provisions of this chapter, the board shall not decide (1) that any unit is
appropriate if such unit includes both professional employees and employees who are not
professional employees unless a majority of such professional employees or of any group
of such professional employees as determined by the board vote for inclusion in such unit
or (2) that any unit is appropriate if such unit includes more than one group of
professional employees unless a majority of each group of such professional employees
as determined by the board vote for inclusion in such unit or (3) that any unit of
employees is appropriate which includes both supervisors and nonsupervisors in the same
unit or (4) that more than five nonsupervisory professional units are appropriate.

(b) In accordance with such regulations as may be adopted by the board according to
the provisions of chapter 54, whenever a petition is filed with the board by an employee
or his representative complaining that a question or controversy concerning the
representation of employees exists, or by an employer or his representative that there is a
question or controversy concerning the representation of employees between two or more
labor organizations, the board shall refer the petition to its agent who shall investigate the
petition. He shall issue a direction of election and conduct a secret ballot election to
determine whether and by which employee organization the employees desire to be
represented if he has reasonable cause to believe that a question of representation exists,
or issue a recommendation to dismiss the petition if he finds that there is not such
reasonable cause, or refer the petition to the board for a hearing without having
conducted an election or issuing a recommendation of dismissal, in which event the board
shall conduct an appropriate hearing upon due notice. The agent shall report his action to
the board. The board shall issue an order confirming the agent's direction of election and
certifying the results of the election, or issue an order confirming the agent's
recommendation for dismissal, or order a further investigation, or provide for an
appropriate hearing upon due notice. Before taking any of the aforesaid actions, the board
shall provide the parties with an opportunity to file briefs on the questions at issue and
shall fully consider any such briefs filed. After a hearing, the board shall order any of the
aforesaid actions on the petition, or shall upon good cause order any other suitable
method to determine whether and by which employee organization the employees desire
to be represented. The board shall certify the results.

(c) The board shall have the power to determine who may participate in the election
and to establish the rules governing such election, provided no election need be directed
by the board solely because of the request of an employer or of employees prompted
thereto by their employer, nor shall any individual employed for the duration of a strike
or a lockout be eligible to vote in such election, nor shall such election be conducted with
the employer's participation, assistance or supervision.

(d) If, at an election conducted pursuant to this section, three or more nominees for
exclusive collective bargaining representatives appear on the ballot and no one of them
receives a majority of the votes cast at the election, the two nominees who receive the
highest number of votes shall appear on the ballot of a second election to be conducted
hereunder, and the one receiving a majority of the votes cast at the second election shall
be the exclusive representative of all the employees in such unit for the purpose of
collective bargaining in respect to rates of pay, wages, hours of employment or other
conditions of employment.

(e) A labor organization nominated as the representative of employees shall be listed by name on the ballots authorized by subsections (b) and (c) of this section. If, after the hearing provided for in subsection (b) of this section, the board finds that any committee, employee, employee representation plan or association of employees involved is a company union, or if any such committee, employee representation plan or association of employees is found to be a company union, it shall not be listed on the ballots or otherwise recognized as eligible to be the representative of employees under this chapter.

(f) The board shall have no powers of investigation.

(g) All elections ordered by the board shall be by secret ballot.


History: 1967 act added provisions in Subsec. (a) limiting board's power to decide whether bargaining units are appropriate if employer is licensed by the state department of health; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 81-29 amended Subsec. (b) to provide that the board's agent shall have increased powers over petitions concerning the election of representatives, while resting final action with the board and to give the board power to adopt regulations controlling the handling of such petitions under Subsec. (b); P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Cited. 138 C. 277. Cited. 139 C. 99. Cited. 146 C. 93. When unit composed of single employee is deemed to have appointed a collective bargaining agent. 147 C. 344. Union membership alone does not warrant presumption union has been designated as such agent. Id. Cited. 162 C. 579. Board has wide discretion to determine appropriate bargaining units. 175 C. 165.

Board is without authority to order an election unless an employee complains that a question or controversy exists. 14 CS 72. Employer must recognize a certification rightfully given for a reasonable period of time, regardless of changed conditions. 19 CS 282. In selection of appropriate bargaining unit, board has wide discretion and decision is conclusive unless it is arbitrary or capricious. 22 CS 139. A majority of votes cast in election is sufficient for choice of bargaining representative. Id., 143.

Cited. 3 Conn. Cir. Ct. 524, 529.

Subsec. (b):
Sec. 31-107. Complaints of unfair labor practices. Investigations, complaints, hearings and orders. (a) The board is empowered and directed to prevent any unfair labor practices. When a complaint has been made to the board that any employer has engaged in or is engaging in an unfair labor practice, the board shall refer such complaint to the agent who shall, after investigation and within ninety days after the date of such referral, either (1) make a report to the board recommending dismissal of the complaint or (2) issue a written complaint charging unfair labor practices. If no such report is made and no such written complaint is issued, the board may in its discretion proceed to a hearing upon the party's original complaint of the violation of this chapter which shall in such case be treated for the purpose of this section as a complaint issued by the agent. Upon receiving a report from the agent recommending dismissal of a complaint, the board may issue an order dismissing the complaint or may order a further investigation or a hearing thereon.

(b) Upon receiving a complaint issued by the agent, the board shall set a time and place for the hearing, which time and place may be changed by the board at the request of the agent or the employer for cause shown. Any such complaint may be amended with the permission of the board. The person so complained of shall have the right to file an answer to the original or amended complaint within five days after the service of such complaint or within such other time as the board may limit. Such person shall have the right to appear in person or otherwise to defend against such complaint. In the discretion of the board any person may be allowed to intervene in such proceeding. In any hearing the board shall not be bound by technical rules of evidence prevailing in the courts.

(c) A stenographic or electronic record of the testimony shall be taken at all hearings of the board and a transcript thereof shall be filed with the board upon its request. The board shall have the power to order the taking of further testimony and for further argument. If, upon all the testimony, the board determines that the employer has engaged in or is engaging in any unfair labor practice, it shall state its finding of fact and shall issue and cause to be served on such employer an order requiring him to cease and desist from such unfair labor practice, and shall take such further affirmative action as will effectuate the policies of this chapter, including, but not limited to: (1) Withdrawal of recognition from and refraining from bargaining collectively with any company union, established, maintained or assisted by any action defined in this chapter as an unfair labor practice; (2) awarding of back pay; (3) reinstatement with or without back pay of any employee discriminated against in violation of section 31-105 or by maintenance of a preferential list from which such employee shall be returned to work; (4) reinstatement with or without back pay of all employees whose work has ceased or whose return to work has been delayed or prevented as the result of unfair labor practice in respect to any employee or employees or the maintenance of a preferential list from which such
employees shall be returned to work. Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with. If upon all the testimony the board is of the opinion that the person or persons named in the complaint have not engaged in or are not engaging in any such unfair labor practice, then the board shall make its finding of fact and shall issue an order dismissing the complaint. The board shall not require as a condition of taking action or issuing any order under this chapter that employees on strike or engaged in any other lawful concerted activity shall discontinue such strike or such activity. Until a transcript of the record in a case has been filed in the Superior Court, as provided in section 31-109, the board may, at any time, upon notice, modify or set aside in whole or in part any finding or order made or issued by it. Proceedings before the board shall be held with all possible expedition.

(1949 Rev., S. 7394; 1969, P.A. 357; P.A. 73-120, S. 1, 3.)

History: 1969 act detailed agent's responsibility to make report or issue written complaint and procedure if agent neither makes report nor issues complaint in Subsec. (a); P.A. 73-120 amended Subsec. (c) to substitute "stenographic or electronic record" for "transcript" and to require filing of transcript with board "upon its request" where previously such filing was mandatory.

When agent filed report recommending dismissal of charges, board held a hearing to review agent's action; held, though board did not follow procedure set out in statute, in effect its action amounted to a hearing on the merits of the controversy. 148 C. 135. If board at one hearing found probable cause on a complaint, it is not barred from then sitting in judgment on such complaint. Id.

Cited. 22 CS 144.

Subsec. (a):

Cited. 43 CS 340.

Subsec. (c):


Sec. 31-107a. Application for transcript. Costs. Any party who wishes to have a transcript of the proceedings before the labor relations board shall apply therefor. The parties may agree on the sharing of the costs of the transcript but, in the absence of such agreement, the costs shall be paid by the requesting party.

(P.A. 73-120, S. 2, 3.)

Sec. 31-108. Oaths. Subpoenas. Service of process. For the purpose of hearings before the board, the board shall have power to administer oaths and affirmations and to
issue subpoenas requiring the attendance of witnesses. In case of contumacy or refusal to obey a subpoena issued to any person, the Superior Court, upon application by the board, shall have jurisdiction to order such person to appear before the board to produce evidence or to give testimony touching the matter under investigation or in question, and any failure to obey such order may be punished by said court as a contempt thereof. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Complaints, orders and other processes and papers of the board or the agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return of service shall be proof of such service. Witnesses summoned before the board or the agent shall be paid the same fees and mileage allowances that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this state. All processes of any court to which an application or petition may be made under this chapter may be served in the judicial district wherein the person or persons required to be served reside or may be found.

(1949 Rev., S. 7396; P.A. 78-280, S. 2, 127.)

History: P.A. 78-280 substituted "judicial district" for "county".

See Sec. 52-260 re witness fees.

Cited. 234 C. 704.

Cited. 33 CS 205.

**Sec. 31-109. Enforcement of orders. Appeals.** (a) The board may petition the superior court for the judicial district wherein the unfair labor practice in question occurred or wherein any person charged with the unfair labor practice resides or transacts business, or, if said court is not in session, any judge of said court, for the enforcement of an order and for appropriate temporary relief or a restraining order, and shall certify and file in the court a transcript of the entire record of the proceedings, including the pleadings and testimony upon which such order was made and the finding and orders of the board. In the event an appeal has not been filed pursuant to section 4-183 or subsection (d) of this section, the board may file its petition in the superior court for the judicial district of Hartford, or, if said court is not in session, the board may petition any judge of said court. Within five days after filing such petition in the superior court, the
board shall cause a notice of such petition to be sent by registered or certified mail to all parties or their representatives. The superior court, or, if said court is not in session, any judge of said court, shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such relief, including temporary relief, as it deems just and suitable and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part, the order of the board.

(b) No objection that has not been urged before the board shall be considered by the court, unless the failure to urge such objection is excused because of extraordinary circumstances. The findings of the board as to the facts, if supported by substantial evidence, shall be conclusive. If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made part of the transcript. The board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order.

(c) The jurisdiction of the Superior Court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Appellate Court, on appeal, by either party, irrespective of the nature of the decree or judgment or the amount involved. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided under section 51-197b.

(d) Any person aggrieved by a final order of the board granting or denying in whole or in part the relief sought may appeal pursuant to the provisions of chapter 54 to the superior court for the judicial district where the unfair labor practice was alleged to have occurred, in the judicial district of Hartford, or in the judicial district wherein such person resides or transacts business.

(e) Any employer who appeals from an order or part of an order containing a direction to pay back pay to employees need not comply with so much of such order as directs such payment during the pendency of an appeal to the Superior Court or the Appellate Court.

(f) Except as provided in subsection (e) of this section, unless otherwise directed by the court, commencement of proceedings under subsections (a) and (d) of this section shall not operate as a stay of such order.

(g) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the Superior Court or Appellate Court under this chapter shall take precedence over all other matters, except matters of the same character.
History: P.A. 76-436 added references to judicial districts and replaced provision in Subsec. (c) which stated that appeals be taken as in other cases of appeal to the supreme court and that record is to contain "all that was before the lower court" with provision requiring that appeals be taken as provided "under section 52-7", effective July 1, 1978; P.A. 78-280 deleted references to counties; P.A. 83-308 amended Subsec. (a) to allow the board to file its petition for enforcement of an order in the superior court for the judicial district of Hartford-New Britain if an appeal of the order has not been filed; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-317 amended Subsec. (d) to require an appeal to be made "pursuant to the provisions of chapter 54," instead of specifying the procedure for the appeal, and allowed an appeal to be made to the superior court in the judicial district of Hartford-New Britain, effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 10-32 made a technical change in Subsec. (f), effective May 10, 2010.


Board's decision conclusive if supported by substantial evidence. 14 CS 72; 19 CS 283. Court should allow reasonable time in which to act after modification. 17 CS 293. Certification of bargaining agent is not an order which is reviewable. 22 CS 132; Id., 137. Specification of reasons why appellant claims to be aggrieved should be set forth in appeal. Id., 136.

Subsec. (a):

Cited. 39 CS 338.

Subsec. (b):

"Substantial evidence" defined. 147 C. 142. On review, superior court can do no more, on factual questions presented, than to examine record to determine whether ultimate findings were supported by substantial evidence. 148 C. 135. Substantial evidence defined. Id. Cited. 149 C. 7. So long as there is substantial evidence supporting board's findings, court is unable to interfere. 150 C. 597. Finding of fact by board cannot be disturbed unless not supported by substantial evidence. 160 C. 285. Cited. 173 C. 210. Cited. 175 C. 165; Id., 349.
Subsec. (c):

Appeal to supreme court from judgment of superior court rendered pursuant to Municipal Employees Relations Act is to be taken and prosecuted in same manner as other appeals to supreme court. 159 C. 46.

Subsec. (d):

Labor relations board decision as to appropriate bargaining unit and directing an election among members of that unit is not a final order of board and not directly appealable. 154 C. 530. Cited. 173 C. 210. Cited. 175 C. 165.

Sec. 31-110. Records and proceedings to be public. Subject to regulations to be made by the board, the complaints, orders and testimony relating to a proceeding instituted under section 31-107 may be available for inspection or copying. All proceedings pursuant to said section shall be open to the public.

(1949 Rev., S. 7397.)

Sec. 31-111. Penalty. Any person who wilfully resists, prevents or interferes with any member of the board or the agent in the performance of duties pursuant to this chapter, or who interferes with the free exercise by employees of the right to select representatives in an election directed by the board pursuant to section 31-106, shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(1949 Rev., S. 7399.)

Sec. 31-111a. Strike, work stoppage or lockout of hospital employees prohibited. No employees of an employer licensed by the Department of Public Health under section 19a-490, or their representatives, or any other persons shall engage in or induce or encourage, or attempt to engage in or induce or encourage, any strike, work stoppage, slowdown or withholding of goods or services by such employees or other persons at the institution where they are employed, provided nothing herein shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public that a grievance or dispute, as defined by section 31-111b, exists at such employer's premise, as long as such publicity does not have the effect of inducing any persons to withhold goods or services at such employer's premise. No employer licensed by the Department of Public Health under said section 19a-490 shall institute, declare or cause,
or attempt to institute, declare or cause, any lockout of the employees of such employer's
premise.

(1967, P.A. 497, S. 4; P.A. 77-614, S. 323, 610; P.A. 93-381, S. 9, 39; P.A. 95-257,
S. 12, 21, 58.)

History: P.A. 77-614 replaced department of health with department of health
services, effective January 1, 1979; P.A. 93-381 replaced department of health services
with department of public health and addiction services, effective July 1, 1993; P.A. 95-
257 replaced Commissioner and Department of Public Health and Addiction Services
with Commissioner and Department of Public Health, effective July 1, 1995.

Sec. 31-111b. Determination of grievances and disputes between hospital
employees and employer. (a) As used in this section, "grievance" means any
controversy or claim arising out of or relating to the interpretation, application or breach
of the provisions of an existing collective bargaining contract and "dispute" means all
other controversies, claims or disputes between the employees of an employer licensed
by the Department of Public Health under section 19a-490, or their representatives, and
such employer, concerning wages, hours, union security, seniority or other economic
matters, including, but not limited to, controversies, claims or disputes arising in the
course of negotiating, fixing, maintaining, changing or arranging such terms or
conditions.

(b) Every collective bargaining contract between the employees of an employer
licensed by the Department of Public Health under said section 19a-490, or their
representatives, and such employer, which does not contain provisions for the final and
binding determination of grievances shall be deemed to include provision for the
submission of such grievances, upon the request of either or both parties, to arbitration
pursuant to such rules as may be established from time to time by the State Board of
Mediation and Arbitration, and all such contracts for such employer shall have a common
expiration date for all units.

(c) Every collective bargaining contract between the employees of an employer so
licensed by the Department of Public Health, or their representatives, and such employer,
which does not contain provisions for the final and binding determination of disputes
shall be deemed to include provisions for: (1) The appointment of a fact-finding
commission by the State Board of Mediation and Arbitration upon the request of both
parties to the dispute, or by the Labor Commissioner upon his own motion and upon
certification by said board that in its opinion efforts to effect a voluntary settlement of the
dispute have been unsuccessful. Such fact-finding commission shall have all of the
powers and duties, including the power to make recommendations for the settlement of
the dispute, as are vested in the State Board of Mediation and Arbitration under section
31-99, and (2) the submission of the dispute to arbitration, pursuant to such rules as may
be established from time to time by the State Board of Mediation and Arbitration, by said
board upon request of both parties to the dispute, or by the Labor Commissioner upon his
own motion and upon certification by said board that in its opinion efforts to effect a
voluntary settlement of the dispute have been unsuccessful.

(d) In the absence of a collective bargaining contract between the employees of an employer so licensed by the Department of Public Health, or their representatives, and such employer, the State Board of Mediation and Arbitration and the Labor Commissioner may, in the manner and upon the conditions provided in subsection (c) of this section, exercise all of the powers vested in them by the provisions of said subsection.

(e) Nothing in this section shall be deemed to affect, impair or alter any collective bargaining contract between the employees of an employer so licensed by the Department of Public Health, or their representatives, and such employer, which was executed prior to July 1, 1967, during the term of such contract.

(f) The Superior Court shall have jurisdiction to confirm, modify, correct or vacate any arbitration award made pursuant to the procedure established by this section, in the manner provided by chapter 909. The Superior Court shall have jurisdiction, upon such notice as it deems appropriate, to restrain or enjoin any violation of the provisions of this section or section 31-111a and to grant such other and further equitable relief as may be appropriate. The provisions of section 31-113 shall not apply to an action or proceeding instituted pursuant to this section or section 31-111a.


History: P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Subsec. (a):

Cited. 201 C. 685.
CHAPTER 562*
LABOR DISPUTES


Labor dispute includes refusal of owner of a chain of theaters to employ union members in certain theaters and not in others. 8 CS 325. Where partners perform all the work involved, attempt by union to coerce partnership into signing a contract did not give rise to a labor dispute. 9 CS 154. Where employees not members of union, no labor dispute existed when union attempted to enforce an agreement between the employer and itself with respect to terms and conditions of the employment of the workers. 10 CS 108. A case between employer and employee concerning terms and conditions of employment was one involving a labor dispute. 13 CS 51. Unless otherwise provided for there is no limitation on court's general equity power. 14 CS 22. Cited. Id., 506. Question of which of two rival unions is entitled to be the bargaining representatives under contract with employer is a labor dispute. 15 CS 327. Labor dispute defined, peaceful picketing upheld. 17 CS 416. Cited. 18 CS 74. Cited. 19 CS 452. Act does not affect substantive rights, it is merely procedural. Id. It is the policy of this act to curtail injunctive power of court and not to legalize picketing. Id. Corresponding sections of Norris-La Guardia act set out. Id.; 17 CS 289. Does not require that the disputants be in an employer-employee relationship. 20 CS 333. Where the moving party alleges unfair labor practices, where the facts reasonably bring the controversy within the sections prohibiting these practices and where the conduct, if not prohibited by the National Labor Relations Act, may be reasonably deemed to come within the protection afforded by that act, the state court must decline jurisdiction in deference to the tribunal which congress has selected for determining such issues. 21 CS 252. Cited. 27 CS 158.

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**Sec. 31-112. Injunctions. Definitions.** When used in this chapter, except sections 31-120 and 31-121:

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft or occupation, or have direct or indirect interests therein, or who are employees of the same employer, or who are members of the same or an affiliated organization of employers or employees, whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees, (2) between one or more employers or associations of employers and one or more employers or associations of employers, or (3) between one or more employees or associations of employees and one or more employees or associations of employees, or when the case involves any conflicting or competing interests in a labor dispute of persons participating or interested therein;

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it, and if he or it is engaged in the same industry, trade, craft or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft or occupation;

(c) The term "labor dispute" includes any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment or concerning employment relations, or any controversy arising out of the respective interest of employer and employee, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(1949 Rev., S. 7408.)


Cited. 34 CS 157.

Cited. 6 Conn. Cir. Ct. 378.

Subsec. (c):

Cited. 201 C. 685.
Sec. 31-113. Jurisdiction. No court shall have jurisdiction to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute from doing, whether singly or in concert, any of the following acts: (a) Ceasing or refusing to perform any work or to remain in any relation of employment; (b) becoming or remaining a member of any labor organization or of any employer organization; (c) paying or giving to, or withholding from, any person participating or interested in such labor dispute any strike or unemployment benefits or insurance, or other moneys or things of value; (d) by all lawful means aiding any person participating or interested in any labor dispute who is being proceeded against in, or is prosecuting, any action or suit in any court of the United States or of any state; (e) giving publicity to the existence of, or the facts involved in, any labor dispute, whether by advertising, speaking or patrolling or by any other lawful method; (f) assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute; (g) advising or notifying any person of an intention to do any of the acts hereinbefore specified; (h) agreeing with other persons to do or not to do any of the acts hereinbefore specified; and (i) advising or urging or otherwise causing or inducing by any lawful method the acts hereinbefore specified.

(1949 Rev., S. 7409.)


Cited. 9 CS 154. Cited. 13 CS 47. When picketing is unlawful. 14 CS 22. Interference with ingress and egress from plant not peaceful picketing. 18 CS 75. Section does not deny courts power to hear and determine injunction actions but only limits them in exercise of that power. 27 CS 156. Cited. 42 CS 227.

Sec. 31-114. Responsibility for unlawful acts. No officer or member of any association or organization, and no association or organization participating or interested in a labor dispute, shall be held responsible or liable in any court for the unlawful acts of individual officers, members or agents, except upon proof of actual participation in, or actual authorization of, such acts, or ratification of such acts after actual knowledge thereof.

(1949 Rev., S. 7410.)

Mere fact that persons committing the unlawful acts are acting within the scope of their general authority is not enough. It must appear that authority to do the particular acts charged, or acts generally of that type or quality, was expressly granted or necessarily followed from a granted authority. 150 C. 266. Cited. 186 C. 247. Cited. 190 C. 371. Cited. 203 C. 624.

Cited. 42 CS 336.
Sec. 31-115. Hearings. Temporary order. No court shall have jurisdiction to issue a temporary or permanent injunction in any case involving or growing out of a labor dispute, except after hearing the testimony of witnesses in open court, with opportunity for cross-examination, in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after a finding of facts by the court, to the effect: (a) That unlawful acts have been threatened and will be committed by a person or persons unless such person or persons are restrained therefrom, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act except against the person or persons, association or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof; (b) that substantial and irreparable injury to the complainant or his property will follow; (c) that as to each item of relief granted greater injury would be inflicted upon the complainant by the denial of relief than would be inflicted upon the defendants by the granting of relief; (d) that the complainant has no adequate remedy at law; and (e) that the public officers charged with the duty to protect the complainant’s property are unable or unwilling to furnish adequate protection. Such hearing shall be held after notice thereof has been given, in such manner as the court directs, to all known persons against whom relief is sought, provided, if a complainant also alleges that, unless a temporary restraining order is issued without notice, substantial and irreparable injury to the complainant or his property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a temporary injunction upon a hearing after notice. Such temporary restraining order shall be effective for no longer than three days and shall become void at the expiration of such three days, provided, if a hearing on a temporary injunction has begun before the expiration of such three days, the restraining order may, in the court’s discretion, be modified or continued until a decision is reached by said court. No temporary restraining order or temporary injunction shall be issued except on condition that the complainant shall first file an undertaking, with surety satisfactory to the court granting the injunction, to answer all damages in case the plaintiff in the action in which the injunction is applied for fails to prosecute the action to effect.

(1949 Rev., S. 7411; 1967, P.A. 483.)

History: 1967 act added Subdiv. (e) requiring finding of fact that public officers charged with duty to protect complainant’s property are unable or unwilling to furnish adequate protection before injunction may be issued.


Cited. 26 CA 610.
"Each item of relief" means the various prohibitory mandates of the injunction. 8 CS 331. Cited. 19 CS 452. Requirement that unlawful acts have been threatened or will be committed not given literal interpretation; court may take jurisdiction where equitable relief alone is sought. 27 CS 156. Whether damages are irreparable depends more on nature of right affected than upon pecuniary loss. Id. Cited. 34 CS 157, 159. Cited. 42 CS 227.

**Sec. 31-116. Finding of facts required.** No restraining order or temporary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of a finding of facts made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction, and each restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as are expressly complained of in the complaint or petition filed in such case and as are expressly included in the findings of fact made and filed by the court as provided herein.

(1949 Rev., S. 7412.)


**Sec. 31-117. Submission to arbitration.** No temporary injunction shall be made permanent unless the plaintiff alleges and proves that he has notified the labor commissioner in writing of his willingness to submit such labor dispute to arbitration or mediation.

(1949 Rev., S. 7413.)


Cited. 19 CS 403. Plaintiff employer is entitled to measure of protection from unlawful picketing prior to any submission to conciliatory efforts of commissioner of labor. 34 CS 157. Cited. Id., 157.

**Sec. 31-118. Appeal.** When any court or a judge thereof issues or denies a temporary injunction in a case involving or growing out of a labor dispute and either party is aggrieved by the decision of the court or judge upon any question of law arising therein, he may appeal from the final judgment of the court or of such judge to the Appellate Court at any time within two weeks of the entry of such judgment. Such appeal shall not designate the term of such court to which the appeal is taken. At the request of either party, the record shall be prepared by the clerk and made available to counsel within two weeks from the completion of such record. The appellant shall file his brief within two weeks from the receipt of the record, and the appellee within one week thereafter. No extensions of time shall be granted to either party for any of the steps required in filing or perfecting such appeal except for illness or other acts of God. Such appeal shall be heard
not later than two weeks from the date the appeal is perfected by the filing of such record and briefs with the Appellate Court, and such appeal shall take precedence over all matters except older matters of the same character.


History: June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof, deleted provision re suspension of time limitations during June, July and substituted "prepared" for "printed".


Sec. 31-119. Contempt of court. Any person charged with contempt of court shall have the same right of admission to bail that is accorded to persons accused of crime and a reasonable time to make a defense, provided the alleged contempt was not committed in the immediate view or presence of the court.

(1949 Rev., S. 7415.)


Sec. 31-120. Picketing of residences. No person shall engage in picketing before or about the home or residence of any individual unless such home or residence is adjacent to or in the same building or on the same premises in which such person was employed and which employment is involved in a labor dispute. Any person who violates the provisions of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

(1949 Rev., S. 8610.)


Residential picketing is prohibited by labor groups on labor issues only and statute is not extended beyond that. 6 Conn. Cir. Ct. 372.

Sec. 31-121. Solicitations for employees to state existence of strike or lockout. No employer of labor shall, by himself or by his agent, solicit persons to replace employees.
or fill the positions made vacant as the result of a strike, lockout or other labor dispute, by means of newspaper advertisements, posters, oral or written communications, or otherwise, unless such solicitations state plainly and specifically that a strike, lockout or other labor dispute exists. If such statements are printed, they shall be printed in boldface upper case letters, at least ten points larger than the largest of any other type appearing in the statement, and shall be separately stated.

(1955, S. 3021d; 1971, P.A. 340.)

History: 1971 act replaced requirement that statements of existence of strike, lockout, etc. be printed in twelve-point or larger size with provision requiring that statement be printed "at least ten points larger than the largest of any other type appearing in the statement".


Sec. 31-121a. Labor disputes in health care institutions. Appointment of fact-finder by Labor Commissioner. In the event of a strike, work stoppage or lockout involving employees of a health care institution licensed by the Department of Public Health under sections 19a-490 to 19a-503, inclusive, the Labor Commissioner shall, upon the request of either party to such labor dispute, appoint an impartial fact-finder if he determines that such dispute is endangering or may endanger the health, welfare and safety of the patients of the institution or the general community. The fact-finder shall inquire into the causes and effects of the dispute and shall issue a report of his findings to the Labor Commissioner and the parties, including nonbinding recommendations for settlement of the dispute. The cost of the fact-finder shall be shared equally by both parties.

(P.A. 87-183; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; (Revisor's note: The phrase "commissioner of labor" was changed editorially by the Revisors to "labor commissioner", in conformance with Sec. 31-1); P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.
CHAPTER 563a*
PERSONNEL FILES


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Sec. 31-128a. Definitions. As used in this chapter:

(1) "Employee" means any individual currently employed or formerly employed by an employer and includes individuals in managerial positions;

(2) "Employee assistance program" means a program sponsored or authorized by an employer, intended to assist employees in identifying and resolving personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, gambling, legal, emotional, stress or other personal issues that may affect job performance;

(3) "Employee assistance professional" means any person who is required by job description or employment contract to provide services pursuant to an employee assistance program;

(4) "Employer" means an individual, corporation, partnership or unincorporated association;

(5) "Personnel file" means papers, documents and reports, including electronic mail and facsimiles, pertaining to a particular employee that are used or have been used by an employer to determine such employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action including employee evaluations or reports relating to such employee's character, credit
and work habits. "Personnel file" does not mean stock option or management bonus plan records, medical records, letters of reference or recommendations from third parties including former employers, materials that are used by the employer to plan for future operations, information contained in separately maintained security files, test information, the disclosure of which would invalidate the test, or documents which are being developed or prepared for use in civil, criminal or grievance procedures;

(6) "Medical records" means all papers, documents and reports prepared by a physician, psychiatrist or psychologist that are in the possession of an employer and are work-related or upon which such employer relies to make any employment-related decision;

(7) "Security files" means memoranda, documents or collections of information relating to investigations of losses, misconduct or suspected crimes, and investigative information maintained pursuant to government requirements, provided such memoranda, documents, or information are maintained separately and not used to determine an employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action.

(P.A. 79-264, S. 1, 9; P.A. 80-158, S. 1, 6, 7; P.A. 03-5, S. 1; 03-187, S. 1.)

History: P.A. 80-158 redefined "employee" to specify current employment, redefined "personnel file" to delete words "formal or informal" describing employee evaluations, to delete provision excluding records which relate to "an investigation, arrest or conviction of conduct which constitutes a violation of state or federal criminal laws" and to specify exclusion of stock option or management bonus plan records, materials used in planning future operations, information contained in separate security files and test information and added Subdiv. (5) defining "security files" and changed effective date of P.A. 79-264, S. 1 from January 1, 1981, to July 1, 1980; P.A. 03-5 amended Subdiv. (3) by extending the definition of "personnel file" to electronic mail and facsimiles and making technical changes; P.A. 03-187 added new Subdivs. (2) and (3) defining "employee assistance program" and "employee assistance professional" and redesignated existing Subdivs. (2) to (5) as new Subdivs. (4) to (7).

Subdiv. (2):

Cited. 201 C. 421.

Sec. 31-128b. Employee access to personnel files. Each employer shall, within a reasonable time after receipt of a written request from an employee, permit such employee to inspect his personnel file if such a file exists. Such inspection shall take place during regular business hours at a location at or reasonably near the employee's place of employment. Each employer who has personnel files shall be required to keep any personnel file pertaining to a particular employee for at least one year after the termination of such employee's employment.
Sec. 31-128c. Employee access to medical records. Employer's duties re maintaining medical records. Each employer shall, within a reasonable time after receipt of a written request from an employee, permit an inspection of medical records pertaining to such employee which may be in such employer's possession. Such inspection shall take place during regular business hours at a location at or reasonably near the employee's place of employment and shall be made by a physician chosen by such employee or by a physician chosen by the employer with such employee's consent. Each employer that has medical records shall be required to keep any medical records pertaining to a particular employee for at least three years following termination of employment. Medical records, if kept by an employer, shall be kept separately and not as part of any personnel file.

Sec. 31-128d. Employer's right to retain files on premises. Nothing in this chapter shall be construed as a requirement that an employee or his physician be permitted to remove his personnel file or medical records or any part of such file or records from the place on the employer's premises where it is made available for inspection. Each employer shall retain the right to protect his files and records from loss, damage or alteration to insure their integrity. Each employer may require that inspection of any personnel file or medical records take place in the presence of a designated official.

Sec. 31-128e. Removal or correction of information. Employee's explanatory statement. If upon inspection of his personnel file or medical records an employee disagrees with any of the information contained in such file or records, removal or correction of such information may be agreed upon by such employee and his employer. If such employee and employer cannot agree upon such removal or correction then such employee may submit a written statement explaining his position. Such statement shall be
maintained as part of such employee's personnel file or medical records and shall accompany any transmittal or disclosure from such file or records made to a third party.

(P.A. 79-264, S. 5, 9; P.A. 80-158, S. 6, 7.)


**Sec. 31-128f. Employee's consent required for disclosure.** No individually identifiable information contained in the personnel file or medical records of any employee shall be disclosed by an employer to any person or entity not employed by or affiliated with the employer without the written authorization of such employee except where the information is limited to the verification of dates of employment and the employee's title or position and wage or salary or where the disclosure is made: (1) To a third party that maintains or prepares employment records or performs other employment-related services for the employer; (2) pursuant to a lawfully issued administrative summons or judicial order, including a search warrant or subpoena, or in response to a government audit or the investigation or defense of personnel-related complaints against the employer; (3) pursuant to a request by a law enforcement agency for an employee's home address and dates of his attendance at work; (4) in response to an apparent medical emergency or to apprise the employee's physician of a medical condition of which the employee may not be aware; (5) to comply with federal, state or local laws or regulations; or (6) where the information is disseminated pursuant to the terms of a collective bargaining agreement. Where such authorization involves medical records the employer shall inform the concerned employee of his or his physician's right of inspection and correction, his right to withhold authorization, and the effect of any withholding of such authorization upon such employee.

(P.A. 79-264, S. 6, 9; P.A. 80-158, S. 5-7.)

History: P.A. 79-264 effective January 1, 1981; P.A. 80-158 made provisions specifically applicable to "individually identifiable" information, clarified that disclosure prohibition applies to persons or entities "not employed or affiliated with the employer", expanded circumstances under which disclosure is allowed where previously disclosure was limited to cases "pursuant to a lawfully issued subpoena", added reference to physician's right of inspection, changed wording slightly and changed effective date of P.A. 79-264 from January 1, 1981, to July 1, 1980.

Cited. 201 C. 421.

**Sec. 31-128g. Employee's right to obtain copies.** Each employer shall, within a reasonable time after receipt of a written request from an employee, provide such employee with a copy of all or part of his personnel file or provide such employee's physician with a copy of such employee's medical records, provided such request reasonably identifies the materials to be copied. Such employer may charge a fee for copying such file or records or any part of such file or records. Such fee shall be
reasonably related to the cost of supplying the requested documents.

(P.A. 79-264, S. 7, 9; P.A. 80-158, S. 6, 7.)

History: P.A. 79-264 effective January 1, 1981; P.A. 80-158 changed effective date to July 1, 1981.

**Sec. 31-128h. Frequency of inspection.** No employer shall be required to permit an inspection of any employee's personnel file or medical records on more than two occasions in any calendar year.

(P.A. 79-264, S. 8, 9; P.A. 80-158, S. 6, 7.)


**Sec. 31-128i. Employee's consent required for disclosure of participation in employee assistance program.** (a) No employee assistance professional, employee or state employee shall be required to disclose any information or records concerning or confirming the employee's voluntary participation in an employee assistance program sponsored or authorized by an employer or the state or any of its agencies.

(b) Except as permitted under section 31-128f, no employee assistance program, by itself or its agents or representatives, shall disclose any information or records concerning or confirming an employee's or a state employee's voluntary participation in such program without the prior written consent of the employee or state employee, except where disclosure is necessary to prevent harm to the employee or others.

(c) For purposes of this section, "state employee" means any employee in the executive, legislative or judicial branch of state government, whether in the classified or unclassified service and whether full or part-time and any employee of a quasi-public agency.

(P.A. 01-29; P.A. 03-187, S. 2.)

History: P.A. 03-187 amended Subsec. (a) by adding "employee assistance professional", "employee" and "employer" and amended Subsec. (b) by adding "employee" and authorizing disclosure where necessary to prevent harm.

**Sec. 31-128j. Labor Commissioner's subpoena powers.** In connection with any investigation by the Labor Department regarding any provision of this chapter, the Labor Commissioner or the Labor Commissioner's duly authorized agent may summon by subpoena an employer against whom a complaint under this chapter has been filed, an employee who has filed a complaint that is the subject of such investigation, any other person having custody or control of such employee's medical records or personnel file or any person whose testimony may be pertinent to the matter under investigation, together
with any records or other documents of the complaining employee relevant to such investigation. Any such records or documents obtained by the Labor Department pursuant to such subpoena shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200. In case of contumacy or refusal to obey a subpoena issued pursuant to this section, the Superior Court, upon application of the Labor Commissioner, shall have jurisdiction to make such order as may be appropriate to aid in the enforcement of this section.

(P.A. 04-178, S. 1.)
CHAPTER 564
PRIVATE EMPLOYMENT AND INFORMATION AGENCIES

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Sec. 31-134a. Procurement of out-of-state domestic employees.

Sec. 31-129. Definitions. As used in this chapter:

(a) "Person" includes persons or a company, society, association, limited liability company or corporation;

(b) "Employment agency" includes the business of procuring or offering to procure work or employment for persons seeking employment, or acting as agent for procuring such work or employment where a fee or other valuable thing is exacted, charged or received for procuring or assisting to procure employment, work or a situation of any kind or for procuring or providing help for any person;

(c) "To accept or obtain employment, work or a situation" means to enter upon the duties of that employment, work or situation, with resulting remuneration for the same;

(d) "Emigrant agent" means any person who, on behalf of an employment agency and for a fee, procures or attempts to procure domestic or household employment in Connecticut for persons outside the state seeking such employment, or domestic or household employees from outside the state for employers in the state seeking the services of such employees;

(e) "Temporary help service" means any person conducting a business which consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others.


History: 1959 act extended agency definition to include seeking employees for
employers and defined "to accept or obtain employment," etc.; 1961 act defined "emigrant agent"; P.A. 73-461 made technical changes and defined "temporary help service"; P.A. 89-128 redefined "employment agency" to exclude agencies who only supply employees to employers; P.A. 95-79 redefined "person" to include a limited liability company, effective May 31, 1995.

Subdiv. (e):

Cited. 42 CS 376.

Sec. 31-130. Licenses; application, bond, fees, location, qualifications; temporary license, exemptions; registration. (a) No person shall open, keep or carry on any employment agency unless he procures a license from the Labor Commissioner authorizing the licensee to open, keep or carry on such agency at a designated place. Application for such license or for renewal annually of such license shall be on forms prescribed and furnished by the commissioner and shall be accompanied by a bond, as hereinafter described, copies of all forms to be used in the conduct of the agency, a schedule of fees to be charged and a fee of one hundred fifty dollars for each year. Any license applicant refused a license shall have his fee refunded. The fee for an original application or renewal shall be prorated at the rate of twenty-five per cent thereof for each full three-month period or part thereof remaining between the date of such application and the May first next ensuing. Any license issued on and after July 1, 1973, shall expire on the May first next following the date thereof, unless sooner revoked by the Labor Commissioner. Any license in effect on July 1, 1973, shall continue in effect until its date of expiration.

(b) The Labor Commissioner may issue a temporary license to any person licensed pursuant to subsection (a) of this section to operate an employment agency at a place other than that designated in said license issued pursuant to subsection (a) upon the filing by said licensee with the Labor Commissioner of an application on forms provided therefor with no additional fee or additional bond. Such temporary license shall be valid only for the place and period designated by the Labor Commissioner. Such license may be issued, in the discretion of the Labor Commissioner, for premises otherwise prohibited by subsection (g) of this section upon good cause shown and upon such conditions as he shall set forth.

(c) The provisions of this chapter shall not apply (1) to any temporary help service, to any nonprofit registry conducted by incorporated individual alumni associations or registered nurses or to any registry conducted by a hospital for private duty placement of nurses employed by such hospital or (2) to any person engaged in the business of procuring or offering to procure employees for persons seeking the services of employees or supplying employees to render services where a fee or other valuable thing is exacted, charged or received from the employer for procuring or assisting to procure or supplying such employees, except as provided in subsection (i) of this section.

(d) Every applicant for an employment agency license shall file with the Labor
Commissioner a written application stating the name and address of the applicant; the street and the number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the responsibility for the general management of the office; and the name under which the business of the office is to be carried on. The application shall be signed by the applicant and sworn to before a notary public and shall identify anyone holding a twenty per cent interest therein. If the applicant is a corporation, the application shall state the names and addresses of each of the officers, directors and anyone holding a twenty per cent interest therein and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall state the names and addresses of all partners therein and shall be signed and sworn to by all of them. The application shall also state whether or not the applicant or any person required to be identified by this section is, at the time of making the application, or has been at any previous time, engaged in or had an interest in or been employed by anyone engaged in the business of an employment agency. Each application shall be accompanied by affidavits of at least three creditable citizens who reside in the state on behalf of each person required to be identified by this section together with the fingerprints of each such person.

(e) Each person shall file with his application for a license a bond to the state in the penal sum of seven thousand five hundred dollars, with surety approved by the commissioner. Such bond shall be conditioned that the obligor shall comply with every provision of this chapter and every regulation or order issued thereunder and shall pay any loss or damage occasioned to any person by reason of such failure to comply. Any person suffering loss or damage by reason of the failure of an employment agency to comply with any provision of this chapter or any regulation or order issued thereunder shall be entitled to recover on such bond for the amount of such loss or damage. Action may be brought on such bond in the name of the state by any person suffering such loss or damage or by the commissioner for the use of such person; provided suit shall be commenced within ninety days after demand made upon the employment agency.

(f) Prior to the initial issuance of an employment agency license the person who is to have the responsibility for the general management of the office shall demonstrate to the Labor Commissioner that he has sufficient knowledge of laws and regulations applicable to employment agencies and to employment discrimination. Any person certified by the National Employment Association in the state as a certified employment consultant or any person licensed prior to July 1, 1973, shall be deemed to have fulfilled the requirements of this subsection. The licensee shall notify the commissioner promptly of any changes of the persons licensed and of any material change in the ownership or operation of the agency.

(g) Such applications shall be examined by the commissioner, who may request additional information, and, if he finds that the same complies with the law and that the applicant and those identified in subsection (d) of this section are of good moral character and are qualified to receive a license, he shall issue a license to the applicant or applicants upon the payment of the license fee. Each license shall contain a designation of the city, the street, the building and the number of the room or suite in which the person licensed
intends to carry on such employment agency and the number and date of such license. Such agencies shall be conducted in offices suitable for such purpose, which shall be approved by said commissioner before the issuance of a license. Such premises shall provide for the availability of one private office for conducting confidential interviews where requested by an applicant. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, in rooms where boarders or lodgers are kept, in rooms where meals are served, in rooms where persons sleep or in rooms where intoxicating liquors are sold to be consumed on the premises.

(h) Each license issued hereunder shall be valid only as to the person and place named therein, and such place may be changed only upon approval of the commissioner and endorsement of the new location on the license. Such license shall be effective from the date specified therein and shall remain in effect until the May first next following the date thereof unless sooner cancelled.

(i) No person shall engage in the business of procuring or offering to procure employees for persons seeking the services of employees or supplying employees to render services where a fee or other valuable thing is exacted, charged or received from the employer for procuring or assisting to procure or supplying such employees unless he registers with the Labor Commissioner. Application for such registration or for the annual renewal of such registration shall be on forms furnished by the commissioner and shall be accompanied by a fee of one hundred fifty dollars.


History: 1959 act provided for renewal of license biennially, rather than annually, increased license fee, increased bond requirement, required verification and affidavits with application and added provisions limiting validity of license to person and place named, clarifying period during which license is effective, setting forth commissioner's power to cancel license and the procedure for doing so, clarifying conditions of bond and procedure to recover on bonds, requiring the keeping of records and prohibiting divisions of fees between agencies and persons securing workers through them; 1971 act divided section into Subsecs. and replaced superior court with court of common pleas in Subsec. (b), effective September 1, 1971, except that courts with cases pending retain jurisdiction unless pending matters deemed transferable; P.A. 73-461 required annual, rather than biennial, renewal of license, deleted provisions re verification and affidavits, validity and effective period of license, contents of license and requirements for offices in which business is to be located and added provisions re refund of fee or prorated fees and interim renewals until switch from biennial to annual renewal is effected in Subsec. (a), replaced Subsec. (b) re cancellation of license and procedure for doing so with provisions re temporary licenses, inserted new Subsecs. (c) and (d) re applicability of chapter and contents of application, relettered former Subsec. (c) as (e) and raised bond from $2,500 to $5,000, deleted former Subsecs. (d) and (e) re required records and prohibition of fee division and inserted new Subsecs. (f) to (h); P.A. 77-47 extended exemption in Subsec. (c) to registries conducted by hospitals for private duty placement of their nurses; P.A.
81-84 increased the annual fee in Subsec. (a) from $75 to $150 and the required bond in Subsec. (e) from $5,000 to $7,500 and changed expiration date of licenses from the first Tuesday of May to May first; P.A. 89-128 amended Subsec. (c) to provide that employment agencies which are engaged in the business of procuring employees for employers and which receive their fees from the employer are not required to be licensed and added Subsec. (i) requiring such agencies to register with the labor commissioner.

See Sec. 31-134a(f) re requirement that bond obligor comply with Sec. 31-134a.

License required, when. 30 CS 544.

Subsec. (i):

Evident purpose of statutory scheme is to protect prospective employees, not employers, from unscrupulous tactics of employment agencies. 68 CA 61.

Sec. 31-131. Fees. Receipt for fee. Agreements with applicant. (a) If an applicant does not obtain or accept a situation or employment through the agency of a licensed person, such licensed person shall not be entitled to collect a fee from such applicant. If an applicant obtains or accepts a situation or employment through the agency of a licensed person but does not remain in the situation or employment for longer than ten weeks, the applicant shall then be entitled to a refund or adjustment of that part of the fee paid or owing which is greater than ten per cent of the amount he has received as remuneration for that employment. Each licensed person shall give, to each applicant from whom a fee or other valuable thing is received for procuring employment, a receipt in which shall be stated the name of the applicant, the amount of such fee or other valuable thing, and the date and the name and address of the person or persons with whom such employment was procured, and there shall be printed on its back, in the English language, a copy of this section. Each licensed person shall cause a plain and legibly printed copy of this section to be posted in a conspicuous place in such agency or place of business. The licensed person shall maintain and keep for at least a year a duplicate copy of each receipt issued by him.

(b) No licensed person shall require any applicant to sign any document, agreement or paper setting forth the amount of the fee to be paid to the licensed person or the terms of payment of such fee except on such forms as have been approved by the commissioner as permitted by sections 31-129 to 31-131c, inclusive, and any document, agreement or paper made or executed contrary to the provisions of said sections shall be void and unenforceable both in law and equity. All conditions in any document, paper or agreement, which such applicant is requested to sign, shall be printed in no smaller than twelve point type, of standard width and standard weight. Such agreement shall contain only such terms and clauses for delinquent accounts or unpaid fees as are approved by the Labor Commissioner or, if suit is commenced, such costs and legal fees as are determined by the court. Any applicant who signs such a document, agreement or paper with a licensed person shall, at the time he signs, be given a duplicate copy of the same by the licensed person and such applicant shall not be bound by any terms or conditions except
those contained therein. Such duplicate copy shall have printed on it or attached to it a copy of subsection (a) of this section, and a copy of the schedule of fees of such licensed person on file with the Labor Department.

(1949 Rev., S. 3783; 1959, P.A. 640, S. 3; P.A. 73-461, S. 3, 8.)

History: 1959 act changed receipt form, required retention of duplicate and prohibited collection of fee from person who does not accept or obtain a situation and required refund of portion of fee if situation accepted terminates after not more than 10 weeks where previously fee was to be refunded if position not found or accepted and fee was forfeited if position was accepted regardless of duration of employment and added provisions re contents of agreements, permissible charges, etc.; P.A. 73-461 divided section into Subsecs., deleted provision which had prohibited use of phrase "The Connecticut Free Public Employment Bureau" and deleted provisions added by 1959 act re permissible charges, etc., adding requirement that duplicate copy contain a copy of Subsec. (a) and a copy of fee schedule.

Inapplicable to hiring by employment agency, when. 29 CS 490. Cited. 32 CS 79.

Sec. 31-131a. Conduct of business. (a) No licensed person shall impose any fee for registration or exact a fee from any applicant except for employment obtained directly through the effort of such agency.

(b) No person shall display, on any sign or window or in any publication, the name "The Connecticut Free Public Employment Bureau", or a name similar thereto.

(c) No licensed person shall charge any fee except in accordance with the agency's schedule of fees which is on file with the commissioner. Such schedule of fees may be changed by an agency only after fifteen days' notice of submission of rates by registered or certified mail in writing to the commissioner.

(d) No owner, officer or employee of an agency shall divide, or offer to divide, directly or indirectly, any fee charged or received with any person who secures workers through such agency, or to whom workers are referred by such agency.

(e) No fee may be exacted by the agency from an applicant who has obtained work with an employer to whom he was referred by an agency unless such applicant obtains such work within six calendar months following his last referral to that employer by the agency, or has voluntarily renewed his application immediately prior to expiration of the stated period; but this provision shall not apply to those professional, executive or technical classifications which require for proper performance of the work either extensive experience and education or experience of such scope and character as to require a longer period of exploration for job placement and the applicants for which indicate, upon application, that a fee shall be payable if such applicant obtains work with an employer to whom he was referred by the agency within one year of his last referral to such employer by the agency. Nothing in this section shall be construed as prohibiting the
charging by a nurses' registry of a single, annual fee in lieu of a separate charge for each engagement supplied, provided that amount of any fee paid which exceeds ten per cent of the remuneration earned through the services of the registry shall be returned on demand.

(f) No licensed person shall send any applicant for employment to a place where a strike or lockout exists without furnishing such applicant with a written statement as to the existence of such strike or lockout, a copy of which, signed by the applicant, shall be kept on file for one year after the date thereof.

(g) No such licensed person shall send or cause to be sent any help to a place of bad repute, house of ill-fame or assignation house or to a house or place of amusement kept for immoral purposes.

(h) No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement or knowingly give any false information concerning the character of the prospective job, length of employment, hours or salary or make any false promise relating to work or employment to anyone who registers for employment.

(i) No such licensed person shall make any false entries in the records kept by him.

(j) No such licensed person shall publish or cause to be published any notice or advertisement relating to employment which does not include the following identification: The trade name of the agency and the words "FEE PAID" if there is no charge to the applicant for employment; the trade name of the agency, and the words "APPLICANT PAID" if there is a charge to the applicant for employment.

(P.A. 73-461, S. 5, 8; P.A. 83-10; P.A. 84-501, S. 2.)

History: P.A. 83-10 added Subsec. (j) prohibiting any licensed person from publishing any notice relating to employment which does not identify the licensee as an employment agency; P.A. 84-501 amended Subsec. (j) to require the agency to state in any advertisement for employment its trade name and whether the fee is paid by the employer or the applicant.

Sec. 31-131b. Records to be kept. (a) Every licensed person shall keep a register for at least one year in which shall be entered the date of the application for employment and the name and address of every applicant from whom a fee is received or charged, the name and address of the person by whom the applicant was employed, the wages agreed to be paid, and the amount of fee charged and received. Such licensed person shall also enter, in the same or in a separate register, the name and address of every employer from whom a fee is received or charged, the date of such employer's request or assent that applicants be furnished, the name of the one employed, the capacity in which employed, the rate of wages agreed upon, and the amount of fee received or charged.

(b) The original or duplicate original of each application for employment shall be retained by every employment agency for one year following the date on which the
application is filed.

   (c) A true copy of every advertisement used, together with a true copy of the job order upon which it was predicated, shall be retained by every employment agency for a period of sixty days following the date of publication of such advertisement.

   (d) All such records shall, at all reasonable hours, be open to the examination of the commissioner or his authorized agents.

(P.A. 73-461, S. 4, 8.)

Sec. 31-131c. Enforcement, penalties. (a) The commissioner may cancel or suspend the license of any person when it appears to his satisfaction, upon hearing, that such person has been convicted in a state or federal court of an offense which, under the laws of the state, is a felony or of any offense involving moral turpitude, or that such person had obtained his license illegally or fraudulently or was guilty of fraud, false swearing or deception in applying for his license, or that such person has engaged in any immoral, fraudulent conduct in connection with the operation of an employment agency, or that such person has violated or is violating the provisions of this chapter. The commissioner shall not cancel the license of any person until a complaint in writing, made by a creditable person, is filed with him, specifying the ground or grounds of the complaint, and a full and fair hearing given to the licensee thereon.

   (b) Upon the filing of a complaint, the commissioner shall conduct a hearing on such complaint in accordance with the provisions of chapter 54, governing contested cases.

   (c) Any person whose license is suspended or cancelled or against whom a fine has been levied by the commissioner may, within thirty days after the service upon him of the decision of the commissioner, appeal such decision to the Superior Court. If the person whose license has been suspended or cancelled by the commissioner or against whom a fine has been levied by the commissioner, within ten days after receiving information of such suspension, cancellation, or fine, gives notice to the commissioner in writing of his intention to appeal such decision, the action of the commissioner in suspending or cancelling such license or imposing a fine shall be suspended for a period of thirty days but, unless such appeal is filed within said time, the action of the commissioner shall be final. If an appeal from the decision of the commissioner is filed within said time, the action of the commissioner shall remain suspended until the validity of the license or fine in question is adjudicated by the court in such appeal. Any person whose license is finally cancelled according to the provisions of this section shall be prohibited from obtaining another private employment agency license for a period of five years.

   (d) Any person who operates an employment agency without obtaining a license therefor shall be guilty of a class A misdemeanor. If it is shown to the satisfaction of the commissioner, after hearing as provided in subsection (b) of this section, that any person has violated any other provision of this chapter, the commissioner may levy a fine against such person not to exceed two hundred and fifty dollars.
(P.A. 73-461, S. 6, 8; P.A. 76-436, S. 268, 681.)

History: P.A. 76-436 replaced court of common pleas with superior court in Subsec. (c), effective July 1, 1978.

Secs. 31-132 and 31-133. Penalties. Excepted agencies. Sections 31-132 and 31-133 are repealed.

(1949 Rev., S. 3784, 3785; 1959, P.A. 640, S. 4, 5; P.A. 73-461, S. 7, 8.)

Sec. 31-134. Information agencies; records inspection. No person or corporation, nor any agent or attorney thereof, nor any association of persons or corporations, shall maintain, subscribe to, belong to or support any bureau or agency conducted for the purpose of preserving and furnishing to any member thereof or to others information descriptive of the character, skill, acts or affiliations of any person whereby his reputation, standing in a trade or ability to secure employment may be affected, unless a complete record of such information is open at all reasonable times to the inspection of the person to whom such information relates or of his authorized agent or attorney. All items of information pertaining to each person so described shall be recorded, in reasonably clear and unambiguous terms, on a single sheet or card, and all records preserved in any such bureau or agency shall be at all times open to the inspection of the Labor Commissioner. The name of the person or corporation, together with the names of the officers of any such corporation, conducting any such bureau or agency, the exact business address of such bureau or agency and the name of every subscriber thereto or member thereof shall be furnished promptly to the Labor Commissioner and by him recorded and preserved in a convenient form for public inspection. Any person or corporation, or any officer or employee of any bureau or agency subject to the provisions of this section, who violates any of said provisions shall be fined not less than fifty nor more than two hundred dollars for each offense. Said provisions shall not apply to religious or charitable institutions maintained solely for humanitarian purposes; nor to agencies maintained solely for the purpose of vending employment and in which persons seeking such employment authorize the registration of their names and qualifications; nor to companies, agencies or associations conducted solely for the purpose of preserving records and furnishing reports of financial standing and personal or business credit; nor to the private records of employees kept by any person or corporation to be used in accordance with the provisions of section 31-51.

(1949 Rev., S. 8532.)

Statute is constitutional. 86 C. 141. Cited. 313 U.S. 184.

Sec. 31-134a. Procurement of out-of-state domestic employees. (a) No employment agency, directly or indirectly, shall accept applications from persons outside the state of Connecticut, or procure or offer to procure employment, as domestic or household employees, of persons who are residing outside of the state but within the
continental United States, previous to their applications for employment in this state, except as provided in this section and the applicable provisions of this chapter.

(b) An employment agency which engages in recruitment of such employees or in offer or procurement as described in subsection (a), directly or indirectly, shall furnish to the Labor Commissioner a written list containing the name and address of all emigrant agents from whom it accepts job applicants. If such emigrant agents are required to be licensed in the places in which they are recruiting employees, no employment agency, directly or indirectly, shall accept applicants from any such agent there unless he is so licensed.

(c) No employment agency shall accept, procure or offer to procure employment for such an applicant unless evidence or an affidavit executed by the applicant before a person authorized to administer oaths in Connecticut has been filed with the agency that the applicant has reached the age of eighteen years.

(d) If an employment agency engages in the recruitment of domestic or household employees from outside of the state, it shall enter into its records the following information, in addition to records prescribed in section 31-130: (1) The last home address and birth date of all applicants for such employment whom the employment agency is responsible for bringing into the state of Connecticut; (2) the name and address of the emigrant agent, if any, through whom such applicant was obtained; (3) the name and address of each person to whom the employment agency has made payments in connection with the recruitment of the applicant and amounts of such payments; (4) the total charges made by the agency to the applicant, including, to be separately designated, agency fee, recruitment fee, any charge for transportation, and any other charges in connection with placement.

(e) The employment agency shall have the following additional obligations with respect to such persons as it is bringing or has brought, directly or indirectly, into the state: (1) To provide direct transportation of such person into the state by licensed common carrier and (2) to provide, solely at its expense, suitable lodging and meals for such person until such person is placed in employment after arrival at the office of the employment agency and for any period of unemployment during the thirty days ensuing after arrival or until the employment agency has provided the person with reasonable allowance for meals for each day of travel and return fare by common carrier to the place whence he came, whichever is sooner. The obligation to provide lodging, meals and return fare shall terminate if the unemployment is due to the refusal by such person to accept suitable employment or to a leaving by such person of his work without sufficient cause connected with his employment or to a discharge for wilful misconduct.

(f) The bond required in section 31-130 shall be conditioned that the obligor shall comply with this section.

(1961, P.A. 401, S. 2.)
See Sec. 31-129 for applicable definitions.
CHAPTER 565
EMPLOYMENT OF THE HANDICAPPED

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Sec. 31-135. Governor's committee. Section 31-135 is repealed.

(1957, P.A. 525, S. 1; P.A. 73-274, S. 1, 2; P.A. 77-614, S. 609, 610.)

Sec. 31-136. Promotion of employment. Cooperation with President's Commission. The Labor Commissioner shall carry on a continuing program to promote the employment of handicapped persons by creating state-wide interest in the rehabilitation and employment of the handicapped and by obtaining and maintaining cooperation from all public and private groups in this field. The commissioner shall work in cooperation with the President's Commission on Employment of the Handicapped in order to more effectively carry out the purposes of this chapter.


History: 1965 act authorized committee to employ executive secretary and clerical personnel; 1967 act authorized committee to contract with executive secretary to perform advisory, consulting and administrative services; P.A. 73-616 deleted provision added by 1967 act; P.A. 77-128 replaced President's Committee on Employment of the Physically Handicapped with President's Committee on Employment of the Handicapped; P.A. 77-614 replaced President's Committee on Employment of the Handicapped with commissioner of human resources and deleted provision authorizing committee to employ executive secretary and clerical personnel, effective January 1, 1979; P.A. 79-610 replaced commissioner of human resources with labor commissioner.

Sec. 31-137. Receipt of gifts and donations. The Labor Commissioner is authorized to receive any gifts, grants or donations made for any of the purposes of any program under this chapter and to disburse and administer the same in accordance with the terms thereof.


History: P.A. 77-614 and P.A. 78-303 replaced committee on employment of the
handicapped with commissioner of human resources, effective January 1, 1979; P.A. 79-610 replaced commissioner of human resources with labor commissioner; P.A. 80-483 substituted "any program" for "its program".

Sec. 31-138. National Employ the Handicapped Week. The Governor shall designate the first full week in October of each year as "National Employ the Handicapped Week".

(1957, P.A. 525, S. 3; P.A. 77-128, S. 2.)

History: P.A. 77-128 dropped the word "Physically" from official designation of Handicapped Week.
CHAPTER 567*
UNEMPLOYMENT COMPENSATION

*See chapter 57b (Sec. 4a-25 et seq.) re transfer of certain state employees' workers' compensation claims to third-party loss portfolio arrangement program.


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**Sec. 31-222. Definitions.** As used in this chapter, unless the context clearly indicates otherwise:

(a) (1) "Employment", subject to the other provisions of this subsection, means:
(A) Any service, including service in interstate commerce, and service outside the United States, performed under any express or implied contract of hire creating the relationship of employer and employee;

(B) Any service performed prior to January 1, 1978, which was employment as defined in this subsection prior to such date and, subject to the other provisions of this subsection, service performed after December 31, 1977, including service in interstate commerce, by any of the following: (i) Any officer of a corporation; (ii) any individual who, under either common law rules applicable in determining the employer-employee relationship or under the provisions of this subsection, has the status of an employee. Service performed by an individual shall be deemed to be employment subject to this chapter irrespective of whether the common law relationship of master and servant exists, unless and until it is shown to the satisfaction of the administrator that (I) such individual has been and will continue to be free from control and direction in connection with the performance of such service, both under his contract for the performance of service and in fact; and (II) such service is performed either outside the usual course of the business for which the service is performed or is performed outside of all the places of business of the enterprise for which the service is performed; and (III) such individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the service performed; (iii) any individual other than an individual who is an employee under clause (i) or (ii) who performs services for remuneration for any person (I) as an agent-driver or commission driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, other than milk, or laundry or dry-cleaning services, for his principal; (II) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal, except for sideline sales activities on behalf of some other person, of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations; provided, for purposes of subparagraph (B) (iii), the term "employment" shall include services described in clause (I) and (II) above performed after December 31, 1971, if 1. the contract of service contemplates that substantially all of the services are to be performed personally by such individual; 2. the individual does not have a substantial investment in facilities used in connection with the performance of the services, other than in facilities for transportation; and 3. the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed;

(C) (i) Service performed after December 31, 1971, by an individual in the employ of this state or any of its instrumentalities or in the employ of this state and one or more other states or their instrumentalities for a hospital or institution of higher education located in this state, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(7) of that act and is not excluded from "employment" under subparagraph (E) of this subdivision;
(ii) Service performed after December 31, 1977, in the employ of this state or any political subdivision or any instrumentality thereof which is wholly owned by this state and one or more other states or political subdivisions, or any service performed in the employ of any instrumentality of this state or of any political subdivision thereof, and one or more other states or political subdivisions, provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subparagraph (E) of this subdivision; and

(iii) Service performed after December 20, 2000, in the employ of an Indian tribe, as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), provided such service is excluded from "employment", as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act, and is not excluded from "employment" under subparagraph (E) of this subdivision;

(D) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met: (i) The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306(c)(8) of that act; and (ii) the organization had one or more employees in employment for some portion of a day in each of thirteen different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, or during any thirteen weeks in any calendar year after 1970, regardless of whether they were employed at the same moment of time;

(E) For the purposes of subparagraphs (C) and (D) the term "employment" does not apply to service performed (i) in the employ of (I) a church or convention or association of churches, or (II) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or (ii) by a duly ordained, commissioned or licensed minister of a church in the exercise of his or her ministry or by a member of a religious order in the exercise of duties required by such order; or (iii) prior to January 1, 1978, in the employ of a school which is not an institution of higher education; after December 31, 1977, in the employ of a governmental entity referred to in subparagraph (C) of this subdivision if such service is performed by an individual in the exercise of duties (I) as an elected official; (II) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision, or of an Indian tribe; (III) as a member of the state national guard or air national guard; (IV) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; (V) in a position which, under or pursuant to the laws of this state or tribal law, is designated as (i) a major nontenured policy-making or advisory position, or (ii) a policy-making position the performance of the duties of which ordinarily does not require more than eight hours per week; or (iii) in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in
the competitive labor market by an individual receiving such rehabilitation or remunerative work; or (iv) as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training; or (v) prior to January 1, 1978, for a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution;

(F) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, except in Canada after December 31, 1971, and the Virgin Islands after December 31, 1971, and until the day after the day on which the Secretary of Labor accepts an unemployment insurance law submitted by the Virgin Islands, in the employ of an American employer, other than service which is deemed "employment" under the provisions of subdivisions (2) or (3) of this subsection or the parallel provisions of another state's law, if: (i) The employer's principal place of business in the United States is located in this state; or (ii) the employer has no place of business in the United States, but (I) the employer is an individual who is a resident of this state; or (II) the employer is a corporation which is organized under the laws of this state; or (III) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one other state; or (iii) none of the criteria of clauses (i) and (ii) of this subparagraph is met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state. (iv) An "American employer", for purposes of this subparagraph, means a person who is (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all of the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state; (v) for purposes of this paragraph "United States" includes the states, the District of Columbia and Puerto Rico and the Virgin Islands on the day after the day on which the Secretary of Labor accepts an unemployment insurance law submitted by the Virgin Islands;

(G) Notwithstanding subdivision (2) of this subsection, all service performed after December 31, 1971, by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office, from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state;

(H) Service performed after December 31, 1977, by an individual in agricultural labor as defined in subparagraph (1)(H)(vi) of this subsection when: (i) Such service is performed for a person who (I) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of twenty thousand dollars or more to individuals employed in agricultural labor not taking into account service in agricultural labor performed before January 1, 1980, by an alien referred to in subdivision (ii) of this subparagraph, or (II) for some portion of a day in each of twenty different calendar
weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor not taking into account service in agricultural labor performed before January 1, 1980, by an alien referred to in subdivision (ii) of this subparagraph, ten or more individuals, regardless of whether they were employed at the same moment of time; (ii) such service is not performed in agricultural labor if performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act; (iii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader (I) if such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and (II) if such individual is not an employee of such other person within the meaning of subparagraph (B) of subsection (a)(1); (iv) for the purposes of this subparagraph (H), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under subdivision (iii), (I) such other person and not the crew leader shall be treated as the employer of such individual; and (II) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader either on his own behalf or on behalf of such other person for the service in agricultural labor performed for such other person; (v) for the purposes of this subparagraph (H), the term "crew leader" means an individual who (I) furnishes individuals to perform services in agricultural labor for any other person, (II) pays either on his own behalf or on behalf of such other person the individuals so furnished by him for the service in agricultural labor performed by them, and (III) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person; (vi) for purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was agricultural labor prior to such date, and remunerated service performed after December 31, 1977: (I) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife; (II) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm; (III) in connection with the production or harvesting of a commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, S. 3; 12 USC 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes; (IV) (1) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to
market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed; (2) in the employ of a group of operators of farms, or a cooperative organization of which such operators are members, in the performance of service described in subclause (1), but only if such operators produced more than one-half of the commodity with respect to which such service is performed; (3) the provisions of subclauses (1) and (2) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or (V) on a farm operated for profit if such service is not in the course of the employer's trade or business. As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards;

(I) Notwithstanding any other provisions of this subsection, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter;

(J) After December 31, 1977, the term "employment" shall include domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who, after December 31, 1977, paid cash remuneration to individuals employed in such domestic service equal to one thousand dollars or more in any calendar quarter in the current or preceding calendar year. For purposes of this subparagraph, "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(2) The term "employment" shall include an individual's entire service performed within, or both within and without, this state, (A) if the service is localized in this state, or (B) if the service is not localized in any state but some of the service is performed in this state, and if (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state, or (ii) neither the base of operations nor the place from which such service is directed or controlled is in any state in which some part of the service is performed but the individual's residence is in this state.

(3) Services not covered under subdivision (2) of this subsection and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, or of the federal government, shall be deemed to be employment subject to this chapter, if the administrator approves the election of the employer for whom such services are
performed, that the entire service of the individual performing such services shall be deemed to be employment subject to this chapter.

(4) Services shall be deemed to be localized within a state if (A) the service is performed entirely within such state, or (B) the service is performed both within and without such state but the service performed without such state is incidental to the individual's service within the state; for example, is temporary, or transitory in nature, or consists of isolated transactions.

(5) No provision of this chapter, except section 31-254, shall apply to any of the following types of service or employment, except when voluntarily assumed, as provided in section 31-223:

(A) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of eighteen in the employ of his father or mother;

(B) Service performed in the employ of the United States government, any other state, any town or city of any other state, or any political subdivision or instrumentality of any of them; except that, to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make contributions to an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities; provided, if this state is not certified for any year by the Secretary of Labor under Section 3304 of the Federal Internal Revenue Code, the contributions required of such instrumentalities with respect to such year shall be refunded by the administrator from the fund in the same manner and within the same period as is provided in sections 31-268, 31-269, 31-270 and 31-271 with respect to contributions erroneously collected;

(C) Service with respect to which unemployment compensation is payable under an unemployment compensation plan established by an Act of Congress, provided the administrator is authorized to enter into agreements with the proper agencies under such Act of Congress, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter, and provided further, in computing benefits the administrator shall disregard all wages paid by employers who fall within the definition of "employer" in Section 1(a) of the Federal Railroad Unemployment Insurance Act;

(D) Service performed in this state or elsewhere with respect to which contributions are required and paid under an unemployment compensation law of any other state;

(E) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is
fifty dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this subparagraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or (ii) such individual was so employed by such employer in the performance of such service during the preceding calendar quarter;

(F) Service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Internal Revenue Code or under Section 521 of said code excluding any organization described in Section 401(a) of said code, if the remuneration for such service is less than fifty dollars;

(G) Service performed in the employ of a school, college, or university if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college or university, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university, and (II) such employment will not be covered by any program of unemployment insurance;

(H) Service performed as a student nurse in the employ of a hospital or a nurses' training school chartered pursuant to state law by an individual who is enrolled and is regularly attending classes in such nurses' training school, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(I) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(J) Service performed by an individual who is enrolled, at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(K) Service performed by an individual as an insurance agent, other than an industrial life insurance agent, and service performed by an individual as a real estate salesperson, if all such service is performed for remuneration solely by way of commission;

(L) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection (h) of this section;
(M) Service performed by an individual in the employ of any town, city or other political subdivision, provided such service is performed in lieu of payment of any delinquent tax payable to such town, city or other political subdivision;

(N) Service performed by an individual as an outside sales representative of a for-profit travel agency if substantially all of such service is performed outside of any travel agency premises, and all such service is performed for remuneration solely by way of commission. For purposes of this subparagraph, an "outside sales representative" means an individual whose services to a for-profit travel agency are performed under such travel agency's Airlines Reporting Corporation accreditation, or the International Airlines Travel Agent Network endorsement; and

(O) Service performed by the operator of an escort motor vehicle, for an oversize vehicle, overweight vehicle or a vehicle with a load traveling upon any Connecticut highway pursuant to a permit required by section 14-270, and the regulations adopted pursuant to said section, provided the following conditions are met:

(i) The service is provided by an individual operator who is engaged in the business or trade of providing such escort motor vehicle;

(ii) The operator is, and has been, free from control and direction by any other business or other person in connection with the actual performance of such services;

(iii) The operator owns his or her own vehicle, and statutorily required equipment, and exclusively employs this equipment in providing such services; and

(iv) The operator is treated as an independent contractor for all purposes, including, but not limited to, federal and state taxation, workers' compensation, choice of hours worked and choice to accept referrals from multiple entities without consequence.

(b) (1) "Total wages" means all remuneration for employment and dismissal payments, including the cash value of all remuneration paid in any medium other than cash except the cash value of any remuneration paid for agricultural labor or domestic service in any medium other than cash.

(2) "Taxable wages" means total wages except:

(A) That part of the remuneration (i) in excess of seven thousand one hundred dollars paid by an employer to an individual during any calendar year commencing on or after January 1, 1983, (ii) in excess of nine thousand dollars paid by an employer to an individual during the calendar year commencing on January 1, 1994, (iii) in excess of an amount equal to the taxable wages for the prior year increased by one thousand dollars so paid during any calendar year commencing on or after January 1, 1995, but prior to January 1, 1999, or (iv) in excess of fifteen thousand dollars for any calendar year commencing on or after January 1, 1999. This subsection shall not apply to wages paid in
whole or in part from federal funds after January 1, 1976, to employees of towns, cities and other political and governmental subdivisions and shall not operate to reduce an individual's benefit rights. Remuneration paid to an individual by an employer with respect to employment in another state or states upon which contributions were required of and paid by such employer under an unemployment compensation law of such other state or states shall be included as a part of remuneration equal to the maximum limitation herein referred to;

(B) Dismissal payments which the employer who is not subject to the Federal Unemployment Tax Act is not legally required to make;

(C) Payments which the employer is not legally required to make to employees on leave of absence for military training;

(D) The payment by an employer, without deduction from the remuneration of the employee, of the tax imposed upon an employee under Section 3101 of the Federal Internal Revenue Code with respect to remuneration paid to the employee for domestic service in a private home of the employer or for agricultural labor;

(E) The amount of any payment excluded from "wages", as defined in Section 3306(b) of the Federal Unemployment Tax Act, that is made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his employees generally or for a class or classes of his employees, including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment, on account of (i) retirement, or (ii) sickness or accident disability, or (iii) medical and hospitalization expenses in connection with sickness or accident disability, or (iv) death. Whenever tips or gratuities are paid directly to an employee by a customer of an employer, the amount thereof which is accounted for by the employee to the employer shall be considered wages for the purposes of this chapter;

(F) If an employer has acquired all or substantially all the assets, organization, trade or business of another employer liable for contributions under this chapter and has assumed liability for unpaid contributions, if any, due from such other employer, remuneration paid by both employers shall be deemed paid by a single employer for the purposes of this chapter;

(G) Payment to an employee by a stock corporation, partnership, association or other business entity in which fifty per cent or more of the proprietary interest is owned by such employee or his son, daughter, spouse, father or mother or any combination of such persons, unless the tax imposed by the Federal Unemployment Tax Act is payable with respect to such payment;

(H) Any remuneration paid by any town, city or other political subdivision to an individual for service performed in lieu of payment of delinquent taxes.

(3) Notwithstanding any other provisions of this subsection, wages shall include all
remuneration for services with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act are required to be included under this chapter.

(c) "Administrator" means the Labor Commissioner.

(d) "Balance in the Unemployment Compensation Fund" shall include the balance in the Unemployment Compensation Benefit Fund and such amount as may be due to the fund from the state and any town, city or political or governmental subdivision or entity, or any nonprofit organization which is subject to this chapter and which has elected reimbursement in lieu of contributions and shall include any amount due to or from the United States.

(e) "Calendar quarters" means the quarter years ending on the last day of March, June, September and December, respectively, or the equivalent thereof as the administrator may by regulation prescribe.

(f) "State" means any state of the United States and shall include the District of Columbia and Puerto Rico and the Virgin Islands on the day after the day on which the Secretary of Labor accepts an unemployment insurance law submitted by the Virgin Islands.

(g) (1) The "one-year payroll" at the end of a calendar quarter means the amount of wages paid by all employers for employment during such calendar quarter and the three next preceding calendar quarters, including only wages with respect to which contributions have been paid or are payable and including only wages of which the administrator has record on the sixtieth day following the end of such quarter.

(2) The "five-year payroll" at the end of a calendar quarter means the amount of wages paid by all employers for employment during such calendar quarter and the nineteen next preceding calendar quarters, including only wages with respect to which contributions have been paid or are payable and including only wages of which the administrator has record on the sixtieth day following the end of such quarter.

(h) "Hospital" means an institution which has been licensed by the Department of Public Health or state Department of Mental Health and Addiction Services, for the care and treatment of the sick and injured, and treatment of persons suffering from disease or other abnormal physical or mental conditions.

(i) "Institution of higher education" means an educational institution which (1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (2) is legally authorized in this state to provide a program of education beyond high school; (3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is
acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral
studies, or a program of training to prepare students for gainful employment in a
recognized occupation; (4) is a public or other nonprofit institution; (5) notwithstanding
any of the foregoing provisions of this subsection, all colleges and universities in this
state are institutions of higher education for purposes of this chapter.


February, 1965, P.A. 570, S. 1; 1967, P.A. 654, S. 1; 790, S. 1-4; 1969, P.A. 700, S. 1;
1971, P.A. 835, S. 1-3; 1972, P.A. 127, S. 61; 279, S. 3; P.A. 73-135; 73-289, S. 2, 3, 10;
73-536, S. 1, 2, 12; P.A. 74-229, S. 13, 14, 22; P.A. 75-525, S. 1, 13; P.A. 76-58, S. 1, 2;
P.A. 77-77; 77-426, S. 16, 19; 77-614, S. 323, 610; P.A. 78-331, S. 37, 58; 78-368, S. 1,
11; P.A. 81-5, S. 1; P.A. 82-27; 82-29, S. 2; 82-448, S. 2, 3; P.A. 83-547, S. 5, 12; P.A.
84-312, S. 2; 84-546, S. 81, 173; P.A. 85-17; P.A. 86-333, S. 16, 32; P.A. 88-136, S. 36,
37; P.A. 93-243, S. 2, 15; 93-381, S. 9, 39; P.A. 95-257, S. 11, 12, 21, 58; 95-323, S. 5,
8; P.A. 96-180, S. 102, 103, 166; 96-200, S. 24; June Sp. Sess. P.A. 01-9, S. 19, 20, 131;
P.A. 08-150, S. 43.)

History: 1965 act excluded as "wages" certain payments by stock corporations with
fewer than ten stockholders; 1967 acts redefined exclusion from chapter provisions with
regard to employees of charitable, religious and educational institutions, revised
exclusion of sums exceeding $3,000 from consideration as "wages" to specify calculation
of amounts to be excluded after December 31, 1967, revised exclusion for dismissal
payments to specify those made by employers "not subject to the Federal Unemployment
Tax Act", revised exclusion of payments by stock corporations to apply to corporations in
which 50% or more of the proprietary interest is family-owned unless federal tax is
payable and included Puerto Rico in definition of "state"; 1969 act redefined exclusion
from chapter provisions with regard to state employees to substitute "section 5-198" for
"section 5-3", to except employees with "permanent full-time, full-year positions of a
subordinate, administrative, clerical or maintenance nature" and to specifically exclude
service by elected official, board and commission members and part-time professional
specialists; 1971 act greatly expanded provisions to conform with federal law and defined
"hospital" and "institution of higher education"; 1972 acts changed age of majority from
21 to 18 and substituted "severance" for "termination" in provision excluding certain
educators from provisions; P.A. 73-135 revised provision re coverage of students; P.A.
73-289 excluded seasonal or casual employees under specified circumstances and deleted
exclusion for service at place of religious worship as caretaker or in performance of
duties religious in nature; P.A. 73-536 made distinction between "total wages" and
"taxable wages" and repealed Subsec. (d) which had defined "commissioner" and
"additional commissioner"; P.A. 74-229 reinstated Subsec. (d) and replaced definition of
"three-year-payroll" with definitions of 1-year and 5-year payrolls; P.A. 75-525 expanded
provisions re service not in course of employer's trade or business by an employee,
formerly termed "casual labor", replaced provision re service performed by volunteers or
in connection with charitable aid with provisions re service performed for tax-exempt
organizations, updated dollar amount of exclusions from taxable wages to $6,000 after
December 31, 1974, and replaced definition of "commissioner" with definition of "balance in the unemployment compensation fund"; P.A. 76-58 added conditional exclusion of work-experience programs from consideration as "employment" and revised dollar amount exclusions re "taxable wages" to specify inapplicability of provision to wages paid in whole or in part from federal funds; P.A. 77-87 excluded service in lieu of tax payments and remuneration for such service from consideration as "employment" and "taxable wages"; P.A. 77-426 redefined "state" to include the Virgin Islands after acceptance of unemployment insurance law submitted by it, included provisions re agricultural laborers and domestic servants, and revised "employment" definition with regard to persons employed by state, its political subdivisions, etc. and expanded exclusions re "employment"; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 78-331 made technical correction; P.A. 78-368 excluded domestic service in private home on farm from consideration as agricultural labor; P.A. 81-5 removed the word "higher" when referring to educational institutions in Subsec. (a)(1)(D); P.A. 82-27 amended Subsec. (b)(2)(D) to exclude from the definition of "taxable wages" the federal income taxes paid by an employer for employees in domestic or agricultural service, substituting reference to Sec. 3101 for Sec. 1400 of Internal Revenue Code; P.A. 82-29 restated Subsec. (a)(1)(J); P.A. 82-448 amended Subsec. (b) to increase the taxable wage base from $6,000 to $7,000 during any calendar year commencing on or after January 1, 1982; P.A. 83-547 amended Subsec. (b) to define the taxable wage base during any calendar year commencing on or after January 1, 1983, as being $7,100; P.A. 84-312 amended Subsec. (b)(2)(E) to refer to the definition of "wages" in Section 3306(b) of the Federal Unemployment Tax Act when determining the exception from taxable wages and added Subsec. (b)(3), further defining what shall be included in wages; P.A. 84-546 made technical changes in Subsec. (a); P.A. 85-17 amended Subsec. (a)(5) to exempt from "employment" all student participation in a work-study educational program, instead of only students under the age of 22 years; P.A. 86-333 added Subsec. (j) defining "educational institution"; P.A. 88-136 repealed Subsec. (j) which had defined "educational institution"; (Revisor's note: In 1991 the reference to "provision (2)" in Subsec. (a)(3) was changed editorially by the Revisors to read "subdivision (2)" and the reference to "subparagraph (h) of this subdivision" in Subsec. (a)(5)(L) was changed editorially by the Revisors to read "subsection (h) of this section"); P.A. 93-243 amended Subsec. (b) to include dismissal payments in the definition of "total wages", and beginning January 1, 1994, to provide for automatic annual increments in the amount of wages excluded from consideration as taxable wages, effective June 23, 1993; P.A. 93-381 authorized substitution of commissioner and department of health services with commissioner and department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health and replaced Commissioner and Department of Mental Health with Commissioner and Department of Mental Health and Addiction Services, effective July 1, 1995; P.A. 95-323 added Subsec. (a)(5)(N) to amend definition of "employment" to include services performed by a travel agent under certain circumstances, effective October 1, 1995, and applicable to any separation of employment occurring on or after that date; P.A. 96-180 amended Subsec. (a)(1)(E) and Subsec. (i) to make technical changes, effective June 3, 1996; P.A. 96-200 substituted "salesperson" for "salesman" in Subsec. (a)(5)(K); June Sp. Sess. P.A. 01-9
amended Subsec. (a)(1)(C) to make technical changes in Subparas. (C)(i) and (C)(ii) and to add Subpara. (C)(iii) re service in the employ of an Indian tribe that is excluded from the definition of "employment" under the Federal Unemployment Tax Act and amended Subsec. (a)(1)(E) to add references to "Indian tribe" and "tribal law" and to make technical changes, effective July 1, 2001; P.A. 08-150 amended Subsec. (a)(5) by adding Subpara. (O) re independent contractor standard applicable to escort motor vehicle operators, effective June 12, 2008.

Agents of life insurance company not its employees under act. 125 C. 183. Regulation requiring that, in order to be exempt, "agricultural labor" must consist of employees of the owner or tenant of the land on which crops raised, held valid. Id., 300. Right of general control is controlling consideration in determining whether master and servant relationship exists. 126 C. 114; 127 C. 179; Id., 611; 128 C. 349. Rights of employee not defeated by showing that his employer was acting for an undisclosed principal. 127 C. 66. Processing tobacco in warehouse was "an incident to ordinary farming operations" within regulation. Id., 132. Under former statute state bank which was member of federal home loan bank not exempt as a federal instrumentality. 128 C. 78. A federal savings and loan association is exempt. Id. Under former statute educational institution exempt even though its members might derive some benefit. 131 C. 503. Section excludes unemployment compensation coverage for certified teachers and certain supervisory personnel. 169 C. 592. Cited. 171 C. 323.

Cited. 4 CA 183. Cited. 15 CA 738.


Subsec. (a):


Subdiv. (1): Musicians considered employees of restaurant owner and not leader. 7 CS 13. Subdiv. (4): Standard to determine whether or not the greater part of an employee's work is done within state is number of working hours consumed and not value to employer of service rendered. Id., 202. Analysis of contracts for hire creating a master-servant relationship within meaning of section. Id., 430; 14 CS 208; 17 CS 237. Manicurist and boot black who had concessions in a barber shop were not deemed to be employees. 9 CS 71. House to house salesmen of vacuum cleaners held not employees. Id., 237. Cited. Id., 244. "Employment" and "wages" construed for purpose of interpreting section 31-236(8). 21 CS 144. Driver-salesmen, hired under contracts
naming them independent contractors, who receive commission out of sales of plaintiff's ice cream and no salary, held in employ of plaintiff. 22 CS 100. Unclassified employees are not covered by unemployment statute. 32 CS 319. Subdiv. (5)(3)(B): "Severance of employment" discussed. 33 CS 119.

Subsec. (b):


Consideration of tips and gratuities discussed. 11 CS 340. Assessment of contribution made by successive employers. 15 CS 399. Vacation pay held to be payment for loss of wages. 19 CS 367. "Employment" and "wages" construed for purpose of interpreting section 31-236(8). 21 CS 144.

Subsec. (c):

Cited. 192 C. 104.

Sec. 31-222a. "District" defined. Continuation of commissioners in offices. Section 31-222a is repealed.

(April, 1964, P.A. 3, S. 3; P.A. 74-339, S. 35, 36.)

Sec. 31-223. Application of chapter to employers. (a) Nonvoluntary liability. Every employer who was subject to this chapter immediately prior to January 1, 1980, shall continue to be so subject. An employer not previously subject to this chapter shall become subject to this chapter as follows: (1) An employer subject to the Federal Unemployment Tax Act for any year shall be subject to the provisions of this chapter from the beginning of such year if he had one or more employees in his employment in the state of Connecticut in such year; (2) an employer who acquires substantially all of the assets, organization, trade or business of another employer who at the time of such acquisition was subject to this chapter shall immediately become subject to this chapter as a successor employer; (3) an employer who, after December 31, 1973. (A) in any calendar quarter in either the current or preceding calendar year paid wages for services in employment of one thousand five hundred dollars or more, or (B) for some portion of a day in each of twenty different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual irrespective of whether the same individual was in employment in each such day; (4) an employer for which service in employment as defined in subdivision (1)(C) of subsection (a) of section 31-222 is performed after December 31, 1971; (5) an employer for which service in employment as defined in subdivision (1)(D) of said subsection (a) is performed after December 31, 1971; (6) an employer which, together with one or more other employers, is owned or controlled, by legally enforceable
means or otherwise, directly or indirectly by the same interests, or which owns or controls, by legally enforceable means or otherwise, one or more other employers, and which, if treated as a single unit or entity with such other employers or interests, or both, would be an employer under subdivision (3) of this subsection and subparagraphs (H) and (J) of subdivision (1) of subsection (a) of section 31-222; (7) any employer, not defined as such by any other subdivision of this subsection, (A) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or (B) which, as a condition for approval of this chapter for full tax credit against the tax imposed by the federal Unemployment Tax Act, is required, pursuant to such federal act, to be an "employer" under this chapter; (8) an employer which, having become an employer under any of subdivisions (1) to (7), inclusive, of this subsection, has not, under subsection (c) ceased to be an employer subject to this chapter; (9) for the effective period of its election pursuant to subsection (b), an employer which has elected to become subject to this chapter. In determining whether an employer in question shall be considered, for the purposes of this section, as having had a particular number of employees in his employment at a given time, there shall be counted, in addition to his own employees, if any, (A) the employees of each employer whose business was at the given time owned or controlled, directly or indirectly, by the same interests which owned or controlled the business of the employer in question, and (B) the employees of each employer, substantially all of whose assets, organization, trade or business has, after the given time during the same calendar year, been acquired by the employer in question. If an employer shall contract with or shall have under him any contractor or subcontractor for any work which is part of said employer's usual trade, occupation, profession or business, and which is performed in, on or about the premises under such employer's control, and if such contractor or subcontractor shall not be subject to this chapter, such employer shall, for all the purposes of this chapter, be deemed to employ each individual in the employ of such contractor or subcontractor for each day during which such individual is engaged solely in performing such work; but this provision shall not prevent such employer from recovering from such contractor or subcontractor the amount of any contributions he may be required by this chapter to pay with respect to wages of such individuals for such work.

(b) Voluntary liability. Any employer not so subject to this chapter may accept the provisions of this chapter and become in all respects subject thereto by agreeing in writing filed with the administrator to pay the contributions required from employers subject to this chapter. Any employer with persons in his employ engaged in one or more of the types of service specified in subdivision (5) of subsection (a) of section 31-222, except the service described by subparagraph (A) thereof, may elect that the provisions of this chapter apply to such services by agreeing in writing filed with the administrator to pay the contributions on wages for such services. Any employer defined in subdivision (1) (D) or (E) of subsection (a) of section 31-222 or (5) (F) or (L) of said section may elect either to pay the contributions on wages for services or to finance benefits on a reimbursable basis, by paying into the Unemployment Compensation Fund an amount equivalent to the amount of benefits paid out to claimants who during the applicable
period were paid wages by the employer concerned, said election to be made in writing to
the administrator in accordance with the provisions of subsection (g) of section 31-225. Any employer may revoke acceptance of voluntary liability at the end of any calendar
year following the calendar year in which he made such acceptance if he gives written
notice to the administrator, accompanied by proof satisfactory to the administrator that he
has paid all contributions due under the provisions of this chapter and that he has notified
his employees of his intention to revoke such acceptance; such application to revoke
acceptance shall be submitted within thirty days after the end of a calendar year and the
administrator shall render his decision on such application within sixty days after
submission thereof and such revocation of acceptance shall be effective on the thirty-first
day of December next preceding the giving of written notice from the administrator to the
employer that he is satisfied with such proofs.

(c) **Release from liability.** An employer may cease to be subject to this chapter at the
end of any calendar year following the calendar year in which he became subject to this
chapter if he gives written notice to the administrator, accompanied by proof satisfactory
to the administrator that he has not employed one employee for at least thirteen weeks
during the next-preceding fifteen months, that he is not subject to the Federal
Unemployment Tax Act, and that he has notified his employees of his intention to cease
to be subject to this chapter; such application for release shall be submitted within thirty
days after the end of a calendar year and the administrator shall render his decision on
such application within sixty days after submission thereof and the employer shall cease
to be subject to this chapter on the thirty-first day of December next preceding the giving
of written notice from the administrator to the employer that he is satisfied with such
proofs. The administrator shall waive the requirement for an application for release
whenever it shall appear that the employer was unable to comply with such requirement
for the reason that, at the time when he had qualified for release from liability under the
provisions of this chapter, he was in good faith not aware of the fact that he was subject
to the provisions of this chapter. An employer who discontinues his business and enters
the armed forces of the United States shall cease immediately to be subject to this
chapter.

(d) **Employment to include out-of-state service, when.** For the purposes of
subdivisions (5) and (7) of subsection (a), employment shall include service which would
constitute employment but for the fact that such service is deemed to be performed
entirely within another state pursuant to an election under an arrangement entered into
with such state by the administrator and an agency charged with the administration of any
other state or federal unemployment compensation law.

(e) **Calendar week when December 31 and January 1 in same week.** For the
purposes of subdivisions (3)(B) and (5) of subsection (a), in respect to any week
including both December thirty-first and January first, the days of that week to and
including December thirty-first shall be deemed one calendar week, and the days
beginning and including January first another such week.

History: 1967 act deleted applicability of provisions for employers with four or more employees during 13 calendar weeks and added applicability for employers with one or more employees during 13 weeks, qualified provision re elective applicability by employers employing persons under Sec. 31-222(a)(5) to except services in Subpara. (C) and made minor wording changes; 1971 act added Subdivs. (5) to (11) in Subsec. (a) extending applicability provisions, amended Subsec. (b) to add provision re employer's election to pay contributions on wages or to finance benefits on a reimbursable basis and added Subsecs. (d) and (e) clarifying what constitutes employment and calendar weeks; P.A. 73-37 amended Subsec. (a)(5) to qualify applicability with regard to amount of wages paid, to increase weeks of employment from 13 to 20 and to include those subject to chapter under previous applicability provision of the Subdiv. in effect before amendments were made; P.A. 75-567 changed reference to Sec. 31-226(h) to reference to Sec. 31-225(g) in Subsec. (b); P.A. 78-331 made corrections to Subparas. of Sec. 31-222 referred to in Subsec. (b); P.A. 78-368 added reference to Sec. 31-225(a)(1)(H) and (J) in Subsec. (a)(8); P.A. 79-34 deleted Subdivs. (3) and (4) of Subsec. (a) re applicability to employers of three or more persons during 13 weeks in years after 1955 and to employers of three or more person during 13 weeks in years after 1967, renumbering accordingly, relettered Subparas. for consistency with other statutes and added reference to successor employers under Subdiv. (2); (Revisor's note: In 1991 the reference to "subdivisions (5)(b) and (7)" in Subsec. (e) was changed editorially by the Revisors to read "subdivisions (3)(B) and (5)").

Constitutionality of "common control" provision upheld. 128 C. 213. Cited. 131 C. 504.

Question of fact for commissioner as to whether plaintiffs did take over substantially all of the assets or business. 135 C. 102. By purchasing one unit in a chain of stores, buyer did not become a liable employer. Id., 120. (1) Does not qualify definition of employment in Sec. 31-222(a). 136 C. 387. (4) Cited. Id., 389. (4) (a) Reason for including this provision in act was to insure contributions from all employers falling within the terms of the subsection. 138 C. 724. Whether the business of a particular employer is owned or controlled by the same interests that own and control the business of another employer is a question of fact. 139 C. 709.

Standard to determine where employee performs the greater part of his service. 7 CS 202. Cited. 9 CS 71. By using the word "usual", the legislature intended to restrict the decision of the Bello case, 101 C. 34. Id., 433. It is not the "usual trade, occupation, profession or business" of a bank to construct a road to improve property. 10 CS 228. Owner of a super market deemed to have employed individuals of "leased departments" for purposes of this act. 11 CS 209. Cited. 12 CS 292. Plaintiff became subject to the act by purchasing the land, buildings, equipment, machinery and good will of an employer subject to the act. 15 CS 301. Successor to a business steps into the shoes of his predecessor. Id., 399. Individual enterprise and corporation, controlled by the same
person, with a total of four employees held subject to assessment. 17 CS 353. Cited. 18
CS 113. Manufacturer who provided physical facilities for operation of cafeteria for
employees but had no control over contract operator, held not liable for cafeteria
employees unemployment compensation contributions. 19 CS 73.

Sec. 31-223a. Employers not subject to chapter. Notification to employees. Any
employer that is not subject to the provisions of this chapter and has not accepted
voluntary liability under this chapter in accordance with subsection (b) of section 31-223
or subsection (g) of section 31-225 shall notify, in writing: (1) Not later than July 1,
2006, any individual employed by such employer as of April 21, 2006, and (2) any
prospective employee that such employer is not subject to the provisions of this chapter.

(P.A. 06-3, S. 1.)

History: P.A. 06-3 effective April 21, 2006.

Sec. 31-223b. Transfer of unemployment experience upon transfer of assets,
organization, trade or business of employer. Penalties. (a) For purposes of this
section:

(1) "Knowingly" means having actual knowledge of or acting with deliberate
ignorance of or reckless disregard for a prohibition or requirement under this section;

(2) "Person" means an individual, corporation, limited liability company, company,
trust, estate, partnership or association;

(3) "Trade or business" includes an employer's employees; and

(4) "Violates or attempts to violate" includes, but is not limited to, the evasion of or
attempt to evade any provision of this section, or any misrepresentation or wilful
nondisclosure of information required to be given under this section.

(b) No person who acquires the assets, organization, trade or business of an employer
solely or primarily for the purpose of obtaining a lower contribution rate to the
Unemployment Compensation Fund shall acquire the unemployment experience of such
employer, and such acquisition shall be deemed a violation under this subsection. If the
administrator determines that a person has acquired such assets solely or primarily for the
purpose of obtaining a lower contribution rate, the administrator shall require such person
to pay contributions at the rate provided in subsection (d) of section 31-225a for an
employer who has not been chargeable with benefits for a sufficient period of time to
have such employer's rate otherwise computed under section 31-225a or, where
applicable, the person's charged tax rate, as provided in subsection (e) of section 31-225a,
whichever is greater. In determining whether the assets, organization, trade or business of
an employer was acquired solely or primarily for the purpose of obtaining a lower
contribution rate, the factors the administrator shall consider shall include, but not be
limited to, the cost of acquiring the business, whether the person continued the business
activity of the acquired business, how long the business was continued and whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted by the business prior to its acquisition.

(c) Notwithstanding any other provision of this chapter relating to the transfer of unemployment experience, if an employer transfers its assets, organization, trade or business, or a portion of its assets, organization, trade or business, to another employer with whom, at the time of such transfer, the transferring employer shares substantially common ownership, management or control, the unemployment experience of the transferring employer shall be transferred to the receiving employer. The administrator shall recalculate the contribution rates of both employers and make such recalculated rates effective upon the date of the transfer. The administrator may require from any employer, whether or not otherwise subject to this chapter, any sworn or unsworn reports that are necessary for the effective administration of this section.

(d) In addition to the penalty imposed pursuant to subsection (e) of this section and any applicable penalties under this chapter, if a person knowingly violates or attempts to violate any provision of subsection (b) or (c) of this section, or any other provision of this chapter relating to determining the assignment of a contribution rate, or knowingly advises another person in the violation of subsection (b) or (c) of this section, such person shall be subject to the following penalties:

(1) If the person is an employer, such person shall be assigned a penalty rate of contributions of two per cent of taxable wages for the year during which such violation or attempted violation occurred and for the following three years.

(2) If the person is not an employer, such person shall be subject to a civil penalty of not less than five hundred dollars or more than five thousand dollars. Any such penalty shall be deposited into the Employment Security Special Administration Fund established under subsection (d) of section 31-259.

(e) Any person who violates this section shall be fined not more than two thousand dollars or imprisoned not more than one year, or both.

(f) The administrator shall adopt regulations, in accordance with the provisions of chapter 54, to establish procedures and guidelines necessary to implement the provisions of this section, including procedures to identify the transfer or acquisition of a business for purposes of this section.

(g) This section shall be interpreted and applied in such a manner as to meet the minimum requirements of Public Law 108-295 as interpreted by the federal Department of Labor.

(h) This section shall apply to unemployment compensation tax years beginning on and after January 1, 2006.
History: This section was originally published as Sec. 31-223a in the 2006 Supplement to the General Statutes; P.A. 06-196 made technical changes in Subsec. (d)(2), effective June 7, 2006.

Sec. 31-224. Municipal and other public employees. Section 31-224 is repealed.

(1953, S. 3062d; 1969, P.A. 700, S. 2.)

Sec. 31-225. Contributions by employers. Failure of an Indian tribe or tribal unit to make required payments. Financing of benefits paid to employees of nonprofit organizations. Bond requirement for foreign construction contractors. (a) Each contributing employer who is subject to this chapter shall pay to the administrator contributions, which shall not be deducted or deductible from wages, at a rate which is established and adjusted in accordance with the provisions of section 31-225a, stated as a percentage of the wages paid by said employer with respect to employment. In no event shall any employer be required to pay contributions on any amount of wages for which said employer has previously paid contributions.

(b) Contributions shall be payable quarterly or for such shorter periods of not less than four weeks as the administrator may determine, provided no such contribution period shall include parts of two calendar quarters.

(c) Each contribution payment shall be made on or before the last day of the month next following the end of the period of employment with respect to which it is made. The administrator may make and publish regulations with reference to the details of the computation and payment of such contributions. Indian tribes or tribal units, which units include subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes, subject to subparagraphs (C) and (E) of subdivision (1) of subsection (a) of section 31-222 and this section after December 20, 2000, shall pay contributions under the same terms and conditions as all other subject employers, unless they elect to pay into the Unemployment Compensation Fund amounts equal to the amount of benefits attributable to service in the employ of the Indian tribe.

(d) In lieu of contributions required of employers subject to this chapter, the state shall pay into the Unemployment Compensation Fund an amount equivalent to the amount of benefits charged to the state as provided in section 31-225a, or may at its option make payments as provided in subdivision (1) of subsection (g) of this section for all regular and additional benefits, except that the state shall pay one hundred per cent of all extended benefits paid that are attributable to service in its employ. The amount of payments required under this section to be made into the fund shall be ascertained by the administrator as soon as practicable after the end of each calendar quarter and shall be payable from the General Fund of the state, except as provided hereafter. If a claimant to whom benefits were paid was paid wages by the state during the base period from a special or administrative fund provided for by law, the payment into the Unemployment
Compensation Fund shall be made from such special or administrative fund with the approval of the Secretary of the Office of Policy and Management. The payment by the state into the fund shall be made at such times and in such manner as the administrator may determine and prescribe.

(e) In lieu of contributions required of employers subject to this chapter, Indian tribes, towns, cities and other political and governmental subdivisions of the state and of the towns and cities may pay into the Unemployment Compensation Fund an amount equivalent to the amount of benefits charged to such Indian tribe, town, city or other political or governmental subdivision as provided in section 31-225a, or may at its option make payments as provided in subdivision (1) of subsection (g) of this section for all regular and additional benefits, except that such entities shall pay one hundred per cent of all extended benefits paid that are attributable to service in their employ, provided Indian tribes shall determine if reimbursement for benefits paid is to be elected by the tribe as a whole, by individual tribal units or by combinations of the individual tribal units. The amount of payments required under this section to be made into the fund shall be ascertained by the administrator as soon as practicable after the end of each calendar quarter. The payments by such Indian tribe, town, city or political or governmental subdivision into the fund shall be made quarterly or at such times and in such manner as the administrator may determine and prescribe.

(f) Payment of any bill rendered by the administrator under subsection (e) of this section shall be made not later than thirty days after such bill was mailed to the Indian tribe, municipality or political or governmental subdivision concerned, to the chief executive officer, clerk or other official or office having charge of making disbursements, or to the official or office designated by the Indian tribe, municipality or political governmental subdivision as authorized to receive such notices. Payments made under the provisions of subsection (e) of this section shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the employer. Past due payments of amounts due hereunder or under subsection (e) of this section shall be subject to the same interest that applies to section 31-265 to past due contributions.

(1) Indian tribes or tribal units shall be billed for the full amount of benefits attributable to service in the employ of the Indian tribe or tribal unit on the same schedule as other employing units that have elected to make payments in lieu of contributions.

(2) Failure of the Indian tribe or tribal unit to make required payments, including assessment of interest and penalty, within ninety days of receipt of the bill, shall cause the Indian tribe to lose the option to make payments in lieu of contributions, as described in subsection (e) of this section, for the following tax year unless payment in full is received or a payment schedule has been approved by the administrator or the administrator's designee before contribution rates for the next tax year are computed.

(3) Any Indian tribe or tribal unit that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in subdivision (1) of this subsection, shall have the option reinstated if, after a period of one year, all contributions
have been made timely, provided no contributions, payments in lieu of contributions for benefits paid, penalties or interest remain outstanding.

(4) Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalty, after all collection activities deemed necessary by the administrator have been exhausted, may cause services performed for such tribe to not be treated as "employment" for purposes of subsection (a) of section 31-222.

(5) The administrator may determine that any Indian tribe or tribal unit that loses coverage under subdivision (4) of this subsection may have services performed for such tribe again included as "employment" for purposes of subsection (a) of section 31-222 if all contributions, payments in lieu of contributions, penalties and interest have been paid.

(6) The administrator shall notify the United States Internal Revenue Service and the United States Department of Labor of: (A) Any failure of an Indian tribe or tribal unit to make payments required under this section, including assessments of interest and penalty, within ninety days of a final notice of delinquency; and (B) any termination or reinstatement of coverage made under subdivisions (4) and (5) of this subsection.

(7) At the discretion of the administrator, any Indian tribe or tribal unit that elects to become liable for payments in lieu of contributions shall be required, within sixty days after the effective date of its election, to: (A) Execute and file with the administrator a surety bond approved by the administrator, or (B) deposit with the administrator money or securities on the same basis as other employers with the same election option.

(8) Notices of payment and reporting delinquency to Indian tribes or tribal units pursuant to subsection (f) of this section shall include information that failure to make full payment within the prescribed time frame: (A) Shall cause the Indian tribe to be liable for taxes under the Federal Unemployment Tax Act; (B) shall cause the Indian tribe to lose the option to make payments in lieu of contributions; and (C) may cause any services performed in the employ of the Indian tribe to be excepted from the definition of "employment" as provided in subsection (a) of section 31-222.

(g) Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection, a nonprofit organization is an organization or group of organizations described in Section 501(c)(3) of the Federal Internal Revenue Code which is exempt from income tax under Section 501(a) of said code.

(1) Any nonprofit organization which, pursuant to subdivision (1) (D) of subsection (a) of section 31-222 is, or becomes, subject to this chapter on or after January 1, 1971, shall pay contributions under the provisions of subsection (a) of this section, unless it elects, in accordance with this subparagraph, to pay to the administrator for the unemployment fund an amount equal to the amount of regular and additional benefits and of one-half of the extended benefits paid, that is attributable to service in the employ of
such nonprofit organization. (A) Any nonprofit organization which is, or becomes, subject to this chapter on January 1, 1971, may elect to become liable for payments in lieu of contributions for a period of not less than one taxable year beginning with January 1, 1971, provided it shall file with the administrator a written notice of its election within the thirty-day period immediately following July 1, 1971. (B) Any nonprofit organization which becomes subject to this chapter after January 1, 1971, may elect to become liable for payments in lieu of contributions for a period of not less than twelve months beginning with the date on which it so becomes subject by filing a written notice of its election with the administrator not later than thirty days immediately following the date of the determination that it is so subject. (C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this subdivision shall continue to be liable for payments in lieu of contributions until it files with the administrator a written notice terminating its election not later than thirty days prior to the beginning of the taxable year for which such termination shall first be effective, provided liability for payments in lieu of contributions shall continue for any benefits attributable to service in the employ of such organization while it was electing payments in lieu of contributions. For purposes of benefit ratio and for billing purposes, an organization which terminates its election of payments in lieu of contributions shall be treated as two separate employers. (D) Any nonprofit organization which has been paying contributions under this chapter for a period subsequent to January 1, 1971, may change to a reimbursable basis by filing with the administrator not later than thirty days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year. (E) The administrator may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1970. (F) The administrator, in accordance with such regulations as the administrator may prescribe, shall notify each nonprofit organization of any determination which the administrator may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of this chapter applicable to determination, appeal and review.

(2) Payments in lieu of contributions shall be made in accordance with the following provisions: (A) At the end of each calendar quarter, or at the end of any other period as determined by the administrator, the administrator shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular and additional benefits plus one-half of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such organization. (B) Payment of any bill rendered under this subsection shall be made not later than thirty days after such bill was mailed to the last-known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (D) of this subdivision. (C) Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the
employ of the organization. (D) The amount due specified in any bill from the administrator shall be conclusive on the organization unless, within the time prescribed in section 31-241 after the bill was mailed to its last-known address or otherwise delivered to it, the organization files an application for redetermination by the administrator or an appeal in the manner provided in sections 31-241 and 31-242 setting forth the grounds for such application or appeal. The administrator or referee, as the case may be, shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination or decision, as applicable in any case in which such application for redetermination or appeal has been filed. Any redetermination by the administrator shall be conclusive on the organization unless, within the time prescribed in section 31-241 after the redetermination was mailed to its last-known address or otherwise delivered to it, the organization files an appeal in the manner prescribed in sections 31-241 and 31-242, setting forth the grounds for the appeal. The decision of the referee shall become final on the twenty-second day after the date of its rendition unless the party aggrieved thereby, including the administrator, files an appeal in the manner provided in section 31-249, setting forth the grounds for the appeal. Redeterminations by the administrator shall be governed by the provisions of section 31-243. Proceedings on appeal to the unemployment compensation referee from the amount of a bill rendered under this subsection or a redetermination of such amount shall be in accordance with the provisions of section 31-242 and the decision of the referee shall be subject to the provisions of sections 31-248 and 31-249. (E) Past due payments of amounts in lieu of contributions shall be subject to the same interest that, pursuant to section 31-265 applies to past due contributions; an employer electing reimbursement is subject to the same penalties provided under this chapter as employers paying contributions.

(3) If the administrator at any time deems it necessary because of the financial condition of the organization, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required, within thirty days, to execute and file with the administrator a surety bond approved by the administrator or it may elect instead to deposit with the administrator cash or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this subdivision. (A) The amount of the bond or deposit required by this subdivision shall be determined by the administrator but shall not exceed a percentage of the organization's annual taxable payroll equal to the maximum rate that any employer liable for contributions during the year involved would have to pay for employment as defined in subsection (b) of section 31-222 for the four calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of cash or securities, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the administrator. The term "cash" includes certified or bank checks or other guaranteed instruments. (B) Any bond deposited under this subdivision shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the administrator, at such times as the administrator may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The administrator shall require adjustments to be
made in a previously filed bond as the administrator deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in subdivision (2) (E) of this subsection, shall render the surety liable on such bond to the extent of the bond, as though the surety was such organization. (C) Any deposit of cash or securities in accordance with this subdivision shall be retained by the administrator in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The administrator may deduct from the cash deposited under this subdivision by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in subdivision (2) (E) of this subsection. The administrator shall require the organization within thirty days following any deduction from a cash deposit or sale of deposited securities under the provisions of this subparagraph to deposit sufficient additional cash or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The administrator may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, the administrator determines that an adjustment is necessary, said administrator shall require the organization to make additional deposit within thirty days of written notice of determination or shall return to it such portion of the deposit as the administrator no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by any applicable provision of state law. (D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this subdivision, the administrator may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective; provided the administrator may extend for good cause the applicable filing, deposit or adjustment period by not more than fifteen days.

(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under subdivision (2) of this subsection, and a bond or security as provided in subdivision (3) of this subsection has not been required, or required and not filed within thirty days, the administrator may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

(5) Each employer that is liable for payments in lieu of contributions shall pay to the administrator for the fund the amount of regular and additional benefits plus the amount of one-half of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer and one or more of such employers are liable for payments in lieu of
contributions, the amount payable to the fund by each employer that is liable for such payments, shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of the individual's base period employers.

(6) Any two or more employers that have become liable for payments in lieu of contributions may file a joint application to the administrator for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subdivision. Upon the administrator's approval of the application, the administrator shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the administrator receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than one year and thereafter until terminated at the discretion of the administrator or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The administrator shall prescribe such regulations as he or she deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this subdivision, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this subdivision by members of the group and the time and manner of such payments.

(h) Subsections (a) to (g), inclusive, of this section shall first apply to benefits charged with respect to benefits paid in benefit years starting on or after June 30, 1975.

(i) Notwithstanding any other provision of the general statutes to the contrary, any employer, individual, organization, partnership, corporation or other legal entity which engages, in any manner, in contract construction activity in this state and which has its base of operations and is incorporated in another state, shall furnish to the administrator before beginning any such construction activity, a bond, with a surety or sureties satisfactory to the administrator, in an amount to be determined by the administrator. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, establishing the method for computation of such bond amounts. The use of such bonds shall be limited to payment for any unpaid unemployment compensation contributions, interest and penalties due from such contractor and attributable to such contracted work.

History: 1969 act amended Subsec. (f) to make payments by towns, cities and political subdivisions mandatory rather than dependent upon whether the towns, cities, etc. have elected to become subject to chapter; 1971 act added references to "governmental" subdivisions in Subsecs. (f) and (g), added option of making payments pursuant to Sec. 31-225 in Subsec. (f) and added provisions re time for payment of bills, interest on past due payments, etc.; 1972 act deleted provision in Subsec. (f) which had prohibited requiring towns, cities, etc. to maintain a record of their employees social security numbers; P.A. 73-289 deleted option for calculating benefits as ratio of each employer's share of wages to total wages paid in Subsec. (h)(5)(A) and added references to "additional" benefits in Subsec. (h)(1), (2) and (5); P.A. 73-536 changed basis for calculating contributions under Subsec. (a) from 2.7% of wages paid to rate established and adjusted under Sec. 31-225a and deleted previous detailed provisions re adjustments, deleted provision in Subsec. (b) which had allowed treatment of wages for payroll period which falls in two contribution periods as falling within one period, deleted Subsec. (d) re excess in fund, relettering accordingly, amended relettered Subsec. (d) to replace detailed provisions re state payments into fund with reference to payments equaling benefits charged to state pursuant to Sec. 31-225a and changed remaining provisions re payments throughout section in a similar fashion; P.A. 74-229 amended Subsec. (g)(1)(C) to add proviso re continued liability for payments and added ratio provision for calculating payments by multiple employers in Subsec. (g)(5); P.A. 75-525 specified "contributing" employers in Subsec. (a), made payments by towns, cities, etc. in Subsec. (e) optional rather than mandatory, replaced compensation commissioner with compensation referees in Subsec. (g)(2), changed maximum bond in Subsec. (g)(3)(A) from 2.7% of total wages paid to 6% of taxable wages paid and deleted Subsec. (h) re nonprofit organizations' option to make payments in lieu of contributions; P.A. 76-435 made technical changes; P.A. 77-426 changed amount of bond in Subsec. (g)(3)(A) to percentage of payroll "equal to the maximum rate that any employer liable for contributions during the year involved would have to pay"; P.A. 77-614 replaced commissioner of finance and control with secretary of the office of policy and management in Subsec. (d); P.A. 78-368 allowed option of payments as provided in Subsec. (g)(1) in Subsec. (d) and deleted reference to Sec. 31-235a in Subsec. (e); P.A. 80-250 added Subsec. (i) re bonds for those engaged in contract construction activity; P.A. 81-318 amended Subsec. (g)(2) by changing the time when referee's decision becomes final from fifteenth to twenty-second day after its rendition if no appeal has been filed; P.A. 81-472 made technical changes; June 18 Sp. Sess. P.A. 97-4 amended Subsec. (d) to delete provision that the state shall not be required to maintain a record of Social Security numbers of its employees, effective October 1, 1998; June 18 Sp. Sess. P.A. 97-11 changed effective date of June 18 Sp. Sess. P.A. 97-4, S. 4. from October 1, 1998, to October 1, 1997; June Sp. Sess. P.A. 01-9 amended Subsec. (c) to add provisions re payments by Indian tribes or tribal units, amended Subsec. (e) to add provision re determination of reimbursement by Indian tribe, and add references to "Indian tribe", amended Subsec. (f) to make technical changes, add
references to "Indian tribe" and add new Subdivs. (1) to (8) re payments by Indian tribes or tribal units, and make technical changes for purposes of gender neutrality in Subsecs. (a) and (g), effective July 1, 2001; P.A. 10-46 amended Subsec. (d) to require state to pay 100% of all extended benefits paid that are attributable to service in its employ and amended Subsec. (e) to require towns, cities and political subdivisions of the state and Indian tribes to pay 100% of all extended benefits paid that are attributable to service in their employ, effective May 18, 2010; P.A. 11-35 made technical changes in Subsec. (g)(1) and (2), effective June 3, 2011.

Sec. 31-225a. Definitions; employers' experience accounts; noncharging provisions; benefit ratio; rates of contribution; assessments to pay interest due on federal loans and to reimburse advance fund; fund balance tax rate; notice to employers; multiple employers; employers' quarterly reports; inspection of records; electronic payments. (a) As used in this chapter, "qualified employer" means each employer subject to this chapter whose experience record has been chargeable with benefits for at least one full experience year, with the exception of employers subject to a flat entry rate of contributions as provided under subsection (d) of this section, employers subject to the maximum contribution rate under subsection (c) of section 31-273, and reimbursing employers; "contributing employer" means an employer who is assigned a percentage rate of contribution under the provisions of this section; "reimbursing employer" means an employer liable for payments in lieu of contributions as provided under section 31-225; "benefit charges" means the amount of benefit payments charged to an employer's experience account under this section; "computation date" means June thirtieth of the year preceding the tax year for which the contribution rates are computed; "tax year" means the calendar year immediately following the computation date; "experience year" means the twelve consecutive months ending on June thirtieth; and "experience period" means the three consecutive experience years ending on the computation date, except that if the employer's account has been chargeable with benefits for less than three years, the experience period shall consist of the greater of one or two consecutive experience years ending on the computation date.

(b) (1) The administrator shall maintain for each employer, except reimbursing employers, an experience account in accordance with the provisions of this section. (2) With respect to each benefit year commencing on or after July 1, 1978, regular and additional benefits paid to an individual shall be allocated and charged to the accounts of the employers who paid him wages in his base period in accordance with the following provisions: The initial determination establishing a claimant's weekly benefit rate and maximum total benefits for his benefit year shall include, with respect to such claimant and such benefit year, a determination of the maximum liability for such benefits of each employer who paid wages to the claimant in his base period. An employer's maximum total liability for such benefits with respect to a claimant's benefit year shall bear the same ratio to the maximum total benefits payable to the claimant as the total wages paid by the employer to the claimant within his base period bears to the total wages paid by all employers to the claimant within his base period. This ratio shall also be applied to each benefit payment. The amount thus determined, rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward, shall be charged to the
employer's account.

(c) (1) (A) Any week for which the employer has compensated the claimant in the form of wages in lieu of notice, dismissal payments or any similar payment for loss of wages shall be considered a week of employment for the purpose of determining employer chargeability. (B) No benefits shall be charged to any employer who paid wages of five hundred dollars or less to the claimant in his base period. (C) No dependency allowance paid to a claimant shall be charged to any employer. (D) In the event of a natural disaster declared by the President of the United States, no benefits paid on the basis of total or partial unemployment which is the result of physical damage to a place of employment caused by severe weather conditions including, but not limited to, hurricanes, snow storms, ice storms or flooding, or fire except where caused by the employer, shall be charged to any employer. (E) If the administrator finds that (i) an individual's most recent separation from a base period employer occurred under conditions which would result in disqualification by reason of subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an individual was discharged for violating an employer's drug testing policy, provided the policy has been adopted and applied consistent with sections 31-51t to 31-51aa, inclusive, section 14-261b and any applicable federal law, no benefits paid thereafter to such individual with respect to any week of unemployment which is based upon wages paid by such employer with respect to employment prior to such separation shall be charged to such employer's account, provided such employer shall have filed a notice with the administrator within the time allowed for appeal in section 31-241. (F) No base period employer's account shall be charged with respect to benefits paid to a claimant if such employer continues to employ such claimant at the time the employer's account would otherwise have been charged to the same extent that he employed him during the individual's base period, provided the employer shall notify the administrator within the time allowed for appeal in section 31-241. (G) If a claimant has failed to accept suitable employment under the provisions of subdivision (1) of subsection (a) of section 31-236 and the disqualification has been imposed, the account of the employer who makes an offer of employment to a claimant who was a former employee shall not be charged with any benefit payments made to such claimant after such initial offer of reemployment until such time as such claimant resumes employment with such employer, provided such employer shall make application therefor in a form acceptable to the administrator. The administrator shall notify such employer whether or not his application is granted. Any decision of the administrator denying suspension of charges as herein provided may be appealed within the time allowed for appeal in section 31-241. (H) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the regular benefits paid for such benefit year. (I) No base period employer's account shall be charged with respect to benefits paid to a claimant who voluntarily left suitable work with such employer (i) to care for a seriously ill spouse, parent or child or (ii) due to the discontinuance of the transportation used by the claimant to get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of subsection (a) of section 31-236.
(2) All benefits paid which are not charged to any employer shall be pooled.

(3) The noncharging provisions of this chapter, except subdivisions (1)(D) and (1)(F) of this subsection, shall not apply to reimbursing employers.

(d) The standard rate of contributions shall be five and four-tenths per cent. Each employer who has not been chargeable with benefits, for a sufficient period of time to have his rate computed under this section shall pay contributions at a rate that is the higher of (1) one per cent, or (2) the state's five-year benefit cost rate. For purposes of this subsection, the state's five-year benefit cost rate shall be computed annually on or before June thirtieth and shall be derived by dividing the total dollar amount of benefits paid to claimants under this chapter during the five consecutive calendar years immediately preceding the computation date by the five-year payroll during the same period. If the resulting quotient is not an exact multiple of one-tenth of one per cent, the five-year benefit cost rate shall be the next higher such multiple.

(e) (1) As of each June thirtieth, the administrator shall determine the charged tax rate for each qualified employer. Said rate shall be obtained by calculating a benefit ratio for each qualified employer. The employer's benefit ratio shall be the quotient obtained by dividing the total amount chargeable to the employer's experience account during the experience period by the total of his taxable wages during such experience period which have been reported by the employer to the administrator on or before the following September thirtieth. The resulting quotient, expressed as a per cent, shall constitute the employer's charged tax rate. If the resulting quotient is not an exact multiple of one-tenth of one per cent, the charged rate shall be the next higher such multiple, except that if the resulting quotient is less than five-tenths of one per cent, the charged rate shall be five-tenths of one per cent and if the resulting quotient is greater than five and four-tenths per cent, the charged rate shall be five and four-tenths per cent. The employer's charged tax rate will be in accordance with the following table:

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<th>Employer's Charged Tax Rate Table</th>
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(2) (A) Each contributing employer subject to this chapter shall pay an assessment to the administrator at a rate established by the administrator sufficient to pay interest due on advances from the federal unemployment account under Title XII of the Social Security Act (42 U.S. Code Sections 1321 to 1324). The administrator shall establish the necessary procedures for payment of such assessments. The amounts received by the administrator based on such assessments shall be paid over to the State Treasurer and credited to the General Fund. Any amount remaining from such assessments, after all such federal interest charges have been paid, shall be transferred to the Employment Security Administration Fund or to the Unemployment Compensation Advance Fund established under section 31-264a, (i) to the extent that any federal interest charges have been paid from the Unemployment Compensation Advance Fund, (ii) to the extent that the administrator determines that reimbursement is appropriate, or (iii) otherwise to the extent that reimbursement of the advance fund is the appropriate accounting principle governing the use of the assessments. Sections 31-265 to 31-274, inclusive, shall apply to the collection of such assessments.

(B) On and after January 1, 1994, and conditioned upon the issuance of any revenue bonds pursuant to section 31-264b, each contributing employer shall also pay an assessment to the administrator at a rate established by the administrator sufficient to pay the interest due on advances from the Unemployment Compensation Advance Fund and reimbursements required for advances from the Unemployment Compensation Advance Fund, computed in accordance with subsection (h) of section 31-264a. The administrator shall establish the assessments as a percentage of the charged tax rate for each employer pursuant to subdivision (1) of this subsection. The administrator shall establish the necessary procedures for billing, payment and collection of the assessments. Sections 31-265 to 31-274, inclusive, shall apply to the collection of such assessments by the administrator. The payments received by the administrator based on the assessments, excluding interest and penalties on past due assessments, are hereby pledged and shall be paid over to the State Treasurer for credit to the Unemployment Compensation Advance Fund.

Public Act 12-46 - Subsection (f) of section 31-225a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

(f) (1) For each calendar year commencing with calendar year 1994 but prior to calendar year 2013, the administrator shall establish a fund balance tax rate sufficient to maintain a balance in the Unemployment Compensation Trust Fund equal to eight-tenths of one per cent of the total wages paid to workers covered under this chapter by contributing employers during the year ending the last preceding June thirtieth. If the fund balance tax rate established by the administrator results in a fund balance in excess of said per cent as of December thirtieth of any year, the administrator shall, in the year next following, establish a fund balance tax rate sufficient to eliminate the fund balance in excess of said per cent. For each calendar year commencing with calendar year 2013, the administrator shall establish a fund balance tax rate sufficient to maintain a balance in the Unemployment Compensation Trust Fund that results in an average high cost multiple
equal to 0.5. Commencing with calendar year 2014 and ending with calendar year 2018, the administrator shall establish a fund balance tax rate sufficient to maintain a balance in the Unemployment Compensation Trust Fund that results in an average high cost multiple that is increased by 0.1 from the preceding calendar year. Commencing with calendar year 2019, the administrator shall establish a fund balance tax rate sufficient to maintain a balance in the Unemployment Compensation Trust Fund that results in an average high cost multiple equal to 1.0. If the fund balance tax rate established by the administrator results in a fund balance in excess of the amount prescribed in this subdivision as of December thirtieth of any year, the administrator shall, in the year next following, establish a fund balance rate sufficient to eliminate the fund balance in excess of said amount. The assessment levied by the administrator at any time (A) during a calendar year commencing on or after January 1, 1994, but prior to January 1, 1999, shall not exceed one and five-tenths per cent, (B) during a calendar year commencing on or after January 1, 1999, shall not exceed one and four-tenths per cent, and shall not be calculated to result in a fund balance in excess of eight-tenths of one per cent of such total wages, and (C) during a calendar year commencing on or after January 1, 2013, shall not exceed one and four-tenths per cent and shall not be calculated to result in a fund balance in excess of the amounts prescribed in this subdivision.

(2) The average high cost multiple shall be computed as follows: The result of the balance of the Unemployment Compensation Trust Fund on December thirtieth immediately preceding the new rate year divided by the total wages paid to workers covered under this chapter by contributing employers for the twelve months ending on the December thirtieth immediately preceding the new rate year shall be the numerator and the average of the three highest calendar benefit cost rates in (A) the last twenty years, or (B) a period including the last three recessions, whichever is longer, shall be the denominator. Benefit cost rates are computed as benefits paid including the state's share of extended benefits but excluding reimbursable benefits as a per cent of total wages in covered employment. The results rounded to the next lower one decimal place will be the average high cost multiple.

(g) Each qualified employer’s contribution rate for each calendar year after 1973 shall be a percentage rate equal to the sum of his charged tax rate as of the June thirtieth preceding such calendar year and the fund balance tax rate as of December thirtieth preceding such calendar year.

(h) (1) With respect to each benefit year commencing on or after July 1, 1978, notice of determination of the claimant’s benefit entitlement for such benefit year shall include notice of the allocation of benefit charges of the claimant’s base period employers and each such employer shall be mailed a copy of such notice of determination and shall be an interested party thereto. Such determination shall be final unless the claimant or any of such employers files an appeal from such decision in accordance with the provisions of section 31-241. (2) The administrator shall, not less frequently than once each calendar quarter, mail a statement of charges to each employer to whose experience record any charges have been made since the last previous such statement. Such statement shall show, with respect to each week for which benefits have been paid and charged, the name
and Social Security account number of the claimant who was paid the benefit, the amount of the benefits charged for such week and the total amount charged in the quarter. (3) The statement of charges provided for in subdivision (2) of this subsection shall constitute notice to the employer that it has been determined that the benefits reported in such statement were properly payable under this chapter to the claimants for the weeks and in the amounts shown in such statements. If the employer contends that benefits have been improperly charged due to fraud or error, a written protest setting forth reasons therefor shall be filed with the administrator within sixty days of the mailing date of the quarterly statement. An eligibility issue shall not be reopened on the basis of such quarterly statement if notification of such eligibility issue had previously been given to the employer under the provisions of section 31-241, and he failed to file a timely appeal therefrom or had the issue finally resolved against him.

(i) (1) At the written request of any employer which holds at least eighty per cent controlling interest in another employer or employers, the administrator may mingle the experience rating records of such dominant and controlled employers as if they constituted a single employer, subject to such regulations as the administrator may make and publish concerning the establishment, conduct and dissolution of such joint experience rating records. (2) The executors, administrators, successors or assigns of any former employer shall acquire the experience rating records of the predecessor employer with the following exception: The experience of a predecessor employer, who leased premises and equipment from a third party and who has not transferred any assets to the successor, shall not be transferred if there is no common controlling interest in the predecessor and successor entities. (3) The administrator is authorized to establish such regulations governing joint accounts as may be necessary to comply with the requirements of the federal Unemployment Tax Act.

(j) (1) Each employer subject to this chapter shall submit quarterly, on forms supplied by the administrator, a listing of wage information, including the name of each employee receiving wages in employment subject to this chapter, such employee's Social Security account number and the amount of wages paid to such employee during such calendar quarter.

(2) Commencing with the first calendar quarter of 1991, each employer subject to this chapter who reports wages for two hundred fifty or more employees receiving wages in employment subject to this chapter, and each person or organization that, as an agent, reports wages for a total of two hundred fifty or more employees receiving wages in employment subject to this chapter on behalf of one or more employers subject to this chapter shall submit quarterly the information required by subdivision (1) of this subsection on magnetic tape, diskette, or other similar electronic means which the administrator may prescribe, in a format prescribed by the administrator, unless such employer or agent demonstrates to the satisfaction of the administrator that it lacks the technological capability to report such information in accordance with this subdivision.

(3) Any employer that fails to submit the information required by subdivision (1) of this subsection in a timely manner, as determined by the administrator, shall be liable to
the administrator for a late filing fee of twenty-five dollars. All fees collected by the administrator under this subdivision shall be deposited in the Employment Security Administration Fund.

(4) Commencing with the first calendar quarter of 2009, each employer subject to this chapter who makes contributions or payments in lieu of contributions for two hundred fifty or more employees receiving wages in employment subject to this chapter, and each person or organization that, as an agent, makes contributions or payments in lieu of contributions for a total of two hundred fifty or more employees receiving wages in employment subject to this chapter on behalf of one or more employers subject to this chapter shall make such contributions or payments in lieu of contributions electronically.

(k) The employer may inspect his account records in the office of the Employment Security Division at any reasonable time.

(P.A. 73-536, S. 4, 12; P.A. 74-229, S. 2-8, 22; P.A. 75-525, S. 3, 13; P.A. 76-74; 76-79; 76-82; 76-84; 76-98; 76-161; 76-259, S. 1, 3; P.A. 77-426, S. 2, 19; P.A. 78-368, S. 4, 5, 11; P.A. 79-187, S. 1; 79-191; 79-631, S. 91, 111; P.A. 80-483, S. 154, 186; P.A. 81-12, S. 1; 81-472, S. 61, 62, 142, 143, 159; P.A. 82-29, S. 1; P.A. 83-547, S. 1, 12; 83-587, S. 49, 96; P.A. 84-312, S. 1, 3; P.A. 85-25; 85-258, S. 2; P.A. 87-67; 87-341, S. 1, 2; P.A. 89-58; P.A. 90-314, S. 1, 3; P.A. 93-243, S. 3, 15; 93-419, S. 1, 9; P.A. 94-60, S. 3; P.A. 05-288, S. 136; P.A. 07-217, S. 145; P.A. 08-60, S. 1; P.A. 09-6, S. 5.)

History: P.A. 74-229 rephrased Subsec. (a)(4)(C) and authorized administrator to determine order of charging where claimant has more than one employer in a quarter and exempting employers who paid wages of $200 or less, added Subsec. (a)(5), set June thirtieth deadline for computation of five-year benefit cost rate in Subsec. (b) and clarified basis for computation and authorized rounding of quotients in Subsec. (b), rephrased Subsec. (d), replaced table and deleted provision re reduction of fund balance tax rate in Subsec. (d), deleted provision re employers review right in Subsec. (f)(3) and distinguished between dominant and controlled and predecessor and successor employers in Subsec. (g); P.A. 75-525 defined "computation date" and "tax year" in Subsec. (a), added provisions re initiating claims filed on or after July 1, 1975, but before June 30, 1978, revised employers liability from 25% of his limit for regular benefits or an amount equaling state's liability to 50% of benefits paid under extended duration unemployment benefits program, deleted former Subsec. (a)(5), added provisions in Subsec. (c) re calculation of employer's benefit ratio, revised table in Subsec. (d), made minor changes in Subsec. (f) for clarity and deleted Subsec. (i) which had defined "balance in the unemployment compensation fund"; P.A. 76-74 clarified Subsec. (g) deleting references to mingling of experience records of predecessor and successor employers and inserting provision re acquisition of predecessor's rating records by successor; P.A. 76-79 substituted "chargeable" for "charged" in Subsec. (c); P.A. 76-82 made language changes for consistency and added provisions re protests by employer in Subsec. (f); P.A. 76-88 changed basis for calculating employer's benefit ratio in Subsec. (c); P.A. 76-98 provided that weeks of compensation in lieu of notice, severance pay etc. shall be considered a week of employment in determining employer chargeability in Subsec. (a); P.A. 76-161
deleted provisions re initiating claims filed on or after July 1, 1978, in Subsec. (a); P.A. 76-259 clarified Subsec. (a)(4) and specified circumstances under which administrator is to determine manner of charging benefits; P.A. 77-426 deleted references to acquisition of former or predecessor employer's rates in Subsec. (g)(2); P.A. 78-368 added provisions in Subsec. (a) re benefit years commencing on or after July 1, 1978, in Subsec. (a) and deleted reference to notice of "order of liability" for benefit charges in Subsec. (f); P.A. 79-187 specified notification to employer under Sec. 31-241 in Subsec. (f); P.A. 79-191 added provision in Subsec. (a) protecting employers from charge of benefits resulting from natural disasters and deleted duplicate Subdiv. (5); P.A. 79-631 made technical correction; P.A. 80-483 substituted reference to natural disasters declared by U.S. President for reference to those declared by governor; P.A. 81-12 rearranged the section to increase its clarity and comprehensiveness, placing the definitions of terms in Subsec. (a) and adding definitions of contributing and reimbursing employers, to insert noncharging provisions of the chapter in Subsec. (c), and to simplify the language concerning determination of charged tax rates in Subsec. (e); P.A. 81-472 made technical changes; P.A. 82-29 added the word "would" preceding "result" in Subsec. (c)(1)(E); P.A. 83-547 added Subsec. (e)(2), providing a mechanism to assess employers for the interest due on loans from the federal unemployment account, effective June 9, 1983, and applicable to tax years commencing on or after January 1, 1983; P.A. 83-587 made a technical amendment to Subsec. (g); P.A. 84-312 amended Subsecs. (d) and (e) to increase the maximum employer's charged tax rate from 5% to 5.4%, amended Subsec. (f) to increase the minimum solvency tax rate from negative 0.4% to 0%, and the Revisors corrected the charged tax rate table in Subsec. (e) to read "5.1%, 5.2%, 5.3%" instead of ".1%, .2%, .3%", to correct typographical error; P.A. 85-25 amended Subsec. (c) to provide that the noncharging provisions of Subdiv. (1)(F) of said subsection are applicable to reimbursing employers; P.A. 85-258 added Subsec. (c)(1)(I), providing that benefits paid to claimants who quit suitable work for certain compensable reasons shall not be charged against any employer's account; P.A. 87-76 amended Subsec. (e)(1) to establish an annual cutoff date of September thirtieth for employers' taxable wage reports which will be used to calculate the employers' benefit ratio; P.A. 87-341 amended Subsec. (e)(2) to provide that any excess of assessments made for payment of federal interest charges shall be transferred to the employment security administration fund; P.A. 89-58 added Subsec. (j)(2), providing for the submittal of certain information by electronic methods; P.A. 90-314 amended Subsec. (c) to increase the minimum wages an employer is required to pay a claimant in his base period in order to be charged for the claimant's benefits from $300 to $500; P.A. 93-243 amended Subsec. (c) to prohibit charging employers' experience accounts for benefits paid to employees discharged upon detection of drug abuse, amended Subsec. (e) to allow reimbursement of advance fund from excess funds generated by experience tax and to add Subpara. (B) imposing a new assessment on employers to reimburse and pay interest due on advances from advance fund, and amended Subsec. (f) to delete fund balance tax rate table and establish a new formula for calculating the fund balance tax rate, effective June 23, 1993; P.A. 93-419 amended Subsec. (f) to clarify that the administrator is required to establish a fund balance tax rate for each calendar year beginning with calendar year 1994, and made technical changes, effective July 1, 1993; P.A. 04-60 amended Subsec. (j) to make technical changes in Subdivs. (1) and (2), and add Subdiv. (3) imposing $25 filing fee on
employers that file untimely quarterly reports and requiring deposit of all such fees into Employment Security Administration Fund, effective July 1, 2004; P.A. 05-288 made technical changes in Subsec. (c)(1), effective July 13, 2005; P.A. 07-217 made technical changes in Subsec. (d), effective July 12, 2007; P.A. 08-60 amended Subsec. (j) by adding Subdiv. (4) requiring employers with 250 or more employees to electronically file unemployment compensation contribution or payment in lieu of contributions; P.A. 09-6 made technical changes in Subsec. (j)(4), effective May 4, 2009.

Cited. 177 C. 384.

Subsec. (a):

Subdiv. (4) cited. 184 C. 317.

Subsec. (b):

Subdiv. (2) cited. 17 CA 441.

Subsec. (c):

Subdiv. (1): Administrator erred by reading into penalty provision of this section reporting and payments deadline found elsewhere in the act. 177 C. 384.

Subdiv. (1)(E) cited. 17 CA 441.

Secs. 31-225b to 31-226. Compensable separation charge, compensable period; rehire credits. Exception re date of filing application. Account not charged if claimant employed at that time; notice required. Employer's account not charged during employee's disqualification period; application, notice, appeal. Pooling of benefits not charged; exception. Quarterly reports of wage information. Merit rating indexes. Sections 31-225b to 31-226, inclusive, are repealed.


Sec. 31-226a. Discharge, discipline, penalty or discrimination prohibited. Right of action. (a) No employer shall discharge, discipline, penalize or in any manner discriminate against any employee because the employee has filed a claim or instituted or caused to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.

(b) Any employee who believes that such employee has been discharged, disciplined,
penalized or otherwise discriminated against by any person in violation of this section may file a complaint with the Labor Commissioner alleging violation of the provisions of subsection (a) of this section. Upon receipt of any such complaint, the commissioner shall hold a hearing. After the hearing, the commissioner shall send each party a written copy of the commissioner's decision. The commissioner may award the employee all appropriate relief including rehiring or reinstatement to such employee's previous job, payment of back wages and reestablishment of employee benefits to which such employee otherwise would have been eligible if such employee had not been discharged, disciplined, penalized or discriminated against. Any employee who prevails in such a complaint shall be awarded reasonable attorney's fees and costs. Any party aggrieved by the decision of the commissioner may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(c) The commissioner may request the Attorney General to bring an action in the Superior Court for injunctive relief requiring compliance with any award, decision or judgment issued by the commissioner under this section.

(P.A. 88-169; 88-364, S. 106, 123; P.A. 01-147, S. 3.)

History: P.A. 88-364 made technical change; P.A. 01-147 made technical changes for purposes of gender neutrality in Subsec. (b) and added Subsec. (c) permitting commissioner to request Attorney General to bring action for injunctive relief requiring compliance with award, decision or judgment of commissioner.

Sec. 31-227. Payment of benefits. Disqualifying services. Offsets and deductions: Pensions, child support obligations and state, federal and local income taxes. (a) Benefits shall be payable only to individuals who are unemployed and are eligible for benefits. Benefits shall be payable only out of the Unemployment Compensation Fund.

(b) All benefits shall be payable through the state public employment bureaus or such other public agencies as the administrator, by regulations, may designate and at such times and in such manner as he may prescribe.

(c) Whenever any benefit claimant dies leaving unpaid benefits due him in accordance with the provisions of this chapter, the administrator may, in his discretion, pay the amount of such unpaid benefits in the manner set forth in section 45a-273, and such payment shall discharge the administrator from liability to any person on account of such benefits.

(d) Benefits based on service in employment defined in subdivisions (1) (C) and (D) of subsection (a) of section 31-222 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except that (1) with respect to weeks of unemployment beginning after December 31, 1977, benefits shall not be paid based on service performed in an instructional, research or principal administrative capacity for an educational institution for any week of unemployment commencing during the period between two
successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms; (2) with respect to weeks of unemployment beginning after October 29, 1983, for service performed in any other capacity for an educational institution, benefits shall not be paid on the basis of such services to any individual for any week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual under this subdivision and such individual is not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subdivision; (3) with respect to weeks of unemployment beginning after March 31, 1984, for services described in subdivisions (1) and (2), benefits shall not be payable on the basis of such services to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess; (4) with respect to weeks of unemployment beginning after March 31, 1984, for services described in subdivisions (1) and (2), benefits shall not be payable on the basis of such services under the circumstances prescribed in subdivisions (1), (2) and (3) to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this subdivision the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(e) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(f) (A) Benefits shall not be payable on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the
United States as a result of the application of the provisions of Section 203(a)(7) or
Section 212(d)(5) of the Immigration and Nationality Act. (B) Any data or information
required of individuals applying for benefits to determine whether benefits are not
payable to them because of their alien status shall be uniformly required from all
applicants for benefits. (C) In the case of an individual whose application for benefits
would otherwise be approved, no determination that benefits to such individual are not
payable because of his alien status shall be made except upon a preponderance of the
evidence.

(g) With respect to benefit years beginning on or after October 1, 1981, for any week
with respect to which an individual is receiving a pension, which shall include a
governmental or other pension, retirement or retired pay, annuity, or any other similar
periodic payment, under a plan maintained or contributed to by a base period employer,
the weekly benefit rate payable to such individual for such week shall be reduced by the
prorated weekly amount of the pension. If contributions were made to the pension plan
by the individual, the prorated weekly pension amount shall be reduced by the proportion
that such individual's contributions bear to the total of all payments for such individual
into the plan, except that if the pension is paid under the Social Security Act, the
individual's contributions to the plan shall reduce the prorated weekly pension amount by
one hundred per cent. If, as a result of the reduction made under the provisions of this
subsection, the individual's weekly benefit rate is not a whole dollar amount, the weekly
benefit rate payable to such individual shall be the next lower whole dollar amount. No
reduction shall be made under this subsection by reason of the receipt of a pension,
except in the case of pensions paid under the Social Security Act or the Railroad
Retirement Act of 1974, if the services performed by the individual during the base
period for such employer, or remuneration received for such services, did not affect the
individual's eligibility for, or increase the amount of, such pension, retirement or retired
pay, annuity, or similar payment.

(h) (1) An individual filing an initial claim for unemployment compensation shall, at
the time of filing such claim, disclose whether or not the individual owes child support
obligations as defined under subdivision (6) of this subsection. If any such individual
discloses that he or she owes child support obligations and has been determined to be
eligible for unemployment compensation, the administrator shall notify the state or local
child support enforcement agency enforcing such obligation that the individual is eligible
for unemployment compensation.

(2) The administrator shall deduct and withhold from any unemployment
compensation payable to an individual who owes child support obligations (A) the
amount specified by the individual to the administrator to be deducted and withheld
under this subsection, if neither subparagraph (B) nor (C) is applicable, or (B) the amount
determined pursuant to an agreement submitted to the administrator under Section
654(20)(B)(i) of the Social Security Act by the state or local child support enforcement
agency, unless subparagraph (C) is applicable, or (C) any amount otherwise required to
be so deducted and withheld from such unemployment compensation pursuant to legal
process, as defined in Section 662(e) of the Social Security Act, properly served upon the
(3) Any amount deducted and withheld under subdivision (2) shall be paid by the administrator to the appropriate state or local child support enforcement agency.

(4) Any amount deducted and withheld under subdivision (2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

(5) This subsection shall be applicable only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the administrator under this subsection which are attributable to child support obligations being enforced by such state or local child support enforcement agency.

(6) For purposes of this subsection, the term "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the administrator pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment; "child support obligations" includes only obligations which are being enforced pursuant to a plan described in Section 654 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act; and "state or local child support enforcement agency" means any agency of this state or a political subdivision thereof operating pursuant to a plan described in Section 654 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(i) (1) An individual filing a new claim for unemployment compensation shall at the time of filing such claim be advised that: (A) Unemployment compensation is subject to federal, state and local income tax; (B) requirements exist pertaining to estimated tax payments; (C) the individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code; (D) the individual may elect to have state income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of three per cent; (E) the individual shall be permitted to change a previously elected withholding status one time in a benefit year; and (F) an individual who elects deductions pursuant to subparagraph (C) or (D) of this subdivision shall be subject to deductions pursuant to subparagraphs (C) and (D) of this subdivision. (2) Amounts deducted and withheld from unemployment compensation shall remain in the Unemployment Compensation Fund until transferred to the federal or state taxing authority as a payment of income tax. (3) The commissioner shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of federal and state income taxes. (4) Amounts shall be deducted and withheld in accordance with any regulations adopted by the commissioner to implement the provisions of this subsection. (5) For purposes of this
subsection, "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the administrator pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

(j) On and after January 1, 1997, the administrator shall deduct and withhold federal income tax from benefits payable to any individual who elected to have such deductions and withholdings under subsection (i) of this section.


History: 1971 act divided section into Subsecs. and added Subsec. (d) re basis for payment of benefits; P.A. 77-426 added provisions re payments for service performed after December 31, 1977, in Subsec. (d) and added Subsecs. (e) and (f) re payment of benefits to those in sports and for aliens; P.A. 78-368 specified applicability to weeks of unemployment rather than to weeks of service performed in Subsec. (d) and reworted Subdiv. (2) for clarity; P.A. 81-318 added Subsec. (g) concerning reductions in benefits for those receiving pensions; P.A. 82-361 added Subsec. (h), which provided a process for the deduction of child support payments from unemployment compensation benefits paid to claimants who have child support obligations; P.A. 83-547 amended Subsec. (g) to provide that the weekly benefit rate, after reduction pursuant to this section, shall be rounded to the next lower, rather than higher, dollar; P.A. 83-587 made technical changes in Subsec. (h); Dec. Sp. Sess. P.A. 83-1 amended Subsec. (d) to remove obsolete language, to establish that, beginning October 29, 1983, all nonprofessional educational employees be denied benefits between academic years and terms if they are likely to be rehired, to provide for retroactive payments to those who are not rehired, to deny payments to educational employees for vacation periods and holidays, and to treat educational service agency employees the same as educational employees for the payment of benefits, in order to conform with federal requirements; P.A. 90-314 amended Subsec. (f) to conform the language to the form required by federal regulation; P.A. 96-206 added Subsecs. (i) and (j) establishing provisions for the withholding of taxes from unemployment benefits; P.A. 04-214 amended Subsec. (g) to make technical changes and to eliminate benefit reduction for individuals receiving a Social Security pension.

Where employer had designated vacation period under contract with union, plaintiff not unemployed. 136 C. 482. Cited. 142 C. 163.

Where cessation of work was voluntary on plaintiff's part, through agency of union, plaintiffs not entitled to benefits. 25 CS 295.

Sec. 31-228. Benefit for total unemployment. An eligible individual who is totally unemployed throughout a week, which shall be, at the discretion of the administrator, either a calendar week or a payroll week of seven consecutive days as determined by the
administrator, shall be paid, with respect to such week, an amount equal to his total
unemployment benefit rate for the benefit year during which such week of unemployment
occurs. An individual shall be deemed to be totally unemployed throughout a week if he
has performed during that week no services for which remuneration of any nature is
payable, except service performed in the employ of any town, city or other political
subdivision, which service is performed in lieu of payment of any delinquent tax payable
to such town, city or other political subdivision and for which no other remuneration is
payable and has not engaged in any self-employment.

(1949 Rev., S. 7501; P.A. 78-307, S. 1.)

History: P.A. 78-307 added exception for service performed in employ of towns,
cities, etc. in lieu of payment of delinquent tax.

Cited. 136 C. 485. Plaintiff held unemployed during period of shutdown beyond one-
week vacation to which he was entitled. 138 C. 253. Cited. 161 C. 362. Cited. 175 C.
269. Section contemplates an employer-employee relationship; in order to be considered
"totally unemployed", one must first be "unemployed". 245 C. 744.

Section does not apply to holiday pay. 15 CS 501.

**Sec. 31-229. Benefit for partial unemployment.** An eligible individual who is
partially unemployed throughout a week, which shall be, at the discretion of the
administrator, either a calendar week or a payroll week of seven consecutive days as
determined by the administrator, shall be paid with respect to such week an amount equal
to his benefit rate for total unemployment reduced by an amount equal to two-thirds,
rounded to the next higher whole dollar, of the total remuneration, rounded to the nearest
whole dollar, of any nature payable to him for services of any kind during such week,
except service performed in the employ of any town, city or other political subdivision,
which service is performed in lieu of payment of any delinquent tax payments to such
town, city or other political subdivision. An individual shall be deemed to be partially
unemployed in any week of less than full-time work if the total remuneration of any
nature payable to him for services of any kind during such week, except service
performed in the employ of any town, city or other political subdivision, which service is
performed in lieu of payment of any delinquent tax payments to such town, city or other
political subdivision, amounts to less than one and one-half times his benefit rate for total
unemployment rounded to the next highest dollar. For purposes of this section,
remuneration shall also include any holiday pay payable with respect to any such week,
whether or not any service was performed during such week or was in any other way
required for receipt of such holiday pay. For purposes of this section, the administrator
shall consider earnings derived from self-employment, but only to the extent such
earnings are actually received or payable with respect to a given week of partial
unemployment.

3, 12; P.A. 94-116, S. 19, 28.)
History: 1967 act provided for payment of amount "equal to his benefit rate ... reduced by an amount equal to two-thirds rounded to the nearest whole dollar of the total remuneration" rather than of amount "equal to the excess of his benefit rate over the total remuneration", provided for rounding of total remuneration, deleted provision which stated that first $3 of remuneration and fractions of dollars be disregarded "provided his weekly benefit for partial unemployment shall in no event exceed his benefit rate for total unemployment" and changed basis for determination of partial unemployment from $3 more than benefit rate for total unemployment to one and one-half times that rate; P.A. 78-307 added exception re service in employ of towns, etc. performed in lieu of delinquent tax payment; P.A. 83-539 provided that "remuneration" includes holiday pay, whether or not services were required for receipt of such pay and excludes services performed in lieu of payment of delinquent taxes; P.A 83-547 provided that an individual who is partially unemployed shall have his maximum benefit rate reduced by an amount equal to two-thirds of remuneration received, rounded to the next higher, rather than "nearest", dollar; P.A. 94-116 added a provision requiring the administrator to consider earnings derived from self-employment, but only to the extent that the earnings are actually received as payable with respect to a given week of partial employment, effective July 1, 1994.


Cited. 15 CS 501.

Sec. 31-230. Benefit year, base period and alternative base period. Regulations.
(a) An individual's benefit year shall commence with the beginning of the week with respect to which the individual has filed a valid initiating claim and shall continue through the Saturday of the fifty-first week following the week in which it commenced, provided no benefit year shall end until after the end of the third complete calendar quarter, plus the remainder of any uncompleted calendar week that began in such quarter, following the calendar quarter in which it commenced, and provided further, the benefit year of an individual who has filed a combined wage claim, as described in subsection (b) of section 31-255, shall be the benefit year prescribed by the law of the paying state. In no event shall a benefit year be established before the termination of an existing benefit year previously established under the provisions of this chapter. Except as provided in subsection (b) of this section, the base period of a benefit year shall be the first four of the five most recently completed calendar quarters prior to such benefit year, provided such quarters were not previously used to establish a prior valid benefit year and provided further, the base period with respect to a combined wage claim, as described in subsection (b) of section 31-255, shall be the base period of the paying state, except that for any individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of the employer's sick leave or disability leave policy, the base period shall be the first four of the five most recently worked quarters prior to such benefit year, provided such quarters were not previously used to
establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is no more than twelve calendar quarters prior to the date such individual makes an initiating claim. As used in this section, an initiating claim shall be deemed valid if the individual is unemployed and meets the requirements of subdivisions (1) and (3) of subsection (a) of section 31-235. The base period of an individual's benefit year shall include wages paid by any nonprofit organization electing reimbursement in lieu of contributions, or by the state and by any town, city or other political or governmental subdivision of or in this state or of any municipality to such person with respect to whom such employer is subject to the provisions of this chapter. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work shall include wages paid for previously uncovered services. For purposes of this section, the term "previously uncovered services" means services that (1) were not employment, as defined in section 31-222, and were not services covered pursuant to section 31-223, at any time during the one-year period ending December 31, 1975; and (2) (A) are agricultural labor, as defined in subparagraph (H) of subdivision (1) of subsection (a) of section 31-222, or domestic service, as defined in subparagraph (J) of subdivision (1) of subsection (a) of section 31-222, or (B) are services performed by an employee of this state or a political subdivision of this state, as provided in subparagraph (C) of subdivision (1) of subsection (a) of section 31-222, or by an employee of a nonprofit educational institution that is not an institution of higher education, as provided in subparagraph (E)(iii) of subdivision (1) of subsection (a) of section 31-222, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services.

(b) The base period of a benefit year for any individual who is ineligible to receive benefits using the base period set forth in subsection (a) of this section shall be the four most recently completed calendar quarters prior to the individual's benefit year, provided such quarters were not previously used to establish a prior valid benefit year, except that for any such individual who is eligible to receive or is receiving workers' compensation or who is properly absent from work under the terms of an employer's sick leave or disability leave policy, the base period shall be the four most recently worked calendar quarters prior to such benefit year, provided such quarters were not previously used to establish a prior valid benefit year and provided further, the last most recently worked calendar quarter is not more than twelve calendar quarters prior to the date such individual makes the initiating claim. If the wage information for an individual's most recently worked calendar quarter is unavailable to the administrator from regular quarterly reports of systematically accessible wage information, the administrator shall promptly contact the individual's employer to obtain such wage information.


History: 1969 act made minor wording changes for clarity; 1971 act added reference to "governmental" subdivisions and included wages paid by nonprofit organizations
electing reimbursement in lieu of contributions; P.A. 73-78 clarified continuation of benefit year as "through the Saturday of the fifty-first week following the week in which it commenced" and prohibited establishment of new benefit year before termination of existing benefit year; P.A. 75-334 added exception re benefit year base period for those eligible to receive or receiving workmen's compensation; P.A. 75-525 required that benefit year and benefit period of claimant's filing combined claim be that prescribed by paying state; P.A. 77-115 required that last most recently worked quarter be no more than twelve, rather than four, quarters before claim made in provision re those receiving or eligible to receive workmen's compensation; P.A. 77-426 added provisions re weeks of unemployment beginning on and after January 1, 1978; P.A. 79-40 excluded use of quarters used previously to establish prior benefit year in establishing base period for subsequent benefit year; P.A. 79-376 substituted "workers'" for "workmen's" compensation; P.A. 83-421 provided that, for any individual who is properly on sick or disability leave from his employment, the base period will be the first four of the five most recently worked quarters prior to the benefit year; (Revisor's note: In 1991 the reference to "this subsection" was changed editorially by the Revisors to read "this section"); May 9 Sp. Sess. P.A. 02-7 designated existing provisions as Subsec. (a) and made technical changes therein, added new Subsec. (b) to establish a temporary, alternative method for calculating the base period of a benefit year for individuals ineligible to receive benefits using the original base period set forth in Subsec. (a), and added new Subsec. (c) to require the administrator to adopt regulations implementing the alternative base period authorized by Subsec. (b), effective August 15, 2002; P.A. 05-34 amended Subsec. (b) to extend period during which alternative base period may be calculated to December 31, 2007, and deleted former Subsec. (c) re adoption of regulations; P.A. 07-193 amended Subsec. (b) by eliminating sunset date and making alternative base period permanent.

Section is constitutional; does not impair vested rights. 137 C. 129. Workers' compensation benefits do not qualify as "wages" within meaning of Sec. 31-222(b)(1) and therefore could not be used to determine the base period of a benefit year under the section. 239 C. 233.

Cited. 17 CA 441.

Cited. 44 CS 285.

Sec. 31-231. Total unemployment benefit rate. Section 31-231 is repealed.


Sec. 31-231a. Total unemployment benefit rate. (a) For a construction worker identified pursuant to regulations adopted in accordance with subsection (c) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after April 1, 1996, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of his total wages paid during that quarter of his current benefit year's
(b) For an individual not included in subsection (a) of this section, the individual's total unemployment benefit rate for his benefit year commencing after September 30, 1967, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of the average of his total wages, as defined in subdivision (1) of subsection (b) of section 31-222, paid during the two quarters of his current benefit year's base period in which such wages were highest but not less than fifteen dollars nor more than one hundred fifty-six dollars in any benefit year commencing on or after the first Sunday in July, 1982, nor more than sixty per cent rounded to the next lower dollar of the average wage of production and related workers in the state in any benefit year commencing on or after the first Sunday in October, 1983, and provided the maximum benefit rate in any benefit year commencing on or after the first Sunday in October, 1988, shall not increase more than eighteen dollars in any benefit year, such increase to be effective as of the first Sunday in October of such year. The average wage of production and related workers in the state shall be determined by the administrator, on or before August fifteenth annually, as of the year ended the previous June thirtieth to be effective during the benefit year commencing on or after the first Sunday of the following October and shall be so determined in accordance with the standards for the determination of average production wages established by the United States Department of Labor, Bureau of Labor Statistics.

(c) The administrator shall adopt regulations pursuant to the provisions of chapter 54 to implement the provisions of this section. Such regulations shall specify the National Council on Compensation Insurance employee classification codes which identify construction workers covered by subsection (a) of this section and specify the manner and format in which employers shall report the identification of such workers to the administrator.

(1967, P.A. 790, S. 9; P.A. 82-448, S. 1, 3; P.A. 83-547, S. 2, 12; P.A. 88-228; P.A. 93-243, S. 4, 15; P.A. 95-323, S. 7, 8.)

History: P.A. 82-448 raised maximum dollar amount of benefit from $146 to $156 per benefit year for years commencing on or after the first Sunday in July, 1982, deleting obsolete reference to $70 maximum for benefit year commencing Oct. 5, 1968, and raised yearly cap on rate increases from $6 to $12 for benefit years commencing on or after the first Sunday in October, 1983, revising other obsolete date references as necessary; P.A. 83-547 provided that the total unemployment benefit rate shall be rounded to the next lower, rather than higher, dollar; P.A. 88-228 raised the yearly cap on rate increases from $12 to $18 for benefit years commencing on or after the first Sunday in October, 1988; P.A. 93-243 changed the formula for calculating total unemployment benefit rate from one twenty-sixth of total wages earned during quarter when earnings are highest to one twenty-sixth of average of total wages earned during two quarters when earnings are highest, effective July 1, 1994; P.A. 95-323 inserted new Subsecs. (a) specifying a new total unemployment benefit rate for construction workers, and (c) re adoption of regulations and made technical corrections in prior provisions, now designated as Subsec.
(b), effective October 1, 1995, and applicable to any separation of employment occurring on or after that date.

**Sec. 31-231b. Maximum limitation on total benefits.** Except as provided in sections 31-232a to 31-232k, inclusive, no individual shall receive benefits for unemployment occurring during his benefit year commencing after September 30, 1967, in excess of twenty-six times his total unemployment benefit rate.

(1967, P.A. 790, S. 10; October, 1970, P.A. 1, S. 10; P.A. 77-426, S. 9, 19; P.A. 81-17, S. 3, 9.)

History: 1970 act added reference to Secs. 31-232b to 31-232j; P.A. 77-426 deleted provision prohibiting receipt of benefits exceeding 75% of total earnings in base period of benefit year, including dependency allowances; P.A. 81-17 included Sec. 31-232k within the exception to the terms of this section.

**Sec. 31-232. Maximum limitation on total benefits.** Section 31-232 is repealed.


**Sec. 31-232a. Additional benefits payable during periods of substantial unemployment.** When an extended benefit period is in effect as provided in section 31-232b, each person who, prior to the expiration of his current benefit year, has received the maximum amount of benefits to which he is entitled, under the provisions of section 31-231b, shall be entitled to receive, except as hereinafter provided and except as provided in section 31-232h, during the balance of his current benefit year, at his current benefit rate and dependency allowances thirteen times his benefit rate for total unemployment and dependency allowances. No person who is eligible to receive benefits under an Act of Congress providing for unemployment compensation benefits, pursuant to a contract entered into by the administrator, shall receive benefits under this section until he has received the full amount of his entitlement under such Act of Congress.


History: 1961 act clarified provisions and required that benefits be paid under act of Congress if person is eligible for such benefits before payment is made under this section and limited benefits to not more than thirty-nine times the total unemployment benefit rate; 1967 act deleted provisions re "durational" amount of payments and limited benefits to not more than 75% of total earnings in base period of benefit year including dependency allowances; 1969 act deleted provision which limited benefits to no more than thirty-nine times the total unemployment benefit rate and no more than 75% of total earnings in base period of benefit year including dependency allowances; 1970 act added exception re Sec. 31-232h; 1971 act redefined "rate of insured unemployment"; P.A. 76-
414 made provisions applicable to extended benefit periods rather than to periods of substantial unemployment, deleting provision authorizing administrator to determine rate of insured unemployment and deleting definition of "rate of insured unemployment"; P.A. 82-361 deleted reference to benefit periods in effect solely by reason of a national "on" indicator in keeping with amendment to Sec. 31-232b made by the act, effective September 26, 1982.

Sec. 31-232b. Extended benefits: Definitions. As used in subsection (d) of section 31-222, sections 31-231b and 31-232a to 31-232k, inclusive, subdivision (8) of subsection (a) of section 31-236 and section 31-250, unless the context clearly requires otherwise:

(a) (1) "Extended benefit period" means a period which (A) begins with the third week after a week for which there is a state "on" indicator; and (B) ends with either of the following weeks, whichever occurs later: (i) The third week after the first week for which there is a state "off" indicator; or (ii) the thirteenth consecutive week of such period; provided no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) With respect to benefits for weeks of unemployment beginning after September 26, 1982, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision (7) of this subsection, (A) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or (B) equaled or exceeded six per cent.

(3) With respect to benefits for weeks of unemployment beginning after June 23, 1993, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (A) equals or exceeds six and one-half per cent, and (B) equals or exceeds one hundred ten per cent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) Notwithstanding the provisions of subdivision (2) of this subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December 31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision (7) of this subsection, (i) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding three calendar years, or (ii) equaled or exceeded six per cent.
(5) Notwithstanding the provisions of subdivision (3) of this subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December 31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (i) equals or exceeds six and one-half per cent, and (ii) equals or exceeds one hundred ten per cent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

(6) There is a state "off" indicator for a week only if none of the options specified in subdivisions (2) to (5), inclusive, of this subsection result in an "on" indicator.

(7) "Rate of insured unemployment", for the purposes of subdivisions (2) and (4) of this subsection, means the percentage derived by dividing (A) the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the administrator on the basis of his reports to the United States Secretary of Labor, by (B) the average monthly employment covered under the provisions of this chapter, for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(8) "Regular benefits" means benefits payable to an individual under this chapter, or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, other than extended benefits and additional benefits.

(9) "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, payable to an individual under the provisions of subsection (d) of section 31-222, sections 31-231b and 31-232a to 31-232k, inclusive, subdivision (8) of subsection (a) of section 31-236 and section 31-250 for weeks of unemployment in his eligibility period.

(10) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of section 31-232a.

(11) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(12) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period: (A) Has received, prior to such week, all of the
regular benefits that were available to him under this chapter, or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USC Chapter 85, in his current benefit year that includes such week; provided, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages or employment or both that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or (B) his benefit year having expired prior to such week, has no, or insufficient, wages or employment or both on the basis of which he could establish a new benefit year that would include such week; and (C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada, provided that the reference to the Virgin Islands shall be inapplicable effective on the day after the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

(13) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

(14) "High unemployment period" means any period during which an extended benefit period would be in effect if subparagraph (A) of subdivision (3) of this subsection were applied by substituting eight per cent for six and one-half per cent.

(b) "Wages" means all remuneration for employment, as defined in subsection (b) of section 31-222.

(c) "Administrator" means the Labor Commissioner, as defined in subsection (c) of section 31-222.

(October, 1970, P.A. 1, S. 1; P.A. 75-525, S. 8, 13; P.A. 77-426, S. 4, 19; P.A. 78-368, S. 8, 11; P.A. 81-6; 81-17, S. 2, 9; P.A. 82-361, S. 1, 10; P.A. 89-211, S. 32; P.A. 93-243, S. 12, 15; 93-419, S. 5, 6, 9; P.A. 11-87, S. 1.)

History: P.A. 75-525 added references to Sec. 31-222(d) and deleted references to Sec. 31-226(g); P.A. 77-426 redefined state and national "on" and "off" indicators and clarified applicability re Virgin Islands in Subdiv. (11); P.A. 78-368 redefined state "on"
and "off" indicators; P.A. 81-6 clarified the definitions of state "on" and "off" indicators in Subsec. (a)(4) and (5); P.A. 81-17 extended the use of such definitions to Sec. 31-232k; P.A. 82-361 removed the national "on" and "off" indicators for extended benefits and increased the state "on" indicator to a rate of insured unemployment which equals or exceeds 5%, instead of 4%, and which equals or exceeds 120% of the average rates for the corresponding period in the previous two calendar years, or an insured unemployment rate of 6% or more, instead of 5%, effective September 26, 1982; P.A. 89-211 clarified reference to the Internal Revenue Code of 1986; (Revisor's note: In 1991 references to "31-236(8)" were changed editorially by the Revisors to read "31-236(a)(8)"); P.A. 93-243 amended Subsec. (a) to change the circumstances under which a state "on" and "off" indicator is triggered, and to define "high unemployment period", effective June 23, 1993; P.A. 93-419 amended Subsec. (a)(2) to delete change re triggering of "on" indicator added by P.A. 93-243 and amended Subsec. (a)(3) to require that condition set forth in both Subparas. (A) and (B) be met where previously either could be met, effective July 1, 1993; P.A. 11-87 amended Subsec. (a) by adding new Subdivs. (4) and (5) re additional "on" indicators and redesignating existing Subdivs. (4) to (12) as Subdivs. (6) to (14), and made technical changes, effective July 8, 2011.

**Sec. 31-232c. Applicability of chapter.** Except when the result would be inconsistent with the other provisions of subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-232k, inclusive, 31-236(a)(8) and 31-250, as provided in the regulations of the administrator, the provisions of this chapter, which apply to claims for, or the payment of, regular benefits, including benefits for partial unemployment, shall apply to claims for, and the payment of, extended benefits.

(October, 1970, P.A. 1, S. 2; P.A. 75-525, S. 9, 13; P.A. 81-17, S. 4, 9.)

History: P.A. 75-525 added reference to Sec. 31-222(d) and deleted reference to Sec. 31-226(g); P.A. 81-17 included Sec. 31-232k within the exception to the terms of this section; (Revisor's note: In 1991 the reference to "31-236(8)" was changed editorially by the Revisors to read "31-236(a)(8)").

**Sec. 31-232d. Eligibility conditions.** An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the administrator finds that with respect to such week: (1) He is an "exhaustee", as defined in subdivision (12) of subsection (a) of section 31-232b; (2) he has satisfied the requirements of this chapter, for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits, except where such requirements are inconsistent with the requirements of subdivisions (3) and (4) of this section; (3) he has been paid wages, by an employer subject to the provisions of this chapter, during the base period of his applicable benefit year (A) in an amount equal to at least one and one-half times the wages paid during that quarter of the base period of his applicable benefit year in which such wages were highest, (B) in an amount equal to at least forty times his most recent weekly benefit amount, including dependents' allowances, or (C) for twenty different weeks; and (4) he has not been found ineligible for failure to apply for or accept suitable
work or for failure to actively seek work, as provided in section 31-232l.

(October, 1970, P.A. 1, S. 3; P.A. 82-361, S. 3, 10; P.A. 93-243, S. 13, 15; P.A. 11-87, S. 2.)

History: P.A. 82-361 required that, for an individual to be eligible for extended benefits, his base period earnings equal at least one and one-half times the highest quarter's earnings in his base period and that he has actively sought work as required in Sec. 31-232l, effective September 26, 1982; P.A. 93-243 added Subsec. (c)(2) and (3) to expand eligibility for extended benefits, effective June 23, 1993; P.A. 11-87 made technical changes, effective July 8, 2011.

Sec. 31-232e. Weekly extended benefit amount. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year. For any individual who was paid benefits during the applicable benefit year in accordance with more than one weekly basic or augmented benefit amount, whichever is appropriate, the weekly extended benefit amount shall be the average of such weekly basic or augmented benefit amounts, whichever are appropriate.

(October, 1970, P.A. 1, S. 4.)

Sec. 31-232f. Total extended benefit amount. (a) Except as provided in subsections (b) and (c) of this section, the total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be the least of the following amounts: (1) Fifty per cent of the total amount of regular benefits, including dependents' allowances, which were payable to him under this chapter, in his applicable benefit year; and (2) thirteen times his average weekly benefit amount, including dependents' allowances, which was payable to him under this chapter, for a week of total unemployment in the applicable benefit year.

(b) With respect to weeks of unemployment which begin in a high unemployment period, as defined in subdivision (14) of subsection (a) of section 31-232b, the total extended benefit amount payable to any eligible individual with respect to his benefit year shall be the least of the following amounts: (1) Eighty per cent of the total amount of regular benefits, including dependents' allowances, which were payable to him under this chapter, in his applicable benefit year; and (2) twenty times his average weekly benefit amount, including dependents' allowances, which was payable to him under this chapter, for a week of total unemployment in the applicable benefit year.

(c) Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would be entitled to receive in that extended benefit period,
with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances under the Trade Act of 1974 within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(October, 1970, P.A. 1, S. 5; P.A. 82-361, S. 5; P.A. 93-243, S. 14, 15; P.A. 11-87, S. 3.)

History: P.A. 82-361 added Subsec. (b) to limit an individual's combined trade adjustment assistance and unemployment compensation to a maximum of 52 weeks; P.A. 93-243 inserted new Subsec. (b) increasing the total extended benefit amount for eligible individuals who become unemployed during a high unemployment period and redesignated existing Subsec. (b) as Subsec. (c), effective June 23, 1993; P.A. 11-87 made technical changes in Subsec. (b), effective July 8, 2011.

Sec. 31-232g. Public announcements and computations by administrator. (a) Whenever an extended benefit period is to become effective or is to be terminated in this state, the administrator shall make an appropriate public announcement.

(b) Computations required by the provisions of subdivision (6) of subsection (a) of section 31-232b shall be made by the administrator, in accordance with regulations prescribed by the United States Secretary of Labor.

(October, 1970, P.A. 1, S. 6; P.A. 82-361, S. 4, 10; P.A. 11-87, S. 4.)

History: P.A. 82-361 removed all references to "on" and "off" indicators in keeping with amendments to Sec. 31-232b made by the act, effective September 26, 1982; P.A. 11-87 made technical changes in Subsec. (b), effective July 8, 2011.

Sec. 31-232h. Additional benefits payable, when. No individual shall receive both extended benefits and additional benefits during or in respect to the same week. An individual may become eligible to receive additional benefits under section 31-232a with respect to a week of unemployment only if he is not eligible to receive extended benefits under subsection (d) of section 31-222 and sections 31-231b, 31-232a to 31-232k, inclusive, 31-236(a)(8) and 31-250 with respect to such week.

(October, 1970, P.A. 1, S. 7; P.A. 75-525, S. 10, 13; P.A. 81-17, S. 5, 9.)

History: P.A. 75-525 added reference to Sec. 31-222(d) and deleted reference to Sec. 31-226(g); P.A. 81-17 provided that an individual may be denied additional benefits if he is eligible to receive extended benefits under the terms of Sec. 31-232k; (Revisor's note: In 1991 the reference to "31-236(8)" was changed editorially by the Revisors to read "31-236(a)(8)").

Sec. 31-232i. Administrator's duties with respect to federal act. In the administration of the provisions of subsection (d) of section 31-222 and sections 31-231b,
31-232a to 31-232k, inclusive, 31-236(a)(8) and 31-250, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the administrator shall take such action as may be necessary (1) to ensure that the provisions are so interpreted and applied as to meet the requirements of such federal act as interpreted by the United States Department of Labor and (2) to secure to this state the full reimbursement of the federal share of extended benefits paid under said sections that are reimbursable under the federal act.

(October, 1970, P.A. 1, S. 8; P.A. 75-525, S. 11, 13; P.A. 81-17, S. 6, 9.)

History: P.A. 75-525 added reference to Sec. 31-222(d) and deleted reference to Sec. 31-226(g); P.A. 81-17 added reference to Sec. 31-232k; (Revisor's note: In 1991 the reference to "31-236(8)" was changed editorially by the Revisors to read "31-236(a)(8)").

Sec. 31-232j. Extended benefits payable from Unemployment Compensation Fund. Benefits payable under sections 31-232b to 31-232h, inclusive, and section 31-232k shall be payable out of the Unemployment Compensation Fund.

(October, 1970, P.A. 1, S. 14; P.A. 81-17, S. 7, 9.)

History: P.A. 81-17 added reference to benefits under Sec. 31-232k.

Sec. 31-232k. Interstate claims for extended benefits. (a) Except as provided in subsection (b) of this section, an individual shall not be eligible for extended benefits for any week if (1) extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and (2) no extended benefit period is in effect for such week in such state.

(b) Subsection (a) of this section shall not apply with respect to the first two weeks for which extended benefits are payable pursuant to an interstate claim filed under the interstate benefit payment plan to the individual with respect to the benefit year.

(P.A. 81-17, S. 1, 9.)

Sec. 31-232l. Ineligibility for extended benefits. Suitable work defined. Duties of State Employment Service. (a) Notwithstanding the provisions of section 31-232c, for weeks of unemployment beginning after March 31, 1981, an individual shall be ineligible for payment of extended benefits for any week of unemployment in his eligibility period, and such ineligibility shall continue until such individual has again been employed, under an express or implied contract of hire creating an employer-employee relationship, in each of four subsequent weeks, whether or not consecutive, and has earned not less than four times his weekly extended benefit amount, if the administrator finds that during such week: (1) He failed to accept any offer of suitable work, as defined under subsection (c) of this section, or failed to apply for any such suitable work to which he was referred by the administrator; or (2) he failed to actively engage in seeking work as prescribed under subsection (d) of this section.
(b) If the individual furnishes satisfactory evidence to the administrator that his prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with the definition of suitable work for regular benefit claimants in subsection (a)(1) of section 31-236, without regard to the definition specified by subsection (c) of this section.

(c) (1) For purposes of this section, "suitable work" means any work which is within an individual's capabilities, provided that: (A) The gross average weekly remuneration payable for the work exceeds the sum of (i) the individual's weekly extended benefit amount, as determined under section 31-232e, plus (ii) the amount, if any, of supplemental unemployment benefits, as defined in Section 501(c)(17)(D) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, payable to such individual for such week; (B) the wage payable for the work is not less than the greater of the minimum wage provided by Section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption, or the applicable state or local minimum wage, without regard to any exemption; and (C) no work shall be deemed to be suitable work which does not accord with the labor standard provisions required by Section 3304(a)(5) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended. (2) Notwithstanding the provisions of subdivision (1) of subsection (a) of this section, an individual shall not be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitability as described in this subsection if: (A) The position was not offered to such individual in writing or was not listed with a state employment service; and (B) such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in section 31-236 to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subsection.

(d) For the purposes of subdivision (2) of subsection (a) of this section, an individual shall be treated as actively engaged in seeking work during any week if: (1) The individual has engaged in a systematic and sustained effort to obtain work during such week, and (2) the individual furnishes tangible evidence that he has engaged in such effort during such week.

(e) The Connecticut State Employment Service shall refer any claimant entitled to extended benefits under this chapter to any suitable work which meets the criteria prescribed in subsection (c) of this section.

(f) An individual shall be ineligible to receive extended benefits with respect to any week of unemployment in his eligibility period if such individual has been disqualified for regular or extended benefits under the provisions of this chapter because he voluntarily left work, was discharged for misconduct or failed to accept an offer of or apply for suitable work unless such individual has terminated the disqualification imposed for such reasons by again having been employed under an express or implied
contract of hire creating an employer-employee relationship.

(P.A. 81-318, S. 7, 8; P.A. 82-361, S. 9; P.A. 89-211, S. 33.)

History: P.A. 82-361 amended Subsec. (c) to provide that in Subdiv. (A), an individual will not be denied extended benefits for failure to accept suitable work if either the position was not offered to the individual in writing, or it was not listed with a state employment service where previously both conditions had to be satisfied; P.A. 89-211 clarified reference to the Internal Revenue Code of 1986; (Revisor's note: In 1991 the reference in Subsec. (b) to "subsection (1)" was changed editorially by the Revisors to read "subsection (a)(1)").

Subsec. (d):

Cited. 40 CS 90.

Sec. 31-233. Temporary extended-duration benefits. Obsolete.

(March, 1958, P.A. 3, S. 1, 2.)

Sec. 31-234. Dependency allowances. Each individual who is eligible to receive benefits for unemployment with respect to any week shall be paid with respect to such week a dependency allowance of fifteen dollars for such individual's nonworking spouse, as defined by regulation, living in the same household with such individual and for each of such individual's children or stepchildren who at the beginning of the individual's current benefit year were being wholly or mainly supported by such individual and were under eighteen years of age or under twenty-one years of age and in full-time attendance in a secondary school, a technical school, a college, or state accredited job training program, or who at the beginning of the individual's benefit year were mentally or physically handicapped and because of such handicap were being wholly or mainly supported by such individual, but in no event shall such allowances exceed the number of whole dollars in one hundred per cent of the total unemployment benefit rate of such individual or be paid with respect to more than five dependents. If the individual acquires any additional dependents in the course of a benefit year, the dependency allowance shall be adjusted accordingly during the next following complete calendar week. Dependency allowances shall be in addition to the unemployment benefits otherwise payable and shall not be considered part of an individual's total unemployment benefit rate but shall be counted in the amount of maximum benefits provided in section 31-232a and no dependency allowance shall be payable with respect to any week unless an unemployment benefit is also payable with respect to such week. If both a husband and a wife receive benefits with respect to a week of unemployment, neither shall be entitled to a dependency allowance with respect to the other and only one of them shall be entitled to a dependency allowance with respect to any child or stepchild.

History: 1965 act increased dependency allowance from $4 to $5 and maximum age of dependents from 16 to 17; 1967 act allowed consideration of nonworking spouse living in same household as dependent, increased maximum age of children to 18 and specified that where both spouses receive benefits neither qualifies as a dependent; 1971 act authorized adjustment of dependency allowance if additional dependents are acquired; P.A. 75-135 authorized consideration of children under 21 as dependents if in full-time attendance in secondary or technical school, college or job training program; P.A. 77-426 deleted reference to Sec. 31-231b; P.A. 80-373 increased dependency allowance to $10 and limited payments to no more than five dependents; P.A. 99-154 increased weekly dependency allowance from $10 to $15 and raised dependency allowance cap from 50% to 100% of claimant's weekly benefit rate; June Sp. Sess. P.A. 99-1 made provisions of P.A. 99-154 effective for benefit years commencing on or after October 3, 1999, effective July 1, 1999.

Sec. 31-235. Benefit eligibility conditions; qualifications; involuntary retirees. Reemployment services. Profiling system. (a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found that (1) such individual has made claim for benefits in accordance with the provisions of section 31-240 and has registered for work at the public employment bureau or other agency designated by the administrator within such time limits, with such frequency and in such manner as the administrator may prescribe, provided failure to comply with this condition may be excused by the administrator upon a showing of good cause therefor; (2) except as provided in subsection (b) of this section, such individual is physically and mentally able to work and is available for work and has been and is making reasonable efforts to obtain work, provided the individual shall not be considered to be unavailable for work solely because the individual is attending a school, college or university as a regularly enrolled student during the separation from employment, within the limitations of subdivision (6) of subsection (a) of section 31-236, and provided further, the individual shall not be considered to be lacking in efforts to obtain work if, as a student, such efforts are restricted to employment which does not conflict with the individual's regular class hours as a student, and provided the administrator shall not use prior "patterns of unemployment" of the individual to determine whether the individual is available for work; (3) such individual has been paid wages by an employer who was subject to the provisions of this chapter during the base period of the current benefit year in an amount at least equal to forty times the individual's benefit rate for total unemployment, provided an unemployed individual who is sixty-two years of age or older and is involuntarily retired under a compulsory retirement policy or contract provision shall be eligible for benefits with respect to any week, notwithstanding subdivisions (1) and (2) of this subsection, if it is found by the administrator that the individual has made claim for benefits in accordance with the provisions of section 31-240, has registered for work at the public employment bureau, is physically and mentally able to work, is available for work, meets the requirements of this subdivision and has not refused suitable work to which the individual has been referred by the administrator; (4) such individual participates in reemployment services, such as job search assistance services, if the
individual has been determined to be likely to exhaust regular benefits and need reemployment services pursuant to a profiling system established by the administrator unless the administrator determines that (A) the individual has completed such services, or (B) there is justifiable cause for the individual's failure to participate in such services. The administrator shall adopt regulations, in accordance with the provisions of chapter 54, for the administration of the profiling system. For purposes of subdivision (2) of this subsection, "patterns of unemployment" means regularly recurring periods of unemployment of the claimant in the years prior to filing the claim in question.

(b) The provisions of subdivision (2) of subsection (a) of this section relating to the eligibility of students for benefits shall not be applicable to any claimant who attended a school, college or university as a regularly enrolled full-time student at any time during the two years prior to such claimant's date of separation from employment, unless such claimant was employed on a full-time basis, as determined by the administrator, for the two years prior to such date.

(c) (1) Notwithstanding the provisions of subsection (a) or (b) of this section, an unemployed individual may limit such individual's availability for work to part-time employment, provided the individual (A) provides documentation from a licensed physician that (i) the individual has a physical or mental impairment that is chronic or is expected to be long-term or permanent in nature, and (ii) the individual is unable to work full-time because of such impairment, and (B) establishes, to the satisfaction of the administrator, that such limitation does not effectively remove such individual from the labor force.

(2) In determining whether the individual has satisfied the requirements of subparagraph (B) of subdivision (1) of this subsection, the administrator shall consider the individual's work history, efforts to find work, the hours such individual is medically permitted to work and the individual's availability during such hours for work that is suitable in light of the individual's impairment.


History: 1965 act changed wage amount referred to in Subdiv. (3) from $300 to $750; 1967 act changed amount referred to in Subdiv. (3) to thirty times his benefit rate for total unemployment; 1971 act deleted provision in Subdiv. (2) which had prohibited requiring women to be available for work between one and six a.m.; P.A. 73-106 changed wage amount in Subdiv. (3) from thirty to forty times the benefit rate "or one and one-half times the amount of his total wages paid during that quarter of his current benefit year's base period in which such wages were highest", deleting proviso requiring that wages or earnings occur in two different calendar quarters; P.A. 73-160 added proviso re persons 62 or older who are involuntarily retired; P.A. 73-671 deleted optional wage amount of one and one-half total wages paid during quarter in which wages were highest in Subdiv. (3); P.A. 83-184 prohibited the administrator from using prior "patterns of
unemployment" in determining the individual's availability for work and defined the term; P.A. 83-470 provided that a claimant shall not be considered to be unavailable for work solely because he is a student during his period of unemployment, and he shall not be considered to be lacking in his efforts to get work if he restricts his efforts to employment which does not conflict with his school hours, within the limitations established in new Subsec. (b); (Revisor's note: In 1991 the reference in Subsec. (a) to "subsection (6)" was changed editorially by the Revisors to read "subsection (a)(6)"; P.A. 94-116 added (a)(4) requiring a claimant to participate in reemployment services if the individual has determined to be more likely than not to exhaust regular benefits and need reemployment services, effective July 1, 1994; P.A. 05-288 made technical changes in Subsec. (a), effective July 13, 2005; P.A. 06-171 made technical changes for the purpose of gender neutrality and added Subsec. (c) providing that unemployed individual with physical or mental impairment who satisfies specified requirements may limit availability for work to part-time employment and establishing considerations for determining whether requirements have been satisfied.

"Available for work" construed with respect to waitress. 126 C. 441. Depends on whether or not there is a labor market for the work employee can do. 132 C. 651. Deliberate violation of reasonable rule in connection with work constitutes "wilful misconduct". 133 C. 308. Rule forbidding solicitation for union membership in working hours reasonable. Id., 310. The word "paid" does not mean "payable", and since all wages paid plaintiff were paid to him in one calendar quarter, he was not eligible to receive unemployment benefits. 135 C. 667. Cited. 136 C. 389. Section is constitutional; does not impair vested rights. 137 C. 129. A claimant who limits his availability for work because of personal reasons not related to the employment is not entitled to compensation. Id., 438. Plaintiff eligible for benefits for period of shutdown beyond the one-week vacation to which he was entitled. 138 C. 253. Under former statute, disqualification for attending school did not apply after applicant had completed his studies. 139 C. 71. Power of court over commissioner's administrative decisions is very limited. Id., 588. Cited. 171 C. 318. Delay of one thousand days in appellate determination of denial of unemployment benefits constitutes good cause for suspending reporting requirement. 175 C. 269. Cited. Id., 562. Cited. 184 C. 317. Cited. 205 C. 623. Cited. 209 C. 381.

Cited. 3 CA 264. Cited. 4 CA 183. "Quit to care" provision does not apply as an exception to the availability provision of this section. 34 CA 620.

Qualifications to make claimants eligible for compensation are conditions precedent and burden of proof is on him. 15 CS 286. Cited. 20 CS 10; Id., 214. Cited. 44 CS 285.

Subsec. (a)(2):

To be available for work one must be ready, able and willing to accept suitable employment. Must be exposed unequivocally to the labor market. 142 C. 160. Eligibility for unemployment compensation is discussed. Id. Plaintiff attending school during the day held not available for work as he limited his availability for "first shift" work for a personal reason unrelated to his employment. 148 C. 475. Mere fact that person places
certain restrictions on type of work he is willing to accept does not, in itself, make him unavailable for work within intent and meaning of this section. Work at a lesser skill and lower wages should not be deemed suitable unless claimant has been given a reasonable period in which to compete in the labor market for available jobs at his higher skill or related skills. 150 C. 278. Uncontroverted testimony concerning efforts to find work and willingness to rearrange a college schedule do not establish rights to benefits where referee not convinced that plaintiff would or could rearrange class schedule and that she was looking for work. 174 C. 527. Cited. 177 C. 132.

"Available for work": Affected by pregnancy. 7 CS 375; 13 CS 32. Conclusion that claimant with two badly broken legs could not perform any work was justified. 10 CS 186. As affects persons who can accept employment only at certain hours or on certain shifts because of domestic responsibilities. 12 CS 122; 13 CS 101; Id., 109; 16 CS 334; 17 CS 316. Availability is to be decided upon what claimant does and not upon the existence of regulations foreign to the act, which bars employers from hiring. Id., 318. Wife who voluntarily left employment to reside in a distant area where husband was stationed wherein suitable opportunities were restricted was not "available". 13 CS 423. In absence of finding that claimant refused to accept work, conclusion that she was not "available" was unwarranted. 15 CS 50. It means available for employer's work and not necessarily for some other work. 17 CS 142. State employee who voluntarily retires and is not willing to work for state because of loss of pension is not available for work and not entitled to benefits. 22 CS 99. One who limits his availability for work because of personal reasons unrelated to employment is not entitled to compensation. 23 CS 86. Claimant has burden not only to accept referral but also to make opportunity fruitful. Where such person did not report for interview because he forgot, he was held ineligible for benefits. Id., 188. Cited. Id., 208. Search for work amounting to a few hours a day or one day a week held not to meet "reasonable effort" requirement of this subdivision. 24 CS 492. Applying to one or two places a week held as not making reasonable effort to obtain work. Id., 507. Where cessation of work was voluntary on plaintiff's part, through agency of union, plaintiffs could not be said to be "available for work". 25 CS 294-296. Unemployment commissioner's conclusion that plaintiff was not physically able to engage in work so as to be "available for work" was sufficiently supported by subordinate facts when plaintiff had qualified for social security disability benefits. Id., 447. "Reasonable efforts" defined. 26 CS 336. Not unreasonable or arbitrary for commissioner to find that plaintiff's one or two attempts to find work each week did not constitute reasonable effort. Id. Courts are bound by findings of subordinate facts and reasonable conclusions of facts made by commissioner. Id. Where plaintiff did not go to more than three establishments in person in any week in her search for work, she failed to meet statutory requirement that she make reasonable efforts to obtain work. 27 CS 38. Burden of proving work availability of claimant. 29 CS 316. Telephone operator ineligible for benefits, when. Id., 492. Bona fide attempt to obtain temporary full-time job satisfies availability for work requirement. 31 CS 4. Seasonal worker who makes a bona fide attempt to obtain a temporary full-time job, satisfies the requirements of availability set forth in this section. Id., 238. Cited. 32 CS 3.

Subdiv. (3):
Cited. 44 CS 285.

Sec. 31-235a. Methods of payment by nonprofit organizations. Section 31-235a is repealed.

(1971, P.A. 835, S. 31; P.A. 78-368, S. 10, 11.)

Sec. 31-236. Disqualifications. Exceptions. (a) An individual shall be ineligible for benefits:

(1) If the administrator finds that the individual has failed without sufficient cause either to apply for available, suitable work when directed so to do by the Public Employment Bureau or the administrator, or to accept suitable employment when offered by the Public Employment Bureau or by an employer, such ineligibility to continue until such individual has returned to work and has earned at least six times such individual's benefit rate. Suitable work means either employment in the individual's usual occupation or field or other work for which the individual is reasonably fitted, provided such work is within a reasonable distance of the individual's residence. In determining whether or not any work is suitable for an individual, the administrator may consider the degree of risk involved to such individual's health, safety and morals, such individual's physical fitness and prior training and experience, such individual's skills, such individual's previous wage level and such individual's length of unemployment, but, notwithstanding any other provision of this chapter, no work shall be deemed suitable nor shall benefits be denied under this chapter to any otherwise eligible individual for refusing to accept work under any of the following conditions: (A) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (B) if the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (C) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; (D) if the position offered is for work which commences or ends between the hours of one and six o'clock in the morning if the administrator finds that such work would constitute a high degree of risk to the health, safety or morals of the individual, or would be beyond the physical capabilities or fitness of the individual or there is no suitable transportation available from the individual's home to or from the individual's place of employment; or (E) if, as a condition of being employed, the individual would be required to agree not to leave such position if recalled by the individual's former employer;

(2) (A) If, in the opinion of the administrator, the individual has left suitable work voluntarily and without good cause attributable to the employer, until such individual has earned at least ten times such individual's benefit rate, provided whenever an individual voluntarily leaves part-time employment under conditions that would render the individual ineligible for benefits, such individual's ineligibility shall be limited as provided in subsection (b) of this section, if applicable, and provided further, no individual shall be ineligible for benefits if the individual leaves suitable work (i) for
good cause attributable to the employer, including leaving as a result of changes in conditions created by the individual's employer, (ii) to care for the individual's spouse, child, or parent with an illness or disability, as defined in subdivision (16) of this subsection, (iii) due to the discontinuance of transportation, other than the individual's personally owned vehicle, used to get to and from work, provided no reasonable alternative transportation is available, (iv) to protect the individual, the individual's child, the individual's spouse or the individual's parent from becoming or remaining a victim of domestic violence, as defined in section 17b-112a, provided such individual has made reasonable efforts to preserve the employment, but the employer's account shall not at any time be charged with respect to any voluntary leaving that falls under subparagraph (A)(iv) of this subdivision, (v) for a separation from employment that occurs on or after July 1, 2007, to accompany a spouse who is on active duty with the armed forces of the United States and is required to relocate by the armed forces, but the employer's account shall not at any time be charged with respect to any voluntary leaving that falls under subparagraph (A)(v) of this subdivision, or (vi) to accompany such individual's spouse to a place from which it is impractical for such individual to commute due to a change in location of the spouse's employment, but the employer's account shall not be charged with respect to any voluntary leaving under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion of the administrator, the individual has been discharged or suspended for felonious conduct, conduct constituting larceny of property or service, the value of which exceeds twenty-five dollars, or larceny of currency, regardless of the value of such currency, willful misconduct in the course of the individual's employment, or participation in an illegal strike, as determined by state or federal laws or regulations, until such individual has earned at least ten times the individual's benefit rate; provided an individual who (i) while on layoff from regular work, accepts other employment and leaves such other employment when recalled by the individual's former employer, (ii) leaves work that is outside the individual's regular apprenticeable trade to return to work in the individual's regular apprenticeable trade, (iii) has left work solely by reason of governmental regulation or statute, or (iv) leaves part-time work to accept full-time work, shall not be ineligible on account of such leaving and the employer's account shall not at any time be charged with respect to such separation, unless such employer has elected payments in lieu of contributions;

(3) During any week in which the administrator finds that the individual's total or partial unemployment is due to the existence of a labor dispute other than a lockout at the factory, establishment or other premises at which the individual is or has been employed, provided the provisions of this subsection do not apply if it is shown to the satisfaction of the administrator that (A) the individual is not participating in or financing or directly interested in the labor dispute that caused the unemployment, and (B) the individual does not belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred, and are participating in or financing or directly interested in the dispute; or (C) the individual's unemployment is due to the existence of a lockout. A lockout exists whether or not such action is to obtain for the employer more advantageous terms when an employer (i) fails to provide employment to its employees with whom the employer is engaged in a labor dispute, either by physically closing its plant or informing
its employees that there will be no work until the labor dispute has terminated, or (ii)
makes an announcement that work will be available after the expiration of the existing
contract only under terms and conditions that are less favorable to the employees than
those current immediately prior to such announcement; provided in either event the
recognized or certified bargaining agent shall have advised the employer that the
employees with whom the employer is engaged in the labor dispute are ready, able and
willing to continue working pending the negotiation of a new contract under the terms
and conditions current immediately prior to such announcement;

(4) During any week with respect to which the individual has received or is about to
receive remuneration in the form of (A) wages in lieu of notice or dismissal payments,
including severance or separation payment by an employer to an employee beyond the
employee's wages upon termination of the employment relationship, unless the employee
was required to waive or forfeit a right or claim independently established by statute or
common law, against the employer as a condition of receiving the payment, or any
payment by way of compensation for loss of wages, or any other state or federal
unemployment benefits, except mustering out pay, terminal leave pay or any allowance
or compensation granted by the United States under an Act of Congress to an ex-
erviceperson in recognition of the ex-serviceperson's former military service, or any
service-connected pay or compensation earned by an ex-serviceperson paid before or
after separation or discharge from active military service, or (B) compensation for
temporary disability under any workers' compensation law;

(5) Repealed by P.A. 73-140;

(6) If the administrator finds that the individual has left employment to attend a
school, college or university as a regularly enrolled student, such ineligibility to continue
during such attendance;

(7) Repealed by P.A. 74-70, S. 2, 4;

(8) If the administrator finds that, having received benefits in a prior benefit year, the
individual has not again become employed and been paid wages since the
commencement of said prior benefit year in an amount equal to the greater of three
hundred dollars or five times the individual's weekly benefit rate by an employer subject
to the provisions of this chapter or by an employer subject to the provisions of any other
state or federal unemployment compensation law;

(9) If the administrator finds that the individual has retired and that such retirement
was voluntary, until the individual has again become employed and has been paid wages
in an amount required as a condition of eligibility as set forth in subdivision (3) of section
31-235; except that the individual is not ineligible on account of such retirement if the
administrator finds (A) that the individual has retired because (i) such individual's work
has become unsuitable considering such individual's physical condition and the degree of
risk to such individual's health and safety, and (ii) such individual has requested of such
individual's employer other work that is suitable, and (iii) such individual's employer did
not offer such individual such work, or (B) that the individual has been involuntarily retired;

(10) Repealed by P.A. 77-426, S. 6, 19;

(11) Repealed by P.A. 77-426, S. 6, 19;

(12) Repealed by P.A. 77-426, S. 17, 19;

(13) If the administrator finds that, having been sentenced to a term of imprisonment of thirty days or longer and having commenced serving such sentence, the individual has been discharged or suspended during such period of imprisonment, until such individual has earned at least ten times such individual's benefit rate;

(14) If the administrator finds that the individual has been discharged or suspended because the individual has been disqualified under state or federal law from performing the work for which such individual was hired as a result of a drug or alcohol testing program mandated by and conducted in accordance with such law, until such individual has earned at least ten times such individual's benefit rate;

(15) If the individual is a temporary employee of a temporary help service and the individual refuses to accept suitable employment when it is offered by such service upon completion of an assignment until such individual has earned at least six times such individual's benefit rate; and

(16) For purposes of subparagraph (A)(ii) of subdivision (2) of this subsection, "illness or disability" means an illness or disability diagnosed by a health care provider that necessitates care for the ill or disabled person for a period of time longer than the employer is willing to grant leave, paid or otherwise, and "health care provider" means (A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; (B) a podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (C) an advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; (E) any medical practitioner from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; (F) a medical practitioner, in a practice enumerated in subparagraphs (A) to (E), inclusive, of this subdivision, who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or (G) such other health care provider as the Labor Commissioner approves, performing within the scope of the authorized practice. For purposes of subparagraph (B) of subdivision (2) of this subsection, "wilful misconduct" means deliberate misconduct in wilful disregard of the employer's interest, or a single knowing violation of a reasonable and uniformly enforced
rule or policy of the employer, when reasonably applied, provided such violation is not a result of the employee's incompetence and provided further, in the case of absence from work, "wilful misconduct" means an employee must be absent without either good cause for the absence or notice to the employer which the employee could reasonably have provided under the circumstances for three separate instances within a twelve-month period. Except with respect to tardiness, for purposes of subparagraph (B) of subdivision (2) of this subsection, each instance in which an employee is absent for one day or two consecutive days without either good cause for the absence or notice to the employer which the employee could reasonably have provided under the circumstances constitutes a "separate instance". For purposes of subdivision (15) of this subsection, "temporary help service" means any person conducting a business that consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others; and "temporary employee" means an employee assigned to work for a client of a temporary help service.

(b) Any individual who has voluntarily left part-time employment under conditions which would otherwise render him ineligible for benefits pursuant to subparagraph (A) of subdivision (2) of subsection (a) of this section, who has not earned ten times his benefit rate since such separation and who is otherwise eligible for benefits shall be eligible to receive benefits only as follows: (1) If such separation from the individual's part-time employment precedes a compensable separation, under the provisions of this chapter, from his full-time employment, he shall be eligible to receive an amount equal to the benefits attributable solely to the wages paid to him for any employment during his base period other than such part-time employment; or (2) if such separation from the individual's part-time employment follows a compensable separation, under the provisions of this chapter, from his full-time employment, he shall be eligible to receive an amount equal to the lesser of the partial unemployment benefits he would have received under section 31-229 but for such separation from his part-time employment or the partial unemployment benefits for which he would be eligible under section 31-229 based on any subsequent part-time employment. In no event may the employer who provided such part-time employment for the individual be charged for any benefits paid pursuant to the subsection. For purposes of this subsection, "full-time employment" means any job normally requiring thirty-five hours or more of service each week, and "part-time employment" means any job normally requiring less than thirty-five hours of service each week.

History: 1967 act substantially rewrote provisions for clarity, specified applicability with regard to suspension from work, leaving part-time for full-time work, unemployment because of a lockout, pregnant women and re periods of substantial unemployment and revised provision re retired persons; 1970 act added reference to extended benefit periods in Subdiv. (8); 1971 act made technical changes in Subdiv. (2), set period of ineligibility following woman's refusal to accept reemployment in Subdiv. (5) at period until she registers for work, applies for work, etc. rather than until she has been paid wages of at least $100, deleted provision prohibiting wages paid prior to retirement as basis for benefits and added Subdiv. (10) re school personnel; 1972 acts added Subdiv. (11) re subsidiary education personnel; P.A. 73-76 changed amount of wages applicable in Subdiv. (8) from $150 to $300 and added alternate amount of ten times the weekly benefit rate; P.A. 73-81 added proviso re amount of wage offer in Subdiv. (1); P.A. 73-140 repealed Subdiv. (5) re pregnant women; P.A. 73-411 prohibited reduction of benefits paid to veterans in Subdiv. (9); P.A. 73-536 clarified disqualification in Subdiv. (2); P.A. 74-70 added exception in Subdiv. (4), repealed Subdiv. (7) re benefits to ex-servicemen under act of Congress in recognition of their service and changed wording of Subdiv. (9) slightly; P.A. 74-75 deleted proviso re amount of wage offer in Subdiv. (1); P.A. 74-229 substituted "next four following weeks" for "duration of the disqualification period" in Subdiv. (2); P.A. 75-105 changed alternate amount in Subdiv. (8) from ten to five times the weekly benefit rate; P.A. 75-427 prohibited refusing benefits to those who refuse work because a condition of employment is agreeing not to leave position if recalled by former employer; P.A. 76-414 added Subdiv. (12) re student work-study experience; P.A. 77-319 added proviso in Subsec. (1) re leaving suitable work for cause, authorized disqualification for felonious conduct or repeated misconduct and changed disqualification from four weeks to "until such individual has earned at least ten times his benefit rate"; P.A. 77-323 repeated amendment re leaving work for cause; P.A. 77-426 repealed Subdivs. (10) to (12) re school personnel; P.A. 78-331 made technical changes in Subdiv. (9); P.A. 79-376 substituted "workers' compensation" for "workmen's compensation" and redesignated Subparas. with capital letters; P.A. 80-78 changed basic period of ineligibility from four weeks to "until such individual has returned to work and has earned at least six times his benefit rate in Subdiv. (1)"; P.A. 80-260 changed calculation of weekly benefit rate in Subdiv. (9); P.A. 81-12 deleted the noncharging provisions concerning an employer whose employee quit or was fired under the terms of this section and later collects benefits, as such provisions have been transferred to Sec. 31-225a by P.A. 81-12; P.A. 81-318 disqualified claimants from eligibility for unemployment compensation if they had been discharged for conduct constituting larceny in the third degree and deleted any reference in Subdiv. (9) to an offset which reduced benefits by the amount of pension, retirement pay or annuity received by the claimant, but see section 31-227(g); P.A. 82-262 specified ineligibility for benefits for participation in illegal strike; P.A. 85-26 amended Subdiv. (2)(B) to redefine larcenous conduct to be the taking of a property or service whose value exceeds $50; P.A. 85-258 amended Subdiv. (2)(A) to limit compensable "quits" to instances when the claimant left suitable work for sufficient work-related causes, or he left to care for a seriously ill spouse, child or parent, or he left due to the discontinuance of his only means of transportation and defined "repeated wilful misconduct" as any acts of such misconduct which occur within one year of each
other; P.A. 85-500 provided that claimants may be disqualified if discharged or suspended for "just cause", and defined "just cause" to be a single act of wilful misconduct endangering life, safety or property; P.A. 86-55 added Subsec. (b), establishing limited eligibility rights for individuals who apply for unemployment compensation after having quit part-time employment, amending Subsec. (a) accordingly; P.A. 86-60 added Subsec. (a)(13), disqualifying any individual who is discharged or suspended from his employment during a term of imprisonment of 30 days or more to which he has been sentenced; P.A. 88-88 substituted "any employment during his base period other than such part-time" for "such full-time" in Subdiv. (1) and provided that an individual eligible for benefits under Subdiv. (2) would receive an amount equal to the lesser of the partial unemployment benefits he would have received but for the separation from the part-time employment or "the partial unemployment benefits for which he would be eligible under Sec. 31-229 based on any subsequent part-time employment"; P.A. 93-243 amended Subsec. (a)(2)(B) to expand the disqualification for larcenous conduct, amended Subdiv. (4)(A) to disqualify a claimant from eligibility for unemployment compensation while he is receiving severance or separation payments, and amended Subdiv. (13) to define "wilful misconduct", effective June 23, 1993; P.A. 95-323 amended Subsec. (a) to substitute "good cause attributable to the employer" for "sufficient cause connected with his work", to delete reference to "repeated" wilful misconduct in the course of employment, to amend the benefit level for employees discharged or suspended under state or federal drug or alcohol testing programs, to redefine "wilful misconduct" and to add definition of "temporary help service", effective October 1, 1995, and applicable to any separation of employment occurring on or after that date; P.A. 99-123 made technical and gender neutral changes, and amended Subsec. (a)(2) to prohibit refusing benefits to an individual who leaves suitable work voluntarily to protect the individual or a child domiciled with the individual from becoming or remaining a victim of domestic violence; P.A. 01-37 amended Subsec. (a)(2) by deleting "just cause" as a reason for discharge or suspension and making technical changes and amended Subsec. (a)(16) to delete definition of "just cause", redefine "wilful misconduct" to include absence without good cause or notice which could reasonably have been provided, and make a technical change; P.A. 04-214 amended Subsec. (a)(16) to change time period in definition of "wilful misconduct" from 18 months to 12 months and to define what constitutes a "separate instance"; June Sp. Sess. P.A. 07-5 added Subsec. (a)(2)(A)(v) re separation from employment during period from July 1, 2007, to June 30, 2008, to accompany a spouse who is on active duty with the armed forces of the United States; P.A. 08-40 amended Subsec. (a)(2)(A)(v) by deleting language specifying period ending on June 30, 2008, re unemployment benefits for certain military spouses, effective July 1, 2008; P.A. 09-3 amended Subsec. (a)(2)(A)(ii) to replace exception re "seriously ill" spouse, child or parent domiciled with individual with exception re individual's spouse, child or parent "with an illness or disability, as defined in subdivision (16) of this subsection", amended Subsec. (a)(2)(A)(iv) to extend protection to individual's child, spouse or parent, rather than a child domiciled with individual, added Subsec. (a)(2)(A)(vi) re accompanying individual's spouse to place from which commuting is impractical due to change in job location, and amended Subsec. (a)(16) by defining "illness or disability" and "health care provider", effective April 15, 2009.
"Available for work" construed with respect to waitress. 126 C. 441. Depends on whether or not there is a labor market for the work employee can do. 132 C. 651. Deliberate violation of reasonable rule in connection with work constitutes "wilfull misconduct". 133 C. 308. Rule forbidding solicitation for union membership in working hours reasonable. Id., 310. Vacation pay is "payment by way of compensation for loss of wages". 136 C. 482. Plaintiff not eligible for benefits while receiving allowances under Servicemen's Readjustment Act. 137 C. 240. An offer and refusal of employment is not a condition precedent to disqualification where claimant is not available for work. Id., 438. Employee is subject to disqualification prescribed if he leaves part-time work to accept better paying position. Claimant's leaving dated from time she took new job, rather than from the beginning of vacation period. Id., 693. The test to determine whether a person's refusal to cross a picket line established by a union of which he is not a member rendered him a participant in the dispute is whether his refusal was voluntary or involuntary. An employee is "directly interested in a labor dispute" if his wages, hours or working conditions will be affected by the outcome of the dispute. 139 C. 20. A pension, at least to the extent to which each payment has been increased because of employer's contributions, is one "by way of compensation for loss of wages". Id., 569. Severance pay held "payment by way of compensation for loss of wages". Id., 572. Vacation pay from union welfare fund disqualifies employee from benefits as it is a payment by way of compensation for loss of wages. 142 C. 236. Facts of each case determine question of "suitable work". 148 C. 475. Section does not provide unemployment compensation coverage for school vacation periods to cafeteria workers and school aides. 169 C. 592. "Suitable work" depends on facts of particular case. 175 C. 562. Cited. 184 C. 317. Cited. 196 C. 440. Cited. 209 C. 381.

Cited. 17 CA 441. Cited. 25 CA 130. "Quit to care" provision operates as an exception to the penalty provision of this section. 34 CA 620.

Disqualifications for compensation are conditions subsequent and the burden of proof is on the commissioner. 15 CS 286. Employee entitled to unemployment compensation where employer shut down his plant for two weeks as a vacation period but employee was entitled to only one week of vacation pay. 17 CS 144. Cited. 20 CS 110. Whether there was wilfull misconduct depends on whether conduct of claimant could be held reasonably to amount to a deliberate violation of a reasonable rule. 22 CS 458. Where plaintiff's employment was terminated early in her pregnancy because employer in good faith wished to train replacement at that time, plaintiff was correctly denied benefits. 23 CS 155. Employee fired for hurling rock through windshield while picketing held ineligible for benefits. Picketing itself is not act of misconduct, but hurling rocks is. Id., 206. Where claimant was offered former job back during strike and he proceeded to participate in strike, he was held ineligible for benefits. His former job held not to be "new work" within meaning of statute. Id., 233. Claimant's former job held not to be "new work" within meaning of statute when offered during strike to one who had been laid off four weeks before strike and in a situation where collective bargaining agreement between union and employer had expired prior to layoff. Id. "Wilfull misconduct" discussed. 24 CS 177. Employee has burden of proving nonparticipation. Id., 461. Cited. 25 CS 244. Separation allowance computed on years of service and supplemental
allowance to pensioners under labor management agreement paid on closing of plant held dismissal payments. 27 CS 169. Acceptance of separation allowance in lump sum did not change nature of payment computed on weekly basis. Id. Finding by commissioner that plaintiff's concern over unreliable transportation was refusal to accept employment held arbitrary and unreasonable. 31 CS 269. Cited. 39 CS 328. Cited. 44 CS 285.

Subsec. (a):

Provision referring to conditions "current immediately prior to" a lockout announcement held to mean those conditions contained in the last mutual agreement between a union and the employer. 250 C. 297. Section falls within realm of discretion provided to states by Congress to award unemployment benefits to workers unable to work as result of a labor dispute and is not preempted by National Labor Relations Act. Id.

Subdiv. (1):

Subdivision held not to permit establishment or application by the administrator of any arbitrary adjustment period in which to find suitable work during same hours as those of prior employment. 148 C. 475. Cited. 172 C. 492.

Within meaning of statute "residence" is claimant's residence at time of rehire offer, not at time of layoff. 2 CA 1.

Refusal to return to work at reduced salary disqualifies one for compensation. 11 CS 337. Suitable employment discussed. 16 CS 199; Id., 264; 18 CS 145. Subpara. (C): Claimant who refused referred employment solely because it required union membership not entitled to benefits. 20 CS 10. Claimant who was union member and quit nonunion job because union business agent told him he would lose union membership otherwise, held not available for work. Exception does not apply where union sets conditions contra to statutory provisions. 27 CS 446. Cited. 39 CS 520.

Subdiv. (2):

Company designated shutdown period as including vacation period. Fact that union, as agent for plaintiff, gave company this right did not make plaintiff's second week of vacation, without pay, a period of voluntary and self-imposed unemployment. 138 C. 253. Subpara. (A): Where employer sets expiration date of contract conclusion that employee did not voluntarily terminate employment is not unreasonable. Discussion of possible result if union had negotiated the contract. 177 C. 132. Subpara (A): "For cause" construed to encompass personal as well as work-related reasons. 181 C. 1. Subpara. (A) cited. 187 C. 262. Subpara. (B): Term "felonious conduct" as used in statute includes felonious conduct violating federal laws. 196 C. 546. Subpara. (B): A final incidence may be "repeated wilfull misconduct" if conduct at issue is part of past pattern of wilfull misconduct. 209 C. 381.
Subpara. (B) cited. 1 CA 591; 3 CA 494. Subpara. (A) cited. 4 CA 617. Subpara. (B) cited. Id.; 5 CA 309. Subpara. (A) cited. 6 CA 588. Subpara. (A): Leaving suitable work for better pay is insufficient, by itself, to establish good cause. Id., 658. Subpara. (A) cited. 12 CA 207. Subpara. (B) cited. 41 CA 751. Subpara. (B) only requires a single knowing violation of an employer rule; absence of repetition does not prevent the possibility of discharge for wilfull misconduct. 54 CA 154.

Subpara. (A): Severing employment to report for induction into army. 11 CS 160. Subpara. (B): Employee who momentarily left machine running unattended in violation of employer's rule ineligible for compensation for wilfull misconduct. Id., 221. Cited. 12 CS 391. Lack of transportation not sufficient reason to leave work where claimant did not give employer chance to arrange for it. 15 CS 445. Harmless taking of discarded article by employee not sufficient basis for wilfull misconduct. 16 CS 311. Leaving work on ground that services worth more than remuneration held not sufficient cause. 17 CS 415. Claimant who gave notice of resignation and later attempted to withdraw it after company had hired a replacement was declared eligible for benefits. 19 CS 363. Claimant whose license to operate taxicab had been revoked for failure to make full restitution for damage done by him in accident and for failure to furnish proof of financial responsibility ineligible for unemployment compensation. Id. No lesser degree of culpability in this state than wilfull misconduct. 20 CS 399. Where claimant left job when employer told him he could retain his job as driver, if during period of license suspension, he found a substitute and paid him from his own pocket, held claimant left work without sufficient cause. 21 CS 206. Inefficiency, negligence, carelessness, improper conduct and errors in judgment alone are not construed as "wilfull misconduct" disqualifying claimant from benefits under subpara. (B). 25 CS 215. Falsifying employment questionnaire held intentional act of misleading employer and constituted wilfull misconduct in course of employment. 27 CS 215. Subpara. (B): Repeated absences from work without good cause, recognized as wilfull misconduct. 29 CS 14, 18. Cited. Id., 251. Offer of same job after penalty period ineffective as to deny benefits under suitable work provision. Id., 486. Cited. Id., 492. Subpara. (A): Employee's decision not to reenlist in National Guard, a condition of employment voluntarily accepted by employee, is voluntary termination of employment without employment-connected cause. 31 CS 12. Subpara. (A) cited. 38 CS 710. Subpara. (A): Doctrine of voluntary constructive leaving discussed. 39 CS 371. Subpara. (B) cited. Id. Court held it reasonable for appeals referee to conclude that before plaintiff could collect unemployment benefits, plaintiff must make an effort to seek a position with the employer which would be consistent with plaintiff's beliefs rather than assume that no such position would be available. 40 CS 208. Subpara. (B): Theft of $25 or less of property or services, while not a disqualifying larceny, can constitute a disqualifying act of wilful misconduct where there is proof of the larceny and the existence of a reasonable and uniformly enforced rule or policy by the employer. 46 CS 579.

Subdiv. (3):

General assembly intended same meaning for "labor dispute" here as that expressed in Sec. 31-112(c). Each week of unemployment is severable unit. 135 C. 373. Refusal of
plaintiffs to cross picket lines constituted participation in labor dispute and rendered them ineligible for compensation. Id., 695. "Lockout" defined. 137 C. 380. A "lockout" is a withholding of employment by employer in effort to obtain for himself more advantageous terms. Id., 393. Controversy which caused unemployment of plaintiffs was labor dispute within meaning of statute. 139 C. 329. Unemployment was caused by labor dispute rather than lockout. Id., 515. Definition. 142 C. 497. No lockout existed where employer in labor dispute over new contract negotiations closed stores after old contract expired because not advised by employees' bargaining agent that they would continue work pending negotiation of new contract. Employees not entitled to unemployment compensation. 158 C. 556. Disqualification under this subdivision has three elements: (1) There must be unemployment, (2) there must be a labor dispute, (3) unemployment must result from existence of labor dispute. 164 C. 446.

Refusal to cross picket line because of fear of bodily harm does not render one ineligible. 16 CS 286. Dismissed employees entitled to compensation when dismissed as result of labor dispute. Id., 491. Where shutdown due to lockout. 18 CS 94; 20 CS 211.

Subdiv. (4):

Payment of pension disqualifies plaintiff for unemployment benefits to which he would have become entitled by virtue of employment by one who is paying pension. 138 C. 630. Purpose and history. 146 C. 215. Under subpara. (C) it is immaterial whether payment represents deferred compensation or a pension. If lump sum is paid, it should be divided by weeks of life expectancy to determine weekly payments. Id. Holiday pay classified as earned remuneration rather than compensation for lost wages. Id., 264. Purpose of subdivision. Id.


Subdiv. (5):

Claims made after childbirth. 17 CS 316. Plaintiff entitled to benefits where previously arranged by collective bargaining that such would be allowed though claimant not member of bargaining unit. 19 CS 184. Disqualification begins on first day of unemployment due to pregnancy and continues thereafter for duration of pregnancy. 20 CS 428.

Subdiv. (8):

Severance pay and vacation pay do not qualify as wages within meaning of statute. 153 C. 692.

Plaintiff, a physician, performed services for husband, also a physician, during his illness and received one hundred fifty dollars from him; held this did not constitute wages. 21 CS 144. Evidence tended to prove that claimant's brother hired him for two
weeks merely to qualify claimant under this subdivision but award of compensation commissioner upheld. Id., 204.

Subdiv. (9):

Where employee voluntarily requested payment from union pension fund and applied for and received social security benefits, he had voluntarily retired and was ineligible for unemployment benefits. 28 CS 57. Plaintiff mason voluntarily leaving job because partner had left, as he thought union rules forbade his remaining, left suitable work voluntarily without sufficient case. Id., 394. Cited. 34 CS 11.

Subdiv. (11):

Unemployment commissioner could reasonably conclude from his finding of facts that a school "media aide" is a "classroom aide" in meaning of this section. 31 CS 253.

Sec. 31-236a. Eligibility of apprentice unemployed due to labor dispute. Notwithstanding any provision contained in section 31-236, no apprentice duly registered as such with the state who is unemployed due to a labor dispute between his employer and journeymen who are engaged in the same craft or trade as the apprentice shall be disqualified from receiving benefits under this chapter if he is available for work, and he shall not be participating in or financing or directly interested in the labor dispute or belong to a trade, class or organization of workers, members of which, immediately before the commencement of the labor dispute, were employed at the premises at which the labor dispute occurred and are participating in or financing or directly interested in the labor dispute.

(1969, P.A. 778, S. 1.)

Sec. 31-236b. Eligibility for benefits not impaired by reason of participation in training with commissioner's approval. Approval of programs. (a) Notwithstanding any other provisions in this chapter, an otherwise eligible individual shall not be denied benefits for any week because he is in training with the approval of the administrator by reason of the application of subdivision (2) of subsection (a) of section 31-235 relating to availability for work, or the provisions of subdivision (1) of subsection (a) of section 31-236 relating to failure to apply for, or a refusal to accept, suitable work.

(b) The administrator shall adopt regulations, in accordance with the provisions of chapter 54, which establish the guidelines to be used by the administrator in determining which job training programs, job retraining programs and claimants shall be approved for the purposes of this section. Any such program sponsored by (1) any federal, state or municipal department, (2) any labor organization, or (3) any private employer shall be approved upon meeting the requirements of such guidelines.

History: P.A. 83-470 added Subsec. (b) requiring the administrator to adopt regulations establishing guidelines for the approval of job training and retraining programs and claimants for the purposes of this section; (Revisor's note: In 1991 the reference in Subsec. (a) to "subsection (1)" was changed editorially by the Revisors to read "subsection (a)(1)"; P.A. 05-288 made technical changes in Subsec. (a), effective July 13, 2005.

Sec. 31-236c. Ineligibility of certain board of education employees. Section 31-236c is repealed.

(1971, P.A. 835, S. 17; 77-426, S. 18, 19.)

Sec. 31-236d. Eligibility of individual in training approved under the Trade Act of 1974. Notwithstanding any other provision of this chapter, an otherwise eligible individual shall not be denied unemployment compensation benefits for any week because he is in training approved under Section 236(a)(1) of the Trade Act of 1974, nor shall such individual be denied benefits because of leaving work to enter such training, provided the work left is not suitable work, or because of the application to any such week in training of provisions in this chapter or any applicable federal unemployment compensation law relating to availability for work, active search for work, or refusal to accept work. For purposes of this section, "suitable work" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act of 1974, and wages for such work at not less than eighty per cent of the individual's average weekly wage as determined for purposes of the Trade Act of 1974.

(P.A. 82-361, S. 6.)

Sec. 31-236e. Basis for determination of eligibility. Regulations. (a) For any claim filed on or after July 1, 1986, the determination of a claimant's eligibility for unemployment compensation benefits shall be based solely on the provisions of this chapter and any regulations adopted pursuant thereto. Labor Department policy letters shall not be used in any such determination.

(b) On or before July 1, 1986, the Labor Commissioner shall adopt regulations, in accordance with the provisions of chapter 54, which establish all necessary criteria for the determination of a claimant's eligibility for unemployment compensation benefits.

(P.A. 85-176.)

Sec. 31-236f. Information re the availability of unemployment compensation benefits. Procedure. The administrator, as defined in section 31-232b, in consultation with the advisory board established pursuant to section 31-250a, shall develop and implement a procedure or program to insure that an employee, at the time of termination by an employer, receives adequate information regarding the availability of unemployment compensation benefits under chapter 567 and the procedure required for
making a claim for such benefits.

(P.A. 95-323, S. 6, 8.)

History: P.A. 95-323, S. 6 effective October 1, 1995, and applicable to any separation of employment occurring on or after that date.

Sec. 31-237. Employment Security Division. (a) There shall continue to be in the Labor Department a division, to be known as the Employment Security Division, which shall be administered by a full-time, salaried, executive director, who shall be subject to the supervision and the direction of the administrator. The administrator is authorized to appoint, fix the compensation of and prescribe the duties of such executive director, provided such appointment shall be subject to the approval of the Governor and the rate of such compensation shall be subject to the approval of the Governor and the Secretary of the Office of Policy and Management. The Employment Security Division shall be responsible for matters relating to unemployment compensation and the Connecticut State Employment Service, and shall establish and maintain free public employment bureaus in such number and in such places as may be necessary for the proper administration of this chapter and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of Such System and for Other Purposes", approved June 6, 1933, as amended. The administrator may cooperate with or enter into agreements with the Federal Railroad Retirement Board with respect to the establishment, maintenance and use of free employment service facilities. Moneys received from the Federal Railroad Retirement Board as compensation for services or facilities supplied to said board shall be paid into the Employment Security Administration Fund.

(b) Notwithstanding the provisions of chapter 50, the Employment Security Division is authorized to purchase supply items and equipment obtainable directly from the General Services Administration of the United States government or any other federal agency, out of funds established under the provisions of subsection (a) or (d) of section 31-259 or out of funds established by or granted pursuant to federal authority to the Employment Security Division, if the administrator deems such purchases to be in the best interests of the state and said Employment Security Division.


History: 1969 act added Subsec. (b) re purchases of supply items, etc.; P.A. 77-614 replaced commissioner of finance and control with secretary of the office of policy and management; P.A. 92-252 deleted provisions establishing the Connecticut state employment service department and the unemployment compensation department and added language providing that the employment security division shall be responsible for matters relating to unemployment compensation and the Connecticut state employment service.
See Sec. 31-6 re federal aid for public unemployment offices.

See Sec. 31-259 re Employment Security Administration Fund.

Cited. 16 CS 263.

Sec. 31-237a. Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(a) "Board" means the Employment Security Board of Review;

(b) "Appeals division" means the Employment Security Appeals Division consisting of the board members, the referees employed in the referee section and all other supporting staff members employed in that division for discharge of its responsibilities as set forth in this chapter;

(c) "Referee" means an employment security appeals referee;

(d) "Chief referee" means the chief referee of the referee section;

(e) "Referee section" means the organizational unit consisting of the employment security appeals referees employed in the appeals division and all other supporting staff members employed in that division for discharge of the responsibilities assigned to referees in accordance with this chapter; and

(f) "Staff assistant" means the staff assistant to the Employment Security Board of Review.

(P.A. 74-339, S. 1, 36; P.A. 83-570, S. 7, 17.)

History: P.A. 83-570 added Subdiv. (f) defining "staff assistant".

Sections 31-237a to 31-238, inclusive, cited re their affect on the speed and fairness of the resolution of contested claims. 175 C. 269. Cited. 192 C. 104.

Sec. 31-237b. Employment Security Appeals Division established. There shall be an appeals division which shall constitute the employment security administrative appellate system. The referee section shall be subject to the board's administrative direction, supervision and control.

(P.A. 74-339, S. 2, 36.)


Sec. 31-237c. Employment Security Board of Review. Appointment of members, chairman, alternate members. (a) The board shall consist of three members appointed
by the Governor, one of whom shall be designated by the Governor as chairman of the board of review. Notwithstanding the provisions of subsection (d) of section 5-198, such chairman shall be in the classified service and shall devote full time to the duties of his office. Such chairman shall be chosen by the Governor from a list of names submitted to him by the Commissioner of Administrative Services pursuant to the provisions of subsection (d) of section 5-228. The other two members appointed to serve during the appointing Governor's term of office shall be a representative of employers and a representative of employees and shall devote full time to the duties of their offices. The members of the board representing employers and employees shall be selected as such representatives based upon previous vocation, employment or affiliation. A member of the board may be removed by the Governor for cause.

(b) The Governor shall have the authority to appoint one or more alternate members to the board. Alternate members shall have the power to complete any matter pending at the expiration of the terms for which they were appointed. Alternate members of the board shall serve at any time when so delegated by the Governor and the board and while so serving shall have all the powers of members of the board. Whenever an alternate member serves in place of a member of the board, he shall represent the same interest as the member in whose place he serves and shall be selected as such representative based upon previous vocation, employment or affiliation. The board may, at its option, require alternate members to sit with it in the fulfillment of any function of the board. Any alternate member shall receive one hundred fifty dollars in lieu of expenses for each day during which he performs the duties of a member of the board.

(P.A. 74-339, S. 3, 34, 36; P.A. 77-614, S. 482, 610; P.A. 83-570, S. 8, 17; P.A. 87-468, S. 1, 4.)

History: P.A. 77-614 replaced personnel commissioner with commissioner of administrative services, deleted provision setting expiration of terms at first day of March in year when term of appointing governor expires and made other minor wording changes, effective January 1, 1979; P.A. 83-570 added requirement that members devote full time to their duties and eliminated an obsolete provision concerning the timing of the first appointments to the board; P.A. 87-468 added Subsec. (b), granting the governor the authority to appoint alternate members to the board, establishing their powers and purposes, and providing for per diem payments of $150 for them.

See title 2c re termination under "Sunset Law".

Sec. 31-237d. Executive head of appeals division, delegation of his authority. Hearing of appeals to board. (a) The chairman of the board shall be the executive head of the appeals division. He may delegate to any person employed in the appeals division such authority as he deems reasonable and proper for the effective administration of the division's responsibilities.

(b) In any appeal to the board the board or any of its members may hear the appeal, except that the full board shall hear and decide cases requiring the application of
subsection (a)(3) of section 31-236 and cases in which a party has specifically requested in writing a hearing by the full board, provided the decision on all appeals shall be by a majority vote of the full board. The board shall approve or reject, by a majority vote, each request for a hearing before the full board in accordance with the criteria for granting such requests established in regulations adopted pursuant to section 31-237g. In any case before the board, the board may delegate to a referee or other qualified employee of the appeals division the taking or hearing of evidence.

(P.A. 74-339, S. 4, 36; P.A. 79-100; P.A. 83-570, S. 9, 17; P.A. 88-53, S. 1.)

History: P.A. 79-100 transferred responsibility for hearing appeals from chairman to board or any number and specified that decisions must be made by a majority vote of the full board; P.A. 83-570 required board to approve or reject each request for a hearing before the full board by a majority vote; P.A. 88-53 amended Subsec. (b) to authorize the board to delegate to a qualified employee of the appeals division the taking or hearing of evidence; (Revisor's note: In 1991 the reference in Subsec. (b) to "subsection (3)" was changed editorially by the Revisors to read "subsection (a)(3)").

Sec. 31-237e. Employment Security Appeals Division personnel, payment, appointment. (a) The members of the board, the chief referee and the referees of the state shall each be paid from the Employment Security Administration Fund a salary to be determined by the Commissioner of Administrative Services pursuant to section 4-40, provided the chief referee shall receive a salary greater than the salary paid to a referee and the chairman of the board shall receive a salary greater than the salary paid to the chief referee. Expenses incurred in the discharge of their duties of office by the chairman and members of the board, the chief referee, and the referees shall be reimbursed in accordance with regulations established for state employees by the Commissioner of Administrative Services.

(b) Subject to the provisions of chapter 67, the board may appoint such employees in the appeals division as it deems necessary to carry out its responsibilities under this chapter, provided the board shall appoint a staff assistant. The staff assistant shall be qualified, by reason of his training, education and experience, to carry out the duties of the position, which include, but are not limited to, performing legal research for the board, advising referees on legal matters relating to procedural and substantive problems of hearings and appeals, assisting the board chairman in preparing legislative amendments to unemployment compensation law pertaining to appellate matters, serving as acting chairman of the board in the chairman's absence, and other related duties as required.

(P.A. 74-339, S. 6, 12, 36; P.A. 77-614, S. 67, 70, 610; P.A. 83-570, S. 10, 17.)

History: P.A. 77-614 replaced personnel policy board and commissioner of finance and control with commissioner of administrative services; P.A. 83-570 amended section to provide for salary for members in lieu of per diem payments and to establish the position of staff assistant and specify his duties.
Sec. 31-237f. Disqualification of board member; challenge; replacements. No member of the board shall participate in the hearing or disposition of any appeal in which such member has any direct or indirect interest. Challenge to the interest of any member of the board may be made by any party to the proceeding and claimed for short calendar, and such challenge shall be decided by the Superior Court. If the challenge is upheld, the administrator shall so advise the Governor. In such a case, the Governor shall assign an alternate member appointed pursuant to section 31-237c, except that the staff assistant shall automatically become acting chairman of the board in the chairman's absence. If a replacement for any member of the board is required, the Governor shall appoint a substitute who represents affiliations similar to that of the member being replaced to fill such unexpired term.

(P.A. 74-339, S. 8, 36; P.A. 83-570, S. 11, 17; P.A. 87-468, S. 2, 4.)

History: P.A. 83-570 amended section to provide that staff assistant becomes acting chairman in the chairman's absence; P.A. 87-468 provided that when a challenge to a member is upheld, the governor shall assign an alternate member to serve.

Sec. 31-237g. Powers of Employment Security Board of Review, rules of procedure. The board shall adopt regulations, in accordance with the provisions of chapter 54, concerning the rules of procedure for the hearing and disposition of appeals under the provisions of this chapter. The board shall also undertake such investigations as it deems necessary and consistent with this chapter.

(P.A. 74-339, S. 7, 36; P.A. 83-570, S. 12, 17.)

History: P.A. 83-570 restated provisions re investigations and adoption of regulations establishing rules of procedure.

Sec. 31-237h. Access of appeals division to records of the Employment Security Division. The appeals division shall have access to all records of the Employment Security Division necessary to the performance of the duties assigned to the board and the referees under this chapter.

(P.A. 74-339, S. 5, 36.)

Sec. 31-237i. Referee section established. Appointment of referees; chief referee. (a) The referee section shall consist of such referees as the board deems necessary for the prompt processing of appeals hearings and decisions and for the performance of the duties imposed by this chapter. Each such referee shall be appointed by the board and shall be in the classified service of the state.

(b) The chairman of the board shall designate from among the referees a chief referee. The chief referee shall be the administrative head of the referee section and may delegate to any referee or any person employed in the referee section such authority as he deems reasonable and proper for the effective administration of his duties.
(c) The first appointments under this section shall be made no later than March 1, 1975. Any vacancy in the office of referee shall be filled by appointment by the board.

(P.A. 74-339, S. 9, 36; P.A. 81-5, S. 2.)

History: P.A. 81-5 removed all references to "unemployment commissioner" as referees in Subsec. (a) as the position is obsolete.

Public Act 12-125 - Section 31-237j of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

Sec. 31-237j. Appeals to referee section; jurisdiction, venue; panel of referees.

(a) The referees shall promptly hear and decide appeals from the decisions of the administrator of this chapter, or his designee, appeals from all other determinations made pursuant to any provision of this chapter and appeals from any proceeding conducted by authorized personnel of the Employment Security Division pursuant to directives of the United States of America and the Secretary of Labor of the United States. Except as otherwise provided in this chapter or in the applicable federal directives, appeals to referees shall be filed within the time limits and under the conditions prescribed in section 31-241, as amended by this act.

(b) The referees shall have state-wide jurisdiction and venue, and referee proceedings shall be conducted (1) by telephone or other electronic means, or (2) at the request of either party, in person at locations within the state designated by the executive head of the Employment Security Appeals Division.

(c) The chief referee may appoint a panel of three referees to hear and decide any appeal involving (1) complex issues of fact, (2) complex issues of law, (3) multiple parties, or (4) numerous witnesses. The decision on all such appeals shall be by a majority vote of the full panel.

Approved June 15, 2012

(P.A. 74-339, S. 10, 11, 36; P.A. 81-5, S. 3; P.A. 88-53, S. 2; 88-72.)

History: P.A. 81-5 deleted obsolete Subsec. (c), which concerned the transfer of proceedings pending before the unemployment commissioner on July 1, 1974; P.A. 88-53 added Subsec. (c) concerning the appointment of a panel of three referees to hear and decide certain appeals; P.A. 88-72 amended Subsec. (a) to provide that except as otherwise provided in this chapter or in federal directives, appeals shall be filed as prescribed in Sec. 31-241.

Cited. 6 CA 588.
Sec. 31-238. Budget of Employment Security Appeals Division. Provision for expenses, offices, equipment and supplies. The board shall annually prepare a budget request covering the necessary administrative costs of the appeals division for the next ensuing year. Upon approval by the administrator such request shall be incorporated in the budget request of the Employment Security Division for that fiscal year. The expenses of administration of the appeals division, upon approval by the administrator, shall be paid from the Employment Security Administration Fund by the Treasurer, notwithstanding the provisions of section 4-85, on warrants drawn by the Comptroller at the direction of the chairman of the board. The administrator shall furnish the offices, equipment and supplies, and nonpersonal and housekeeping services required by the board and shall perform such other mechanics of administration as the board and the director may agree upon. The administrator shall furnish, whenever possible, such offices, equipment and supplies as are already provided for the central office of the Employment Security Division or its branch offices.


History: 1964 act substituted "district established in section 31-276" for "existing congressional district"; 1967 act divided section into Subsecs., authorized chairman to employ necessary personnel, make expenditures, delegate authority and certify to official acts in Subsec. (b) and added Subsec. (c) re payment of expenses; P.A. 74-339 replaced previous provisions re unemployment commission entirely with provisions re budget requests and expenses re appeals division.


Sec. 31-239. Advisory council. Section 31-239 is repealed.

(1949 Rev., S. 7511; P.A. 77-614, S. 609, 610.)

Sec. 31-240. Claim procedure. Filing. Claims for benefits shall be made, in accordance with such regulations as the administrator may prescribe, at the public employment bureau or branch most easily accessible either from the individual's place of residence or from the place of his most recent employment, as designated by the administrator.

(1949 Rev., S. 7512.)


Cited. 34 CA 620.
Public Act 12-125 - Subsection (a) of section 31-241 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):

Sec. 31-241. Determination of claims and benefits. Notice, hearing and appeal. Regulations. (a) The administrator, or a deputy or representative designated by him and hereinafter referred to as an examiner, shall promptly examine the initiating claim and, on the basis of the facts found by him, shall determine whether or not such claim is valid and, if valid, the weekly amount of benefits payable and the maximum possible duration thereof. He shall promptly notify the claimant of the decision and the reasons therefor, which notification shall set forth the provision of this section for appeal. The administrator or an examiner shall promptly examine each claim for a benefit payment for a week of unemployment and, on the basis of the facts found by him, shall determine whether or not the claimant is eligible to receive such benefit payment for such week and the amount of benefits payable for such week. The determination of eligibility by the administrator or an examiner shall be based upon evidence or testimony presented in such a manner as the administrator shall prescribe, including in writing, by telephone or by other electronic means at a hearing called for such purpose. The administrator or an examiner may prescribe an in person hearing at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator or an examiner, as the case may be. Notice of the decision and the reasons therefor shall be given to the claimant. The employers against whose accounts charges may be made due to any benefits awarded by the decision shall be notified of the initial determination of the claimant's benefit entitlement at the time notice is given to the claimant, which notification shall set forth the provisions of this section for appeal, provided any employer who claims that the claimant is ineligible for benefits because his unemployment is due to the existence of a labor dispute at such employer's factory, establishment or other premises, shall be notified of the decision and the reasons therefor, whether or not benefits awarded by the decision might be charged against such employer's account. The employer's appeal rights shall be limited to the first notice he is given in connection with a claim which sets forth his appeal rights, and no issue may be appealed if notice of such issue and the right to appeal such issue had previously been given. Notwithstanding any provisions of this chapter to the contrary, whenever the employer, after receiving notice of such hearing, fails to appear at the hearing or fails to timely submit a written response in a manner prescribed by the administrator, such employer's proportionate share of benefits paid to the claimant prior to the issuance of a decision by a referee under section 31-242 for any week beginning prior to the forty-second day after the end of the calendar week in which the employer's appeal was filed shall be charged against such employer's account and the claimant shall not be charged with an overpayment with respect to such benefits pursuant to subsection (a) of section 31-273. The decision of the administrator shall be final and benefits shall be paid or denied in accordance therewith unless the claimant or any of such employers, within twenty-one calendar days after such notification was mailed to his last-known address, files an appeal from such decision and applies for a hearing, provided (1) any such appeal which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal falls on any day when
the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, and (3) if any such appeal is filed by mail, such appeal shall be considered timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period it was placed in the possession of such postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail. Where the administrator or examiner has determined that the claimant is eligible for benefits, benefits shall be paid promptly in accordance with the determination regardless of the pendency of the period to file an appeal or the pendency of such appeal. No examiner shall participate in any case in which he is an interested party. Any person who has filed a claim for benefits pursuant to an agreement entered into by the administrator with the proper agency under the laws of the United States, whereby the administrator makes payment of unemployment compensation out of funds supplied by the United States, may in like manner file an appeal from the decision of such claim and apply for a hearing, and the United States or the agency thereof which had employed such person may in like manner appeal from the decision on such claim and apply for a hearing.

(b) The administrator shall adopt regulations, in accordance with the provisions of section 31-244 and chapter 54, effective July 1, 1992, establishing procedures and guidelines necessary to implement the provisions of this section. Such regulations shall prescribe a minimum number of days of advance notice to be afforded parties prior to a hearing and standards for determining the timeliness of written responses to hearing notices.


History: 1965 act specified that 7-day period for appeals excludes Sundays and holidays; 1967 act provided for extension of appeal deadline if last day for filing "falls on any day when the offices of the employment security division are not open for business"; 1971 act replaced provision which allowed payment of benefits which may be affected by hearing only after final determination is reached with provisions setting forth conditions under which payments may be made during the course of the appeal procedure; P.A. 73-536 specified that notification of employers is not necessary "in cases of claimants laid off for lack of work" and reworded notification provision for clarity, deleted references to "merit rating" accounts and to "compensable separations" and deleted provision requiring notification of state or political subdivision in claims where it is designated a base period employer; P.A. 74-229 deleted exception re notification requirement for claimants laid off for lack of work, required notification of employers re initial determination of benefit entitlement in all cases, added provision limiting employer's appeal rights and extended time for appeal to 14 days, deleting former exclusion for Sundays and holidays; P.A. 74-339 required that determination of eligibility be based on evidence presented in person or in writing at hearing and required that benefits be paid regardless of appeal where
previously payment of benefits was conditional; P.A. 79-187 required notification of employers "at the time notice is given to the claimant" rather than "in accordance with subsection (f) of section 31-225a"; P.A. 80-260 increased time for appeal to 21 days; P.A. 87-364 provided that an appeal filed after 21 calendar days may be timely if there was good cause for the late filing, and that the postmark of any appeal filed by mail will be used to determine timeliness; P.A. 91-107 designated existing section as Subsec. (a), made a technical change, added provisions re failure of the employer to appear at a hearing or submit a written response and added Subsec. (b) re regulations, effective July 1, 1992; P.A. 95-323 amended Subsec. (a) to allow evidence or testimony presented by telephone or by other electronic means, effective October 1, 1995, and applicable to any separation of employment occurring on or after that date.

See Sec. 1-2a re construing of references to "United States mail" or "postmark" to include references to any delivery service designated by the Secretary of the Treasury pursuant to Section 7502 of the Internal Revenue Code of 1986 or any successor to the code, as amended, and to any date recorded or marked as described in said Section 7502 by a designated delivery service and construing of "registered or certified mail" to include any equivalent designated by the Secretary of the Treasury pursuant to said Section 7502.

Expenses of appeal denied where not claimed before administrator. 133 C. 310. Cited. 135 C. 373. Cited. 141 C. 321. Unemployment commissioner's conclusion that the unemployment of the plaintiffs was due to the existence of a labor dispute is supported by the finding and therefore must stand. 142 C. 497. Cited re section's affect on the speed and fairness of the resolution of contested claims. 175 C. 269. Cited. 192 C. 104; Id., 581. Cited. 200 C. 243.


Sec. 31-242. Referee's hearing of claim on appeal from examiner: Decision, notices, remand; disqualification of referee, challenge. Unless such appeal is withdrawn, a referee shall promptly hear the claim, de novo, and render a decision thereon. Unless he has waived the notice or agreed to a shorter period of time, notice, by mail or otherwise, of the time and place of such hearing shall be given each interested party not less than five days prior to the date appointed therefor. The parties, including the administrator, shall be notified of the referee's decision, which notification shall be accompanied by a finding of the facts and the conclusions of law upon which the decision is based. The referee may, for good cause, issue a decision which remands the case to the administrator for such further proceedings as the referee may reasonably direct. Such hearing shall be held by the referee designated by the chief referee. No referee shall hear an appeal if he has any interest in the proceeding or in the business of any party to the proceeding. A challenge to the interest of a referee may be made by any party to the
proceeding. The decision on said challenge shall be made by the chairman of the board, after proceedings held in accordance with such rules of procedures as the board may establish.


History: 1971 act deleted "congressional" with references to districts; P.A. 74-339 referred to referees rather than commissioners, authorized waiver of notice or agreement to shorter time period by interested parties and added provisions re challenges to interest of referees; P.A. 87-364 provided that the referee may remand the case to the administrator for good cause.


Only employers whose merit rating accounts were charged with compensable separations have right to appeal from original award. 15 CS 62. Commissioner limited in his decision to the period covered by the decision of the examiner. 18 CS 11. Cited. 21 CS 19. Cited. 27 CS 217. Case remanded to commissioner for further proceedings where decision made was not specific as to dates of claimant's ineligibility for benefits on grounds of his failure to make reasonable efforts to find work. 28 CS 248. Cited. 37 CS 38. Cited. 44 CS 285.

Sec. 31-243. Continuous jurisdiction. Jurisdiction over benefits shall be continuous but the initiating of a valid appeal under section 31-242 or the pendency of valid appellate proceedings under section 31-249 shall, if the appellate tribunal has taken jurisdiction, stay any proceeding hereunder, but only in respect to the same period and the same parties, but shall not cause the cessation of payment of benefits as provided by section 31-242. Where the appellate tribunal has not taken jurisdiction, upon his own initiative, or upon application of any party in interest, the administrator, or the examiner designated by him, may, at any time within six months after the date of the original decision, or within such other time limits as may be applicable under section 31-273, review an award of benefits or the denial of a claim therefor, in accordance with the procedure prescribed in respect to claims, and may issue a new decision, which may award, terminate, continue, increase or decrease such benefits. Such new decision shall be appealable under the provisions of section 31-242 within the time prescribed in section 31-241, and where the claimant has been free from fault, a redetermination or new decision shall not affect benefits paid under a prior order. Any decision to review an award of benefits or the denial of a claim under this section shall be solely within the discretion of the administrator and shall not be appealable under the provisions of section 31-242.
History: 1971 act specified effect of appeals on proceedings and payment of benefits, added reference to time limits "applicable under section 31-273" in provision re review and specified that new decision is appealable under Sec. 31-242 rather than subject to review; P.A. 77-604 made technical correction substituting "affect" for "effect"; P.A. 92-210 added language providing that the administrator or examiner may review an award of benefits or denial of a claim where the appellate tribunal has not taken jurisdiction, deleted requirement for a change in conditions as grounds for review, and added language providing that decision to review shall be solely within the discretion of the administrator and shall not be appealable under Sec. 31-242.

Permits change of decision because of modifying circumstances and is limited to that.

161 C. 362. A limitation on the administration's power to oppose the plaintiff's appeal does not exist under this statute. 192 C. 104. Cited. Id., 581.

Administrator without power to review a decision made more than six months previously. 20 CS 107. Recovery of overpayment, when. 30 CS 123.

**Sec. 31-244. Procedure.** The manner in which disputed claims shall be presented and the reports thereon required from the claimant and from employers shall be in accordance with regulations prescribed by the administrator. Neither the administrator nor the examiners shall be bound by the ordinary common law or statutory rules of evidence or procedure, but may make inquiry in such manner, through oral testimony or written and printed records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A complete record shall be kept of all proceedings in connection with a disputed claim.

(1949 Rev., S. 7516; P.A. 74-339, S. 16, 36.)

History: P.A. 74-339 deleted provisions re hearings before the unemployment commission or its commissioners.


Cited. 16 CS 227. Cited. 18 CS 12. Claimant's petition was not dismissed because of his failure to comply with technicality of procedure, where there was sufficient statement of ground for review. 27 CS 403. Cited. 29 CS 316.

**Sec. 31-244a. Procedure on appeals; hearings; rules of evidence; record.** The conduct of hearings and appeals, including notice thereof, shall be in accordance with rules of procedure prescribed by the board in regulations adopted pursuant to section 31-
237g. No formal pleadings shall be required, beyond such notices as the board provides for by its rules of procedure. The referees and the board shall not be bound by the ordinary common law or statutory rules of evidence or procedure. They shall make inquiry in such manner, through oral testimony and written and printed records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A record shall be prepared of all testimony and proceedings at any hearing before a referee and before the board but need not be transcribed unless an appeal is taken from the referee's or board's decision, as the case may be.

(P.A. 74-339, S. 17, 36; P.A. 83-570, S. 13, 17.)

History: P.A. 83-570 added reference to procedural regulations.

Authorizes preparation of unemployment compensation hearing transcripts at the administrative appeal stage; there is no statutory requirement that plaintiffs be provided with free transcripts of hearings before appeals referees. 192 C. 581.

Cited. 40 CS 208. Hearsay evidence, admitted without objection, will be given its natural probative effect and may support a finding of the board, if corroborated by competent evidence in the record, but a finding of fact based solely on hearsay will not stand. 51 CS 302.

Sec. 31-245. Authority to administer oaths and issue subpoenas. In the discharge of the duties imposed by this chapter, the administrator, the examiners, the referees, the hearing officials designated pursuant to subsection (b) of section 31-237d and subsection (b) of section 31-273, and the chairman of the board shall have power to administer oaths and affirmations, certify to official acts and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda and other records deemed necessary as evidence in connection with the disputed claim or the administration of this chapter.


History: P.A. 74-339 deleted reference to unemployment commissioners and made provisions applicable to referees, chairman of the board and hearing officials designated pursuant to Sec. 31-273(e); P.A. 81-5 substituted reference to Sec. 31-273(f) for reference to Sec. 31-273(e); P.A. 86-403 made technical change, substituting reference to Sec. 31-273(b) for reference to Sec. 31-273(f); P.A. 88-53 added the reference to hearing officials designated pursuant to Subsec. (b) of Sec. 31-237d.


Sec. 31-246. Enforcement of subpoena. In case of contumacy by any person, or his refusal to obey a subpoena issued to him under section 31-245, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of
which such person guilty of contumacy or of refusal to obey is found or resides or transacts business, upon application by a referee, the chairman of the board or the administrator, shall have jurisdiction to issue to such person an order requiring him to appear before the referee, the board, the administrator or any examiner, there to produce evidence if so ordered or there to give testimony concerning the matter under investigation or in question; and any person failing to obey such order of the court may be punished by such court as for contempt thereof. Any person who, without just cause, fails to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda or other records, if it is in his power to do so, in obedience to a subpoena issued to him under said section 31-245, shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

(1949 Rev., S. 7518; P.A. 74-339, S. 19, 36.)

History: P.A. 74-339 replaced references to unemployment commissioners with references to referees, the board and its chairman.

Cited. 192 C. 581.

Sec. 31-247. Witness fees. Payment of expenses of proceedings. Subject to the approval of the administrator or chairman of the board, witnesses before the administrator, the referee or the board appearing pursuant to the provisions of section 31-245 shall be allowed fees as provided by law in civil actions. Such fees and all expenses of the Employment Security Appeals Division in connection with proceedings involving disputed claims shall be deemed a part of the expense of administering this chapter.

(1949 Rev., S. 7519; P.A. 74-339, S. 20, 36; P.A. 81-5, S. 5.)

History: P.A. 74-339 required approval of administrator or chairman of the board rather than of commissioner and specified witnesses who are allowed fees as those "before the administrator, the referee or the board appearing pursuant to the provisions of section 31-245"; P.A. 81-5 replaced "unemployment commission" with "employment security appeals division".

See Sec. 31-259(c) re withdrawals from Employment Security Administration Fund for payment of expenses incurred under this chapter.

See Sec. 52-260 re witness fees.


Sec. 31-248. Decisions of employment security referee; final date, notice; reopening; judicial review. (a) Any decision of a referee, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the
twenty-second calendar day after the date on which a copy of the decision is mailed to the party, provided (1) any such appeal or motion which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, and (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period, it was placed in the possession of such postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail.

(b) Any decision of a referee may be reopened, set aside, vacated or modified on the timely filed motion of a party aggrieved by such decision, or on the referee's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the mailing of a copy of the decision entered after any such reopening, setting aside, vacation or modification, or a decision denying such motion, as the case may be, provided no such motion from any party may be accepted with regard to a decision denying a preceding motion to reopen, vacate, set aside or modify filed by the same party. An appeal to the board from a referee's decision may be processed by the referee as a motion for purposes of reopening, vacating, setting aside or modifying such decision, solely in order to grant the relief requested.

(c) Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his remedy before the board, as provided in this chapter. The administrator shall be deemed to be a party to any judicial proceeding involving any such decision and shall be represented in such proceeding by the Attorney General.


History: 1971 act specified circumstances under which decision may be reopened, vacated, etc., set appeal period after reopening or modification and substituted "proceeding" for "action"; P.A. 74-339 substituted references to referees for references to commissioners and referred to date of mailing or personal delivery of copy of decision rather than to date of decision's rendition; P.A. 77-426 deleted references to personal delivery of copy of decision; P.A. 80-260 changed time at which decision becomes final or is reopened, modified, etc from fifteenth day after notification is mailed to twenty-second day after mailing; P.A. 81-5 substituted "board" for "commission"; P.A. 87-364 provided that appeal filed after 21 calendar days may be timely if there was good cause for the late filing, that 21-day period can only end on a business day and that postmark of any appeal filed by mail will be used to determine timeliness, and established requirements for filing motions to reopen, set aside, vacate or modify the referee's decision.
See Sec. 1-2a re construing of references to "United States mail" or "postmark" to include references to any delivery service designated by the Secretary of the Treasury pursuant to Section 7502 of the Internal Revenue Code of 1986 or any successor to the code, as amended, and to any date recorded or marked as described in said Section 7502 by a designated delivery service and construing of "registered or certified mail" to include any equivalent designated by the Secretary of the Treasury pursuant to said Section 7502.


Cited. 3 CA 258. Cited. 9 CA 131. Cited. 43 CA 512.

Cited. 27 CS 404. Where plaintiff's petition of appeal failed totally to present any grounds of review, decision of commissioner became final on fifteenth day after it was rendered. Id., 407.

Subsec. (c):

Cited. 44 CS 285.

Sec. 31-248a. Transfer of case from referee to Employment Security Board of Review. At any time before the referee's decision has become final within the periods of time prescribed in section 31-248 or at any time during the pendency of a proceeding before a referee, the board may transfer any case to itself for hearing and decision either on its own motion or at the request of any party to the proceeding, including the administrator.

(P.A. 74-339, S. 24, 36.)


Sec. 31-249. Appeal from employment security referee's decision to Employment Security Board of Review. At any time before the referee's decision has become final within the periods of limitation prescribed in section 31-248, any party including the administrator, may appeal therefrom to the board. Such appeal shall be filed and may be heard in any local office of the employment security division or, in the case of an interstate claim, in the office in which the claim was filed, or in the office of the appeals referee or the board of review. Such appeal to the board may be heard on the record of the hearing before the referee or the board may hear additional evidence or testimony, provided the board shall determine what evidence shall be heard in the appeal established in accordance with the standards and criteria in regulations adopted pursuant to section 31-237g. The board may remand the case to a referee for such further proceedings as it may direct. Upon the final determination of the appeal by the board, it shall issue its decision, affirming, modifying or reversing the decision of the referee. The board shall state in each decision whether or not it was based on the record of the hearing before the
referees, the reasons for the decision and the citations of any precedents used to support it. In any case in which the board modifies the referee's findings of fact or conclusions of law, the board's decision shall include its findings of fact and conclusions of law.


History: 1971 act substituted "judicial proceeding" for "action", replaced section 397 with section 438 of practice book, deleted "of errors" with reference to "supreme court", specified appeals to superior court need not require bond, authorized court to order that appeal shall not stay decision pending final adjudication, included disposition of appeal by remand and added provisions re procedure in remanded cases and gave judges unquestioned right to make rules regarding appeals from decisions of unemployment commissioners where previously they had the same right "as they have in workmen's compensation appeals"; P.A. 74-339 replaced references to commissioners with references to referees and replaced previous provisions re appeals to superior court with new provisions re appeals to the board; P.A. 77-426 added provision re sites at which appeals shall be filed and heard; P.A. 83-570 added reference to procedural regulations and required board to include statement of basis and reasons for decision and citation of precedents in its decisions.

See Sec. 31-301 re appeals to Compensation Review Board under provisions of Workers' Compensation Act.


Grounds on which supreme court may correct commissioner's findings. 7 CS 375; 10 CS 186. Appeal same as provided for in workmen's compensation act. 12 CS 391. Right of appeal limited to those originally allowed to appeal under Sec. 31-241. 15 CS 62. Aggrieved party analogous to Sec. 45-288. Id., 62. Cited. 17 CS 288. Court lacks jurisdiction to hear appeal if basis of commissioner's jurisdiction is not found in this chapter. 21 CS 19. Function of court is to determine whether commissioner acted unreasonably, arbitrarily or illegally. Id., 144. Court may only determine whether commissioner acted unreasonably, arbitrarily or illegally. But if findings and conclusions of commissioner are not warranted by evidence, court may remand case for a rehearing and finding of facts in accordance with evidence. 22 CS 302. Cited. 23 CS 193; Id., 236. Function of court is only to ascertain whether commissioner's conclusion was unreasonable, arbitrary or illegal. 24 CS 507. Cited. 27 CS 215. Appeals hereunder are distinguished from workmen's compensation act appeals in that grounds on which review is sought should be stated. Id., 403. In total absence of any statement of grounds of
review, superior court had no jurisdiction of appeal and decision of commissioner became final fifteen days after it was rendered. Id., 407. Review powers of superior court sufficient to remand decision of commissioner to him to make it more specific and to make full determination of rights of parties. 28 CS 248. Cited. 29 CS 316. Superior court has only limited jurisdiction to review commissioner's finding. 33 CS 119. Cited. 37 CS 38. Cited. 39 CS 520. Cited. 44 CS 285.

**Sec. 31-249a. Decision of board, final date, grounds for reopening appeal, payment of benefits, exhaustion of remedies.** (a) Any decision of the board, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the thirty-first calendar day after the date on which a copy of the decision is mailed to the party, provided (1) any such appeal or motion which is filed after such thirty-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day and (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such thirty-day period or bears a legible United States postal service postmark which indicates that within such thirty-day period it was placed in the possession of such postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail.

(b) Any decision of the board may be reopened, vacated, set aside, or modified on the timely filed motion of a party aggrieved by such decision, or on the board's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the mailing of a copy of the decision entered after any such reopening, vacating, setting aside or modification, or the decision denying such motion, as the case may be, provided no such motion from any party may be accepted with regard to a decision denying a preceding motion to reopen, vacate, set aside or modify filed by the same party. An appeal to Superior Court from a board decision may be processed by the board as a motion for purposes of reopening, vacating, setting aside or modifying such decision solely in order to grant the relief requested.

(c) Benefits shall be paid or denied in accordance with the decision of the board. Where the board has determined that the claimant is eligible for benefits and an appeal has been initiated under section 31-249b, benefits shall be paid during the pendency of an appeal before the court. Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his remedies before the board, as provided in this chapter.

History: P.A. 77-426 deleted reference to personal delivery of copy of decision; P.A. 79-187 changed time for final decision or for reopening, modifying, etc. decision from fifteenth to thirty-first day after mailing of decision; P.A. 87-364 provided that appeal filed after 21 calendar days may be timely if there was good cause for the late filing, that 21-day period can only end on a business day and that postmark of any appeal filed by mail will be used to determine timeliness, and established requirements for filing motions to reopen, set aside, vacate or modify the referee's decision.

See Sec. 1-2a re construing of references to "United States mail" or "postmark" to include references to any delivery service designated by the Secretary of the Treasury pursuant to Section 7502 of the Internal Revenue Code of 1986 or any successor to the code, as amended, and to any date recorded or marked as described in said Section 7502 by a designated delivery service and construing of "registered or certified mail" to include any equivalent designated by the Secretary of the Treasury pursuant to said Section 7502.

Cited. 192 C. 581.

Board's decision on whether to reopen a case is discretionary, not mandatory. 36 CS 210, 211. Cited. 44 CS 285.

Sec. 31-249b. Appeal. At any time before the board's decision has become final, any party, including the administrator, may appeal such decision, including any claim that the decision violates statutory or constitutional provisions, to the superior court for the judicial district of Hartford or for the judicial district wherein the appellant resides. Any or all parties similarly situated may join in one appeal. In such judicial proceeding the original and five copies of a petition, which shall state the grounds on which a review is sought, shall be filed in the office of the board. The chairman of the board shall, within the third business day thereafter, cause the original petition or petitions to be mailed to the clerk of the Superior Court and copy or copies thereof to the administrator and to each other party to the proceeding in which such appeal was taken; and said clerk shall docket such appeal as returned to the next return day after the receipt of such petition or petitions. In all cases, the board shall certify the record to the court. The record shall consist of the notice of appeal to the referee and the board, the notices of hearing before them, the referee's findings of fact and decision, the findings and decision of the board, all documents admitted into evidence before the referee and the board or both and all other evidentiary material accepted by them. Upon request of the court, the board shall (1) in cases in which its decision was rendered on the record of such hearing before the referee, prepare and verify to the court a transcript of such hearing before the referee; and (2) in cases in which its decision was rendered on the record of its own evidentiary hearing, provide and verify to the court a transcript of such hearing of the board. In any appeal, any finding of the referee or the board shall be subject to correction only to the extent provided by section 22-9 of the Connecticut Practice Book. Such appeals shall be claimed for the short calendar unless the court shall order the appeal placed on the trial list. An appeal may be taken from the decision of the Superior Court to the Appellate Court in the same manner as is provided in section 51-197b. It shall not be necessary in any judicial proceeding under this section that exceptions to the rulings of the board shall
have been made or entered and no bond shall be required for entering an appeal to the Superior Court. Unless the court shall otherwise order after motion and hearing, the final decision of the court shall be the decision as to all parties to the original proceeding. In any appeal in which one of the parties is not represented by counsel and in which the party taking the appeal does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may of its own motion dismiss the appeal, or the party ready to proceed may move for nonsuit or default as appropriate. When an appeal is taken to the Superior Court, the clerk thereof shall by writing notify the board of any action of the court thereon and of the disposition of such appeal whether by judgment, remand, withdrawal or otherwise and shall, upon the decision on the appeal, furnish the board with a copy of such decision. The court may remand the case to the board for proceedings de novo, or for further proceedings on the record, or for such limited purposes as the court may prescribe. The court also may order the board to remand the case to a referee for any further proceedings deemed necessary by the court. The court may retain jurisdiction by ordering a return to the court of the proceedings conducted in accordance with the order of the court or the court may order final disposition. A party aggrieved by a final disposition made in compliance with an order of the Superior Court, by the filing of an appropriate motion, may request the court to review the disposition of the case.


History: P.A. 75-339 allowed appeals to court "in and for the county wherein the appellant resides"; P.A. 76-436 added reference to judicial districts and specified that appeals to supreme court be made in accordance with Sec. 52-7 rather than "in the same manner as is provided in civil actions", effective July 1, 1978; P.A. 78-280 deleted reference to counties and substituted "judicial district of Hartford-New Britain" for "Hartford county"; P.A. 79-376 replaced "workmen's compensation" with "workers' compensation"; P.A. 80-428 specified when transcript is to be provided to court where previously transcript was a part of record without exception; P.A. 81-472 removed language concerning the assignment of appeals with the same privileges as workers' compensation appeals, as such workers compensation appeals no longer have preferential status; P.A. 82-472 made a technical correction; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 00-196 made a technical change; P.A. 07-193 authorized appeal of board's decision, including any claim that decision violates statutory or constitutional provisions.


Reviewing court does not try the matter de novo, but only determines whether the board acted unreasonably, arbitrarily or illegally. 36 CS 210. Cited. 37 CS 38. Cited. 40 CS 305. Cited. 44 CS 285.

Sec. 31-249c. Administrator a party to all appeal proceedings. Right of board to intervene as a party. The administrator shall be deemed to be a party to any proceeding under this chapter before a referee, the board or any reviewing court. The board shall have the right to intervene as a party in any proceeding under this chapter before a reviewing court.

(P.A. 74-339, S. 27, 36; P.A. 91-227.)

History: P.A. 91-227 added provisions re right of the board to intervene as a party in proceedings before a reviewing court.

Cited. 192 C. 104; Id., 581.

Cited. 39 CA 441.

Sec. 31-249d. Disqualification of referees and board members as advocates. No referee or member of the board shall appear for or on behalf of himself or any party before any other referee or before the board. No referee or member of the board shall appear in any court on his own behalf or on behalf of any party whose matter before the court consists of an appeal or other proceeding which commenced before one of the referees or before the board.

(P.A. 74-339, S. 26, 36.)

Cited. 192 C. 581.

Sec. 31-249e. Decisions of board and referees to be in writing, delivered to parties with appellate notice. Every decision of a referee, or the board shall be in writing and delivered in person or by mail to the parties concerned immediately
following its rendition. The decision shall contain a notice setting forth the appellate rights of parties.

(P.A. 74-339, S. 28, 36.)

Cited. 192 C. 581.

Sec. 31-249f. Decisions of board as precedents, referees' decisions as authority. Index of cases decided. (a) Final decisions of the board shall be binding in all subsequent proceedings involving similar questions. Final decisions of referees and the principles of law declared in their support shall be binding on the administrator and shall further be persuasive authority in subsequent referee proceedings. If in any subsequent proceeding the administrator or a referee has serious doubt as to the correctness of any principles previously declared by a referee or by the board, or if there is an apparent inconsistency or conflict in final decisions of comparable authority, then the findings of fact in such case may be certified, together with the question of law involved, to the board. After giving notice and reasonable opportunity for hearing upon the law to all parties to the proceedings, the board shall certify to the administrator or referee and the parties its answer to the question submitted; or the board in its discretion may remove to itself the entire proceeding as provided in section 31-248a and render its decision upon the entire case.

(b) The board shall publish an index of all cases decided by the board on and after July 1, 1983. The index shall include, but not be limited to, a subject reference and a reference of all statutory sections and court cases under which each case was decided.

(P.A. 74-339, S. 30, 36; P.A. 83-570, S. 15, 17.)

History: P.A. 83-570 added Subsec. (b) requiring index of decisions.

Cited. 192 C. 581.

Sec. 31-249g. Use of arbitration decisions by board or referees. Preclusive effect of unemployment compensation proceedings. (a) In proceedings conducted pursuant to this chapter, the Employment Security Board of Review or any employment security appeals referee may admit into evidence any decision resulting from arbitration proceedings and shall accord such decision the weight appropriate under the facts and circumstances of the case, provided no such decision shall have preclusive effect in any proceeding under this chapter.

(b) No finding of fact or conclusion of law contained in a decision of an employment security appeals referee, the board of review or a court, obtained under this chapter, shall have preclusive effect in any other action or proceeding, except proceedings under this chapter.

(P.A. 87-364, S. 5, 8.)
Sec. 31-249h. Regulations defining "good cause". On or before January 1, 1988, the Employment Security Board of Review shall adopt regulations, in accordance with the provisions of chapter 54, which establish a definition of "good cause" for the timeliness of filing motions or appeals pursuant to sections 31-241, 31-248 and 31-249a. Such regulations may be adopted by the board prior to January 1, 1988, but may not take effect prior to that date.

(P.A. 87-364, S. 6, 8.)

Sec. 31-250. Administration. Duties and powers of administrator. (a) In administering this chapter, the administrator may adopt such regulations, employ such persons, make such expenditures, require such reports, make such investigations and take such other action as may be necessary or suitable. Such regulations shall be effective upon publication in the manner which the administrator prescribes. As provided in section 4-60, the administrator shall submit to the Governor a report covering the administration and operation of this chapter during the preceding fiscal year and shall make such recommendations for amendments to this chapter as he deems proper. The administrator shall comply with the provisions of Section 303(a)(6) and (7) of the federal Social Security Act, and of Section 303(c), added to the federal Social Security Act by Section 13(g) of the federal Railroad Unemployment Insurance Act. The administrator is authorized to receive the reimbursement of the federal share of extended benefits paid under the provisions of sections 31-232b to 31-232h, inclusive, and section 31-232k that are reimbursable under the provisions of federal law.

(b) In the administration of this chapter, the administrator shall cooperate with the United States Department of Labor to the fullest extent consistent with the provisions of this chapter, and shall take such action, through the adoption of appropriate rules, regulations, administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the Social Security Act that relate to unemployment compensation, the federal Unemployment Tax Act, the Wagner-Peyser Act, and other appropriate federal law.

(c) Notwithstanding the provisions of section 4b-23 to the contrary, the administrator shall have the authority to carry out all activities necessary to lease premises required for employment security operations, provided (1) said administrator has complied with all applicable federal requirements, (2) only federal funds are used for such leasing activities and (3) the proposed terms of the lease have been submitted to the Commissioner of Public Works and approved by the State Properties Review Board, which board shall, not more than sixty days after receipt of such lease from said commissioner, issue its approval or disapproval based solely upon whether the proposed location and rent are reasonable when compared to available space and prevailing rents in the same geographic area.

History: 1970 act authorized administrator to receive the reimbursement of the federal share of extended benefits; 1971 act added Subsec. (b) re cooperation with U.S. Department of Labor and actions to secure advantage available under federal law; P.A. 76-116 added Subsec. (c) re administrator's leasing powers; P.A. 77-614 replaced public works commissioner with commissioner of administrative services; P.A. 81-17 added reference to benefits under Sec. 31-232k in Subsec. (a); P.A. 87-496 substituted "public works" for "administrative services" commissioner in Subsec. (c).

Constitutionality of regulation defining agricultural labor upheld. 125 C. 300.

Policies of department have less legal standing than regulations and cannot amend a statute to effectuate purpose not therein stated. Hence policy of department providing that "a nonunion job is unsuitable for a union man" is untenable as discriminatory. 27 CS 446.

Sec. 31-250a. Advisory board. Membership. Functions and duties. (a) There is established an advisory board to advise the administrator on matters concerning policy for and the operation of the Employment Security Division. The advisory board shall consist of eight members, who shall be appointed as follows: Two by the Governor, one of whom shall be appointed with the advice of state-wide organizations representing employers and one with the advice of state-wide labor organizations; one by the president pro tempore of the Senate with the advice of state-wide labor organizations; one by the speaker of the House of Representatives with the advice of state-wide labor organizations; one by the majority leader of the Senate with the advice of state-wide organizations representing employers; one by the majority leader of the House of Representatives with the advice of state-wide organizations representing employers; one by the minority leader of the Senate with the advice of organizations representing employers; and one by the minority leader of the House of Representatives with the advice of state-wide labor organizations.

(b) The initial terms of the members shall be as follows: Those appointed by the Governor shall serve for one year; those appointed by the president pro tempore of the Senate and the majority leader of the House of Representatives shall serve for two years; those appointed by the majority leader of the Senate and the speaker of the House of Representatives shall serve for three years; and those appointed by the minority leaders of the Senate and House of Representatives shall serve for four years. Terms of the appointed members following the initial terms shall be for four years.

(c) The appointed members of the advisory board shall select a ninth member who shall be impartial and serve as the chairman of the advisory board. The members of the advisory board shall serve without compensation. The advisory board shall not be construed to be a board or commission subject to the provisions of section 4-9a. The administrator shall provide such information as is necessary for the performance of the functions and duties of the advisory board.

(d) The advisory board shall meet at least three times in each calendar year and at
such other times as the chairman or the administrator deems necessary. All actions of the advisory board shall require the affirmative vote of six members of the advisory board. The advisory board may bring any matter related to the operation of the Employment Security Division to the attention of the administrator. The advisory board may adopt any rules or procedures that the board deems necessary to carry out its duties under this chapter.

(e) The advisory board shall report annually, on or before the first day of January, to the administrator on any matter concerning the Employment Security Division.

(f) No regulations concerning the Employment Security Division shall be adopted without consultation with the advisory board.

(g) Notwithstanding the provisions of this section, the advisory board shall not advise the administrator with respect to assessments established by the administrator pursuant to subparagraph (B) of subdivision (2) of subsection (e) of section 31-225a, or with respect to procedures established by the administrator concerning billing, payment and collection of such assessments.

(P.A. 93-243, S. 7, 15; 93-419, S. 2, 9; P.A. 96-206, S. 2.)

History: P.A. 93-243 effective June 23, 1993; P.A. 93-419 amended Subsec. (a) to reduce appointments made by president pro tempore and house speaker from two each to one each, authorized appointment of one member by each of the majority leaders, amended Subsec. (c) to delete requirement that members be reimbursed for board-related expenses, amended Subsec. (f) to delete provision requiring majority board approval for adoption of regulations re employment security division and added Subsec. (g) prohibiting board from advising administrator re employer assessments for advance fund, effective July 1, 1993; P.A. 96-206 amended Subsec. (d) to change the meeting requirements from twice in each calendar quarter to three times in each calendar year.

Sec. 31-251. General regulations. Section 31-251 is repealed.

(1949 Rev., S. 7523; 1949, S. 3079d; P.A. 73-616, S. 31; P.A. 89-51, S. 2.)

Sec. 31-252. Public distribution of law, regulations and reports. With the approval of the Commissioner of Administrative Services, the administrator shall cause to be printed for distribution to the public the text of this chapter, the administrator's general regulations and his annual reports to the Governor and any other material the administrator deems relevant and suitable, together with such decisions of the referees as the board considers of general interest, and shall furnish the same to any person upon application therefor.

(1949 Rev., S. 7524; P.A. 74-339, S. 29, 36; P.A. 77-614, S. 70, 610.)

History: P.A. 74-339 replaced unemployment commission and commissioners with
board and referees; P.A. 77-614 replaced commissioner of finance and control with commissioner of administrative services.

Cited re section's affect on the speed and fairness of the resolution of contested claims. 175 C. 269.

**Sec. 31-253. Delegation of authority.** The administrator may delegate to any person duly employed such authority as he deems reasonable and proper for the effective administration of his duties.

(1949 Rev., S. 7525; June, 1955, S. 3080d.)

**Sec. 31-254. Records and reports. State directory of new hires. Disclosure.** (a)(1) Each employer, whether or not otherwise subject to this chapter, shall keep accurate records of employment as defined in subsection (a) of section 31-222, containing such information as the administrator may by regulation prescribe in order to effectuate the purposes of this chapter. Such records shall be open to, and available for, inspection and copying by the administrator or his authorized representatives at any reasonable time and as often as may be necessary. The administrator may require from any employer, whether or not otherwise subject to this chapter, any sworn or unsworn reports with respect to persons employed by him which are necessary for the effective administration of this chapter. Except as provided in subdivision (2) of this subsection and subsection (g) of this section, information obtained shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the employee's or the employer's identity, but any claimant at a hearing before a commissioner shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee of the administrator, or any other public employee, who violates any provision of this section shall be fined not more than two hundred dollars or imprisoned not more than six months or both and shall be dismissed from the service. Reports or records which have been required by the administrator and which have been used in computing benefit rights of claimants or in the determination of the amounts and rates of contributions shall be preserved by the administrator for a period of at least four years. Those records or reports required by the administrator which have not been used for the purpose of computing benefit rights or in the determination of the amounts or rates of contributions shall be preserved by the administrator for at least two and one-half years. Such records or reports may, after preservation for the minimum period required by this section, be destroyed by the administrator in his discretion, notwithstanding the provisions of section 11-8a. Notwithstanding any of the disclosure provisions of this chapter, the administrator shall provide upon request of the public agency administering the TANF and child support programs, any information in his possession relating to individuals: (A) Who are receiving, have received, or have applied for unemployment insurance; (B) the amount of benefits being received; (C) the current home address of such individuals; and (D) whether any offer of work has been refused and, if so, a description of the job and the terms, conditions, and rate of pay therefor. Notwithstanding any of the disclosure provisions of this chapter, the administrator shall provide, upon request of the
Connecticut Student Loan Foundation, its officers or employees, any information in his possession relating to the current residence address or place of employment of any individual who has been determined by the Connecticut Student Loan Foundation to be in default on his student loan. Reimbursement for the cost of furnishing this information shall be made by the agency requesting the data in a manner prescribed by the administrator of this chapter.

(2) Any authorized user of the CTWorks Business System shall have access to any information required to be entered into such system by the federal Trade Adjustment Assistance program, established by the Trade Act of 1974, as amended by 19 USC 2271 et seq., provided the user enters into a written agreement with the administrator establishing safeguards to protect the confidentiality of any information disclosed to such user. Each authorized user shall reimburse the administrator for all costs incurred by the administrator in disclosing information to such user. Information contained in the system shall not be disclosed or redisclosed to any unauthorized user, except that aggregate reports from which individual data cannot be identified may be disclosed. Any person who violates any provision of this subdivision shall be fined not more than two hundred dollars or imprisoned not more than six months, or both, and shall be prohibited from any further access to information in the system.

(b) The Labor Department shall administer a state directory of new hires in accordance with this section. Not later than twenty days after the date of employment, each employer maintaining an office or transacting business in this state shall report the name, address and Social Security number of each new employee employed in this state to the Labor Department by forwarding to said department a copy of the Connecticut income tax withholding or exemption certificate completed by such employee or by any other means consistent with regulations the Labor Commissioner may adopt in accordance with chapter 54, except that employers reporting magnetically or electronically shall report new employees, if any, at least twice per month by transmissions not less than twelve nor more than sixteen days apart. Each such report shall indicate the name, address and state and federal tax registration or identification numbers of the employer. Such information shall be transmitted in a format prescribed by the Labor Commissioner. Such information shall be entered by the Labor Department in the state directory of new hires within five business days of receipt and may be used by the Labor Commissioner in accordance with his powers and duties but shall be confidential and shall not be disclosed except as provided in subsections (d) and (e) of this section and subsection (b) of section 31-254a.

(c) (1) For the purposes of this section, "employer" does not include any department, agency or instrumentality of the United States; or any state agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to this section with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission. For the purposes of subsections (b) to (e), inclusive, of this section, the terms "employer" and "employee" shall include persons engaged in the acquisition and rendition, respectively, of independent contractual services, provided the expected value of such
services for the calendar year next succeeding the effective date of the contract for such services, is at least five thousand dollars.

(2) An employer that has employees who are employed in this state and one or more other states and that transmits reports magnetically or electronically shall not be required to report to this state if such employer has designated another state in which it has employees to which it will transmit reports, provided such employer has notified the Labor Commissioner, in writing, as to which other state it has designated for the purpose of sending such reports.

(d) On a daily basis, in IV-D support cases, as defined in section 46b-231, the Department of Social Services shall compile a list of all individuals who are the subject of a child support investigation or action being undertaken by the IV-D agency, as defined in section 46b-231, and shall transmit such list to the Labor Department. The Labor Department shall promptly identify any new employee who is such an individual and said department shall transmit to the Department of Social Services the name, address and Social Security number of each new employee and the name, address and state and federal tax registration or identification numbers of the employer. The IV-D agency shall use such information to locate individuals for purposes of establishing paternity and establishing, modifying and enforcing child or medical support orders, and may disclose such information to any agent of such agency that is under contract to carry out such purposes. The Labor Commissioner shall require that confidentiality safeguards be part of the contracting agency's agreement with the Department of Social Services.

(e) On a biweekly basis, the Department of Social Services shall compile a list of individuals who are receiving public assistance under the temporary assistance for needy families, Medicaid, supplemental nutrition assistance, state supplement and state-administered general assistance programs and shall transmit such list to the Labor Department. The Labor Department shall promptly identify any new employee who is such an individual and said department shall transmit to the Department of Social Services the name, address and Social Security number of each such new employee and the name, address and state and federal tax registration or identification numbers of the employer.

(f) The Department of Social Services shall reimburse the Labor Department for any costs included in carrying out the provisions of this section, including the cost of providing a toll-free facsimile number for employers required to report pursuant to subsection (b) of this section and section 31-254a. The Commissioner of Social Services and the Labor Commissioner shall enter into a purchase of service agreement which establishes procedures necessary for the administration of subsections (b) to (f), inclusive, of this section.
Public Act 12-192 Subsection (g) of section 31-254 of the general statutes is repealed and the following is substituted in lieu thereof:

(g) (1) Notwithstanding any of the information disclosure provisions of this section, the administrator shall disclose information obtained pursuant to subsection (a) of this section to: (A) A regional workforce development board, established pursuant to section 31-3k, to the extent necessary for the effective administration of the federal Trade Adjustment Assistance Program of the Trade Act of 1974, as amended from time to time, the federal Workforce Investment Act, as amended from time to time, and the state employment services program established pursuant to section 17b-688c for recipients of temporary family assistance, provided a regional workforce development board, enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; (B) a nonpublic entity that is under contract with the United States Department of Labor to administer grants which are beneficial to the interests of the administrator, provided such nonpublic entity enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; or (C) the president of the Board of Regents for Higher Education, appointed under section 10a-1a, for use in the performance of such president's official duties to the extent necessary for evaluating programs at institutions of higher education governed by said board pursuant to section 10a-1a, provided such president enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information.

(2) Any written agreement shall contain safeguards as are necessary to protect the confidentiality of the information being disclosed, including, but not limited to a:

(A) Statement from the regional workforce development board, [or] nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, of the purposes for the requested information and the specific use intended for the information;

(B) Statement from the regional workforce development board, [or] nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, that the disclosed information shall only be used for such purposes as are permitted by this subsection and consistent with the written agreement;

(C) Requirement that the regional workforce development board, [or] nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, store the disclosed information in a location that is physically secure from access by unauthorized persons;

(D) Requirement that the regional workforce development board, [or] nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, store and process
the disclosed information maintained in an electronic format in such a way that ensures that unauthorized persons cannot obtain the information by any means;

(E) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, establish safeguards to ensure that only authorized persons, including any authorized agent of the board, nonpublic entity, institution of higher education or such institution's governing board, are permitted access to disclosed information stored in computer systems;

(F) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, enter into a written agreement, that has been approved by the administrator, with any authorized agent of the board, nonpublic entity, or president of the Board of Regents for Higher Education, which agreement shall contain the requisite safeguards contained in the written agreement between the board, nonpublic entity, or president of the Board of Regents for Higher Education and the administrator;

(G) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, instruct all persons having access to the disclosed information about the sanctions specified in this section, and further require each employee of such board, nonpublic entity, or president of the Board of Regents for Higher Education, and any agent of such board, nonpublic entity, or president of the Board of Regents for Higher Education, authorized to review such information, to sign an acknowledgment that such employee or such agent has been advised of such sanctions;

(H) Statement that redisclosure of confidential information is prohibited, except with the written approval of the administrator;

(I) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, dispose of information disclosed or obtained under this subsection, including any copies of such information made by the board, nonpublic entity, or president of the Board of Regents for Higher Education, after the purpose for which the information is disclosed has been served, either by returning the information to the administrator, or by verifying to the administrator that the information has been destroyed;

(J) Statement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, shall permit representatives of the administrator to conduct periodic audits, including on-site inspections, for the purpose of reviewing such board's, nonpublic entity's, or president of the Board of Regents for Higher Education's adherence to the confidentiality and security provisions of the written agreement; and

(K) Statement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, shall reimburse
the administrator for all costs incurred by the administrator in making the requested information available and in conducting periodic audits of the board's, nonpublic entity's, or president of the Board of Regents for Higher Education's procedures in safeguarding the information.

(3) Any employee or agent of a regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, who discloses any confidential information in violation of this section and the written agreement, entered into pursuant to subdivision (2) of this subsection, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both, and shall be prohibited from any further access to confidential information.


History: P.A. 77-426 specified information which may be disclosed to public agency administering AFDC and child support programs; P.A. 80-338 made technical changes and substituted reference to Sec. 11-8a for reference to Sec. 4-34; P.A. 84-396 added provision re disclosure, upon the request of the Connecticut Student Loan Foundation, of the current address or place of business of any individual determined to be in default on his student loan; June 18 Sp. Sess. P.A. 97-2 replaced reference to "AFDC" with "TANF", effective July 1, 1997; June 18 Sp. Sess. P.A. 97-4 designated existing provisions as Subsec. (a) and added new Subsecs. (b) to (f) re Labor Department administration of state directory of new hires, effective October 1, 1998; June 18 Sp. Sess. P.A. 97-11 changed effective date of June 18 Sp. Sess. P.A. 97-4 but without affecting this section; P.A. 03-89 amended Subsec. (c)(1) by expanding definition of "employer" and "employee" for purposes of Subsecs. (b) to (e), inclusive, to include persons engaged in acquisition and rendition of independent contractual services when expected value of such services is at least $5,000 for a calendar year; P.A. 04-76 amended Subsec. (e) by replacing reference to "general assistance" with reference to "state-administered general assistance"; P.A. 07-125 amended Subsec. (a) by designating existing provisions as Subdiv. (1), adding exception re provisions of Subdiv. (2) and making technical changes therein, and adding Subdiv. (2) re access to and confidentiality of information in CTWorks Business System and penalties for violation of subdivision; P.A. 07-160 amended Subsec. (a) by adding exception re provisions of Subsec. (g) and making technical changes and added Subsec. (g) re disclosure of certain information to a regional workforce development board that enters into a confidentiality agreement with administrator concerning disclosure of information, effective July 1, 2007; P.A. 09-9 amended Subsec. (e) by replacing "food stamp" with "supplemental nutrition assistance", effective May 4, 2009; P.A. 09-33 amended Subsec. (g)(1) by designating existing provisions re disclosure to regional workforce development board as Subpara. (A) and adding Subpara. (B) re disclosure to nonpublic entity under contract with United States Department of Labor to administer grants which are beneficial to the interests of
Sec. 31-254a. Wage and claim information to national directory of new hires. (a) The Labor Department shall, on a quarterly basis, furnish to the national directory of new hires extracts of the wage and claim information contained in the records required and maintained by the Labor Commissioner pursuant to this chapter and to the extent required by applicable provisions of state and federal law.

(b) Not later than three business days after the date information regarding a newly hired employee is entered into the state directory of new hires, the Labor Department shall furnish such information to the national directory of new hires established under the Welfare Reform Act, 42 USC 653.

Sec. 31-255. Reciprocal agreements with other states. (a) The administrator is authorized to enter into agreements with the proper agencies under the laws of other states and of the United States to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under the laws of such other states or the United States, or who have, after acquiring potential rights to unemployment compensation under the laws of such other states or of the United States, acquired rights to benefits under this chapter and to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, or after acquiring potential rights to unemployment compensation under the laws of such other states, changed their residence so that it is no longer practicable for them to make their application for benefits in the state or states in which their potential benefit rights exist. Such agreements may provide that wages with respect to which contributions have been paid or are payable under an unemployment compensation law of another state, or of the United States, shall be deemed to be wages with respect to which contributions have been paid or are payable under this chapter for the purpose of determining his rights to benefits under this chapter; and that wages with respect to which contributions have been paid or are payable under this chapter shall be deemed to be wages for the purpose of determining benefit rights under such law of another state or of the United States; but no such agreement shall be entered into unless it contains provisions for reimbursements to the Unemployment Compensation Fund for such of the benefit rights established under this chapter upon the basis of such wages, and provisions for reimbursements from the Unemployment Compensation Fund for such of the benefit rights, established under such other law upon the basis of wages with respect to which contributions have been paid or are payable under this chapter, as the
administrator finds will be fair and equitable as to all affected interests. Such agreements may also provide, with respect to individuals who have, after acquiring potential rights to benefits under this chapter, changed their residence so that it is no longer practicable for them to make their applications for benefits in this state, that the initial determination for such individuals shall be made by the administrator, that the subsequent eligibility for benefits be determined by and in accordance with the provisions of the law of the state in which such claim is filed and the appeal from either of these determinations be pursued before the appellate tribunal provided in the state where the determination complained of has been made. Reimbursements paid from the Unemployment Compensation Fund pursuant to this section shall be deemed to be benefits for the purposes of this chapter.

The administrator is authorized to make to other state or federal agencies, and to receive from such other state or federal agencies, reimbursements from or to the Unemployment Compensation Fund, in accordance with agreements entered into pursuant to this section. The administrator is authorized to enter into agreements with the proper agencies under the laws of other states or of the United States whereby the administrator may, out of funds supplied by such other states or the United States, make payment of unemployment compensation or unemployment allowances of any kind. The administrator is authorized to enter into reciprocal arrangements with appropriate and duly authorized agencies of other states whereby services performed by an individual for an employer for whom services are customarily performed within this state, or both within and without this state, shall be deemed to be services performed entirely within any one of the states (i) in which any part of such individual's service is performed or (ii) in which such individual has his residence or (iii) in which the employer maintains a place of business, provided there shall be in effect as to such services an election, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which all the services performed by such individual for such employer are deemed to be performed entirely within such state.

(b) The administrator shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment covered under this chapter with his wages and employment covered under the unemployment compensation laws of other states which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for (1) applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and (2) avoiding the duplicate use of wages and employment by reason of such combining.


History: 1971 act added Subsec. (b) re arrangements for combining wages and employment under Connecticut law with wages and employment under laws of other states; P.A. 89-51 deleted the provision concerning filing the agreements with the secretary of the state.
Cited. 2 CA 1.

**Sec. 31-256. Application for advances to Unemployment Trust Fund.** The administrator is authorized to apply for such advances to the account of the state of Connecticut in the Unemployment Trust Fund to which it may be entitled in accordance with the provisions of Title XII of the Federal Social Security Act (Section 401 of the War Mobilization and Reconversion Act of 1944, Public Law 458) under the terms and conditions as therein set forth.

(1949 Rev., S. 7528.)

**Sec. 31-257. Repayment of benefits on receipt of retroactive pay.** Whenever any person who has drawn benefits under this chapter subsequently receives retroactive pay without deduction for such benefits under an arbitration, or other award or judgment with respect to the same period for which he has drawn unemployment compensation benefits, he shall be liable to repay to the administrator the amount of benefits so drawn upon demand. If the amount of unemployment compensation payments which he has received has been deducted from the amount paid to him by the employer, the employer shall be liable to pay the amount so deducted to the administrator, who shall accept and credit the same to the account of such person and such charged employer. If such person does not repay the sum or if an employer does not repay the amount deducted for benefits drawn, such sum shall be collectible in the manner provided in section 31-266 for the collection of past due contributions. All retroactive pay referred to in this section shall be deemed "wages" as said term is defined under the provisions of section 31-222, and will be reported by an employer under the taxable method for the quarter during which the payment is made. Every employer who has been required to make a retroactive payment, whether or not the amount of benefits is to be deducted from such payment, shall notify the administrator of such fact.


History: 1967 act deleted redundant reference to terms of arbitration or collective bargaining agreement and required employers who have been required to make a retroactive payment to notify administrator; 1971 act added reference to "judgments"; P.A. 74-229 specified repayment of benefits "upon demand", specified that cancellation of compensable separation occurs under taxable method, allowed crediting employer's account as option where compensation payments have been deducted from amount paid to person by employer, specified that if repayment is not made sum is to be "collectible in the manner provided in section 31-266 for the collection of past due contributions" rather than "offset ... against any future claims for benefits" and specified that retroactive pay is to be reported by employer under taxable method for quarter during which payment is made; P.A. 78-368 deleted cancellation of compensable separation as option resulting in credit to employer's account in all cases.
Sec. 31-258. Repayment of benefits on receipt of workers' compensation. Any person who has drawn benefits under this chapter who subsequently receives compensation for temporary disability under a workers' compensation law with respect to the same period for which he has drawn unemployment compensation benefits shall be liable to repay to the administrator the sum so received under this chapter, provided the amount which he is liable to repay shall not exceed the amount received under the workers' compensation law. If such person does not repay the sum at that time, such sum may be offset by the administrator against any future claims for benefits which such person may have.

(1955, S. 3083d; P.A. 79-376, S. 33.)

History: P.A. 79-376 replaced "workmen's compensation" with "workers' compensation".

Sec. 31-259. Employment Security Administration Fund. (a) Establishment. There is created in the State Treasury a special segregated fund to be known as the Employment Security Administration Fund. Said fund shall consist of all moneys appropriated by this state, all moneys received from the United States of America, or any agency thereof, including moneys appropriated or received for the purpose of the Job Training Partnership Act, the Work Incentive Program, the Trade Adjustment Act, the Bureau of Labor Statistics and the Veterans Employment Service, and all moneys received from any other source, for the purpose of defraying the cost of the administration of the Employment Security Division. Notwithstanding any provision of this section, all money requisitioned and deposited in said fund pursuant to section 31-261 shall remain part of the Unemployment Compensation Fund and shall be used only in accordance with the conditions specified in said section. All moneys in said fund, except money received pursuant to said section, shall be expended solely for the purposes and in the amounts found necessary by the Secretary of Labor of the United States for the proper and efficient administration of the Employment Security Division. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Employment Security Administration Fund. All sums recovered on any surety bond for losses sustained by the Employment Security Administration Fund shall be deposited in said fund.

(b) Reimbursement of fund. If any moneys in the Employment Security Administration Fund, paid to this state under Title III of the Social Security Act, or any unencumbered balances in the Employment Security Administration Fund, or any moneys paid to this state pursuant to the provisions of the Wagner-Peyser Act, are found by the Secretary of Labor of the United States, because of any action or contingency, to have been lost or been expended for purposes other than, or in amounts in excess of, those found necessary by said Secretary for the proper and efficient administration of this chapter, it is the policy of this state that such moneys shall be replaced by moneys appropriated for such purpose from the General Fund of the state to the Employment Security Administration Fund, or reimbursement made to the Employment Security Administration Fund from the Employment Security Special Administration Fund as
provided in subsection (d) hereof, for expenditure as provided in subsection (a) of this section. Upon receipt of notice of such finding by said Secretary, the administrator shall promptly report the amount required for such replacement to the Governor, and the Governor shall, at the earliest opportunity, submit to the General Assembly a request for the appropriation of such amount, unless reimbursement has been made in accordance with subsection (d) hereof.

(c) **Withdrawals.** The expenses of the administration of this chapter shall be paid from the Employment Security Administration Fund by the Treasurer, notwithstanding the provisions of section 4-86, on warrants drawn by the Comptroller at the direction of the administrator.

(d) **Employment Security Special Administration Fund.** There is created in the State Treasury a special segregated fund to be known as the Employment Security Special Administration Fund. All interest and penalties on past due contributions and assessments collected under this chapter are appropriated to said fund and shall at no time be considered a part of the Unemployment Compensation Fund, provided, whenever, on July first of any calendar year except the calendar year commencing January 1, 1982, the assets in said Employment Security Special Administration Fund exceed five hundred thousand dollars plus an amount necessary to cover any commitments for expenditures which have previously been approved in accordance with the provisions of this subsection, the excess above five hundred thousand dollars plus any such previously committed amount is appropriated to the Unemployment Compensation Fund established by section 31-261. If any such interest is, for the sake of convenience, deposited in a bank account of the contribution account of the Unemployment Compensation Fund, it shall be withdrawn therefrom as soon as convenient. The money in said fund shall be used for the payment of costs of administration, to reimburse the Employment Security Administration Fund under the conditions provided in subsection (b) of this section and for any other purpose authorized by law. Withdrawals from said fund shall be made by the Treasurer, notwithstanding the provisions of section 4-86, on warrants drawn by the Comptroller at the direction of the administrator, subject to the approval of the Governor and the Secretary of the Office of Policy and Management. The Treasurer is authorized to invest all or any part of the Employment Security Special Administration Fund in any certificates of the United States or certificates of deposit or any bonds in which savings banks may legally invest, provided that the provisions of subsection (n) of section 36-96 shall not be applicable to any investment in such bonds. All income from such investment shall become part of said fund.


History: 1963 act added proviso re deposit of excess in employment security special administration fund in unemployment compensation fund under Subsec. (d); 1967 act substituted "on July first of any calendar year" for "after July 1, 1965" in Subsec. (d);
P.A. 77-608 increased maximum assets of employment security special administration fund from $75,000 to $200,000 in Subsec. (d); P.A. 77-614 replaced commissioner of finance and control with secretary of the office of policy and management in Subsec. (d); P.A. 78-308 included in maximum assets of employment security special administration fund an amount necessary to cover commitments for previously approved expenditures in Subsec. (d); P.A. 79-233 specified in Subsec. (d) that "subsection 14b of section 36-96" does not apply to investments in bonds; P.A. 80-483 corrected faulty reference to Sec. 36-96 in Subsec. (d); P.A. 82-396 amended Subsec. (d) to eliminate, for fiscal year 1982-83 only, requirement that assets of the employment security special administration fund exceeding $200,000, plus previously committed amounts, be transferred to the unemployment compensation fund, to eliminate requirement that money in the special administration fund be used for payment of costs of administration not properly chargeable against federal grants or the employment security administration fund and prohibition against expending such money in substitution for federal moneys otherwise available for costs of administration of chapter; P.A. 86-67 amended Subsec. (d) to increase, from $200,000 to $500,000, the maximum amount allowable in the employment security special administration fund before the excess above that amount is appropriated to the unemployment compensation fund; P.A. 86-205 amended Subsec. (a) to include within the employment security administration fund moneys appropriated or received for purposes of the Job Training Partnership Act, the Work Incentive Program, the Trade Adjustment Act, the Bureau of Labor Statistics and the Veterans Employment Service; P.A. 92-12 made a technical change in Subsec. (d); P.A. 93-243 amended Subsec. (d) to require that penalties, in addition to interest, on past due contributions and assessments be appropriated to the employment security special administration fund, effective June 23, 1993.

See Secs. 31-237 and 31-238 re Employment Security Division.

Cited. 133 C. 115.

Sec. 31-260. Transfer of funds authorized by federal Railroad Unemployment Insurance Act. The Treasurer shall, on request filed in writing by the administrator, withdraw from the Unemployment Trust Fund and deposit in the Employment Security Administration Fund amounts not to exceed those authorized by Section 13(e) of the federal Railroad Unemployment Insurance Act.

(1949 Rev., S. 7530.)

Sec. 31-261. Unemployment Compensation Fund. Payment of administrative expenses. (a) There is created in the State Treasury a special segregated fund to be known as the Unemployment Compensation Fund. Said fund shall consist of all contributions and moneys paid into or received by it for the payment of unemployment compensation benefits, of any property or securities acquired from the use of moneys belonging to the fund, all interest earned thereon, all money credited to this state's account in the Unemployment Trust Fund established by Section 904 of the Social Security Act pursuant to Section 903 of the Social Security Act, as amended, and all

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money received for the fund from any other source. All moneys in said fund shall be expended solely for the payment of benefits and refunds provided for by this chapter, exclusive of the expenses of administration, except that money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States pursuant to Section 903 of the Social Security Act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this chapter pursuant to a specific appropriation by the General Assembly, provided the expenses are incurred and the money is requisitioned after the enactment of an appropriation act which (1) specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (2) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of such act, and (3) limits the amount which may be used during a twelve-month period beginning on July first and ending on the next June thirtieth to an amount which does not exceed the amount by which (A) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, during the same twelve-month period and the twenty-four preceding twelve-month periods exceeds (B) the aggregate of the amounts used pursuant to this subdivision and charged against the amounts credited to the account of this state during any of such twenty-five twelve-month periods. For the purposes of this subdivision, amounts used during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount used for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the twenty-fourth preceding such period. Money credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses for the administration of this chapter and of public employment offices pursuant to this subsection. Money requisitioned for the payment of expense of administration pursuant to this subsection shall be deposited in the Employment Security Administration Fund, but, until expended, shall remain a part of the Unemployment Compensation Fund. The administrator shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. If any money so deposited is, for any reason, not to be obligated for the purpose for which it was appropriated, or if it remains unobligated at the end of the period specified by the law appropriating such money, or if any money which has been obligated within the period will not be expended, it shall be withdrawn and returned to the Secretary of the Treasury of the United States for credit to this state's account in the Unemployment Trust Fund. The State Treasurer shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Compensation Fund. All sums recovered on any surety bond for losses sustained by the Unemployment Compensation Fund shall be deposited in said fund.

(b) Notwithstanding the provisions of subsection (a) of this section, money credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, with respect to the federal fiscal years 1999, 2000 and 2001, shall be used solely for the payment of expenses incurred for the administration of this chapter, and such money shall not otherwise be subject to the provisions of subsection (a) of this section.
History: 1961 act abolished separate contribution and benefit accounts in fund; 1969 act changed periods of aggregate amounts referred to in Subparas. (1) and (2) from four and five twelve-month periods to fourteen and fifteen twelve-month periods, respectively; P.A. 73-289 increased periods to twenty-four and twenty-five twelve-month periods; P.A. 75-525 prohibited charging against amounts credited earlier than the twenty-fourth, rather than fourth, preceding period; June Sp. Sess. P.A. 00-2 designated existing provisions as Subsec. (a), making technical changes therein, and added new Subsec. (b) re use of federal unemployment compensation money solely for expenses incurred for administration of chapter, effective July 1, 2000.

See Sec. 31-232j re payment of extended benefits from Unemployment Compensation Fund.

See Sec. 31-264 re management of Unemployment Trust Fund moneys upon discontinuance of or changes in fund.

Cited. 175 C. 269.

**Sec. 31-262. Deposits of contributions. Payments to United States Treasurer.** All contributions made in accordance with this chapter and all other moneys payable into this fund, upon receipt thereof by the administrator, shall be paid to the State Treasurer, who shall deposit them in the Unemployment Compensation Fund. Notwithstanding the provisions of section 4-86, said Treasurer shall, with sufficient frequency to comply with Section 303(a)(4) of the Federal Social Security Act and Section 1603(a)(3) of the federal Internal Revenue Code, on warrants drawn by the State Comptroller at the direction of the administrator, pay all moneys in said fund, after deducting such amounts as are necessary for the payment of refunds, to the Secretary of the Treasury of the United States as trustee of the Unemployment Trust Fund established by Section 904 of the Social Security Act, to be deposited in said Unemployment Trust Fund for the account of the Connecticut Unemployment Compensation Fund.

History: 1961 act removed reference to contribution account.

See Sec. 31-264 re disposition of fund moneys upon discontinuance of or changes in Unemployment Trust Fund.

Cited. 175 C. 269.

**Sec. 31-263. Withdrawals of funds for payment of benefits and reimbursement of advance fund.** (a) The State Treasurer, as treasurer of the Connecticut Unemployment
Compensation Fund, shall, as directed by the administrator, requisition from the Unemployment Trust Fund such amounts, not exceeding the amount standing to this state's account therein, as the administrator deems necessary for the payment of benefits. Upon receipt thereof, said treasurer shall deposit such moneys in a depository designated by the treasurer in a fund to be known as the Unemployment Compensation Benefit Fund, from which fund the administrator shall pay the benefits provided by this chapter. Benefits shall be paid to a claimant, so far as is practical, in the local office where the claim for benefits was filed. The administrator shall be liable on his official bond for the faithful performance of his duties in connection with the Unemployment Compensation Benefit Fund. All sums recovered on any surety bond for losses sustained by the Unemployment Compensation Benefit Fund shall be deposited in the Unemployment Compensation Fund in the State Treasury.

(b) The State Treasurer, as treasurer of the Connecticut Unemployment Compensation Fund, shall as directed by the administrator, requisition from the Unemployment Trust Fund the amounts, not exceeding the amount in the Unemployment Trust Fund, that the administrator deems necessary for the reimbursement of advances made from the Unemployment Compensation Advance Fund, to the extent reimbursement is permitted by federal law.


History: 1961 act removed reference to benefit account, created benefit fund and detailed use thereof; P.A. 93-243 amended Subsec. (a) to give state treasurer greater flexibility in withdrawing money from unemployment compensation fund for payment of benefits and added Subsec. (b) to authorize state treasurer to make withdrawals from unemployment compensation fund for reimbursement of advances made from unemployment compensation advance fund, effective July 1, 1993.

See Sec. 31-264 re disposition of fund moneys upon discontinuance of or changes in Unemployment Trust Fund.

The method of payment prescribed by 1945 amendment did not divest treasurer and comptroller of their constitutional duties. 133 C. 112. Cited. 175 C. 269.

Sec. 31-264. Management of fund upon discontinuance of or changes in Unemployment Trust Fund. The provisions of sections 31-261, 31-262 and 31-263 to the extent that they relate to the Unemployment Trust Fund shall be operative only as long as said Unemployment Trust Fund continues to exist and as long as the Secretary of the Treasury of the United States continues to maintain for this state a separate book account of all funds deposited therein by this state, together with this state's proportionate share of the earnings of such Unemployment Trust Fund, from which only this state is permitted to make withdrawals. If and when, for any reason, such Unemployment Trust Fund ceases to exist or such separate book account is no longer maintained, all moneys, properties and securities therein belonging to the Unemployment Compensation Fund of
this state shall be withdrawn by the Treasurer of this state, who shall deposit them in the Unemployment Compensation Fund. Thereafter, any such properties or securities shall be sold or otherwise disposed of only at the direction of the administrator, with the approval of the Governor. The Treasurer shall from time to time on request of the administrator as may be necessary for the payment of benefits under this chapter pay such moneys over to the administrator, who shall deposit and disburse such moneys as provided in section 31-263.

(1949 Rev., S. 7534; 1961, P.A. 325, S. 4.)

History: 1961 act removed reference to benefit account and added provision re treasurer's payments to administrator.

Cited. 175 C. 269.

Sec. 31-264a. Unemployment Compensation Advance Fund. (a) Unless the context requires a different meaning, the term "bonds" or "revenue bonds" under this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j includes notes issued in anticipation of the issuance of revenue bonds, or notes issued pursuant to a commercial paper program.

(b) There is established a fund to be known as the Unemployment Compensation Advance Fund. The fund shall be administered by the State Treasurer as a trust fund, in accordance with the provisions of this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j. The state treasurer may enter into contracts that may be useful to the organization, establishment, operation and administration of the fund under all applicable state and federal laws and may contract with any person to provide whatever services to the fund as, in the discretion of the State Treasurer, are necessary for the proper operation and administration of the fund. All costs of organizing, establishing and operating the fund, including the costs of personnel and contractual services, shall be a charge upon and paid by the State Treasurer from the fund. In addition, all costs of establishing and administering the necessary procedures for billing, payment and collection of the assessments authorized to be established by the administrator pursuant to section 31-225a shall be a charge upon and paid by the State Treasurer from the fund. All costs related to the organization, establishment and operation of the fund and all costs related to the establishment and administration of billing, payment and collection procedures for moneys received from employers in payment of assessments established in accordance with said section 31-225a, to the extent not payable from the fund, may be paid from other moneys of the state when made available for such purpose. There is established within the fund an advance account, a debt service and reserve account and an administration account, which accounts shall be held separate and apart from each other. Additional accounts and subaccounts may be established in the proceedings under which the revenue bonds are authorized.

(c) There shall be deposited in the advance account: (1) The proceeds of revenue
bonds issued by the state for deposit into the account and use in accordance with this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j; (2) federal grants and awards or other federal assistance received by the state for deposit into the account or for other purposes in accordance with said sections; and (3) interest or other income earned on the investment of moneys in the advance account pending transfer or use pursuant to said sections.

(d) To the extent that amounts are available therefor in the advance account, and on request of the administrator pursuant to subsection (h) of this section, the State Treasurer shall apply the proceeds (1) to repay, in accordance with the proceedings authorizing any revenue bonds issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j, the outstanding balance of all or any part of the advances made to the state from the federal unemployment account under Title XII of the Social Security Act, 42 USC Sections 1321 to 1324, inclusive, and any interest due on the advances, and (2) to provide advances to the Unemployment Compensation Benefit Fund.

(e) Within the debt service and reserve account there are established the following subaccounts: (1) A reserve subaccount into which shall be deposited the proceeds of revenue bonds issued by the state for deposit into the reserve subaccount and use in accordance with this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j; and (2) a debt service subaccount into which shall be deposited, in accordance with the proceeding authorizing the bonds, the proceeds of the initial issuance of revenue bonds which are expected to be applied as capitalized interest to the extent required, and payments received from or on behalf of any employer in payment of assessments established in accordance with said sections attributable to the debt service requirement. Moneys in each subaccount created under this subsection may be applied by the State Treasurer to debt service on revenue bonds. The Treasurer shall apply amounts in the reserve subaccount to the payment of debt service on bonds whenever amounts on deposit in the debt service subaccount are insufficient. The net proceeds of any refunding bonds shall be deposited in a special subaccount within the debt service and reserve account and shall be applied solely to the retirement or redemption of the bonds to be refunded.

(f) There shall be deposited in the administration account: (1) The proceeds of revenue bonds expected to be deposited into the administration account and use in accordance with this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j; and (2) any additional money received from employers in payment of assessments established in accordance with said sections, to offset the costs and expenses of administering and operating the fund. Amounts in the administration account may be applied to offset the costs and expenses of establishing, administering and operating the fund.

(g) The fund shall be maintained separate and apart from all other moneys, funds and accounts of the state. Investment earnings credited to the assets of the fund and to any
account and subaccount within the fund shall become part of the assets of the fund, account and subaccount, except as otherwise required for rebates in order to assure the excludability of the interest on the bonds from federal income taxation, as provided in the proceedings authorizing any revenue bonds. Any balance remaining in the fund at the end of any fiscal year shall be carried forward in the fund, account and subaccount for the next fiscal year.

(h) Upon the issuance of revenue bonds and to the extent there are sufficient proceeds or other amounts in the advance account available therefor, any advances to the Unemployment Compensation Benefit Fund that the administrator deems necessary for the payment of benefits under this chapter or to the Unemployment Compensation Fund for the repayment of advances made to the state from the federal unemployment account, including interest thereon, may be obtained from the advance account of the Unemployment Compensation Advance Fund. The State Treasurer shall, on request filed in writing by the administrator, withdraw from the advance account of the Unemployment Compensation Advance Fund and deposit in the Unemployment Compensation Benefit Fund, amounts determined by the administrator to be necessary for the payment of benefits under this chapter without incurring federal interest charges, or deposit in the Unemployment Compensation Fund amounts determined by the administrator to be required for the repayment of advances made to the state from the federal unemployment account, including interest thereon. The State Treasurer shall, from time to time and at least annually, determine the amount of interest, amortization, reserve and associated costs required for each advance made from the advance account under this subsection computed in accordance with the requirements of the Unemployment Compensation Fund and the proceedings under which the revenue bonds are authorized and such amounts shall be assessed by the administrator as provided in subdivision (2) of subsection (e) of section 31-225a. For purposes of this subsection, "associated costs" includes all costs related to the efficient establishment, operation and administration of the Unemployment Compensation Advance Fund pursuant to subsection (b) of this section, and the proceedings under which the bonds are issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j and the costs of establishing and administering the billing, payment and collection procedures referred to in subsection (b) of this section.

(i) The moneys in the advance account may also be used to pay any costs related to the issuance of revenue bonds issued pursuant to section 31-264b and to pay any debt service thereon for which amounts on deposit in the debt service and reserve account maintained pursuant to this section are insufficient.

(j) Notwithstanding any provision of this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264b and 31-274j to the contrary, any money received from the Unemployment Compensation Fund may not be used for any purpose inconsistent with federal law, and any federal grants, awards, advances or other federal assistance referred to herein may not be used for any purpose other than that for which such amounts were granted, awarded, advanced, or
otherwise appropriated, respectively.

(P.A. 93-243, S. 9, 15; 93-419, S. 3, 9.)

History: P.A. 93-243 effective June 23, 1993; P.A. 93-419 amended Subsec. (a) to redefine "bonds" and "revenue bonds" and made technical changes, effective July 1, 1993.

Sec. 31-264b. Issuance of unemployment compensation revenue bonds. (a) The State Bond Commission may authorize the issuance of revenue bonds of the state in one or more series and in principal amounts necessary or estimated to be necessary as an advance to the Unemployment Compensation Fund, or to repay advances made to the state from the federal unemployment account, but not in excess of one billion dollars outstanding at any one time and such additional amount of bonds required to fund any debt service and reserve account in accordance with the proceedings authorizing the bonds and the costs of issuance, capitalized interest, if any, and the initial costs and expenses of the administration account, provided in computing the total amount of bonds which may at any one time be outstanding, the principal amount of any refunding bonds issued to refund bonds shall be excluded. The legislature finds that it is an essential governmental function to assure that the balance in the state's account in the federal Unemployment Trust Fund is maintained at a level which is sufficient to pay all benefits and further finds that the financing and payment of the outstanding principal amount which has been advanced to the state from the federal account of the Unemployment Trust Fund and the financing and funding of the state's account in the Unemployment Trust Fund by the issuance of revenue bonds pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j is in the public interest, will substantially result in savings of interest costs, will achieve a public purpose of reducing overall costs of providing employment benefits and will thereby foster and promote economic growth, provide employment opportunities for the residents of the state and assist companies by reducing their overall costs of doing business in the state.

(b) Bonds issued pursuant to subsection (a) of this section shall be special obligations of the state and shall not be payable from nor charged upon any funds other than the Unemployment Compensation Advance Fund and revenues pledged to the payment thereof, nor shall the state or any political subdivision thereof be subject to any liability thereon other than from such sources. The issuance of revenue bonds under the provisions of this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j shall not directly or indirectly or contingently obligate the state or any political subdivision thereof to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment other than the appropriation set forth in this section. The bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the state or of any political subdivision thereof, except the Unemployment Compensation Advance Fund and revenues pledged or otherwise encumbered under the provisions and for the purpose of said sections. The substance of this limitation shall be plainly stated on
the face of each bond. Revenue bonds issued pursuant to said sections shall not be subject to any statutory limitation on the indebtedness of the state and the bonds, when issued, shall not be included in computing the aggregate indebtedness of the state in respect to, and to the extent of, any such limitation. As part of the contract of the state with the owners of the revenue bonds, all amounts necessary for the punctual payment of the debt service requirements with respect to the revenue bonds shall be deemed appropriated, but only from the sources pledged pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j.

(c) The revenue bonds referred to in subsection (a) of this section may be executed and delivered at the time or times, shall be dated, shall bear interest at the rate or rates, shall mature at the time or times not exceeding ten years from their date, have the rank or priority, be payable in the medium of payment, be issued in coupon or in registered form, or both, carry the registration and transfer privileges and be made redeemable before maturity at the price or prices and under the terms and conditions, all as may be provided by the State Bond Commission. With the exception of subsections (i) and (p) all provisions of section 3-20 and the exercise of any right or power granted thereby which are not inconsistent with the provisions of this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j are hereby adopted and may be invoked in respect to all revenue bonds authorized by the State Bond Commission pursuant to said sections. For the purposes of subsection (o) of said section 3-20, "bond act" includes said sections. None of the revenue bonds shall be authorized, except upon a finding by the State Bond Commission that there has been filed with it a request for authorization, which is signed by or on behalf of the State Treasurer and states the terms and conditions as said commission, in its discretion, may require.

(d) The principal of and interest on any bonds issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j shall be secured by a pledge of the Unemployment Compensation Advance Fund and any revenues, receipts, funds or moneys payable to the fund, including any federal grants or advances available for the fund and including the amounts of payment received from assessments established pursuant to said sections, all as set forth in the proceedings authorizing the bonds pursuant to said sections. Any pledge made by the state pursuant to said sections is a pledge within the meaning and for all purposes of title 42a and shall be valid and binding from the time when the pledge is made. Any revenues or other receipts, funds or moneys so pledged and thereafter received by the state shall be subject immediately to the lien of the pledge without any physical delivery thereof or further act. The lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the state, irrespective of whether the parties have notice of the claims. Neither this section nor sections 3-21a, 31-222, 31-225, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j, the resolution nor any other instrument by which a pledge is created need be recorded.
(e) Revenue bonds issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j are hereby made securities in which public officers and public bodies of the state and its political subdivisions, all insurance companies, credit unions, savings and loan associations, investment companies, banking associations, trust companies, executors, administrators, trustees and other fiduciaries and pension, profit-sharing and retirement funds may properly and legally invest funds, including capital in their control or belonging to them. The bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds or other obligations of the state is now or may hereafter be authorized by law.

(f) The proceedings under which bonds are authorized to be issued may contain any or all of the following: (1) Provisions respecting custody of the proceeds from the sale of the bonds, including any requirement that the proceeds be deposited in the Unemployment Compensation Advance Fund and held separate from, or not be commingled with, other funds of the state; (2) provisions for the investment and reinvestment of bond proceeds and after the disposition of any excess bond proceeds or investment earnings thereon; (3) provisions for the execution of reimbursement agreements or similar agreements in connection with credit facilities, including, but not necessarily limited to, letters of credit or policies of bond insurance, remarketing agreements and agreements for the purpose of moderating interest rate fluctuations, and of such other agreements entered into pursuant to section 3-20a; (4) provisions for the collection, custody, investment, reinvestment and use of the pledged revenues or other receipts, funds or moneys pledged therefor as provided in this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j; (5) provisions regarding the establishment and maintenance of reserves, sinking funds and any other funds and accounts of the Unemployment Compensation Advance Fund pursuant to said sections and in the amounts and on the terms approved by the State Bond Commission in the amounts established by the State Bond Commission; (6) covenants for the establishment of pledged revenue coverage requirements for the bonds; (7) provisions for the issuance of additional bonds on a parity with bonds theretofore issued, including establishment of coverage requirements with respect thereto as herein provided; (8) provisions regarding the rights and remedies available in case of a default to bondowners, noteowners or any trustee under any contract, loan agreement, document, instrument or trust indenture, including the right to appoint a trustee to represent their interests upon occurrence of an event of default, as defined in said proceedings, provided if any revenue bonds are secured by a trust indenture, the respective owners of the bonds shall have no authority, except as set forth in the trust indenture, to appoint a separate trustee to represent them; (9) provisions for the payment of rebate amounts; and (10) provisions of covenants of like or different character from the foregoing which are consistent with this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j, and which the State Bond Commission determines in such proceedings are necessary, convenient or desirable in order to better secure the revenue bonds, or will tend to make the revenue bonds more marketable, and which are in the best
interests of the state. Any provision which may be included in proceedings authorizing the issuance of bonds hereunder may be included in an indenture of trust duly approved in accordance with said sections, which secures the revenue bonds issued in anticipation thereof, and in such case the provision of the indenture shall be deemed to be a part of the proceedings as though they were expressly included therein.

(g) Whether or not any revenue bonds issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j are of the form and character to qualify as negotiable instruments under the terms of title 42a, the bonds are hereby made negotiable instruments within the meaning of and for all purposes of title 42a, subject only to the provisions of the bonds.

(h) The state covenants with the purchasers and all subsequent owners and transferees of revenue bonds issued by the state pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j, in consideration of the acceptance of and payment for the bonds, that the bonds shall be free at all times from taxes levied by any municipality or political subdivision or special district having taxing powers of the state, and the principal and interest of any bonds issued under the provisions of said sections, their transfer and the income therefrom, including any profit on the sale or transfer thereof, shall at all times be exempt from any taxation by the state of Connecticut or under its authority, except for estate or succession taxes. The State Treasurer is authorized to include this covenant of the state in any agreement with the owner of any bonds and in any credit facility or reimbursement agreement with respect to the bonds.

(i) The state further covenants with the purchasers and all subsequent owners and transferees of bonds issued by the state pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j, in consideration of the acceptance of the payment of the bonds, until the bonds, together with the interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any action or proceeding on behalf of the owners, are fully met and discharged or unless expressly permitted or otherwise authorized by the terms of each contract and agreement made or entered into by or on behalf of the state with or for the benefit of such owners, that the state will cause the administrator to impose, charge, raise, levy, collect and apply the pledged assessments and other revenues, receipts, funds or moneys pledged for the payment of debt service requirements in each year in which bonds are outstanding and further, that the state (1) will not limit or alter the duties imposed on the administrator, the State Treasurer and other officers of the state by the proceedings authorizing the issuance of bonds with respect to application of pledged assessments or other revenues, receipts, funds or moneys pledged for the payment of debt service requirements in each year in which bonds are outstanding and further, that the state (1) will not limit or alter the duties imposed on the administrator, the State Treasurer and other officers of the state by the proceedings authorizing the issuance of bonds with respect to application of pledged assessments or other revenues, receipts, funds or moneys pledged for the payment of debt service requirements; (2) will not issue any bonds, notes or other evidences of indebtedness, other than the bonds, having any rights arising out of said sections or secured by any pledge of or other lien or charge on the pledged revenues or other receipts, funds or moneys pledged for the payment of debt service requirements; (3) will not create or cause to be created any lien or charge on the
pledged amounts, other than a lien or pledge created thereon pursuant to said sections, provided nothing in this subsection shall prevent the state from issuing evidences of indebtedness (A) which are secured by a pledge or lien which is, and shall on the face thereof, be expressly subordinate and junior in all respects to every lien and pledge created by or pursuant to said sections; or (B) which are secured by a pledge of or lien on moneys or funds derived on or after the date every pledge or lien thereon created by or pursuant to said sections shall be discharged and satisfied; (4) will carry out and perform, or cause to be carried out and performed, each and every promise, covenant, agreement or contract made or entered into by the state or on its behalf with the owners of any bonds; (5) will not in any way impair the rights, exemptions or remedies of the owners; and (6) will not limit, modify, rescind, repeal or otherwise alter the rights or obligations of the appropriate officers of the state to impose, maintain, charge or collect the assessments and other revenues or receipts constituting the pledged revenues as may be necessary to produce sufficient revenues to fulfill the terms of the proceedings authorizing the issuance of the bonds, including pledged revenue coverage requirements, and provided nothing herein shall preclude the state from exercising its power, through a change in law, to limit, modify, rescind, repeal or otherwise alter the character of the pledged assessments or revenues or to substitute like or different sources of assessments, taxes, fees, charges or other receipts as pledged revenues if and when adequate provision shall be made by law for the protection of the holders of outstanding bonds pursuant to the proceedings under which the bonds are issued, including changing or altering the method of establishing the assessments as provided in subparagraph (B) of subdivision (2) of subsection (e) of section 31-225a. The State Bond Commission is authorized to include this covenant of the state, as a contract of the state, in any agreement with the owner of any bonds and in any credit facility or reimbursement agreement with respect to the bonds.

(j) Pending the use and application of any bond proceeds, the proceeds may be invested by, or at the direction of, the State Treasurer in obligations listed in section 3-20.

(k) Any revenue bonds issued under the provisions of this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j and at any time outstanding may, at any time and from time to time, be refunded by the state by the issuance of its revenue refunding bonds in whatever amounts the State Bond Commission may deem necessary, but not to exceed an amount sufficient to refund the principal of the revenue bonds to be so refunded, to pay any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith and to pay costs and expenses which the State Treasurer may deem necessary or advantageous in connection with the authorization, sale and issuance of refund bonds. Any such refunding may be effected whether the revenue bonds to be refunded shall have matured or shall thereafter mature. All revenue refunding bonds issued hereunder shall be payable solely from the Unemployment Compensation Advance Fund and revenues or other receipts, funds or moneys out of which the revenue bonds to be refunded thereby are payable and shall be subject to and may be secured in accordance with the provisions of this section.
(I) The State Treasurer shall have power, out of any funds available therefor, to purchase revenue bonds issued pursuant to this section and sections 3-21a, 31-222, 31-225a, 31-231a, 31-232b, 31-232d, 31-232f, 31-236, 31-250a, 31-259, 31-263, 31-264a and 31-274j. The State Treasurer may hold, pledge, cancel or resell the bonds, subject to and in accordance with agreements with bondholders.

(P.A. 93-243, S. 10, 15; 93-419, S. 4, 9; P.A. 98-124, S. 10, 12.)

History: P.A. 93-243 effective June 23, 1993; P.A. 93-419 deleted references to bond anticipation notes throughout section, effective July 1, 1993; P.A. 98-124 amended Subsec. (f)(3) to add agreements entered into pursuant to Sec. 3-20a, effective May 27, 1998.

Sec. 31-265. Interest on contributions not paid when due. Contributions unpaid on the date on which they are due and payable in accordance with the provisions of this chapter shall bear interest for each month or fraction thereof after such date until payment, plus accrued interest, has been received by the administrator, provided no person shall be required to pay interest for any period during which he may have performed military service in the armed forces of the United States or of the United Nations subsequent to June 25, 1950. The administrator may prescribe fair and reasonable regulations whereby interest shall not accrue during the first five calendar quarters that any employer is subject to this chapter. Interest collected pursuant to this section shall be paid into the Employment Security Special Administration Fund. For purposes of this section, the interest rate on such unpaid contributions shall be determined by the administrator, on the last banking day in October of each calendar year, for use in the succeeding calendar year, and shall be two per cent per annum plus a simple average of the prime lending rates on such date at the three largest commercial banks in the state in terms of total assets, except that in no event shall the interest on unpaid contributions be less than twelve per cent per annum.


History: 1969 act raised interest rate from 0.5% to 0.75%; P.A. 77-608 raised interest rate to 1%; P.A. 82-262 changed the interest rate to be charged on delinquent contributions from 1% per month to an annual rate equivalent to 2% plus the average prime lending rate at the state's three largest commercial banks with a minimum rate of 12% per annum; P.A. 85-29 provided that the interest rate on unpaid contributions shall be determined on the last banking day in October of the particular year rather than on the last banking day of the year.


Sec. 31-266. Collection of contributions. Lien. Foreclosure. If, after notice, any employer fails to make any payment of contributions or interest thereon, the amount due,
with interest thereon pursuant to section 31-265, shall be collectible by any means provided by law for the collection of any tax due the state of Connecticut or any subdivision thereof, including any means provided by section 12-35. Tax warrants referred to in said section 12-35 may be signed either by the administrator, the executive director of the Employment Security Division or any person in the employment security division in a position equivalent to or higher than the position presently held by a revenue examiner four. The amount due shall be a lien from the due date until discharged by payment against all the property of the employer within the state, whether real or personal, except such as is exempt from execution, including debts to the employer, and a certificate of such lien without specifically describing such real or personal property, signed by the administrator, the executive director or any person in the Employment Security Division in a position equivalent to or higher than the position presently held by a revenue examiner four, may be filed in the office of the clerk of any town in which such real property is situated, or, in the case of personal property, in the office of the Secretary of the State, which lien shall be effective from the date on which it is recorded. When any tax with respect to which a lien has been recorded under the provisions of this section has been satisfied, the administrator, upon request of any interested party, shall issue a certificate discharging such lien. Any action for the foreclosure of such lien shall be brought by the Attorney General in the name of the state in the superior court for the judicial district in which the property subject to such lien is situated or, if such property is located in two or more judicial districts, in the superior court for any one such judicial district and the court may limit the time for redemption or order the sale of such property or pass such other or further decree as it judges equitable. When the property to be liened is concealed in the hands of an agent or trustee so that it cannot be found or attached, or is a debt due to the employer, the certificate of lien may be filed by leaving a copy thereof with such agent, trustee or debtor, or by mailing to him a copy thereof by registered or certified mail, and from the time of the receipt of such lien all the effects of the employer in the hands of such agent, trustee or creditor or any debt due from such creditor to the employer shall be secured in the hands of such agent, trustee or debtor to pay the tax secured by such lien. The payment by such agent, trustee or debtor to the administrator shall discharge him of his liability to the employer to the extent thereof. The administrator may require such agent, trustee or debtor to disclose under oath within ten days whether he has in his hands the goods or effects of the employer or is indebted to him. If such agent, trustee or creditor fails to disclose or, having disclosed, fails to turn over such effects or pay to the administrator the amount of his indebtedness to the employer, the lien shall have the effect of a judgment and the administrator may proceed against him by scire facias taken out from the clerk of the superior court for the judicial district of Hartford in the manner provided in chapter 905 for scire facias against a garnishee.  


History: 1967 act required filing of lien in secretary of the state's office rather than in office of town clerk where employer has his principal place of business; P.A. 78-280 substituted "judicial district(s)" for "county(ies)" and "judicial district of Hartford-New
When a tax warrant issued pursuant to the authority contained in section 31-266 has been returned unsatisfied either in whole or in part, and the amount collectible from the employer named therein by means of such warrant represents contributions due with respect to at least four calendar quarters, and the employer, after ten days' notice sent to his last-known address by registered or certified mail, has failed to pay such amount in full, the administrator may bring a civil action returnable to the superior court for the judicial district of Hartford to enjoin such employer, until such amount, with interest and costs, has been paid in full, from entering into any contract of employment as a result of which he will further become liable to pay unemployment contributions.

(1961, P.A. 325, S. 5; P.A. 78-280, S. 6, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6.)


Cited. 175 C. 269.

Any real estate to which title has been taken by foreclosure, or any personal property on which a tax lien under this chapter has been filed, or which has been conveyed to the state in lieu of foreclosure in payment of contributions, may be sold, transferred or conveyed for the state by the administrator with the approval of the Attorney General, and the administrator may, in the name of the state, execute deeds or title transfer documents for
such purpose.


History: 1971 act authorized sale, transfer or conveyance of personal property on which tax lien has been filed and authorized administrator to execute title transfer documents.

Cited. 175 C. 269.

Sec. 31-266c. Abatement of contributions. Compromises. (a) The administrator, upon the advice of the Attorney General, may abate any contributions due under this chapter which have been found by the administrator to be uncollectible.

(b) The administrator or the administrator's duly authorized agent may make or entertain an offer of compromise for any contributions due under this chapter if such offer is based upon doubt as to the employer's liability for the amount in controversy or doubt as to the collectibility of such amount. For purposes of this section, doubt as to the employer's liability for the amount in controversy exists if there is a genuine dispute as to the existence or amount of the employer's liability under this chapter, and doubt as to the collectibility of such amount exists if the employer's assets and income are less than the full amount of the employer's debts, obligations and liabilities under state or federal law.

(1961, P.A. 325, S. 7; P.A. 04-179, S. 1.)

History: P.A. 04-179 designated existing provisions as Subsec. (a), made technical change therein for purposes of gender neutrality and added Subsec. (b) to allow administrator or authorized agent to make or consider compromise offers for overdue unemployment compensation taxes in defined circumstances, effective July 1, 2004.

Cited. 175 C. 269.

Sec. 31-267. Priority of claim for contributions in case of insolvency, bankruptcy or dissolution. In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this state, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal or composition under the federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in Section 64 of that act (U.S. Code, Title 11, Section 104), as amended. In the event of any distribution of the employer's assets upon the termination of the corporate existence of such employer, either by limitation or by voluntary dissolution, contributions then due shall be paid in full prior to all other claims, except taxes.

(1949 Rev., S. 7537.)
Sec. 31-268. Adjustment of errors. On or before October 1, 1977, the administrator shall adopt regulations in accordance with the provisions of chapter 54 providing that if, through error and without fraudulent intent, more or less than the correct amount of contributions has been paid with respect to employment during any period, adjustments may be made without interest in computing contributions due and payable with respect to employment during subsequent contribution periods, or otherwise, within such time limits and subject to such conditions as the administrator prescribes. Such regulations shall apply to any deficiency in contributions made prior to the adoption of such regulations, provided any such deficiency was made through error and without fraudulent intent.

(1949 Rev., S. 7538; P.A. 77-104, S. 1, 2.)

History: P.A. 77-104 made adoption of regulations mandatory rather than optional, imposed October 1, 1977, deadline and specified that regulations apply to prior deficiencies in contributions made through error and without fraudulent intent.


Sec. 31-269. Refunds and deficiencies. If more or less than the correct amount of contributions imposed has been paid with respect to employment during any period and if such overpayment or underpayment cannot be or is not adjusted under section 31-268, the amount of the overpayment shall be refunded to the employer from the contribution account of the Unemployment Compensation Fund or the amount of the underpayment shall be paid by the employer to the administrator at such time as the administrator prescribes, provided no refund shall be made unless request has been made within three years from the due date of the contributions claimed to have been overpaid or which would be contrary to the requirements of the Social Security Act or any amendments thereto. Any refunds of interest paid into the Employment Security Special Administration Fund established by section 31-259 shall be paid from said fund. If the overstatement of wages results in unemployment compensation benefits being paid, the amount of any overpayment of unemployment compensation benefits shall be deducted from any refunds of contributions until the amount of overpayment of unemployment compensation benefits has been recovered.


History: 1967 act specified that refunds be made from contribution account of unemployment compensation fund, required that request for refund be made within three
years, rather than six years from due date of contributions claimed as overpaid, etc. and provided that amount of benefits paid and based on wage credits established as result of overstatement of wages be deducted from refund; P.A. 74-229 rephrased provision re deduction of overpayments from refund.


Sec. 31-270. Failure of employer to file report of contributions due. Appeal from action of administrator. If an employer fails to file a report for the purpose of determining the amount of contributions due under this chapter, or if such report when filed is incorrect or insufficient and the employer fails to file a corrected or sufficient report within twenty days after the administrator has required the same by written notice, the administrator shall determine the amount of contribution due, with interest thereon pursuant to section 31-265, from such employer on the basis of such information as he may be able to obtain and he shall give written notice of such determination to the employer. Such determination shall be made not later than three years subsequent to the date such contributions became payable and shall finally fix the amount of contribution unless the employer, within thirty days after the giving of such notice, appeals to the superior court for the judicial district of Hartford or for the judicial district in which the employer's principal place of business is located. Said court shall give notice of a time and place of hearing thereon to the administrator. At such hearing the court may confirm or correct the action of the administrator. If the action of the administrator is confirmed or the amount of the contribution determined by the administrator is increased, the cost of such proceedings, as in civil actions, shall be assessed against the employer. No costs shall be assessed against the state on such appeal. The amount of any judgment rendered in such proceedings, with costs, shall be collected either on execution, as provided in civil actions, or as provided in section 31-266.


History: 1967 act required determination within three years in all cases where previously determination was required within six years generally and within three years only where employer "in good faith, was not aware of the fact that he was subject to this chapter", and required collection of costs as provided in Sec. 31-266 rather than "on execution, as in civil actions"; 1969 act restored collection of costs on execution as provided in civil actions as option; P.A. 78-280 replaced "county" with "judicial district" and "Hartford county" with "judicial district of Hartford-New Britain"; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-

See Sec. 31-272(b) re limitation on fees and costs in proceedings regarding claims for benefits.


In an appeal from the action of an administrator, the court must try the issue de novo. 8 CS 144. Cited. 9 CS 237. The employer must keep accurate records of expense accounts. Id., 244. Cited. Id., 429. Cited. 11 CS 340. Cited. 22 CS 100. On appeal, court's function is only to ascertain whether administrator's conclusion was unreasonable, arbitrary or illegal. Id., 104. Cited. 42 CS 376.

Sec. 31-271. Examination to determine liability of employer, sufficiency of reports, amount of contributions due, or ability to pay; subpoena. For the purpose of determining whether an employer is subject to this chapter or whether the reports filed by him are correct or sufficient or for the purpose of determining the amount of contributions due as provided in section 31-270 or for the purpose of determining whether the employer is able to pay outstanding contributions, interest or penalties due under this chapter, the administrator or the executive director may subpoena any person to appear before him or his agent at such place as may be designated in such subpoena to examine such person under oath and he may compel the attendance before him or his agent of any such person and the production of books and papers by subpoena. If any person disobeys such process or, having appeared in obedience thereto, refuses to answer any pertinent question put to him, said administrator or executive director may apply to the Superior Court, or to a judge of said court if the same is not in session, setting forth such disobedience to process or refusal to answer, and said court or such judge, as the case may be, thereupon shall cite such person to appear before him and shall inquire into the facts set forth in such application and, upon finding the allegations in such application to be true, shall commit such person to a community correctional center until he testifies, but not for a longer period than sixty days.

(1949 Rev., S. 7541; 1969, P.A. 297; P.A. 87-78.)

History: 1969 act substituted "community correctional center" for "jail"; P.A. 87-78 permitted the use of subpoenas to determine whether an employer is able to pay contribution, interest or penalties due.

Cited. 314 U.S. 569.

Sec. 31-272. Protection of rights and benefits. (a) Waiver of rights void. No agreement by an employee to waive, release or commute his rights to benefits or any other rights under this chapter shall be valid. No agreement by an employee or by employees to pay all or any portion of an employer's contributions required under this chapter from such employer shall be valid. No employer shall, directly or indirectly, make or require or accept any deduction from the remuneration of individuals in his employ in order to finance the contributions required from such employer, or require or accept any waiver by an employee of any right hereunder.

(b) Limitation on fees and costs. Registration of and rules of conduct for authorized agents. (1) Neither the administrator nor his representatives nor the board and its referees nor any court or officer thereof shall charge or tax any fees or costs against any employee or employer in any proceeding regarding claims for benefits under this chapter, except the record fee on appeal to the Appellate Court; but when any appeal is taken to the Superior Court from the finding of the board and such appeal is found by said court to be frivolous, said court may tax costs in its discretion against the appellant. (2) Any party to any proceeding before the administrator, an examiner, a referee or the board, may be represented by an attorney or authorized agent; but no attorney or authorized agent for an individual claiming benefits shall charge or receive for such services more than that amount approved by the administrator, or by the examiner, subject to revision by the administrator, by the referee or by the board before whom the proceedings are held, as the case may be. (3) No authorized agent may represent any party before a referee or the board for a fee unless the agent is registered with the board. The board shall adopt regulations, in accordance with chapter 54, containing rules for the conduct of authorized agents, including, but not limited to, individuals, organizations and businesses, that provide representation to parties before a referee or the board for a fee. The regulations shall require the registration of all such authorized agents in such manner as the board deems appropriate and shall establish penalties, including a fine not to exceed one thousand dollars per violation and revocation of registration, for the failure of any authorized agent to follow the rules of conduct established by the board. Nothing in this subdivision shall be construed to affect the practice of authorized agents representing parties before a referee or the board for a fee prior to the effective date of such regulations.

(c) Limitations on assignment or garnishment of benefits. Except as provided in subsection (h) of section 31-227, no assignment, pledge or encumbrance of any rights to benefits which are or may become due or payable under this chapter shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment or any other process for the collection of debt until such benefits have been actually received by the employee. No waiver of any exemption provided for in this subsection shall be valid.


History: P.A. 74-339 replaced references to commissioners with references to the board and its referees; P.A. 82-361 amended Subsec. (c) to allow the garnishment of
Sec. 31-273. Overpayments; recovery and penalties. Timeliness of appeals. False or misleading declarations, statements or representations. Additional violations and penalties. (a)(1) Any person who, through error, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in his case, or has received a greater amount of benefits than was due him under this chapter, shall be charged with an overpayment of a sum equal to the amount so overpaid to him, provided such error has been discovered and brought to his attention within one year of the date of receipt of such benefits. A person whose receipt of such a sum was not due to fraud, wilful misrepresentation or wilful nondisclosure by himself or another shall be entitled to a hearing before an examiner designated by the administrator. Such examiner shall determine whether: (A) Such person shall repay such sum to the administrator for the Unemployment Compensation Fund, (B) such sum shall be recouped by offset from such person's unemployment benefits, or (C) repayment or recoupment of such sum would defeat the purpose of the benefits or be against equity and good conscience and should be waived. In any case where the examiner determines that such sum shall be recouped by offset from a person's unemployment benefits, the deduction from benefits shall not exceed fifty per cent of the person's weekly benefit amount. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount in accordance with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the administrator may recover such overpayment through a wage execution against the claimant's earnings upon his return to work in accordance with the provisions of section 52-361a. Any person with respect to whom a determination of overpayment has been made, according to the provisions of this subsection, shall be given notice of such determination and the provisions for repayment or recoupment of the amount overpaid. No repayment shall be required and no deduction from benefits shall be made until the determination of overpayment has become final.

(2) The determination of overpayment shall be final unless the claimant, within twenty-one days after notice of such determination was mailed to him at his last-known address, files an appeal from such determination to a referee, except that any such appeal

Cited. 128 C. 220.

Cited. 17 CS 146. Cited. 42 CS 376.

Subsec. (b):

Cited re affect on the speed and fairness of the resolution of contested claims. 175 C. 269. Cited. 192 C. 581.

benefits for child support obligations, as provided in Sec. 31-227; June Sp. Sess. P.A. 83-29 deleted reference to supreme court and substituted appellate court in lieu thereof in Subsec. (b); P.A. 91-250 amended Subsec. (b) by changing the term "counsel" to "attorney" and making technical changes in Subdiv. (2) and adding Subdiv. (3) re registration of and rules of conduct for authorized agents, effective July 1, 1992.
that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing. If the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day. If any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the possession of postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail.

(3) The appeal shall be heard in the same manner provided in section 31-242 for an appeal from the decision of an examiner on a claim for benefits. Any party aggrieved by the decision of the referee, including the administrator, may appeal to the Employment Security Board of Review in the manner provided in section 31-249. Decisions of the board may be appealed to the Superior Court in the manner provided in section 31-249b. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in his opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year. Any determination of overpayment made under this section which becomes final may be enforced by a wage execution in the same manner as a judgment of the Superior Court when the claimant fails to pay according to his repayment schedule. The court may issue a wage execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court, and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.

(b) (1) Any person who, by reason of fraud, wilful misrepresentation or wilful nondisclosure by such person or by another of a material fact, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in such person's case, or has received a greater amount of benefits than was due such person under this chapter, shall be charged with an overpayment and shall be liable to repay to the administrator for the Unemployment Compensation Fund a sum equal to the amount so overpaid to such person. If such person does not make repayment in full of the sum overpaid, the administrator shall recoup such sum by offset from such person's unemployment benefits. The deduction from benefits shall be one hundred per cent of the person's weekly benefit entitlement until the full amount of the overpayment has been recouped. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount plus, for any determination of an overpayment made on or after July 1, 2005, interest at the rate of one per cent of the amount so overpaid per month, in accordance
with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the administrator may recover such overpayment plus interest through a wage execution against the claimant's earnings upon the claimant's return to work in accordance with the provisions of section 52-361a. In addition, the administrator may request the Commissioner of Administrative Services to seek reimbursement for such amount pursuant to section 12-742. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in the administrator's opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year.

(2) Any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose a material fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall forfeit benefits for not less than one or more than thirty-nine compensable weeks following determination of such offense or offenses, during which weeks such person would otherwise have been eligible to receive benefits. For the purposes of section 31-231b, such person shall be deemed to have received benefits for such forfeited weeks. This penalty shall be in addition to any other applicable penalty under this section and in addition to the liability to repay any moneys so received by such person and shall not be confined to a single benefit year.

(3) Any person charged with the fraudulent receipt of benefits or the making of a fraudulent claim, as provided in this subsection, shall be entitled to a hearing before the administrator, or a deputy or representative designated by the administrator. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such hearing. The administrator shall determine, on the basis of facts found by the administrator, whether or not a fraudulent act subject to the penalties of this subsection has been committed and, upon such finding, shall fix the penalty for any such offense according to the provisions of this subsection. Any person determined by the administrator to have committed fraud under the provisions of this section shall be liable for repayment to the administrator of the Unemployment Compensation Fund for any benefits determined by the administrator to have been collected fraudulently, as well as any other penalties assessed by the administrator to have been collected fraudulently, as well as any other penalties assessed by the administrator in accordance with the provisions of this subsection. Until such liabilities have been met to the satisfaction of the administrator, such person shall forfeit any right to receive benefits under the provisions of this chapter. Notification of such decision and penalty shall be mailed to such person's last known address and shall be final unless such person files an appeal not later than twenty-one days after the mailing date of such notification, except that (A) any such appeal that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (B) if the last day for
filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, and (C) if any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the possession of postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail. Such appeal shall be heard by a referee in the same manner provided in section 31-242 for an appeal from the decision of an examiner on a claim for benefits. The manner in which such appeals shall be heard and appeals taken therefrom to the board of review and then to the Superior Court, either by the administrator or the claimant, shall be in accordance with the provisions set forth in section 31-249 or 31-249b, as the case may be. Any determination of overpayment made under this subsection which becomes final on or after October 1, 1995, may be enforced in the same manner as a judgment of the Superior Court when the claimant fails to pay according to the claimant's repayment schedule. The court may issue execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court; and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.

(c) Any person, firm or corporation who knowingly employs a person and pays such employee without declaring such payment in the payroll records shall be guilty of a class A misdemeanor.

(d) If, after investigation, the administrator determines that there is probable cause to believe that the person, firm or corporation has wilfully failed to declare payment of wages in the payroll record, the administrator shall provide an opportunity for a hearing on the matter. If a hearing is requested, it shall be conducted by the administrator, or a deputy or representative designated by him. Notice of the time and place of such hearing, and the reasons therefor, shall be given to the person, firm, or corporation not less than five days prior to the date appointed for such hearing. If the administrator determines, on the basis of the facts found by him, that such nondeclaration occurred and was wilful, the administrator shall fix the payments and penalties in accordance with the provisions of subsection (e) of this section. Such person, firm or corporation may appeal to the superior court for the judicial district of Hartford or for the judicial district in which the employer's principal place of business is located. Such court shall give notice of a time and place of hearing to the administrator. At such hearing the court may confirm or correct the administrator's determination. If the administrator's determination is confirmed, the cost of such proceedings, as in civil actions, shall be assessed against such person, firm or corporation. No costs shall be assessed against the state on such appeal.

(e) If the administrator determines that any person, firm or corporation has wilfully failed to declare the payment of wages on payroll records, the administrator may impose a penalty of ten per cent of the total contributions past due to the administrator, as determined pursuant to section 31-270. Such penalty shall be in addition to any other
applicable penalty and interest under section 31-266. In addition, the administrator may require the person, firm or corporation to make contributions at the maximum rate provided in section 31-225a for a period of one year following the determination by the administrator concerning the wilful nondeclaration. If the person, firm or corporation is paying or should have been paying, the maximum rate at the time of the determination, the administrator may require that such maximum rate continue for a period of three years following the determination.

(f) Any person who knowingly makes a false statement or representation or fails to disclose a material fact in order to obtain, increase, prevent or decrease any benefit, contribution or other payment under this chapter, or under any similar law of another state or of the United States in regard to which this state acted as agent pursuant to an agreement authorized by section 31-225, whether to be made to or by himself or any other person, and who receives any such benefit, pays any such contribution or alters any such payment to his advantage by such fraudulent means (1) shall be guilty of a class A misdemeanor if such benefit, contribution or payment amounts to five hundred dollars or less or (2) shall be guilty of a class D felony if such benefit, contribution or payment amounts to more than five hundred dollars. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1977, except within five years next after such violation has been committed.

(g) Any person, firm or corporation who knowingly fails to pay contributions or other payments due under this chapter shall be guilty of a class A misdemeanor. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1987, except within five years after such violation has been committed.

(h) Any person who knowingly violates any provision of this chapter for which no other penalty is provided by law shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

(i) Any person who wilfully violates any regulation made by the administrator or the board under the authority of this chapter, for which no penalty is specifically provided, shall be fined not more than two hundred dollars.

(j) All interest payments collected by the administrator under subsection (b) of this section shall be deposited in the Employment Security Administration Fund.

(1949 Rev., S. 7543; 1949, S. 3089d; 1953, S. 3090d, 3091d; 1967, P.A. 790, S. 20, 21; P.A. 74-229, S. 21, 22; 74-339, S. 32, 33, 36; P.A. 77-227; 77-426, S. 14, 19; P.A. 78-287; 78-331, S. 14, 41, 58; P.A. 79-42; 79-67, S. 1, 2; 79-187, S. 4; P.A. 81-318, S. 3, 4, 8; P.A. 82-132; P.A. 87-364, S. 7, 8; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; 95-323, S. 1, 2, 8; P.A. 04-60, S. 1, 2; P.A. 05-288, S. 139; P.A. 11-36, S. 1, 2.)
History: 1967 act amended Subsecs. (b) and (e) to exclude Sundays and holidays from period allowed for appeal and to specify that if last day falls on day when employment security division offices are closed an extension is allowed and substituted Sec. 31-231b for Sec. 31-232 in Subsec. (e); P.A. 74-229 made person who receives benefits but who "by virtue of a retroactive monetary or nonmonetary determination" is disqualified from receiving benefits liable for repayment under Subsec. (b) and increased time for filing appeal from 7 to 14 days but deleted exclusion for Sundays and holidays; P.A. 74-339 replaced references to unemployment commission and commissioners with references to the board and substituted reference to Sec. 31-249b for reference to Sec. 31-249 in Subsec. (e); P.A. 77-227 imposed penalty on those who receive benefits, etc. as a result of fraudulent means in Subsec. (a) and changed penalty from $200 maximum fine and/or 6 months' maximum imprisonment to penalty for Class A misdemeanor, inserted new Subsec. (c) re employers' violations and relettered former Subsecs. (c) to (e) accordingly; P.A. 77-426 imposed five-year limitation on prosecution actions in Subsec. (a), added references to penalty in Subsec. (e), revised appeal procedure so that referee hears case first rather than the board and restored reference to Sec. 31-249; P.A. 78-287 made penalty applicable to those who pay fraudulent contributions or alter payments to their advantage and added provision making violator in cases involving fraudulent benefit, etc. of more than $500 subject to penalty for a Class D felony; P.A. 78-331 made technical changes; P.A. 79-42 rephrased violations in Subsec. (a) for clarity; P.A. 79-67 added Subsec. (c)(2) re contributions at maximum rate and amended Subsec. (f) to change maximum period of forfeited benefits from 20 to 39 compensable weeks or "more than six years beyond the expiration of the benefit year during which the offense occurred" rather than "beyond 21 months after the termination of the calendar quarter during which the offense was discovered"; P.A. 79-187 amended Subsec. (b) to include provisions re persons whose receipt of funds in error was not due to fraud, etc. and re partial repayment or waiver of repayment, made examiner rather than administrator responsible for determination, modified appeal procedure so that appeals are made first to board of review and then to superior court and replaced references to commissioners with references to referees; P.A. 81-318 amended Subsec. (b) to increase the time limit for appeal from 14 to 21 days after notice mailed and amended Subsec. (f) to increase the time limit for appeal from fourteen to 21 days after mailing of notice of decision and penalty; P.A. 82-132 rearranged the section's provisions to make them more comprehensible, and provided in Subsec. (b) that 100% of the benefit entitlement shall be deducted from benefits paid to a person found to have improperly received benefits, by fraud, willful misrepresentation or willful nondisclosure, until the amount overpaid has been recouped; P.A. 87-364 inserted new Subsec. (e) providing that knowingly failing to pay contributions due under the chapter constitutes a class A misdemeanor, and that any prosecution of the crime must take place within five years after the violation and relettered former Subsecs. (e) and (f) accordingly; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 95-323 amended Subsec. (b) to allow an appeal to be heard
directly by a referee in the same manner as an appeal of a decision of an examiner and deleted the requirement that the administrator present all documents, including the finding of facts for a referee's decision, effective July 10, 1995, and further amended Subsecs. (a) and (b) to specify methods available for recoupment of overpayments and procedures for enforcement of wage executions and to require annual report of uncollectible claims to General Assembly, changing time lapse for consideration of claim as uncollectible from six to eight years and deleting a six-year limit re penalties in Subsec. (b), further amended Subsec. (b) to specify that perpetrators may not receive benefits until repayment of overpayment and penalties has been made in full, amended Subsec. (c) to eliminate the contribution schedule re employers' violations, inserted new provisions in Subsec. (d) re hearing and penalty provisions for employers who wilfully fail to declare payment of wages in the payroll record, inserted new Subsec. (e) re additional penalties imposed for violations of wilful nondeclaration and relettered former Subsecs. (d) to (g), inclusive, as Subsecs. (f) to (i), inclusive, effective October 1, 1995, and applicable to any separation of employment occurring on or after that date; P.A. 04-60 amended Subsec. (b) to make technical changes, to establish interest penalty for overpayments determined on or after July 1, 2005, in Subdiv. (1), to reduce minimum number of weeks of benefit forfeiture from two to one in Subdiv. (2), and to revise notification and appeal procedures in Subdiv. (3), and added Subsec. (j) requiring deposit of all interest penalty payments collected pursuant to Subsec. (b) into Employment Security Administration Fund, effective July 1, 2004; P.A. 05-288 made a technical change in Subsec. (b)(2), effective July 13, 2005; P.A. 11-36 amended Subsec. (a) by designating existing provisions as Subdivs. (1) to (3) and adding provisions re good cause exception for late filing of appeal of determination of overpayment in Subdiv. (2), and amended Subsec. (b)(3) to add provisions re good cause exception for late filing of appeal of determination of fraudulent receipt of benefits or making a fraudulent claim.

Sec. 31-274. Saving clause. Conflict with federal law. Governmental districts and subdivisions defined. (a) The General Assembly reserves the right to amend or repeal all or any part of this chapter at any time, and no vested private right shall prevent such amendment or repeal. All of the rights, privileges or immunities conferred by this chapter, or by acts done pursuant thereto, shall exist subject to the power of the General Assembly to amend or repeal it at any time.

(b) No part of this chapter shall be deemed repealed by subsequent legislation if such construction can reasonably be avoided.

(c) The provisions of this chapter shall be construed, interpreted and administered in such manner as to presume coverage, eligibility and nondisqualification in doubtful cases.

(d) In the event of any conflict between any provision of this chapter and applicable federal law in respect to payment of benefits, coverage or eligibility, the federal law shall prevail if said federal law increases or extends benefits, coverage or eligibility beyond the provisions of this chapter, and the provisions of this chapter shall be construed to be in conformity with the law of the United States.
(e) As applied to this chapter, any amendment in the statute law of the United States which would by implication amend or repeal any provision of this chapter, where such amendment or repealer will increase or extend benefits, coverage or eligibility, shall be deemed and construed to be a provision of this chapter and the law of this state.

(f) As used in any of the provisions of this chapter, the clause "governmental districts, regions or entities, established under state statutes", and the phrases "political and governmental subdivisions", "political or governmental subdivision or entity" and similar terms shall be construed and interpreted to include any and all political subdivisions of this state, including, without limitation, any town, city, county, borough, district, school board, board of education, board of regents, social service or welfare agency, public and quasi-public corporation, housing authority, parking authority, redevelopment and urban renewal board or commission, or other authority or public agency established by law, irrespective of whether such authority or agency has power to hire and discharge employees separate and apart from any other political or governmental subdivision of which it is a part, or with which it may be affiliated, and any water district, sewer district or similar authority established by special act or existing under the general statutes of this state.


History: 1971 act added Subsecs. (b) to (f) re construction of chapter.

This section made plaintiff's right to benefits subject to contingency that general assembly might amend or even repeal the law. 137 C. 129.

Subsec. (c):


Cited. 2 CA 1.


Secs. 31-274a to 31-274f. Nonprofit organizations. Sections 31-274a to 31-274f, inclusive, are repealed.

(1967, P.A. 654, S. 2-7; 1971, P.A. 835, S. 33; June, 1971, P.A. 3, S. 1, 2.)

Sec. 31-274g. Cooperation with other states for enforcement of law. To encourage cooperation between this state and other states in the enforcement of the unemployment insurance law of each state and to further coordinate the nation-wide system of unemployment insurance in the United States and its territories: (a) The courts of this state shall recognize and enforce liabilities for unemployment contributions imposed by other states which extend a like comity to this state. (b) The Attorney General may
commence action in any other jurisdiction by and in the name of the Employment Security Division of the Labor Department to collect unemployment contributions and interest legally due to this state. The officials of other states which extend a like comity to this state may sue for the collection of such contributions in the courts of this state. A certificate by the Secretary of the State under the seal of the state that the officers of the Labor Department designated by the Labor Commissioner have authority to collect the contributions is conclusive evidence of such authority. (c) The Attorney General may commence action in this state as agent for and on behalf of any other state to enforce judgment and liabilities for unemployment insurance taxes or contributions due such state which extends a like comity to this state.

(1967, P.A. 790, S. 22.)

Sec. 31-274h. Publication of unemployment compensation information. (a) Subject to the availability of federal funds, the Labor Department shall publish on a monthly basis the following information concerning all recipients of unemployment compensation benefits under this chapter: (1) Reasons for entry into the unemployment compensation system; (2) breakdown of recipients by age, sex, occupational background, skill, educational and wage levels, and duration of unemployment; (3) reasons for termination of benefits under this chapter for any such recipients; (4) breakdown of such former recipients by age, sex, occupational background, skill, educational and wage levels and duration of unemployment, and (5) correlations between such statistics.

(b) The Labor Department shall apply for and may receive federal funds for the purposes of this section.

(c) No state funds shall be expended to carry out the purposes of this section.

(P.A. 77-100, S. 1-3.)

Sec. 31-274i. Information to be provided re earned income credit program. The Labor Department shall provide information concerning the federal earned income credit program established pursuant to 26 USC 32, to each applicant for or recipient of unemployment compensation benefits.

(P.A. 90-92, S. 3.)

History: (Revisor's note: In 1997 a reference to "Department of Labor" was changed editorially by the Revisors to "Labor Department" for consistency with customary statutory usage).

Sec. 31-274j. Voluntary shared work unemployment compensation program. (a) As used in this section, "administrator" means the Labor Commissioner in his capacity as administrator of unemployment compensation under this chapter.

(b) Notwithstanding any provision of this chapter to the contrary, the administrator
shall establish a voluntary shared work unemployment compensation program allowing participating employees to collect unemployment compensation benefits if the employees work a reduced number of hours per week with a corresponding reduction in wages under a shared work plan submitted by a contributing employer subject to the provisions of this chapter and approved by the administrator.

(c) The administrator shall adopt regulations, in accordance with the provisions of chapter 54, to establish requirements for and administer the shared work unemployment compensation program.

(P.A. 93-243, S. 8, 15.)

CHAPTER 571*
OCCUPATIONAL SAFETY AND HEALTH ACT

*"Federal and state OSHA violations do not give rise to a private right of action." 196 C. 91.

Cited. 3 CA 40. Sec. 31-367 et seq., occupational safety and health act (OSHA), cited. 16 CA 660.

Complaint under Occupational Safety and Health Act is barred by Workers' Compensation Act. 39 CS 250.

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Sec. 31-367. Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(a) "Commissioner" means the Labor Commissioner or his designated agent;

(b) "Commission" means the Occupational Safety and Health Review Commission
established under this chapter;

(c) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons;

(d) "Employer" means the state and any political subdivision thereof;

(e) "Employee" means any person engaged in service to an employer in a business of his employer;

(f) "Occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment in places of employment;

(g) "Trade secret" means any confidential formula, pattern, device or compilation of information, known only to the employer and those employees in whom it is necessary to confide it, which is used in the employer's business and gives him an opportunity to obtain an advantage over competitors who do not know or use it.

Subdiv. (d):

Sec. 31-368. Division of Occupational Safety and Health. Coordination of activities with the Workers' Compensation Commission. (a) There is created in the Labor Department a Division of Occupational Safety and Health, which shall be comprised of a subdivision for safety, a subdivision for health and such other subdivisions as the commissioner deems necessary. This division shall administer all matters pertaining to occupational safety and occupational health.

(b) The Labor Department may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the state for the administration of this chapter.
(c) The Labor Commissioner shall provide for coordination between the Division of Occupational Safety and Health and the Workers' Compensation Commission which shall include but not be limited to establishment of standardized procedures and reportings.


History: P.A. 77-614 added Subsec. (c) re coordination between division of occupational health and safety and compensation commissioners; P.A. 78-303 reversed "health" and "safety" in division name; P.A. 79-376 replaced "workmen's compensation" with "workers' compensation"; P.A. 91-339 amended Subsec. (c) by changing "workers' compensation commissioners" to "workers' compensation commission".

Sec. 31-369. Application of chapter. (a) This chapter applies to all employers, employees and places of employment in the state except the following: (1) Employees of the United States government; and (2) working conditions of employees over which federal agencies other than the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(b) Nothing in this chapter shall be construed to supersede or in any manner affect any workers' compensation law or to enlarge, diminish or affect in any manner common law or statutory rights, duties or liabilities of employers or employees, under any law with respect to injuries, diseases or death of employees arising out of and in the course of employment.


History: P.A. 74-137 specified applicability of chapter to all owners and substituted "working conditions of employees" for "employers, employees and places of employment" in Subdiv. (2); P.A. 79-376 substituted "workers' compensation" for "workmen's compensation"; P.A. 80-46 removed "owners" from applicability provision in Subsec. (a) and deleted Subsec. (c) re required compliance with health and safety standards by building owners, lessees, agents or managers.

Subsec. (b):

The negligence per se instruction was erroneous when measured against this limiting statute. 184 C. 173. Cited. 196 C. 91.

Cited. 3 CA 40.

Sec. 31-370. Duties of employer and employee. (a) Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.
(b) Each employer shall, upon the written request of any employee, furnish such employee with a written statement listing the substances which such employee uses or with which such employee comes into contact that have been identified as toxic and hazardous by occupational safety and health standards, under Title 29 CFR 1910.1000 "Air Contaminant Code of Federal Regulations".

(c) Each employer shall comply with occupational safety and health standards promulgated under this chapter.

(d) Each employee shall comply with occupational safety and health standards and all regulations and orders issued pursuant to this chapter which are applicable to his own actions and conduct.

(P.A. 73-379, S. 4, 21; P.A. 77-107.)

History: P.A. 77-107 inserted new Subsec. (b) re employer's duty to notify employees of toxic and hazardous substances which they use, etc. and relettered former Subsecs. (b) and (c) accordingly.

Cited. 243 C. 66.

Subsec. (a):

Cited. 184 C. 173.

Subsec. (c):

Cited. 184 C. 173.

Sec. 31-371. Regulations. In the adoption of regulations under the authority of this chapter, the commissioner shall:

(a) Provide for the preparation, adoption, amendment or repeal of regulations governing the conditions of employment of general and special application in all work places;

(b) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards arising from undesirable, inappropriate or unnecessary working conditions at the work place and of stimulating employers and employees to institute new, and to perfect existing, programs for providing safe and healthful working conditions;

(c) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment as will assist in achieving the objectives of this chapter;
(d) Provide for the frequency, method and manner of making inspections of work places without advance notice, provided, in the event of an emergency or unusual situation, the commissioner may give advance notice;

(e) Provide for the publication and dissemination to employers, employees and labor organizations, and the posting, where appropriate, by employers of informational, education or training materials calculated to aid and assist in achieving the objectives of this chapter;

(f) Provide for the establishment of new, and the perfection and expansion of existing, programs for occupational safety and health education for employers and employees and institute methods and procedures for the establishment of a program for voluntary compliance by employers and employees with the requirements of this chapter and all applicable safety and health standards and regulations promulgated pursuant to the authority of this chapter.

(P.A. 73-379, S. 5, 21; P.A. 74-137, S. 3, 4, 21; P.A. 80-46, S. 3.)

History: P.A. 74-137 added references to owners in Subsecs. (b) and (e); P.A. 80-46 deleted references to owners.

Sec. 31-372. Adoption of federal and state standards. Variances. (a) The commissioner shall provide for the adoption of all occupational health and safety standards, amendments or changes adopted or recognized by the United States Secretary of Labor under the authority of the Occupational Safety and Health Act of 1970. Where no federal standards are applicable, the commissioner shall provide for the development of such state standards as may be necessary in special circumstances.

(b) No standards shall be adopted for products distributed or used in interstate commerce which are different from federal standards for such products unless such standards are required by compelling local conditions and do not unduly burden interstate commerce.

(c) Subject to the time period limitations of subsection (f) of section 4-168, in the event of emergency or unusual situations the commissioner shall provide for an emergency temporary standard to take immediate effect upon publication in the Connecticut Law Journal if he deems (1) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards; and (2) that such emergency standard is necessary to protect employees from such danger. Such emergency standard shall be in effect not longer than one hundred twenty days or, if renewed in compliance with subdivisions (1) and (2) of this subsection, not longer than sixty additional days. On or before the expiration date of such emergency standard or renewal thereof, the commissioner shall develop a permanent standard to replace such emergency standard.
(d) Any standard promulgated shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure where appropriate. Such standard shall also prescribe suitable protective equipment and control procedures to be used in connection with such hazards and shall provide for measuring employee exposure in such manner as may be necessary for the protection of employees. In addition, where appropriate, such standard shall prescribe the type and frequency, medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to determine any adverse effect from such exposure.

(e) Any employer may apply to the commissioner for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of subsection (f) of this section and establishes that the employer (1) is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (2) is taking all available steps to safeguard employees against the hazards covered by the standard, and (3) has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subsection shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail the employer's program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing, provided the commissioner may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice as long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No interim renewal of an order may remain in effect longer than one hundred eighty days.

(f) An application for a temporary variance order shall contain: (1) A specification of the standard or portion thereof from which the employer seeks a variance; (2) a representation by the employer, supported by representations from qualified persons who have firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor; (3) a statement of the steps he has taken and will take, with specific dates, to protect employees against the hazard covered by the standard; (4) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take, with dates specified, to come into compliance with the standard; and (5) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where
notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the commissioner for a hearing. The commissioner is also authorized to grant a variance from any standard or portion thereof whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by him designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(g) Any affected employer may apply to the commissioner for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The commissioner shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer or employees, or by the commissioner on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

(h) Any person who may be adversely affected by a standard or regulation issued under this section may challenge the validity or applicability of such standard or regulation by bringing an action for a declaratory judgment in accordance with section 4-175.


History: P.A. 74-137 added references to owners in Subsecs. (e) to (g) and specified that Subsec. (f)(5) applies "in the case of an employer"; P.A. 80-46 deleted references to owners and words "in the case of an employer" in said Subdiv. (5); P.A. 88-317 amended Subsec. (c) by substituting "subsection (f) of section 4-168" for "subsection (b) of section 4-168", effective July 1, 1989, and applicable to all agency proceedings commencing on or after that date; P.A. 06-196 made technical changes in Subsec. (e), effective June 7, 2006.

Subsec. (a):

Cited. 184 C. 173.
Sec. 31-373. Committee on Occupational Safety and Health. Section 31-373 is repealed.

(P.A. 73-379, S. 7, 21; P.A. 77-614, S. 609, 610.)

Sec. 31-374. Inspections and investigations. Records. (a) In order to carry out the purposes of this chapter the commissioner, upon presenting appropriate credentials to the employer, is authorized (1) to enter without advance notice, except as provided in regulations adopted in accordance with chapter 54 and this chapter, and at reasonable times any factory, plant, establishment, construction site, or other area, work place or environment where work is performed by an employee of an employer, and (2) to inspect and investigate, during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment and the materials therein and to question, privately, any such employer or employee. Whenever the commissioner, proceeding pursuant to this section, is denied admission to any such place of employment, he shall obtain a warrant to make an inspection or investigation of such place of employment from any judge of the Superior Court. Any judge of the Superior Court within the state is authorized to issue a warrant pursuant to this section and shall issue such warrant whenever he is satisfied that the following conditions are met: That the individual seeking the warrant is a duly authorized agent of the department; and that such individual has established under oath or affirmation that the place of employment to be investigated in accordance with this section is to be inspected to determine compliance or noncompliance with a standard, regulation or order, or that there is probable cause to believe that there is a condition in or about such place of employment constituting a hazard to safety or health.

(b) In making his inspections and investigations under this chapter, the commissioner may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of this state. In case of contumacy or failure or refusal of any person to obey such an order, the superior court for the judicial district wherein such person resides, is found or transacts business shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if asked, and when so ordered, and to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) (1) Each employer shall make, keep and preserve and make available to the commissioner and the United States Secretary of Labor such records regarding his activities relating to this chapter as the commissioner may prescribe in regulations adopted in accordance with chapter 54 and this chapter as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this subdivision such regulations may include provisions requiring employers to conduct periodic inspections. The commissioner shall also adopt regulations in accordance with chapter 54 and this chapter requiring that employers through posting of notices or other
appropriate means keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable standards.

(2) The commissioner shall adopt regulations in accordance with chapter 54 and this chapter requiring employers to maintain accurate records of and to make periodic reports on work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The commissioner shall adopt regulations in accordance with chapter 54 and this chapter requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any occupational safety and health standard adopted under this chapter. Such regulations shall provide employees or their representatives an opportunity to observe such monitoring or measuring and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated in regulations adopted in accordance with chapter 54 and this chapter and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the commissioner under this chapter shall be obtained with a minimum burden upon employers. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations adopted by the commissioner in accordance with chapter 54 and this chapter, a representative of the employer and a representative authorized by the employees of the employer shall be given an opportunity to accompany the commissioner or his authorized representative during the physical inspection of any work place for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the work place.

(f) (1) Any employee or representative of employees who believes that there is a violation of an occupational safety or health standard or that there is an imminent danger of physical harm may request an inspection by giving notice to the commissioner or his authorized representative of such violation or danger. Any such notice shall be reduced to writing and shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or the representative of employees. A copy of such notice shall be provided the employer or the employer's agent no later than the time of the inspection, provided, upon the request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released or made available pursuant to subsection (g) of this.
section. Upon the request of an individual employee whose name is not included in such notice, but who at any time provides information to the commissioner concerning the violation or danger alleged in such notice, the name of such individual employee shall not appear on any record published, released or made available pursuant to subsection (g) of this section. If upon receipt of such notification the commissioner determines there are reasonable grounds to believe that such violation or danger exists, he shall make an inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. Such inspection may be limited to the alleged violation or danger. If the commissioner determines there are no reasonable grounds to believe that such violation or danger exists, he shall notify the employer, employee or representative of employees in writing of such determination. Such notification shall not preclude future enforcement action if conditions change.

(2) Prior to or during any inspection of a work place, any employees or representative of employees employed in such work place may notify the commissioner or any representative of the commissioner responsible for conducting the inspection in writing of any violation of this chapter which they have reason to believe exists in such work place. The commissioner shall by regulation establish procedures for informal review of any refusal by a representative of the commissioner to issue a citation with respect to any such alleged violation and shall furnish the employer and the employees or representative of employees requesting such review a written statement of the reasons for the commissioner's final disposition of the case. Such notification shall not preclude future enforcement action if conditions change.

(g) (1) The commissioner may compile, analyze and publish in either summary or detail form all reports or information obtained under this section.

(2) The commissioner shall adopt such regulations in accordance with chapter 54 and this chapter as he may deem necessary to carry out his responsibilities under this chapter, including regulations dealing with the inspection of an employer's or owner's establishment.

(h) (1) In accordance with the provisions of section 4-38d, the duty of the Department of Public Health to license and to establish standards for health facilities operated by a commercial or industrial establishment for the care of its employees shall be transferred to the Division of Occupational Safety and Health of the Labor Department. No commercial or industrial establishment within the state shall establish, conduct, operate or maintain a health facility for its employees without a license as required by this subsection.

(2) Application for such license shall be made to the Labor Department upon forms provided by it and shall contain such information as the department requires, which may include affirmative evidence of ability to comply with reasonable standards and regulations adopted pursuant to the provisions of this subsection. Upon receipt of an application for a license, the Labor Department shall issue such license if, upon inspection and investigation by the Division of Occupational Safety and Health, it finds
that the applicant and facilities meet the requirements established by regulation. Such license shall be valid for one year or fraction thereof and shall terminate on March thirty-first, June thirtieth, September thirtieth or December thirty-first of each year. A license, unless sooner suspended or revoked, shall be renewable annually, without charge, upon the filing by the licensee, and approval by the Labor Department, of an annual report upon such date and containing such information in such form as the department prescribes and satisfactory evidence of continuing compliance with requirements. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

(3) The Labor Department shall adopt, in accordance with chapter 54 and this chapter, and enforce regulations for health facilities licensed under the provisions of this subsection in order to provide for reasonable standards of health, safety and comfort for the employees utilizing such facilities. The regulations adopted by the Labor Department shall conform to the standards established by this chapter.

(4) The Labor Department, after reasonable notice and a hearing, may suspend, revoke or refuse to renew a license in any case in which it finds there has been a substantial failure to comply with the requirements established under this subsection. The requirements of reasonable notice and hearing, as provided for in this subsection, and appeals from the decisions of said department, shall comply with the requirements of chapter 54.


History: P.A. 74-137 added references to owners in Subsecs. (d) to (g) and added Subsec. (h) transferring powers of department of health to division of occupational health and safety; P.A. 75-567 substituted "geographical area" for "circuit" in Subsec. (a); P.A. 76-436 replaced court of common pleas and "court of record" with superior court and deleted reference to judges of any court of record, effective July 1, 1978; P.A. 77-614 replaced department of health with department of health services, effective January 1, 1979; P.A. 78-280 deleted reference to counties; P.A. 80-46 substituted "employer" for "owner, operator or agent in charge" as recipient of credentials in Subsec. (a) and deleted references to owners throughout section; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995 (Revisor's note: A reference in Subsec. (h) to "Division of Occupational Health and Safety" was replaced editorially by the Revisors with "Division of Occupational Safety and Health" in conformance with Sec. 31-368); P.A. 09-106 amended Subsecs. (a), (c), (e), (g)(2) and (h)(3) by replacing former citations to regulations with citations re regulations adopted in accordance with Chs. 54 and 571, amended Subsec. (f)(1) to add provision allowing employee who provides information to commissioner concerning the
violation or danger alleged to request that employee's name be excluded from the published record, and made technical changes in Subsecs. (b), (f)(1), (g) and (h)(2).

Sec. 31-375. Citation for violation. (a) If, upon inspection or investigation, the commissioner or his authorized representative believes that an employer has violated any provision of sections 31-369 and 31-370, any standard promulgated pursuant to section 31-372 or any regulations adopted pursuant to this chapter, he shall, with reasonable promptness, issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of this chapter or the standard, regulation or order alleged to have been violated. The citation shall fix a reasonable time for the abatement of the violation.

(b) Each citation issued under this section or a copy or copies thereof shall be prominently posted as prescribed in regulations issued by the commissioner at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

(P.A. 73-379, S. 9, 21; P.A. 74-137, S. 14, 21; P.A. 80-46, S. 7.)

History: P.A. 74-137 made provisions applicable to owners; P.A. 80-46 excluded owners from applicability.

Cited. 196 C. 91.

Sec. 31-376. Occupational Safety and Health Review Commission. (a) There shall continue to be a Connecticut Occupational Safety and Health Review Commission which shall be within the Labor Department for administrative purposes only. Said commission shall consist of five members appointed by the Governor from among persons who by reason of training, education or experience are qualified to carry out the functions of the commission under this chapter.

(b) Members of the review commission shall serve terms of four years and until their successors are appointed.

(c) A member of the review commission shall hear and rule on appeals from citations, notifications and penalties issued under the provisions of this chapter. The commissioner shall adopt and promulgate rules and regulations with respect to the procedural aspect of the review commission hearings.

(d) Any commission member hearing an appeal or appeals under the provisions of this chapter shall be paid one hundred twenty-five dollars per diem. The members shall alternate the hearing of such appeals according to a schedule adopted by the commissioner. If a member is unable to hear an appeal, the next available member, in accordance with such schedule, shall hear the appeal. A member shall be selected to hear
an appeal within thirty days after the date it was filed.

(e) Any staff necessary for the purposes of such hearings shall be provided by the Labor Department.

(f) In the conduct of hearings the review commission or hearing officer may subpoena and examine witnesses, require the production of evidence, administer oaths and take testimony and depositions.

(g) After hearing an appeal the review commission member may sustain, modify or dismiss a citation or penalty, provided such decision shall be issued within one hundred twenty days after the date the appeal was filed.

(P.A. 73-379, S. 13, 21; P.A. 74-137, S. 16, 21; 74-176, S. 1, 2; P.A. 75-285, S. 3; P.A. 77-614, S. 67, 484, 610; P.A. 81-382, S. 6, 8; P.A. 83-569, S. 7, 17.)

History: P.A. 74-137 replaced provisions whereby commission fixed salaries of secretary of commission (with governor's approval) and of all other employees with provision whereby state personnel policy board is responsible for fixing all salaries; P.A. 74-176 specified that commission is an autonomous body and within the labor department for fiscal and budgetary purposes only; P.A. 75-285 added provision in Subsec. (j) re review procedure; P.A. 77-614 replaced personnel policy board with commissioner of administrative services and, effective January 1, 1979, deleted reference to commission as autonomous body and substituted "administrative" for "fiscal and budgetary" purposes; P.A. 81-382 reduced number of commission members from three to two, deleted provision whereby governor designated chairman, deleted Subsec. (c) re meetings, special meetings and quorum, relettered former Subsec. (d) as (c) and allowed single member rather than whole commission to hear and rule on appeals and transferred regulation power from commission to labor commissioner, deleted former Subsecs. (e) to (j) re commission employees, salaries of members and employees, expense reimbursements and hearing procedure, inserted new Subsecs. (d) and (e) re payments to members hearing appeals and staff and relettered former Subsecs. (k) and (l) accordingly; P.A. 83-569 set time limits for hearings and decisions on appeals and enlarged commission membership from two to five.

See title 2c re termination under "Sunset Law".

See Sec. 4-38f for definition of "administrative purposes only".

Sec. 31-377. Notice to employer of contest period and proposed assessment.
Action by review commission. (a) If, after inspection or investigation, the commissioner issues a citation pursuant to section 31-375, he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed pursuant to section 31-382. Such notification shall inform the employer that he has fifteen working days from the receipt of notice within which to notify the commissioner that he wishes to contest the citation or proposed
assessment of penalty. If the employer fails to so notify the commissioner within said fifteen days, and if no notice is filed by any employee or representative of employees pursuant to subsection (c) of this section within said fifteen days, the citation and the assessment, as proposed, shall be deemed a final order of the commission and not subject to review by any court or agency.

(b) If the commissioner has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for such correction, the commissioner shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed pursuant to section 31-382 by reason of such failure, provided, in the case of a review proceeding initiated by the employer under this section in good faith and not solely for delay or the avoidance of penalties, the period permitted for correction of the violation shall not begin to run until the entry of a final order by the review commission. Such notification by the commissioner shall inform the employer that he has fifteen working days from the receipt of such notice within which to notify the commissioner that he wishes to contest the notification or the proposed assessment of penalty. If, within fifteen days from receipt of notification under this section, the employer fails to notify the commissioner that he intends to contest the notification or proposed assessment of penalty, the notification and assessment as proposed shall be deemed a final order of the commission and not subject to review by any court or agency.

(c) If an employer notifies the commissioner that he intends to contest a citation issued under subsection (a) of section 31-375 or a notification issued under subsection (a) or (b) of this section, or if, within fifteen days after the issuance of a citation issued under subsection (a) of section 31-375, any employee or representative of employees files a notice with the commissioner alleging that the period of time fixed in the citation for abatement of the violation is unreasonable, the commissioner shall immediately advise the commission of such notification, and the commission shall afford an opportunity for a hearing. The commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the commissioner's citation or proposed penalty, or directing other appropriate relief. Such order shall become final thirty days after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and a showing that abatement has not been completed because of factors beyond his reasonable control, the commissioner, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the commissioner shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

(P.A. 73-379, S. 10, 21; P.A. 74-137, S. 15, 21; P.A. 79-631, S. 90, 111; P.A. 80-46, S. 8; P.A. 81-382, S. 7, 8.)

History: P.A. 74-137 made provisions applicable to owners; P.A. 79-631 made technical correction in Subsec. (b); P.A. 80-46 deleted references to owners; P.A. 81-382
amended Subsec. (c) to reflect transfer of power to prescribe rules of procedure from review commission to labor commissioner.

**Sec. 31-378. Appeal from review commission.** Any person, including the commissioner, adversely affected or aggrieved by an order of the review commission, after all administrative remedies provided by this chapter have been exhausted, is entitled to judicial review in accordance with section 4-183.

(P.A. 73-379, S. 11, 21.)

**Sec. 31-379. Discriminatory practices prohibited. Complaint: Filing; hearing; relief. Appeal to Superior Court.** (a) No person shall discharge, discipline, penalize or in any manner discriminate against any employee (1) because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, (2) because such employee has testified or is about to testify in any such proceeding, or (3) because of the exercise by such employee on behalf of such employee or others of any right afforded by this chapter.

(b) Any employee who believes that such employee has been discharged, disciplined, penalized or otherwise discriminated against by any person in violation of subsection (a) of this section may, not later than one hundred eighty days after such violation occurs, file a complaint with the commissioner alleging such violation. Upon receipt of such complaint the commissioner shall hold a hearing in accordance with the provisions of chapter 54.

(c) The commissioner may award an aggrieved employee all appropriate relief, including rehiring or reinstatement of the employee to the employee's former position, back pay and reestablishment of any employee benefits to which the employee would otherwise have been eligible if such violation had not occurred. The commissioner shall award a prevailing employee such employee's costs, together with reasonable attorneys' fees to be determined by the commissioner.

(d) Any party aggrieved by the commissioner's decision under subsection (c) of this section may appeal the decision to the Superior Court in accordance with the provisions of chapter 54.

(P.A. 73-379, S. 12, 21; P.A. 76-436, S. 265, 681; P.A. 78-280, S. 5, 127; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4-6; P.A. 99-146.)

History: P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 78-280 replaced "Hartford county" with "judicial district of Hartford-New Britain"; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1,
1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 99-146 made technical changes, amended Subsec. (a) to add Subdiv. indicators and prohibit employers from disciplining or penalizing employees who file complaints or institute proceedings under the Connecticut Occupational Safety and Health Act, amended Subsec. (b) to extend the time for filing complaints against employers from 30 to 180 days following a violation and delete provisions requiring the commissioner to investigate complaints and institute Superior Court actions as necessary and instead required the commissioner to hold hearings on complaints in accordance with the Uniform Administrative Procedure Act, amended Subsec. (c) to delete the commissioner's notice requirements and specify the relief the commissioner is authorized to grant to aggrieved employees in Subsec. and added a new Subsec. (d) to authorize appeals to the Superior Court.

Cited. 40 CA 577.

Sec. 31-380. Enjoining of conditions or practices at places of employment. Mandamus against commissioner for failure to act. (a) The Superior Court shall have jurisdiction upon petition by the commissioner to restrain or enjoin any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists except individuals whose presence is necessary to avoid, correct or remove such imminent danger or to maintain the capacity of a continuous process operation, to resume normal operations without a complete cessation of operations or, where a cessation of operation is necessary, to permit such to be accomplished in a safe and orderly manner. No temporary restraining order issued without notice shall be effective more than five days.

(b) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) of this section exist in any place of employment, he shall inform the affected employees and employer or owner of such danger and shall further inform such persons that he is recommending to the commissioner that relief be sought.

(c) If the commissioner arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such failure, or the representative of such employee, may bring an action against the commissioner in the superior court for the judicial district in which the imminent danger is alleged to exist or where the employer or owner has its principal office, for a writ of mandamus to compel the commissioner to seek such an order and for such further relief as may be appropriate.

(P.A. 73-379, S. 14, 21; P.A. 74-137, S. 17, 18, 21; P.A. 76-436, S. 266, 681; P.A. 78-280, S. 1, 127.)
History: P.A. 74-137 added reference to place where "owner" has principal office in Subsec. (c); P.A. 76-436 replaced court of common pleas with superior court, effective July 1, 1978; P.A. 78-280 deleted reference to counties.

**Sec. 31-381. Confidentiality of information obtained.** All information reported to or otherwise obtained by the commissioner or his representatives or any member of the commission in connection with any inspection or proceeding under this chapter which contains or which might reveal a trade secret shall be considered confidential, provided such information may be disclosed to other officers or employees concerned with carrying out this chapter or when relevant in any proceeding under this chapter. In any such proceedings the commissioner, the review commission or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(P.A. 73-379, S. 15, 21; P.A. 75-285, S. 1; P.A. 82-472, S. 111, 183.)

History: P.A. 75-285 made provisions applicable to information reported to or obtained by "any member of the commission or the advisory committee"; P.A. 82-472 deleted reference to information obtained by advisory committee.

**Sec. 31-382. Penalties.** (a) Any employer who wilfully or repeatedly violates the requirements of sections 31-369 and 31-370, any standard or order promulgated pursuant to section 31-372, or regulations prescribed pursuant to this chapter, may be assessed a civil penalty of not more than ten thousand dollars for each violation.

(b) Any employer who has received a citation for a serious violation of the requirements of sections 31-369 and 31-370, of any standard or order promulgated pursuant to section 31-372, or of any regulations prescribed pursuant to this chapter shall be assessed a civil penalty of up to one thousand dollars for each such violation.

(c) Any employer who has received a citation for a violation of the requirements of sections 31-369 and 31-370, of any standard or order promulgated pursuant to section 31-372, or of regulations adopted pursuant to this chapter, which violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to one thousand dollars for each such violation.

(d) Any employer who fails to correct a violation for which a citation has been issued under section 31-375 within the period permitted for its correction which period shall not begin to run until the date of the final order of the commission in the case of any review proceeding under section 31-377 initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(e) Any employer who wilfully violates any standard or order promulgated pursuant to section 31-372, or of any regulation adopted pursuant to this chapter, which violation caused death to any employee shall be fined not more than ten thousand dollars or
imprisoned not more than six months or both; provided, if the conviction is for a violation committed after a first conviction of such person, punishment shall be by fine of not more than twenty thousand dollars or by imprisonment of not more than one year or by both.

(f) Any person who gives advance notice of any inspection to be conducted under this chapter, without authority from the commissioner or his designees, shall be fined not more than one thousand dollars or imprisoned not more than six months, or both.

(g) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter shall be fined not more than ten thousand dollars or imprisoned not more than six months, or both.

(h) Any employer who violates any of the posting requirements as prescribed under the provisions of this chapter shall be assessed a civil penalty of up to one thousand dollars for each violation.

(i) Any employer or individual who refuses entry to any authorized representative of the commissioner while such representative is attempting to conduct an investigation or inspection pursuant to the provisions of this chapter, or in any way wilfully obstructs him from carrying out his investigation or inspection, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

(j) Any employer or individual who wilfully causes bodily harm to any authorized representative of the commissioner while such representative is attempting to conduct an investigation or inspection pursuant to the provisions of this chapter, shall be fined not more than ten thousand dollars, or imprisoned not more than one year, or both.

(k) The commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(l) For the purposes of this section a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists or from one or more practices, means, methods, operations or processes which have been adopted or are in use in such place of employment unless the employer did not, and could not, with the exercise of reasonable diligence, know of the presence of the violation.

(m) Civil penalties owed under this chapter shall be paid to the commissioner for deposit into the Treasury of the state and may be recovered in a civil action in the name of the state of Connecticut brought in the superior court for the judicial district where the violation is alleged to have occurred or where the employer has its principal office.

(n) Any person who violates the provisions of section 31-381 shall be fined not more
than one thousand dollars or imprisoned not more than one year or both. In the event that such person is an officer or employee responsible for carrying out the provisions of this chapter, he shall be removed from office or employment upon conviction under this subsection.


History: P.A. 74-137 made provisions applicable to owners and added reference to violation of orders in Subsec. (e); P.A. 75-285 added Subsec. (n) re violations of provisions of Sec. 31-381; P.A. 76-436 substituted superior court for "a court of competent jurisdiction" in Subsec. (m), effective July 1, 1978; P.A. 78-280 deleted reference to counties in Subsec. (m); P.A. 80-46 made provisions inapplicable to owners.

Sec. 31-383. Research and demonstration projects. The commissioner shall conduct research and undertake demonstration projects relating to occupational safety and health issues and problems either within the Labor Department or by grants or contracts. The commissioner may prescribe regulations requiring employers to measure, record and make reports on exposure of employees to toxic substances which he believes may endanger the health or safety of employees. The commissioner shall cooperate with the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services of the United States in establishing such programs of medical examinations and tests as may be necessary to determine the incidence of occupational illness and employee susceptibility to such illnesses. Such programs, on the request of the employer, may be paid for by the commissioner, together with such other assistance as may be required. Information obtained under this section shall be made public without revealing the names of individual workers covered by physical examination or special studies and shall be made available to employers, employees and their respective organizations.

(P.A. 73-379, S. 17, 21.)

Sec. 31-384. Education programs. (a) The commissioner shall conduct directly or by grants or contracts education programs to provide an adequate supply of qualified personnel to carry out the purposes of this chapter and informational programs on the importance and proper use of adequate safety and health equipment.

(b) The commissioner is authorized to conduct directly or by grants or contracts short term training of personnel engaged in work related to his responsibilities under this chapter.

(c) The commissioner shall provide for the establishment and supervision of programs for the education and training of employers, owners and employees in the recognition, avoidance and prevention of unsafe or unhealthful working conditions in employment covered by this chapter. The commissioner shall consult with and advise employers, owners, employees and organizations representing employers, owners and
employees as to effective means of preventing occupational injuries and illnesses.

(P.A. 73-379, S. 18, 21; P.A. 74-137, S. 20, 21.)

History: P.A. 74-137 included "owners" in Subsec. (c).

Cited. 176 C. 320.

Sec. 31-385. Reports to U.S. Secretary of Labor. In regard to the administration and enforcement of this chapter the commissioner shall make such reports to the Secretary of Labor of the United States in such form and containing such information as the Secretary shall from time to time require.

(P.A. 73-379, S. 19, 21.)
CHAPTER 573
OCCUPATIONAL HEALTH CLINICS

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Sec. 31-396. Definitions. As used in sections 31-396 to 31-403, inclusive:

(1) "Occupational disease" means any disease which is peculiar to an occupation in which an employee was or is engaged and which is due to causes, in excess of the ordinary hazards of employment which are attributable to such occupation, and includes, but is not limited to, (A) any disease due to or attributable to exposure to or contact with any radioactive material by an employee in the course of his employment, (B) poisoning from lead, phosphorus, arsenic, brass, wood alcohol or mercury or their compounds or from anthrax or compressed air illness and (C) any other diseases, contracted as a result of the employment of a person, which is due to toxic or hazardous chemicals, materials, gases or other substances identified by the United States Department of Labor pursuant to occupational safety and health standards contained in 29 CFR Chapter XVII, as from time to time amended.

(2) "Occupational health clinic" means any public or nonprofit medical facility providing diagnosis, treatment and preventative services for patients with occupational diseases which is licensed by the state for such purposes. These services shall include, but shall not be limited to outpatient care, medical surveillance, data collection, and the assessment of work place exposure.

(3) "Auxiliary occupational health clinic" means any general hospital, or any other medical facility which is approved by the Labor Commissioner in accordance with regulations adopted pursuant to section 31-401, which operates a corporate medicine program or an employee wellness program which includes any of the following: (1) Routine commercial activities, such as preemployment examinations, (2) mandated examinations, such as Federal Occupational Safety and Health Administration examinations, (3) routine workers' compensation cases, (4) routine medical evaluations involving establishment of product liability, (5) evaluations consigned to independent medical examiners, (6) employee physical programs, (7) employee wellness programs, or
employee drug testing programs.

(4) "Occupational physician" means any doctor licensed to practice medicine in the state and found to be qualified to practice occupational medicine by the American Board of Preventive Medicine.

(5) "Surveillance" means the detection by epidemiologic means of disease states or significant laboratory abnormalities. Surveillance activities may involve the interpretation of existing data or the active pursuit of new data and disease associations, provided surveillance activities shall not include preemployment related physicals, insurance examinations or other data collection activities of a purely commercial nature, may incorporate the experience of other states, particularly those in the northeast, and may include technical support available through the National Institute for Occupational Safety and Health.

(P.A. 90-226, S. 1, 10.)

History: (Revisor's note: In 1997 a reference in Subdiv. (3) to "Commissioner of Labor" was replaced editorially by the Revisors with "Labor Commissioner" for consistency with customary statutory usage).

Sec. 31-397. Grants-in-aid to occupational health clinics. (a) The Labor Commissioner, in consultation with the Commissioner of Public Health, shall encourage the development of occupational health clinics by making grants-in-aid to public and nonprofit organizations. Such grants-in-aid shall be used to facilitate the development and operation of such clinics, including, but not limited to, preproject development, site acquisition, development, improvement and operating expenses. Such grant-in-aid may be used for activities involved in occupational disease evaluation, treatment and prevention, particularly when such activities are not compensated by other sources. Such grants-in-aid shall not be used to compensate any occupational health clinic for any activities which could be included in a corporate medicine or employee wellness program, as defined in subdivision (3) of section 31-396. The commissioner shall consult with the Occupational Health Clinics Advisory Board prior to making any such grant.

(b) For an organization to qualify for a grant-in-aid under sections 31-396 to 31-403, inclusive, the occupational health clinic to be operated shall meet all of the following criteria: (1) Clinical directorship by a board certified or board eligible occupational health physician; (2) membership in, application to or plans for application to the Association of Occupational and Environmental Clinics; (3) availability of industrial hygiene or related services; (4) current involvement in or willingness to assist in the training of occupational health professionals; (5) capability to comply with the surveillance requirements and recommendations outlined in the report on Occupational Disease in Connecticut of 1989; (6) agreement to work with the Department of Public Health and the Labor Department to reduce the burden of occupational disease; (7) provision of assistance and medical consultative services to Connecticut OSHA; (8) cooperation with the Department of Public Health, Labor Department, Workers’ Compensation Commission and state
Insurance Commissioner to transfer granted occupational medicine costs to appropriate insurance and other private funding mechanisms; (9) agreement to attempt to educate medical professionals on use of the surveillance system; (10) agreement to compile and report surveillance data; and (11) cooperation with the Department of Public Health, Labor Department, Workers' Compensation Commission and state Insurance Commissioner to carry out the purposes of sections 31-396 to 31-403, inclusive.

(P.A. 90-226, S. 2, 10; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; (Revisor's note: The phrases "commissioner of labor" and "department of labor" in Subsecs. (a) and (b) were changed editorially by the Revisors to "labor commissioner" and "labor department", respectively, in conformance with Sec. 31-1); P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995).

Sec. 31-398. Grants-in-aid for auxiliary occupational health clinics. The Labor Commissioner, in consultation with the Commissioner of Public Health, shall encourage the development of auxiliary occupational health clinics by making grants-in-aid to such auxiliary occupational health clinics. Such grants-in-aid shall be used to compensate such auxiliary clinics for the costs associated with the reporting of data pursuant to section 31-399. Such grants-in-aid shall not be used to compensate any such auxiliary clinic for any activities which could be included in a corporate medicine or employee wellness program, as defined in subdivision (3) of section 31-396. The commissioner shall consult with the Occupational Health Clinics Advisory Board prior to making any such grant.

(P.A. 90-226, S. 3, 10; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; (Revisor's note: The phrase "commissioner of labor" was changed editorially by the Revisors to "labor commissioner" in conformance with Sec. 31-1); P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Sec. 31-399. Collection of data regarding occupational illnesses and injuries. (a) The statistical division within the Workers' Compensation Commission shall receive and coordinate data from occupational health clinics, auxiliary occupational health clinics and other data bases and medical sources concerning occupational illnesses and injuries at various sites and related to various occupations.

(b) The division shall coordinate data collection activities from current available and competent sources, from new sources and from occupational health clinics and auxiliary occupational health clinics and shall, in cooperation with the Division of Worker Education within the Workers' Compensation Commission, educate unions, employers
and individual workers on use of the surveillance system. Data collection and reporting shall be in a form which is consistent with the system used by the United States Centers for Disease Control.

(c) The division shall publish a summary of the data collected pursuant to this section on a not less than annual basis.

(P.A. 90-226, S. 4, 10.)

Sec. 31-400. Evaluation of emergency situation. Recommendations to reduce risks. Notifications. Penalty. (a) In the event of recognition of a health emergency, suggested disease cluster or imminent hazard, the Commissioner of Public Health and the Labor Commissioner, upon their own initiative or upon notice from an occupational health clinic, auxiliary occupational health clinic or employer, may initiate site-specific hazard evaluations, industry-wide epidemiologic and industrial hygiene studies or other surveillance activities. Such investigatory studies or surveillance shall be conducted in full cooperation with local public health officials.

(b) Based on the results of such hazard evaluations, studies or surveillance activities, the Commissioner of Public Health and the Labor Commissioner shall recommend to an employer measures intended to reduce the risk of death, disability, injury or harm from such health emergency, disease cluster or imminent hazard.

(c) In the event such recommendations are made, the employer shall immediately notify all employees at potential risk from such health emergency, disease cluster or imminent hazard. Notification shall also be sent to the Commissioner of Public Health and the Labor Commissioner, and shall include available information about: (1) The nature of the health emergency, disease cluster or imminent hazard; (2) the level at which exposure is determined to be hazardous, if known; (3) the potential acute and chronic effects of exposure at hazardous levels; (4) the symptoms of such effects; (5) appropriate emergency treatment; (6) the precautions being taken by the employer; and (7) precautions that should be taken by employees.

(d) No notification made pursuant to the provisions of this section shall be admissible as evidence of the facts therein stated in any action at law or in any action under the Workers' Compensation Act against the employer making such notification. Any employer who fails to make a notification required by this section, or who knowingly supplies false information, may be assessed a civil penalty of not more than one thousand dollars for each such violation.

(P.A. 90-226, S. 5, 10; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; P.A. 03-272, S. 3.)

History: P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; (Revisor's note: The phrase "commissioner of labor" was changed editorially by the Revisors to "labor
Sec. 31-401. Regulations. The Labor Commissioner, in consultation with the Commissioner of Public Health and the chairman of the Workers' Compensation Commission, shall adopt regulations, in accordance with chapter 54, to carry out the purposes of sections 31-396 to 31-403, inclusive.

(P.A. 90-226, S. 6, 10; P.A. 91-339, S. 42, 55; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 91-339 changed "board of compensation commissioners" to "workers' compensation commission"; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; (Revisor's note: The phrase "commissioner of labor" was changed editorially by the Revisors to "labor commissioner" in conformance with Sec. 31-1); P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

Sec. 31-402. Occupational Health Clinics Advisory Committee. There is hereby established an Occupational Health Clinics Advisory Committee. Said committee shall report to the Governor and the General Assembly no later than September 15, 1990, and annually thereafter, their recommendations as to: (1) Methods for the coordination of activities among occupational health clinics, auxiliary occupational health clinics, the state and any other entities; (2) methods and the nature of disclosure of research and data collection results and related educational information; (3) the appropriate methods of funding, including sources of funding for, occupational health clinics and related state activities, particularly regarding surveillance, and (4) delineation of new goals in occupational disease detection and prevention. The advisory committee shall consist of fifteen persons as follows: The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters concerning occupational health and safety or their designees, two persons appointed by the Governor, one person appointed by the chairman of the Workers' Compensation Commission, one person appointed by the Labor Commissioner, one person appointed by the Commissioner of Public Health, one person appointed by the president pro tempore of the Senate to represent the insurance industry, one person appointed by the majority leader of the Senate to represent the business community, one person appointed by the minority leader of the Senate to represent the labor community, one person appointed by the speaker of the House of Representatives to represent the medical community, one person appointed by the majority leader of the House of Representatives to represent the labor community and one person appointed by the minority leader of the House of Representatives to represent the business community.
Sec. 31-403. Allocations of funds appropriated for the purposes of this chapter.
Any funds made available for expenditure for the program created pursuant to sections 31-396 to 31-402, inclusive, shall be allocated as follows: (1) Forty-five per cent of such amount shall be allocated for grants to occupational health clinics; (2) twenty per cent of such amount shall be allocated for grants to auxiliary occupational health clinics; (3) fifteen per cent of such amount shall be allocated to the statistical division within the Workers' Compensation Commission; (4) ten per cent of such amount shall be allocated to the Labor Department; and (5) ten per cent of such amount shall be allocated to the Department of Public Health, which shall include the expenses of the Occupational Health Clinics Advisory Committee.

(P.A. 90-226, S. 8, 10; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993 (Revisor's note: The phrase "department of labor" was changed editorially by the Revisors to "labor department" in conformance with Sec. 31-1); P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.
CHAPTER 700c
HEALTH INSURANCE

Sec. 38a-537. (Formerly Sec. 38-262c). Notice of cancellation or discontinuation to covered employees. Fine. Notice of transfer of coverage. Failure to procure coverage. Retroactive coverage. (a) Any individual, partnership, corporation, or unincorporated association providing group health insurance coverage for its employees shall furnish each insured employee, upon cancellation or discontinuation of such health insurance, notice of the cancellation or discontinuation of such insurance. The notice shall be mailed or delivered to the insured employee not less than fifteen days next preceding the effective date of cancellation or discontinuation. Any individual or any such entity that fails to provide timely notice shall be fined not more than two thousand dollars for each violation. The Labor Commissioner shall have the authority to assess all such fines. This section shall apply to any such individual, partnership, corporation or unincorporated association that substitutes one policy providing group health insurance coverage for another such policy with no interruption in coverage.

(b) If any individual or any such entity fails to furnish notice pursuant to subsection (a) of this section, the individual or entity shall be liable for benefits to the same extent as the insurer, hospital or medical service corporation or health care center would have been liable if coverage had not been cancelled or discontinued.

(c) Any individual, partnership, corporation, or unincorporated association which makes deductions from an employee's wages for group health insurance coverage and fails to procure such coverage shall be liable for benefits to the same extent as the insurer, hospital or medical service corporation or health care center would have been liable if coverage had been procured. If any corporation makes deductions from an employee's wages for group health insurance coverage and fails to procure such coverage, any officer of the corporation responsible for procuring such coverage for employees who wilfully failed to procure such coverage shall be personally liable for benefits to the same extent as the insurer, hospital or medical service corporation or health care center would have been liable if coverage had been procured, provided that personal liability shall only be imposed against the officer in the event that an amount owed an employee due to the officer's failure cannot otherwise be collected from the corporation itself.

(d) Whenever an employer ceases doing business, any terminated employee whose group health insurance was discontinued on or before the date of termination of employment and who did not receive notice of such discontinuation pursuant to subsection (a) of this section shall be eligible for ninety days from the date of discontinuation to purchase as a conversion privilege an individual comprehensive health care plan for himself and any dependents covered by the discontinued group health insurance plan from the former insurer, hospital or medical service corporation, health care center or the Health Reinsurance Association, if any insurer is not issuing such coverage, with coverage retroactive to the date of discontinuation. The employee shall pay the premiums for the period of retroactive coverage. No retroactive coverage may be
purchased for a period during which the employee is eligible for benefits under another group plan.

(P.A. 75-402; P.A. 82-159, S. 1; P.A. 85-269; P.A. 89-69; P.A. 90-243, S. 118; P.A. 08-178, S. 17.)

History: P.A. 82-159 provided that notice of "discontinuation" of insurance be given and that, in the event timely notice is not provided, the employer shall be fined in Subsec. (a) and added Subsecs. (b) and (c) providing that the employer who fails to furnish notice shall be liable for benefits to the same extent as the insurer and that retroactive coverage may be purchased by eligible employees; P.A. 85-269 amended Subsec. (a) to grant to the labor commissioner the authority to assess fines under the subsection; P.A. 89-69 added Subsec. (c) concerning the liability of an individual, partnership, corporation or unincorporated association for making deductions for certain insurance coverage and failing to procure the coverage and an officer's personal liability in such cases; P.A. 90-243 substituted "health" for "life, hospital or medical" insurance, "the" for "such" and added a reference for "health care center"; Sec. 38-262c transferred to Sec. 38a-537 in 1991; P.A. 08-178 amended Subsec. (a) by making technical changes and increasing maximum fine from $1,000 to $2,000 per violation.
CHAPTER 946
OFFENSES AGAINST PUBLIC POLICY

Sec. 53-303e. More than six days employment in calendar week prohibited.
Employee observance of Sabbath. Employee remedies. (a) No employer shall compel any employee engaged in any commercial occupation or in the work of any industrial process to work more than six days in any calendar week. An employee’s refusal to work more than six days in any calendar week shall not constitute grounds for his dismissal.

(b) No person who states that a particular day of the week is observed as his Sabbath may be required by his employer to work on such day. An employee’s refusal to work on his Sabbath shall not constitute grounds for his dismissal.

(c) Any employee, who believes that his discharge was in violation of subsection (a) or (b) of this section may appeal such discharge to the State Board of Mediation and Arbitration. If said board finds that the employee was discharged in violation of said subsection (a) or (b), it may order whatever remedy will make the employee whole, including but not limited to reinstatement to his former or a comparable position.

(d) No employer may, as a prerequisite to employment, inquire whether the applicant observes any Sabbath.

(e) Any person who violates any provision of this section shall be fined not more than two hundred dollars.

(P.A. 76-415, S. 5; 76-435, S. 81, 82.)

History: P.A. 76-435 changed effective date of P.A. 76-415 from October 1, 1976, to date of passage.

(Discussion of constitutionality of Sunday closing laws or Blue Laws. 177 C. 304 et seq.) Cited. 177 C. 304. Decision that Subsec. (b) is violative of establishment clause does not extend to other provisions of statute. 191 C. 336.

Subsec. (a):
Cited. 229 C. 312.

Subsec. (b):