



General Assembly

January Session, 2003

**Amendment**

LCO No. 5968

\*SB0084605968SR0\*

Offered by:

SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 846

File No. 641

Cal. No. 414

**"AN ACT CONCERNING INTEREST ON FRAUDULENT  
UNEMPLOYMENT COMPENSATION OVERPAYMENTS AND A FEE  
FOR FAILURE BY CONTRIBUTING EMPLOYERS TO FILE TIMELY  
UNEMPLOYMENT COMPENSATION QUARTERLY RETURNS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 31-236 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective July*  
5 *1, 2003*):

6 (a) An individual shall be ineligible for benefits:

7 (1) If the administrator finds that the individual has failed without  
8 sufficient cause either to apply for available, suitable work when  
9 directed so to do by the Public Employment Bureau or the  
10 administrator, or to accept suitable employment when offered by the  
11 Public Employment Bureau or by an employer, such ineligibility to  
12 continue until such individual has returned to work and has earned at

13 least six times such individual's benefit rate. Suitable work means  
14 either employment in the individual's usual occupation or field or  
15 other work for which the individual is reasonably fitted, provided such  
16 work is within a reasonable distance of the individual's residence. In  
17 determining whether or not any work is suitable for an individual, the  
18 administrator may consider the degree of risk involved to such  
19 individual's health, safety and morals, such individual's physical  
20 fitness and prior training and experience, such individual's skills, such  
21 individual's previous wage level and such individual's length of  
22 unemployment, but, notwithstanding any other provision of this  
23 chapter, no work shall be deemed suitable nor shall benefits be denied  
24 under this chapter to any otherwise eligible individual for refusing to  
25 accept work under any of the following conditions: (A) If the position  
26 offered is vacant due directly to a strike, lockout or other labor dispute;  
27 (B) if the wages, hours or other conditions of work offered are  
28 substantially less favorable to the individual than those prevailing for  
29 similar work in the locality; (C) if, as a condition of being employed,  
30 the individual would be required to join a company union or to resign  
31 from or refrain from joining any bona fide labor organization; (D) if the  
32 position offered is for work which commences or ends between the  
33 hours of one and six o'clock in the morning if the administrator finds  
34 that such work would constitute a high degree of risk to the health,  
35 safety or morals of the individual, or would be beyond the physical  
36 capabilities or fitness of the individual or there is no suitable  
37 transportation available from the individual's home to or from the  
38 individual's place of employment; or (E) if, as a condition of being  
39 employed, the individual would be required to agree not to leave such  
40 position if recalled by the individual's former employer;

41 (2) (A) If, in the opinion of the administrator, the individual has left  
42 suitable work voluntarily and without good cause attributable to the  
43 employer, until such individual has earned at least ten times such  
44 individual's benefit rate, provided whenever an individual voluntarily  
45 leaves part-time employment under conditions that would render the  
46 individual ineligible for benefits, such individual's ineligibility shall be

47 limited as provided in subsection (b) of this section, if applicable, and  
48 provided further, no individual shall be ineligible for benefits if the  
49 individual leaves suitable work (i) for good cause attributable to the  
50 employer, including leaving as a result of changes in conditions  
51 created by the individual's employer, (ii) to care for a seriously ill  
52 spouse or child, or parent domiciled with the individual, provided  
53 such illness is documented by a licensed physician, (iii) due to the  
54 discontinuance of transportation, other than the individual's  
55 personally owned vehicle, used to get to and from work, provided no  
56 reasonable alternative transportation is available, or (iv) to protect the  
57 individual or a child domiciled with the individual from becoming or  
58 remaining a victim of domestic violence, as defined in section 17b-  
59 112a, provided such individual has made reasonable efforts to  
60 preserve the employment, but the employer's account shall not at any  
61 time be charged with respect to any voluntary leaving that falls under  
62 subparagraph (A)(iv) of this subdivision; or (B) if, in the opinion of the  
63 administrator, the individual has been discharged or suspended for  
64 felonious conduct, conduct constituting larceny of property or service,  
65 the value of which exceeds twenty-five dollars, or larceny of currency,  
66 regardless of the value of such currency, wilful misconduct in the  
67 course of the individual's employment, or participation in an illegal  
68 strike, as determined by state or federal laws or regulations, until such  
69 individual has earned at least ten times the individual's benefit rate;  
70 provided an individual who (i) while on layoff from regular work,  
71 accepts other employment and leaves such other employment when  
72 recalled by the individual's former employer, (ii) leaves work that is  
73 outside the individual's regular apprenticeable trade to return to work  
74 in the individual's regular apprenticeable trade, (iii) has left work  
75 solely by reason of governmental regulation or statute, or (iv) leaves  
76 part-time work to accept full-time work, shall not be ineligible on  
77 account of such leaving and the employer's account shall not at any  
78 time be charged with respect to such separation, unless such employer  
79 has elected payments in lieu of contributions;

80 (3) During any week in which the administrator finds that the

81 individual's total or partial unemployment is due to the existence of a  
82 labor dispute other than a lockout at the factory, establishment or other  
83 premises at which the individual is or has been employed, provided  
84 the provisions of this subsection do not apply if it is shown to the  
85 satisfaction of the administrator that (A) the individual is not  
86 participating in or financing or directly interested in the labor dispute  
87 that caused the unemployment, and (B) the individual does not belong  
88 to a trade, class or organization of workers, members of which,  
89 immediately before the commencement of the labor dispute, were  
90 employed at the premises at which the labor dispute occurred, and are  
91 participating in or financing or directly interested in the dispute; or (C)  
92 the individual's unemployment is due to the existence of a lockout. A  
93 lockout exists whether or not such action is to obtain for the employer  
94 more advantageous terms when an employer (i) fails to provide  
95 employment to its employees with whom the employer is engaged in a  
96 labor dispute, either by physically closing its plant or informing its  
97 employees that there will be no work until the labor dispute has  
98 terminated, or (ii) makes an announcement that work will be available  
99 after the expiration of the existing contract only under terms and  
100 conditions that are less favorable to the employees than those current  
101 immediately prior to such announcement; provided in either event the  
102 recognized or certified bargaining agent shall have advised the  
103 employer that the employees with whom the employer is engaged in  
104 the labor dispute are ready, able and willing to continue working  
105 pending the negotiation of a new contract under the terms and  
106 conditions current immediately prior to such announcement;

107 (4) During any week with respect to which the individual has  
108 received or is about to receive remuneration in the form of (A) wages  
109 in lieu of notice or dismissal payments, including severance or  
110 separation payment by an employer to an employee beyond the  
111 employee's wages upon termination of the employment relationship,  
112 unless the employee was required to waive or forfeit a right or claim  
113 independently established by statute or common law, against the  
114 employer as a condition of receiving the payment, or any payment by

115 way of compensation for loss of wages, or any other state or federal  
116 unemployment benefits, except mustering out pay, terminal leave pay  
117 or any allowance or compensation granted by the United States under  
118 an Act of Congress to an ex-serviceman in recognition of the ex-  
119 serviceman's former military service, or any service-connected pay  
120 or compensation earned by an ex-serviceman paid before or after  
121 separation or discharge from active military service, or (B)  
122 compensation for temporary disability under any workers'  
123 compensation law;

124 (5) (Repealed by P.A. 73-140);

125 (6) If the administrator finds that the individual has left  
126 employment to attend a school, college or university as a regularly  
127 enrolled student, such ineligibility to continue during such attendance;

128 (7) (Repealed by P.A. 74-70, S. 2, 4);

129 (8) If the administrator finds that, having received benefits in a prior  
130 benefit year, the individual has not again become employed and been  
131 paid wages since the commencement of said prior benefit year in an  
132 amount equal to the greater of three hundred dollars or five times the  
133 individual's weekly benefit rate by an employer subject to the  
134 provisions of this chapter or by an employer subject to the provisions  
135 of any other state or federal unemployment compensation law;

136 (9) If the administrator finds that the individual has retired and that  
137 such retirement was voluntary, until the individual has again become  
138 employed and has been paid wages in an amount required as a  
139 condition of eligibility as set forth in subdivision (3) of section 31-235;  
140 except that the individual is not ineligible on account of such  
141 retirement if the administrator finds (A) that the individual has retired  
142 because (i) such individual's work has become unsuitable considering  
143 such individual's physical condition and the degree of risk to such  
144 individual's health and safety, and (ii) such individual has requested of  
145 such individual's employer other work that is suitable, and (iii) such  
146 individual's employer did not offer such individual such work, or (B)

147 that the individual has been involuntarily retired;

148 (10) (Repealed by P.A. 77-426, S. 6, 19);

149 (11) (Repealed by P.A. 77-426, S. 6, 19);

150 (12) (Repealed by P.A. 77-426, S. 17, 19);

151 (13) If the administrator finds that, having been sentenced to a term  
152 of imprisonment [of thirty days or longer] and having commenced  
153 serving such sentence, the individual has been discharged or  
154 suspended prior to or during such period of imprisonment, until such  
155 individual has earned at least ten times such individual's benefit rate;

156 (14) If the administrator finds that the individual has been  
157 discharged or suspended because the individual has been disqualified  
158 under state or federal law from performing the work for which such  
159 individual was hired as a result of a drug or alcohol testing program  
160 mandated by and conducted in accordance with such law, until such  
161 individual has earned at least ten times such individual's benefit rate;

162 (15) If the individual is a temporary employee of a temporary help  
163 service and the individual refuses to accept suitable employment when  
164 it is offered by such service upon completion of an assignment until  
165 such individual has earned at least six times such individual's benefit  
166 rate; and

167 (16) For purposes of subparagraph (B) of subdivision (2) of this  
168 subsection, "wilful misconduct" means deliberate misconduct in wilful  
169 disregard of the employer's interest, or a single knowing violation of a  
170 reasonable and uniformly enforced rule or policy of the employer,  
171 when reasonably applied, provided such violation is not a result of the  
172 employee's incompetence and provided further, in the case of absence  
173 from work, "wilful misconduct" means an employee must be absent  
174 without either good cause for the absence or notice to the employer  
175 which the employee could reasonably have provided under the  
176 circumstances for three separate instances within an eighteen-month

177 period. For purposes of subdivision (15) of this subsection, "temporary  
178 help service" means any person conducting a business that consists of  
179 employing individuals directly for the purpose of furnishing part-time  
180 or temporary help to others; and "temporary employee" means an  
181 employee assigned to work for a client of a temporary help service."