



Senate

General Assembly

File No. 530

February Session, 2008

Substitute Senate Bill No. 366

Senate, April 8, 2008

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL CORRECTIONS TO CHILD LABOR LAWS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-69a of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) In addition to the penalties provided in this chapter and chapter
5 568, any employer, officer, agent or other person who violates any
6 provision of this chapter, or chapter 557 or subsection (g) of section 31-
7 288 of the 2008 supplement to the general statutes, shall be liable to the
8 Labor Department for a civil penalty of three hundred dollars for each
9 violation of said chapters and for each violation of subsection (g) of
10 section 31-288 of the 2008 supplement to the general statutes, except
11 that any person who violates (1) a stop work order issued pursuant to
12 subsection (c) of section 31-76a of the 2008 supplement to the general
13 statutes, shall be liable to the Labor Department for a civil penalty of
14 one thousand dollars and each day of such violation shall constitute a

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Labor Dept.	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill could result in a minimal revenue gain to the Department of Labor associated with making violators of Chapter 557, the employment regulation statutes, subject to a \$300 civil penalty for each violation.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 366****AN ACT CONCERNING TECHNICAL CORRECTIONS TO CHILD LABOR LAWS.****SUMMARY:**

This bill subjects violators of the employment regulation statutes (Chapter 557) to the same \$300 civil penalties, for each violation, to which violators of the state's wage laws (Chapter 558) and workers' compensation laws (Chapter 568) are subject. The civil penalties are in addition to any specific penalties that apply to a violation of a specific employment regulation law. The bill does not change the \$600 civil penalties for violations of child labor laws (Chapters 557 and 558).

EFFECTIVE DATE: October 1, 2008

EMPLOYMENT REGULATION, CHAPTER 557

Under the employment regulation statutes, and unchanged by the bill, an employer can be penalized for violating a number of specific statutes. The bill makes violators liable to the Labor Department for a civil penalty of \$300 per violation in addition to the specific penalties in the specific statutes.

Some of the existing penalties for specific employment regulation statutes are shown in the table below.

Table 1: Employment Regulation Statutes Violations

Statute and Section	Violation	Penalty
Notice requirements for employers using carcinogens (CGS § 31-	Failure to provide notification of, or training related to, carcinogens in	Up to \$1,000 per violation

40c, 31-40f)	the workplace.	
Recruitment or referral of professional strikebreaker restricted (CGS § 31-48a)	Violation of the prohibition on recruiting or using professional strikebreakers	Between \$100-\$1,000 fine, prison for up to three years, or both
Use of polygraph prohibited, with exceptions (CGS § 31-51g)	Violation of the prohibition on polygraph use in hiring and other employment decisions	\$250 to \$1,000 per violation
Protection of employees who disclose employers illegal activities (CGS § 31-51m)	Employer who discharges or disciplines an employee who reports a violation or suspected violation of state or federal law	Job reinstatement, back pay, back benefits, reasonable attorney's fees
Employee drug testing, permitted if meets specific requirements (CGS §§ 31-51u to 31-51aa)	Unauthorized drug testing, improper use of testing results	Civil action with potential liability for special and general damages, and attorney's fees
Family and Medical Leave Act (CGS §§ 31-51kk to 31-51qq)	Employer who discharges or disciplines an employee who uses or seeks to use family and medical leave under the law	Job reinstatement, back pay, back benefits, reasonable attorney's fees

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Change of Reference

Yea 11 Nay 0 (02/28/2008)

Judiciary Committee

Joint Favorable

Yea 43 Nay 0 (03/24/2008)