



General Assembly

February Session, 2008

Raised Bill No. 331

LCO No. 1452

* _____SB00331LABJUD031208_____*

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING CERTIFIED PAYROLLS.

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

1 Section 1. Subsection (f) of section 31-53 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2008*):

4 (f) Each employer subject to the provisions of this section or section
5 31-54 shall (1) keep, maintain and preserve such records relating to the
6 wages and hours worked by each person performing the work of any
7 mechanic, laborer and worker and a schedule of the occupation or
8 work classification at which each person performing the work of any
9 mechanic, laborer or worker on the project is employed during each
10 work day and week in such manner and form as the Labor
11 Commissioner establishes to assure the proper payments due to such
12 persons or employee welfare funds under this section or section 31-54,
13 regardless of any contractual relationship alleged to exist between the
14 contractor and such person, and (2) submit monthly to the contracting
15 agency and to the Labor Department, by mail, a certified payroll that
16 shall consist of a complete copy of such records accompanied by a
17 statement signed by the employer that indicates (A) such records are

18 correct; (B) the rate of wages paid to each person performing the work
19 of any mechanic, laborer or worker and the amount of payment or
20 contributions paid or payable on behalf of each such person to any
21 employee welfare fund, as defined in subsection (h) of this section, are
22 not less than the prevailing rate of wages and the amount of payment
23 or contributions paid or payable on behalf of each such person to any
24 employee welfare fund, as determined by the Labor Commissioner
25 pursuant to subsection (d) of this section, and not less than those
26 required by the contract to be paid; (C) the employer has complied
27 with the provisions of this section and section 31-54; (D) each such
28 person is covered by a workers' compensation insurance policy for the
29 duration of such person's employment, which shall be demonstrated
30 by submitting to the contracting agency the name of the workers'
31 compensation insurance carrier covering each such person, the
32 effective and expiration dates of each policy and each policy number;
33 (E) the employer does not receive kickbacks, as defined in 41 USC 52,
34 from any employee or employee welfare fund; and (F) pursuant to the
35 provisions of section 53a-157a, the employer is aware that filing a
36 certified payroll which the employer knows to be false is a class D
37 felony for which the employer may be fined up to five thousand
38 dollars, imprisoned for up to five years, or both. This subsection shall
39 not be construed to prohibit a general contractor from relying on the
40 certification of a lower tier subcontractor, provided the general
41 contractor shall not be exempted from the provisions of section 53a-
42 157a if the general contractor knowingly relies upon a subcontractor's
43 false certification. Notwithstanding the provisions of section 1-210 of
44 the 2008 supplement to the general statutes, the certified payroll shall
45 be considered a public record and every person shall have the right to
46 inspect and copy such records in accordance with the provisions of
47 section 1-212. The provisions of subsections (a) and (b) of section 31-59
48 and sections 31-66 and 31-69 that are not inconsistent with the
49 provisions of this section or section 31-54 apply to this section. Failing
50 to file a certified payroll pursuant to subdivision (2) of this subsection
51 is a class D felony for which the employer may be fined up to five
52 thousand dollars, imprisoned for up to five years, or both. Filing by

53 mail a certified payroll pursuant to subdivision (2) of this subsection
54 that is false may constitute a federal crime under Title 18 of the United
55 States Code.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	31-53(f)

LAB *Joint Favorable C/R* **JUD**