



House of Representatives

General Assembly

File No. 161

January Session, 2009

House Bill No. 6462

House of Representatives, March 24, 2009

The Committee on Labor and Public Employees reported through REP. RYAN of the 139th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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2 repealed and the following is substituted in lieu thereof (*Effective*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, 2009*):

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 by mail a certified payroll that shall consist of a complete copy

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

51 to five thousand dollars, imprisoned for up to five years, or both.
52 Filing a false certified payroll by mail pursuant to subdivision (2) of
53 this subsection may constitute a federal crime under Title 18 of the
54 United States Code.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	31-53(f)

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires certain contractors and subcontractors to submit their certified payrolls by mail, and has no fiscal impact.

OLR Bill Analysis**HB 6462*****AN ACT CONCERNING CERTIFIED PAYROLLS.*****SUMMARY:**

This bill requires contractors and subcontractors working on public construction projects to submit their certified payrolls to the contracting agency by mail. Current law requires only that these employers submit their payrolls. The bill states that filing a false certified payroll by mail may constitute a federal crime.

By law, it is a class D felony to (1) knowingly file a false certified payroll or (2) fail to file a certified payroll that meets the requirements set in the public projects prevailing wage law.

EFFECTIVE DATE: October 1, 2009

BACKGROUND***Prevailing Wage and Certified Payroll***

By law, certified payrolls must include a statement signed by the employer indicating: (1) records are correct; (2) the wage rate paid to each covered employee is at least the prevailing wage rate; (3) the employer has complied with the prevailing wage law; (4) the employer is aware that knowingly filing a false certified payroll is a class D felony; and (5) several other requirements are met. Covered employees include each person performing the work of a mechanic, laborer, or worker.

A class D felony carries a fine of up to \$ 5,000, up to five years imprisonment, or both.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (03/10/2009)