



# House of Representatives

## **File No. 613**

General Assembly

January Session, 2009

**(Reprint of File No. 161)**

House Bill No. 6462  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
April 9, 2009

### **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2 repealed and the following is substituted in lieu thereof (*Effective*  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, first class postage prepaid, a certified payroll that shall

16 consist of a complete copy of such records accompanied by a statement  
17 signed by the employer that indicates (A) such records are correct; (B)  
18 the rate of wages paid to each person performing the work of any  
19 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, the  
44 certified payroll shall be considered a public record and every person  
45 shall have the right to inspect and copy such records in accordance  
46 with the provisions of section 1-212. The provisions of subsections (a)  
47 and (b) of section 31-59 and sections 31-66 and 31-69 that are not  
48 inconsistent with the provisions of this section or section 31-54 apply  
49 to this section. Failing to file a certified payroll pursuant to subdivision  
50 (2) of this subsection is a class D felony for which the employer may be

- 51 fined up to five thousand dollars, imprisoned for up to five years, or
- 52 both.

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

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 House thereof for any purpose:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

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

House "A" specifies that certified payrolls submitted by mail must be first class postage prepaid, and has no fiscal impact.

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**OLR Bill Analysis****HB 6462 (as amended by House "A")\******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 first-class, postage-prepaid mail. Current law requires only that these employers submit their payrolls. 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.

\*House Amendment "A" requires the certified payrolls to be sent first-class, postage-prepaid mail; the original bill did not specify the type of mail. It also deletes language stating that filing a false certified payroll by mail may constitute a federal crime.

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)