AN ACT CONCERNING CERTIFIED PAYROLLS.

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

Section 1. Subsection (f) of section 31-53 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

(f) Each employer subject to the provisions of this section or section 31-54 shall (1) keep, maintain and preserve such records relating to the wages and hours worked by each person performing the work of any mechanic, laborer and worker and a schedule of the occupation or work classification at which each person performing the work of any mechanic, laborer or worker on the project is employed during each work day and week in such manner and form as the Labor Commissioner establishes to assure the proper payments due to such persons or employee welfare funds under this section or section 31-54, regardless of any contractual relationship alleged to exist between the contractor and such person, and (2) submit monthly to the contracting agency by mail a certified payroll that shall consist of a complete copy of such records accompanied by a statement signed by the employer
that indicates (A) such records are correct; (B) the rate of wages paid to
each person performing the work of any mechanic, laborer or worker
and the amount of payment or contributions paid or payable on behalf
of each such person to any employee welfare fund, as defined in
subsection (h) of this section, are not less than the prevailing rate of
wages and the amount of payment or contributions paid or payable on
behalf of each such person to any employee welfare fund, as
determined by the Labor Commissioner pursuant to subsection (d) of
this section, and not less than those required by the contract to be paid;
(C) the employer has complied with the provisions of this section and
section 31-54; (D) each such person is covered by a workers'
compensation insurance policy for the duration of such person's
employment, which shall be demonstrated by submitting to the
contracting agency the name of the workers' compensation insurance
carrier covering each such person, the effective and expiration dates of
each policy and each policy number; (E) the employer does not receive
kickbacks, as defined in 41 USC 52, from any employee or employee
welfare fund; and (F) pursuant to the provisions of section 53a-157a,
the employer is aware that filing a certified payroll which the
employer knows to be false is a class D felony for which the employer
may be fined up to five thousand dollars, imprisoned for up to five
years, or both. This subsection shall not be construed to prohibit a
general contractor from relying on the certification of a lower tier
subcontractor, provided the general contractor shall not be exempted
from the provisions of section 53a-157a if the general contractor
knowingly relies upon a subcontractor's false certification.
Notwithstanding the provisions of section 1-210, the certified payroll
shall be considered a public record and every person shall have the
right to inspect and copy such records in accordance with the
provisions of section 1-212. The provisions of subsections (a) and (b) of
section 31-59 and sections 31-66 and 31-69 that are not inconsistent
with the provisions of this section or section 31-54 apply to this section.
Failing to file a certified payroll pursuant to subdivision (2) of this
subsection is a class D felony for which the employer may be fined up
to five thousand dollars, imprisoned for up to five years, or both.

Filing a false certified payroll by mail pursuant to subdivision (2) of this subsection may constitute a federal crime under Title 18 of the United States Code.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2009 | 31-53(f) |

**Statement of Purpose:**
To require that contractors and subcontractors performing work on state public works projects submit payrolls through the U.S. mail to the contracting agency.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]