



House of Representatives

General Assembly

File No. 33

January Session, 2011

House Bill No. 5468

House of Representatives, March 7, 2011

The Committee on Labor and Public Employees reported through REP. ZALASKI of the 81st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES.

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

1 Section 1. Subsection (a) of section 31-69a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

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, chapter [563a] 557, chapter [557] 563a or
7 subsection (g) of section 31-288 shall be liable to the Labor Department
8 for a civil penalty of three hundred dollars for each violation of said
9 chapters and for each violation of subsection (g) of section 31-288,
10 except that (1) any person who violates (A) a stop work order issued
11 pursuant to subsection (c) of section 31-76a shall be liable to the Labor
12 Department for a civil penalty of one thousand dollars and each day of
13 such violation shall constitute a separate offense, and (B) any provision

14 of section 31-12, 31-13 or 31-14, subsection (a) of section 31-15 or
15 section 31-18, 31-23 or 31-24 shall be liable to the Labor Department for
16 a civil penalty of six hundred dollars for each violation of said sections,
17 and (2) a violation of subsection (g) of section 31-288 shall constitute a
18 separate offense for each day of such violation.

19 Sec. 2. Subdivision (1) of subsection (g) of section 31-225 of the
20 general statutes is repealed and the following is substituted in lieu
21 thereof (*Effective from passage*):

22 (1) Any nonprofit organization which, pursuant to subdivision (1)
23 (D) of subsection (a) of section 31-222 is, or becomes, subject to this
24 chapter on or after January 1, 1971, shall pay contributions under the
25 provisions of subsection (a) of this section, unless it elects, in
26 accordance with this subparagraph, to pay to the administrator for the
27 unemployment fund an amount equal to the amount of regular and
28 additional benefits and of one-half of the extended benefits paid, that
29 is attributable to service in the employ of such nonprofit organization.
30 (A) Any nonprofit organization which is, or becomes, subject to this
31 chapter on January 1, 1971, may elect to become liable for payments in
32 lieu of contributions for a period of not less than one taxable year
33 beginning with January 1, 1971, provided it shall file with the
34 administrator a written notice of its election within the thirty-day
35 period immediately following July 1, 1971. (B) Any nonprofit
36 organization which becomes subject to this chapter after January 1,
37 1971, may elect to become liable for payments in lieu of contributions
38 for a period of not less than twelve months beginning with the date on
39 which it so becomes subject by filing a written notice of its election
40 with the administrator not later than thirty days immediately
41 following the date of the determination that it is so subject. (C) Any
42 nonprofit organization which makes an election in accordance with
43 subparagraph (A) or subparagraph (B) of this subdivision shall
44 continue to be liable for payments in lieu of contributions until it files
45 with the administrator a written notice terminating its election not
46 later than thirty days prior to the beginning of the taxable year for
47 which such termination shall first be effective, provided liability for

48 payments in lieu of contributions shall continue for any benefits
49 attributable to service in the employ of such organization while it was
50 electing payments in lieu of contributions. For purposes of benefit ratio
51 and for billing purposes, an organization which terminates its election
52 of payments in lieu of contributions shall be treated as two separate
53 employers. (D) Any nonprofit organization which has been paying
54 contributions under this chapter for a period subsequent to January 1,
55 1971, may change to a reimbursable basis by filing with the
56 administrator not later than thirty days prior to the beginning of any
57 taxable year a written notice of election to become liable for payments
58 in lieu of contributions. Such election shall not be terminable by the
59 organization for that and the next year. (E) The administrator may for
60 good cause extend the period within which a notice of election, or a
61 notice of termination, must be filed and may permit an election to be
62 retroactive but not any earlier than with respect to benefits paid after
63 December 31, 1970. (F) The administrator, in accordance with such
64 regulations as the administrator may prescribe, shall notify each
65 nonprofit organization of any determination which the administrator
66 may make of its status as an employer and of the effective date of any
67 election which it makes and of any termination of such election. Such
68 determinations shall be subject to reconsideration, appeal and review
69 in accordance with the provisions of this chapter applicable to
70 determination, appeal and review.

71 Sec. 3. Subdivision (2) of subsection (g) of section 31-225 of the
72 general statutes is repealed and the following is substituted in lieu
73 thereof (*Effective from passage*):

74 (2) Payments in lieu of contributions shall be made in accordance
75 with the following provisions: (A) At the end of each calendar quarter,
76 or at the end of any other period as determined by the administrator,
77 the administrator shall bill each nonprofit organization or group of
78 such organizations which has elected to make payments in lieu of
79 contributions for an amount equal to the full amount of regular and
80 additional benefits plus one-half of the amount of extended benefits
81 paid during such quarter or other prescribed period that is attributable

82 to service in the employ of such organization. (B) Payment of any bill
83 rendered under this subsection shall be made not later than thirty days
84 after such bill was mailed to the last-known address of the nonprofit
85 organization or was otherwise delivered to it, unless there has been an
86 application for review and redetermination in accordance with
87 subparagraph (D) of this subdivision. (C) Payments made by any
88 nonprofit organization under the provisions of this subsection shall
89 not be deducted or deductible, in whole or in part, from the
90 remuneration of individuals in the employ of the organization. (D) The
91 amount due specified in any bill from the administrator shall be
92 conclusive on the organization unless, within the time prescribed in
93 section 31-241 after the bill was mailed to its last-known address or
94 otherwise delivered to it, the organization files an application for
95 redetermination by the administrator or an appeal in the manner
96 provided in sections 31-241 and 31-242 setting forth the grounds for
97 such application or appeal. The administrator or referee, as the case
98 may be, shall promptly review and reconsider the amount due
99 specified in the bill and shall thereafter issue a redetermination or
100 decision, as applicable in any case in which such application for
101 redetermination or appeal has been filed. Any redetermination by the
102 administrator shall be conclusive on the organization unless, within
103 the time prescribed in section 31-241 after the redetermination was
104 mailed to its last-known address or otherwise delivered to it, the
105 organization files an appeal in the manner prescribed in sections 31-
106 241 and 31-242, setting forth the grounds for the appeal. The decision
107 of the referee shall become final on the twenty-second day after the
108 date of its rendition unless the party aggrieved thereby, including the
109 administrator, files an appeal in the manner provided in section 31-
110 249, setting forth the grounds for the appeal. Redeterminations by the
111 administrator shall be governed by the provisions of section 31-243.
112 Proceedings on appeal to the unemployment compensation referee
113 from the amount of a bill rendered under this subsection or a
114 redetermination of such amount shall be in accordance with the
115 provisions of section 31-242 and the decision of the referee shall be
116 subject to the provisions of sections 31-248 and 31-249. (E) Past due

117 payments of amounts in lieu of contributions shall be subject to the
118 same interest that, pursuant to section 31-265 applies to past due
119 contributions; an employer electing reimbursement is subject to the
120 same penalties provided under this chapter as employers paying
121 contributions.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-69a(a)
Sec. 2	<i>from passage</i>	31-225(g)(1)
Sec. 3	<i>from passage</i>	31-225(g)(2)

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***

This bill makes technical changes that result in no fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

HB 5468

AN ACT CONCERNING THE LEGISLATIVE COMMISSIONERS' RECOMMENDATIONS FOR TECHNICAL CORRECTIONS TO LABOR STATUTES.

SUMMARY:

This bill makes technical changes in the labor statutes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (02/24/2011)