



Senate

General Assembly

File No. 28

January Session, 2011

Senate Bill No. 798

Senate, March 7, 2011

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT REQUIRING DOUBLE DAMAGES BE AWARDED IN CIVIL ACTIONS TO COLLECT WAGES.

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

1 Section 1. Section 31-72 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 When any employer fails to pay an employee wages in accordance
4 with the provisions of sections 31-71a to 31-71i, inclusive, or fails to
5 compensate an employee in accordance with section 31-76k or where
6 an employee or a labor organization representing an employee
7 institutes an action to enforce an arbitration award which requires an
8 employer to make an employee whole or to make payments to an
9 employee welfare fund, such employee or labor organization [may]
10 shall recover, in a civil action, twice the full amount of such wages,
11 with costs and such reasonable attorney's fees as may be allowed by
12 the court, and any agreement between him and his employer for
13 payment of wages other than as specified in said sections shall be no
14 defense to such action. The Labor Commissioner may collect the full

15 amount of any such unpaid wages, payments due to an employee
16 welfare fund or such arbitration award, as well as interest calculated in
17 accordance with the provisions of section 31-265 from the date the
18 wages or payment should have been received, had payment been
19 made in a timely manner. In addition, the Labor Commissioner may
20 bring any legal action necessary to recover twice the full amount of
21 unpaid wages, payments due to an employee welfare fund or
22 arbitration award, and the employer shall be required to pay the costs
23 and such reasonable attorney's fees as may be allowed by the court.
24 The commissioner shall distribute any wages, arbitration awards or
25 payments due to an employee welfare fund collected pursuant to this
26 section to the appropriate person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	31-72

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***

Changes in civil award damages results in no state or municipal fiscal impact.

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

OLR Bill Analysis**SB 798*****AN ACT REQUIRING DOUBLE DAMAGES BE AWARDED IN CIVIL ACTIONS TO COLLECT WAGES.*****SUMMARY:**

This bill requires, rather than allows, courts to award double damages when they find that an employer failed to pay an (1) employee's wages, (2) employee's accrued fringe benefits provided by the employer's policy or collective bargaining agreement upon termination of employment, or (3) arbitration award that required the employer to make an employee whole or contribute to an employee welfare fund.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 11 Nay 0 (02/24/2011)