
OLR Bill Analysis

SB 179

AN ACT CONCERNING CONTRACTORS, SUBCONTRACTORS AND CIVIL ACTIONS TO RECOVER UNPAID EMPLOYEE WAGES AND BENEFITS.

SUMMARY:

When the Labor Department requires a contractor on a prevailing wage project to pay an employee's wages and benefits on behalf of a subcontractor who failed to do so, the law allows the contractor to sue to recover the payments, court costs, and reasonable attorney's fees. It gives the same recourse to a subcontractor required to pay an employee's wages and benefits on behalf of a lower-tier subcontractor that did not pay.

This bill specifies that the contractor or subcontractor required to make such payments can sue (1) the subcontractor or lower-tier subcontractor that failed to pay the employee's wages and benefits and (2) the individual who submitted a false certified payroll on behalf of the subcontractor or lower-tier subcontractor. It also makes the individual and the subcontractor or lower-tier subcontractor jointly and severally liable for any resulting award.

EFFECTIVE DATE: Upon passage

BACKGROUND

Prevailing Wage Law

The state prevailing wage law requires contractors to pay the prevailing hourly wage to all mechanics, laborers, or other workers on certain state or municipal public works projects. Employers on these projects must submit monthly certified payrolls to the Labor Department verifying that they have met the law's requirements. The punishment for violating the law includes fines, suspension from bidding on future public projects, and imprisonment (CGS §§ 31-53,

31-53a, & 31-54).

Joint and Several Liability

Joint and several liability is a form of liability used in civil cases where two or more people are found liable for damages. The winning plaintiff in such a case may collect the entire judgment from any one of the parties, or from any and all of the parties in various amounts until the judgment is paid in full. In other words, if any of the defendants do not have enough money or assets to pay an equal share of the award, the other defendants must make up the difference.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 0 (03/06/2012)