



House of Representatives

General Assembly

File No. 132

January Session, 2013

Substitute House Bill No. 6433

House of Representatives, March 25, 2013

The Committee on Labor and Public Employees reported through REP. TERCYAK of the 26th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.

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

1 Section 1. Subsection (a) of section 31-51xx of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (a) There is established the "Connecticut IDA Initiative". The
5 initiative shall be administered by the Labor Department. The initiative
6 shall provide an eligible individual as provided in section 31-51yy with
7 an opportunity, through a certified state IDA program, to establish an
8 individual development account from which funds may be used by the
9 account holder for [one of] the following purposes as specified in the
10 approved plan: (1) The costs of education or job training; (2) the
11 purchase of a home as a primary residence; (3) the participation in or
12 development of a new or existing entrepreneurial activity; (4) the
13 purchase of an automobile for the purpose of obtaining or maintaining

14 employment; (5) the making of a lease deposit on a primary residence;
15 or (6) the costs of education or job training for a dependent child of the
16 account holder.

17 Sec. 2. Section 31-51aaa of the general statutes is repealed and the
18 following is substituted in lieu thereof (*Effective from passage*):

19 (a) Funds from the Individual Development Account Reserve Fund
20 shall be used to provide grants to community-based organizations that
21 are operating certified state IDA programs for the purpose of
22 providing matching funds for the individual development accounts in
23 their programs, to assist the organizations to provide training,
24 counseling and case management for program participants and for
25 program administration purposes. Funds may also be used to pay for
26 the evaluation required pursuant to section 31-51ccc, the operation of
27 the clearinghouse, and the department's administrative expenses for
28 the Connecticut IDA Initiative. The department shall determine what
29 proportion of the funds in the Individual Development Account
30 Reserve Fund shall be used for each of these purposes.

31 (b) The Individual Development Account Reserve Fund shall be
32 administered as follows:

33 (1) No new grant shall be approved by the department unless there
34 is sufficient funding in the Individual Development Account Reserve
35 Fund, as determined by the department, to meet all existing funding
36 obligations including the maximum amount of state matching funds
37 that would be required if each account holder in these certified
38 programs met the savings [goal] goals in such account holder's
39 approved plan.

40 (2) Any funds remaining in the Individual Development Account
41 Reserve Fund at the end of each fiscal year, and the interest thereon,
42 shall be retained in said fund and used in the next succeeding fiscal
43 year for expenditures set forth in subsection (a) of this section.

44 (c) Grants received by the community-based organization from the

45 Individual Development Account Reserve Fund for matching funds
46 shall be held in the organization's local reserve fund. This fund shall be
47 an account separate from account holders' individual development
48 accounts, and its funds shall be disbursed in accordance with
49 subsections (e) and (f) of this section pursuant to regulations adopted
50 pursuant to section 31-51ddd. Grants from the Individual
51 Development Account Reserve Fund for matching funds to certified
52 state IDA programs shall be made on behalf of each individual account
53 holder in the maximum amount of two dollars for every one dollar
54 deposited in the individual development account by the account
55 holder, not to exceed one thousand dollars of such matching funds per
56 account holder for any calendar year and three thousand dollars per
57 account holder for the duration of the account holder's participation in
58 the program.

59 (d) The department and the community-based organizations,
60 separately or cooperatively, may solicit grants and private
61 contributions for the Individual Development Account Reserve Fund
62 and for the local reserve funds of community-based organizations
63 operating certified state IDA programs.

64 (e) If moneys are withdrawn from an individual development
65 account by an account holder due to the account holder's decision to
66 leave the certified state IDA program, all matching funds designated
67 for said moneys shall be forfeited by the account holder and [not later
68 than December thirty-first of each year, the matching funds from the
69 Individual Development Account Reserve Fund] shall be retained in
70 the local reserve fund to match the funds of a new account holder, or if
71 not used shall be returned by the community-based organization to the
72 department for redeposit into the Individual Development Account
73 Reserve Fund [; except that, if] at the close of the grant. If the
74 withdrawal is an emergency withdrawal, as defined in regulations
75 adopted pursuant to section 31-51ddd, or is a withdrawal due to
76 circumstances other than an account holder's decision to leave the
77 certified state IDA program, the community-based organization may
78 retain the matching funds for the account holder in its local reserve

79 fund until such account holder redeposits the withdrawn funds. [or
80 leaves the certified state IDA program, in accordance with such
81 regulations.]

82 (f) When the account holder has made sufficient deposits to such
83 account holder's individual development account to achieve the
84 savings [goal] goals set forth in such account holder's approved plan,
85 the community-based organization shall pay such sum together with
86 the matching funds from the organization's local reserve account that
87 are attributed to this individual development account, directly to the
88 person or entity providing the goods or services. Where matching
89 funds from the Individual Development Account Reserve Fund have
90 not been paid out by the community-based organization for an eligible
91 purpose within five years after the [opening] establishment of an
92 individual development account [due to an account holder not making
93 contributions as provided in the approved plan] grant, the matching
94 funds from the Individual Development Account Reserve Fund shall
95 be returned to the department for deposit in the Individual
96 Development Account Reserve Fund, except that the community-
97 based organization may grant a leave of absence or extension of time
98 to an account holder for a period not to exceed two years, within such
99 five-year period in accordance with regulations adopted pursuant to
100 section 31-51ddd.

101 Sec. 3. Section 31-3g of the general statutes is repealed and the
102 following is substituted in lieu thereof (*Effective from passage*):

103 (a) The Labor Commissioner shall provide assistance within existing
104 resources to displaced homemakers and access to programs specific to
105 the job training and placement needs of displaced homemakers. The
106 commissioner shall, through the job service office of the Employment
107 Security Division, provide such access to all existing programs and
108 services suitable to the skill development of the applying displaced
109 homemaker. The commissioner shall establish the position of state-
110 wide coordinator of services for displaced homemakers in the Labor
111 Department. For the purposes of this section, a displaced homemaker

112 is an individual who (1) has worked in the home providing unpaid
113 household services for family members, (2) has been dependent on the
114 income of another family member but is no longer supported by that
115 income or is receiving public assistance, and (3) has had or would have
116 difficulty in securing employment sufficient to provide for economic
117 independence.

118 (b) Such assistance and program access services shall include, but
119 not be limited to: (1) Vocational counseling and education, (2)
120 assessment of skills, (3) job training for various occupations, including
121 skilled craft and technical vocations for which there is a demand in
122 industry, (4) job placement, (5) assistance with child care and
123 transportation, (6) personal counseling, (7) information and referral,
124 and (8) financial management counseling.

125 (c) In providing the appropriate assistance and access to all existing
126 programs deemed suitable, the commissioner shall consider the
127 applicants, with an emphasis on women over the age of thirty-five
128 years, and their need for services based on their: (1) Financial
129 resources, (2) level of marketable skills, (3) ability to speak the English
130 language, and (4) area of residence. The commissioner shall refer
131 applicants to the appropriate support services necessary for
132 employment and training.

133 [(d) The Labor Commissioner shall establish an Advisory Council
134 on Displaced Homemakers and appoint not less than ten nor more
135 than fifteen members, including representatives from the Labor
136 Department, the Departments of Education, Higher Education and
137 Social Services, the Permanent Commission on the Status of Women
138 and providers of assistance and program access services, and such
139 other members as the commissioner deems necessary. The advisory
140 council shall consult with and advise the Labor Commissioner and the
141 state-wide coordinator of services for displaced homemakers as to
142 criteria which shall be used to identify displaced homemakers and
143 determine programs and services appropriate to the skills
144 development of the applying displaced homemaker. The advisory

145 council shall develop specific recommendations for funding
146 multiservice programs which meet the training and job placement
147 needs of displaced homemakers.]

148 [(e)] (d) The Labor Commissioner shall adopt regulations in
149 accordance with chapter 54 to implement the provisions of this section.
150 The commissioner shall consider the recommendations of the advisory
151 council in the adoption of such regulations and in further funding
152 requests necessary to provide services for the displaced homemaker
153 population.

154 Sec. 4. Section 31-51qq of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective from passage*):

156 On or before January 1, 1997, the Labor Commissioner shall adopt
157 regulations, in accordance with the provisions of chapter 54, to
158 establish procedures and guidelines necessary to implement the
159 provisions of sections 5-248a and 31-51kk to 31-51qq, inclusive, as
160 amended by this act, including, but not limited to, procedures for
161 hearings and redress, including restoration and restitution, for an
162 employee who believes that there is a violation by the employer of
163 such employee of any provision of said sections. [, and procedures for
164 the periodic reporting by employers to the commissioner of their
165 current experience with leaves of absence taken pursuant to said
166 sections.] In adopting such regulations, the commissioner shall make
167 reasonable efforts to ensure compatibility of state regulatory
168 provisions with similar provisions of the federal Family and Medical
169 Leave Act of 1993 and the regulations promulgated pursuant to said
170 act.

171 Sec. 5. Subdivision (5) of subsection (c) of section 4a-100 of the
172 general statutes is repealed and the following is substituted in lieu
173 thereof (*Effective from passage*):

174 (5) A statement of whether (A) the applicant has been disqualified
175 pursuant to section 4b-95, this section or section 31-57c, as amended by
176 this act, or 31-57d, as amended by this act, (B) [the applicant is on the

177 list distributed by the Labor Commissioner pursuant to section 31-57a,
178 (C)] the applicant is disqualified or prohibited from being awarded a
179 contract pursuant to section 31-57b, [(D)] (C) the applicant has been
180 disqualified by another state, [(E)] (D) the applicant has been
181 disqualified by a federal agency or pursuant to federal law, [(F)] (E) the
182 applicant's registration has been suspended or revoked by the
183 Department of Consumer Protection pursuant to section 20-341gg,
184 [(G)] (F) the applicant has been disqualified by a municipality, and
185 [(H)] (G) the matters that gave rise to any such disqualification,
186 suspension or revocation have been eliminated or remedied; and

187 Sec. 6. Subsection (b) of section 31-57c of the general statutes is
188 repealed and the following is substituted in lieu thereof (*Effective from*
189 *passage*):

190 (b) Disqualification of a contractor is a serious action that shall be
191 used only in the public interest and for the state government's
192 protection and not for purposes of punishment or in lieu of other
193 applicable enforcement or compliance procedures. The causes for and
194 consequences of disqualification under this section shall be separate
195 from and in addition to causes for and consequences of
196 disqualification under sections 4b-95, 31-53a [, 31-57a] and 31-57b.

197 Sec. 7. Subsection (b) of section 31-57d of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective from*
199 *passage*):

200 (b) Disqualification of a contractor is a serious action that shall be
201 used only in the public interest and for the state government's
202 protection and not for purposes of punishment or in lieu of other
203 applicable enforcement or compliance procedures. The causes for and
204 consequences of disqualification under this section shall be separate
205 from and in addition to causes for and consequences of
206 disqualification under sections 4b-95, 31-53a [, 31-57a] and 31-57b.

207 Sec. 8. Section 31-57h of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective from passage*):

209 (a) There is established a joint enforcement commission on
210 employee misclassification. The commission shall consist of the Labor
211 Commissioner, the Commissioner of Revenue Services, the Insurance
212 Commissioner, the Commissioner of Consumer Protection, the
213 chairperson of the Workers' Compensation Commission, the Attorney
214 General and the Chief State's Attorney, or their designees.

215 (b) The joint enforcement commission on employee misclassification
216 shall meet not less than four times each year. The task force shall
217 review the problem of employee misclassification by employers for the
218 purposes of avoiding their obligations under state and federal labor,
219 employment and tax laws. The commission shall coordinate the civil
220 prosecution of violations of state and federal laws as a result of
221 employee misclassification and shall report any suspected violation of
222 state criminal statutes to the Chief State's Attorney or the State's
223 Attorney serving the district in which the violation is alleged to have
224 occurred.

225 (c) On or before February 1, 2010, and [annually] biennially
226 thereafter, the commission shall report, in accordance with section 11-
227 4a, to the Governor and the joint standing committee of the General
228 Assembly having cognizance of matters relating to labor. The report
229 shall summarize the commission's actions for the preceding calendar
230 year and include any recommendations for administrative or
231 legislative action.

232 Sec. 9. Section 31-58 of the general statutes is repealed and the
233 following is substituted in lieu thereof (*Effective from passage*):

234 As used in this part:

235 (a) "Commissioner" means the Labor Commissioner;

236 [(b) "Wage board" means a board created as provided in section 31-
237 61;]

238 [(c)] (b) "Fair wage" means a wage fairly and reasonably
239 commensurate with the value of a particular service or class of service

240 rendered, and, in establishing a minimum fair wage for such service or
241 class of service under this part, the commissioner and the wage board,
242 without being bound by any technical rules of evidence or procedure,
243 (1) may take into account all relevant circumstances affecting the value
244 of the services rendered, including hours and conditions of
245 employment affecting the health, safety and general well-being of the
246 workers, [and] (2) may be guided by such considerations as would
247 guide a court in a suit for the reasonable value of services rendered
248 where services are rendered at the request of an employer without
249 contract as to the amount of the wage to be paid, and (3) may consider
250 the wages, including overtime or premium rates, paid in the state for
251 work of like or comparable character by employers who voluntarily
252 maintain minimum fair wage standards;

253 [(d)] (c) "Department" means the Labor Department;

254 [(e)] (d) "Employer" means any owner or any person, partnership,
255 corporation, limited liability company or association of persons acting
256 directly as, or on behalf of, or in the interest of an employer in relation
257 to employees, including the state and any political subdivision thereof;

258 [(f)] (e) "Employee" means any individual employed or permitted to
259 work by an employer but shall not include any individual employed in
260 camps or resorts which are open no more than six months of the year
261 or in domestic service in or about a private home, except any
262 individual in domestic service employment as defined in the
263 regulations of the federal Fair Labor Standards Act, or an individual
264 employed in a bona fide executive, administrative or professional
265 capacity as defined in the regulations of the Labor Commissioner or an
266 individual employed by the federal government, or any individual
267 engaged in the activities of an educational, charitable, religious,
268 scientific, historical, literary or nonprofit organization where the
269 employer-employee relationship does not, in fact, exist or where the
270 services rendered to such organizations are on a voluntary basis, or
271 any individual employed as a head resident or resident assistant by a
272 college or university, or any individual engaged in baby sitting, or an

273 outside salesman as defined in the regulations of the federal Fair Labor
274 Standards Act; or any individual employed by a nonprofit theater,
275 provided such theater does not operate for more than seven months in
276 any calendar year;

277 [(g)] (f) A resort is defined as an establishment under one
278 management whose principal function it is to offer lodging by the day,
279 week, month or season, or part thereof, to vacationers or those in
280 search of recreation;

281 [(h)] (g) "Employ" means to employ or suffer to work;

282 [(i)] (h) "Wage" means compensation due to an employee by reason
283 of his employment;

284 [(j)] (i) "Minimum fair wage" in any industry or occupation in this
285 state means a wage of not less than six dollars and seventy cents per
286 hour, and effective January 1, 2003, not less than six dollars and ninety
287 cents per hour, and effective January 1, 2004, not less than seven
288 dollars and ten cents per hour, and effective January 1, 2006, not less
289 than seven dollars and forty cents per hour, and effective January 1,
290 2007, not less than seven dollars and sixty-five cents per hour, and
291 effective January 1, 2009, not less than eight dollars per hour, and
292 effective January 1, 2010, not less than eight dollars and twenty-five
293 cents per hour or one-half of one per cent rounded to the nearest whole
294 cent more than the highest federal minimum wage, whichever is
295 greater, except as may otherwise be established in accordance with the
296 provisions of this part. All wage orders in effect on October 1, 1971,
297 wherein a lower minimum fair wage has been established, are
298 amended to provide for the payment of the minimum fair wage herein
299 established except as hereinafter provided. Whenever the highest
300 federal minimum wage is increased, the minimum fair wage
301 established under this part shall be increased to the amount of said
302 federal minimum wage plus one-half of one per cent more than said
303 federal rate, rounded to the nearest whole cent, effective on the same
304 date as the increase in the highest federal minimum wage, and shall
305 apply to all wage orders and administrative regulations then in force.

306 The rates for learners, beginners, and persons under the age of
307 eighteen years shall be not less than eighty-five per cent of the
308 minimum fair wage for the first two hundred hours of such
309 employment and equal to the minimum fair wage thereafter, except
310 institutional training programs specifically exempted by the
311 commissioner.

312 Sec. 10. Section 31-58a of the general statutes is repealed and the
313 following is substituted in lieu thereof (*Effective from passage*):

314 Notwithstanding the provisions of subsection [(j)] (i) of section 31-
315 58, as amended by this act, minors between the ages of sixteen and
316 eighteen years who are employees of the state or any political
317 subdivision thereof shall be paid a minimum wage of not less than
318 eighty-five per cent of the minimum fair wage as defined in said
319 subsection, and notwithstanding the provisions of said subsection,
320 minors between the ages of fourteen and eighteen who are agricultural
321 employees shall be paid a minimum wage of not less than eighty-five
322 per cent of the minimum fair wage as defined in said section except
323 agricultural employees between the ages of fourteen and eighteen who
324 are employed by employers who did not, during the preceding
325 calendar year, employ eight or more workers at the same time shall be
326 paid a minimum wage of not less than seventy per cent of the
327 minimum wage, as defined in said section 31-58.

328 Sec. 11. Section 31-76e of the general statutes is repealed and the
329 following is substituted in lieu thereof (*Effective from passage*):

330 No employer shall be deemed to have violated section 31-76c by
331 employing any employee for a workweek in excess of the maximum
332 workweek applicable to such employee if such employee is employed
333 pursuant to a bona fide individual contract, or pursuant to an
334 agreement made as a result of collective bargaining by representatives
335 of employees, if the duties of such employee necessitate irregular
336 hours of work, and the contract or agreement (1) specifies a regular
337 rate of pay of not less than the minimum hourly rate provided in
338 subsection [(j)] (i) of section 31-58, as amended by this act, and

339 compensation at not less than one and one-half times such rate for all
340 hours worked in excess of such maximum workweek, and (2) provides
341 a weekly guaranty of pay for not more than sixty hours based on the
342 rates so specified.

343 Sec. 12. Subsection (f) of section 52-361a of the general statutes is
344 repealed and the following is substituted in lieu thereof (*Effective from*
345 *passage*):

346 (f) The maximum part of the aggregate weekly earnings of an
347 individual which may be subject under this section to levy or other
348 withholding for payment of a judgment is the lesser of (1) twenty-five
349 per cent of his disposable earnings for that week, or (2) the amount by
350 which his disposable earnings for that week exceed forty times the
351 higher of (A) the minimum hourly wage prescribed by Section 6(a)(1)
352 of the Fair Labor Standards Act of 1938, USC Title 29, Section 206(a)(1),
353 or (B) the full minimum fair wage established by subsection [(j)] (i) of
354 section 31-58, as amended by this act, in effect at the time the earnings
355 are payable. Unless the court provides otherwise pursuant to a motion
356 for modification, the execution and levy shall be for the maximum
357 earnings subject to levy and shall not be limited by the amount of the
358 installment payment order. Only one execution under this section shall
359 be satisfied at one time. Priority of executions under this section shall
360 be determined by the order of their presentation to the employer.

361 Sec. 13. Section 31-59 of the general statutes is repealed and the
362 following is substituted in lieu thereof (*Effective from passage*):

363 The commissioner or any authorized representative of the
364 commissioner shall have authority: (a) To investigate and ascertain the
365 wages of persons employed in any occupation in the state; (b) to enter
366 the place of business or employment of any employer of persons in
367 any occupation for the purpose of examining and inspecting any and
368 all books, registers, payrolls and other records of any such employer
369 that in any way appertain to or have a bearing upon the question of
370 wages of any such persons and for the purpose of ascertaining whether
371 the provisions of this part and the orders of the commissioner have

372 been and are being complied with; and (c) to require from such
373 employer full and correct statements in writing, when the
374 commissioner or any authorized representative of the commissioner
375 deems necessary, of the wages paid to all persons in his employment.
376 [The commissioner may, on his own motion, and shall, on the petition
377 of fifty or more residents of the state, cause an investigation to be made
378 of the wages being paid to persons in any occupation to ascertain
379 whether any substantial number of persons in such occupation is
380 receiving less than a fair wage. If the commissioner is of the opinion
381 that any substantial number of persons in any occupation or
382 occupations is receiving less than a fair wage, he shall appoint a wage
383 board as provided in section 31-61 to report upon the establishment of
384 minimum fair wage rates of not less than the minimum fair wage as
385 defined in section 31-58 for such persons in such occupation or
386 occupations.]

387 Sec. 14. Subsection (b) of section 31-60 of the general statutes is
388 repealed and the following is substituted in lieu thereof (*Effective from*
389 *passage*):

390 (b) The Labor Commissioner shall adopt such regulations, in
391 accordance with the provisions of chapter 54, as may be appropriate to
392 carry out the purposes of this part. Such regulations may include, but
393 are not limited to, regulations defining and governing an executive,
394 administrative or professional employee and outside salesperson;
395 learners and apprentices, their number, proportion and length of
396 service; and piece rates in relation to time rates; and shall recognize, as
397 part of the minimum fair wage, gratuities in an amount (1) equal to
398 twenty-nine and three-tenths per cent, and effective January 1, 2009,
399 equal to thirty-one per cent of the minimum fair wage per hour for
400 persons, other than bartenders, who are employed in the hotel and
401 restaurant industry, including a hotel restaurant, who customarily and
402 regularly receive gratuities, (2) equal to eight and two-tenths per cent,
403 and effective January 1, 2009, equal to eleven per cent of the minimum
404 fair wage per hour for persons employed as bartenders who
405 customarily and regularly receive gratuities, and (3) not to exceed

406 thirty-five cents per hour in any other industry, and shall also
407 recognize deductions and allowances for the value of board, in the
408 amount of eighty-five cents for a full meal and forty-five cents for a
409 light meal, lodging, apparel or other items or services supplied by the
410 employer; and other special conditions or circumstances which may be
411 usual in a particular employer-employee relationship. The
412 commissioner may provide, in such regulations, modifications of the
413 minimum fair wage herein established for learners and apprentices;
414 persons under the age of eighteen years; and for such special cases or
415 classes of cases as the commissioner finds appropriate to prevent
416 curtailment of employment opportunities, avoid undue hardship and
417 safeguard the minimum fair wage herein established. Regulations in
418 effect on July 1, 1973, providing for a board deduction and allowance
419 in an amount differing from that provided in this section shall be
420 construed to be amended consistent with this section. [without the
421 necessity of convening a wage board or amending such regulations.]

422 Sec. 15. Subsection (a) of section 31-69 of the general statutes is
423 repealed and the following is substituted in lieu thereof (*Effective from*
424 *passage*):

425 (a) Any employer or his agent, or the officer or agent of any
426 corporation, who discharges or in any other manner discriminates
427 against any employee because such employee has [served or is about
428 to serve on a wage board or has] testified or is about to testify [before
429 any wage board or] in any [other] investigation or proceeding under or
430 related to this part, or because such employer believes that such
431 employee may [serve on any wage board or may testify before any
432 wage board or] testify in any investigation or proceeding under this
433 part, shall be fined not less than one hundred dollars nor more than
434 four hundred dollars.

435 Sec. 16. Section 31-311 of the general statutes is repealed and the
436 following is substituted in lieu thereof (*Effective from passage*):

437 (a) The Labor Commissioner [, in consultation with the
438 Commissioner of Economic and Community Development and the

439 Commissioner of Education,] shall, within available appropriations,
440 establish and operate the [Twenty-First Century Skills] Incumbent
441 Worker Training Program, the purposes of which shall be to: (1)
442 Sustain high growth occupation and economically vital industries
443 identified by such commissioners; and (2) assist workers in obtaining
444 skills to start or move up their career ladders. Such job training
445 program may include training designed to increase the basic skills of
446 employees, including, but not limited to, training in written and oral
447 communication, mathematics or science, or training in technical and
448 technological skills and such other training as such commissioners
449 determine is necessary to meet the needs of the employer. No more
450 than five per cent of the appropriation for the program may be used
451 for administrative purposes.

452 (b) Not less than fifty per cent of the cost of such training shall be
453 borne by the employer requesting the training.

454 (c) Fifty per cent of any funds appropriated for the Incumbent
455 Worker Training Program in a fiscal year shall be used for companies
456 that have not received Incumbent Worker Training Program funding
457 in the previous three fiscal years.

458 (d) The Labor Commissioner shall allocate funds for the Incumbent
459 Worker Training Program on a regional basis and may designate an
460 entity to administer such program in each region.

461 (e) The application for the Incumbent Worker Training Program
462 shall be on a form prescribed by the Labor Commissioner.

463 [(c)] (f) The Labor Commissioner is authorized to adopt, pursuant to
464 chapter 54, any regulations required to carry out this section.

465 Sec. 17. Section 53-303e of the general statutes is repealed and the
466 following is substituted in lieu thereof (*Effective from passage*):

467 (a) No employer shall compel any employee engaged in any
468 commercial occupation or in the work of any industrial process to
469 work more than six days in any calendar week. An employee's refusal

470 to work more than six days in any calendar week shall not constitute
471 grounds for his dismissal.

472 [(b) No person who states that a particular day of the week is
473 observed as his Sabbath may be required by his employer to work on
474 such day. An employee's refusal to work on his Sabbath shall not
475 constitute grounds for his dismissal.]

476 [(c)] (b) Any employee, who believes that his discharge was in
477 violation of subsection (a) [or (b)] of this section may appeal such
478 discharge to the State Board of Mediation and Arbitration. If said
479 board finds that the employee was discharged in violation of said
480 subsection (a), [or (b),] it may order whatever remedy will make the
481 employee whole, including but not limited to reinstatement to his
482 former or a comparable position.

483 [(d) No employer may, as a prerequisite to employment, inquire
484 whether the applicant observes any Sabbath.]

485 [(e)] (c) Any person who violates any provision of this section shall
486 be fined not more than two hundred dollars.

487 Sec. 18. Subdivision (1) of subsection (g) of section 31-254 of the
488 general statutes is repealed and the following is substituted in lieu
489 thereof (*Effective from passage*):

490 (g) (1) Notwithstanding any of the information disclosure
491 provisions of this section, the administrator shall disclose information
492 obtained pursuant to subsection (a) of this section to: (A) A regional
493 workforce development board, established pursuant to section 31-3k,
494 to the extent necessary for the effective administration of the federal
495 Trade Adjustment Assistance Program of the Trade Act of 1974, as
496 amended from time to time, the federal Workforce Investment Act, as
497 amended from time to time, and the state employment services
498 program established pursuant to section 17b-688c for recipients of
499 temporary family assistance, provided a regional workforce
500 development board, enters into a written agreement with the

501 administrator, pursuant to subdivision (2) of this subsection,
502 concerning protection of the confidentiality of such information prior
503 to the receipt of any such information; (B) a nonpublic entity that is
504 under contract with the administrator where necessary for the effective
505 administration of this chapter or with the United States Department of
506 Labor to administer grants which are beneficial to the interests of the
507 administrator, provided such nonpublic entity enters into a written
508 agreement with the administrator, pursuant to subdivision (2) of this
509 subsection, concerning protection of the confidentiality of such
510 information prior to the receipt of any such information; [or] (C) the
511 president of the Board of Regents for Higher Education, appointed
512 under section 10a-1a, for use in the performance of such president's
513 official duties to the extent necessary for evaluating programs at
514 institutions of higher education governed by said board pursuant to
515 section 10a-1a, provided such president enters into a written
516 agreement with the administrator, pursuant to subdivision (2) of this
517 subsection, concerning protection of the confidentiality of such
518 information prior to the receipt of any such information; or (D) a third
519 party pursuant to written, informed consent of the individual or
520 employer to whom the information pertains.

521 Sec. 19. Subdivision (9) of section 31-11dd of the general statutes is
522 repealed and the following is substituted in lieu thereof (*Effective from*
523 *passage*):

524 (9) Prepare information on the status of adult literacy in this state
525 for inclusion in the commission's annual report card, in accordance
526 with subsection (d) of this section; [and section 31-3bb;] and

527 Sec. 20. Section 4-124hh of the general statutes is repealed and the
528 following is substituted in lieu thereof (*Effective from passage*):

529 (a) The Department of Economic and Community Development
530 shall, within available appropriations, establish a grant program to
531 provide a flexible source of funding for the creation and generation of
532 talent in institutions of higher education and, with appropriate
533 connections to technical high schools and other secondary schools, for

534 student outreach and development. Grants pursuant to this subsection
535 shall be awarded to institutions of higher education and may be used
536 to:

537 (1) Upgrade instructional laboratories to meet specific industry-
538 standard laboratory and instrumentation skill requirements;

539 (2) Develop new curriculum and certificate and degree programs at
540 the associate, bachelor's, master's and doctorate levels, tied to industry
541 identified needs;

542 (3) Develop seamlessly articulated career development programs in
543 workforce shortage areas forecasted pursuant to subdivision (10) of
544 subsection (b) of section 4-124w in collaboration with technical high
545 schools and other secondary schools and institutions of higher
546 education;

547 (4) Support undergraduate and graduate student research projects
548 and experimental learning activities; and

549 (5) Establish a nanotechnology post-secondary education program
550 and clearinghouse for curriculum development, scholarships and
551 student outreach.

552 (b) The Department of Economic and Community Development
553 shall, within available appropriations, establish a grant program to
554 provide funding for the advancement of research capabilities and
555 research opportunities. Grants pursuant to this subsection shall be
556 awarded to institutions of higher education and technology focused
557 organizations and may be used to:

558 (1) Recruit eminent faculty in basic and applied research;

559 (2) Leverage federal funding for research centers;

560 (3) Provide pilot funding for faculty to develop initial research data
561 for the development of larger grant funding proposals and to nonstate
562 granting entities, such as federal agencies; and

563 (4) Establish a Connecticut Nanotechnology Collaboration Initiative
564 to foster industry-university relationships by providing:

565 (A) Discovery grants, not to exceed fifty thousand dollars, to
566 support post-doctorate or graduate students working with industry on
567 nanotechnology projects under the supervision of faculty members.
568 Each discovery grant shall be matched with a direct or in-kind
569 industry grant in the same amount;

570 (B) Collaborative grants, not to exceed one hundred fifty thousand
571 dollars, to support university research teams working with industry on
572 collaborative research projects focused on specific application
573 development. Each collaborative grant shall be matched with an
574 industry grant in the same amount;

575 (C) Prototype grants, not to exceed two hundred fifty thousand
576 dollars, to enable universities and companies to demonstrate whether
577 a prototype is manufacturable and functional and the cost effectiveness
578 of nanotechnology-related applications. Each prototype grant shall be
579 matched with an industry grant in an amount equal to two dollars for
580 every one dollar of such prototype grant.

581 (c) The Department of Economic and Community Development
582 shall, within available appropriations, establish a grant program to
583 provide funding for the promotion of collaborative research
584 applications between industry and institutions of higher education.
585 Grants pursuant to this subsection shall be awarded to institutions of
586 higher education, technology-focused organizations and business
587 entities and may be used:

588 (1) To improve technology infrastructure by advancing the
589 development of shared use between institutions of higher education
590 and business entities of laboratories and equipment, including, but not
591 limited to, technology purchase, lease and installation, operating and
592 necessary support personnel and maintenance; and

593 (2) As matching grants for joint projects between an industry, a

594 technology-focused organization or a university. The Department of
595 Economic and Community Development shall structure the matching
596 grants to provide two rounds of funding annually and shall do
597 outreach to companies. The matching grant part of the program shall
598 include, but not be limited to, (A) one-to-one matching grants not to
599 exceed one hundred thousand dollars, with in-kind match allowed for
600 small and mid-sized companies, (B) involvement of a competitive
601 process with outside reviewers using as key criteria (i) the
602 demonstration of commercial relevance, and (ii) a clear path to the
603 marketplace for any innovations developed in the course of the
604 research, and (C) an aggressive marketing campaign through business
605 organizations to raise industry awareness of resources from
606 universities or technology-focused organizations. [; and]

607 [(3) To develop a Connecticut Center for Nanoscale Sciences and
608 Development to provide a shared-use laboratory in one or more sites
609 in the state to advance university research, industry application
610 development and education involving the synthesis, characterization
611 and fabrication of nanoscale materials, intermediates and devices and
612 related program activities. The Department of Economic and
613 Community Development shall conduct a feasibility study and
614 business planning model leading to the establishment of such center,
615 including strategies for securing investments from the federal
616 government and private entities. On or before January 1, 2007, said
617 department shall submit the results of such study, in accordance with
618 the provisions of section 11-4a, to the joint standing committees of the
619 General Assembly having cognizance of matters relating to commerce
620 and higher education and employment advancement.]

621 (d) The Department of Economic and Community Development
622 shall, within available appropriations, establish a grant program to
623 provide funding for the promotion of commercialization of research
624 done by institutions of higher education. Grants pursuant to this
625 subsection shall be awarded to institutions of higher education and
626 business entities and may be used:

627 (1) To provide funding to verify the technical and commercial
628 feasibility of early stage discoveries by institutions of higher education
629 that are disclosed or patented to accelerate and increase the likelihood
630 that the technology will be successfully commercialized;

631 (2) To provide matching support for smaller institutions of higher
632 education to allow for contracts with independent technology transfer
633 organizations to provide specific service to support specific needs; and

634 (3) To provide specialized technical assistance to advance
635 nanotechnology awards to Connecticut companies, including
636 nanotechnology-related workshops and seminars, grant preparation
637 assistance, marketing assistance, services related to matching grants
638 and other technical assistance to assist companies with
639 nanotechnology-related applications.

640 Sec. 21. Section 31-3a of the general statutes is repealed and the
641 following is substituted in lieu thereof (*Effective from passage*):

642 [(a)] To assist the state in attaining maximum economic growth and
643 technological progress while minimizing individual hardship and
644 reducing unemployment, the Labor Commissioner shall: (1) Evaluate
645 the impact of, and benefits and problems created by, automation,
646 technological progress and other changes in the structure of
647 production; evaluate the adequacy of the state's human resources in
648 attaining maximum economic growth for the state; establish
649 techniques and methods for detecting in advance the potential impact
650 of such developments; and prepare recommendations for the solution
651 to these problems; (2) establish a program of factual studies on the
652 state's economy to determine the manpower needs of the state by
653 occupation, by industry and by area, and make recommendations
654 concerning the best methods and techniques to be used to meet such
655 needs; (3) appraise the growing work force in the state to determine
656 the occupational qualifications of its citizens with particular emphasis
657 on young people and on persons displaced by automated processes;
658 compare the manpower needs of the state with the occupational
659 qualifications of its citizens, and prepare plans for the maximum

660 utilization of its citizens; (4) determine those areas, occupations and
661 industries which have need for additional trained workers, and
662 establish preemployment training programs which best meet the needs
663 of business and industry, and of the unemployed. In establishing such
664 programs, the commissioner shall, in cooperation with the
665 Commissioner of Education, use funds from all available federal
666 programs.

667 [(b) The Labor Commissioner shall, within thirty days after the end
668 of each calendar year, make such reports and recommendations to the
669 Governor as he deems appropriate on manpower requirements,
670 resources, use and training, and on economic developments and trends
671 affecting such items.]

672 Sec. 22. Section 31-11s of the general statutes is repealed and the
673 following is substituted in lieu thereof (*Effective from passage*):

674 (a) On or before February 9, 2000, and annually thereafter, the
675 Connecticut Employment and Training Commission shall make
676 recommendations consistent with the provisions of the single
677 Connecticut workforce development plan submitted to the Governor
678 pursuant to section 31-11r to the Governor and the General Assembly
679 concerning the appropriation of funds received for adult workforce
680 development activities under the federal Workforce Investment Act of
681 1998, P.L. 105-220, as from time to time amended, for (1) job-related
682 vocational, literacy, language or numerical skills training; (2)
683 underemployed and at-risk workers; (3) individuals with barriers to
684 full-time, stable employment, including language, basic skills and
685 occupational literacy barriers; (4) vocational training using apprentice
686 and preapprentice programs and customized job training programs
687 that are designed to serve at-risk workers and promote job retention
688 and the obtainment of higher wage jobs; (5) special incentives for
689 programs that successfully train (A) women for nontraditional
690 employment, and (B) minorities for occupations or fields of work in
691 which such minorities are underrepresented; and (6) special grants or
692 contracts in each region for training programs that target workers who

693 are difficult to serve, including, but not limited to, workers (A) with
694 limited literacy or numerical skills, (B) without a high school diploma
695 or its equivalent, or (C) for whom English is a second language. For
696 purposes of this section, "nontraditional employment" refers to
697 occupations or fields of work for which women comprise less than
698 twenty-five per cent of the individuals employed in each such
699 occupation or field of work.

700 [(b) On or before February 9, 2000, and annually thereafter, the
701 commission shall make recommendations to the Governor and the
702 General Assembly concerning the appropriation of funds received
703 under the federal Workforce Investment Act of 1998, P.L. 105-220, as
704 from time to time amended, for young adult programs for teenage
705 parents, those at risk of dropping out of school and young adults who
706 attend technical high schools, adult education programs or other
707 programs to assist such persons in attaining a high school diploma or
708 its equivalent.]

709 [(c)] (b) On or before February 9, 2000, and annually thereafter, the
710 commission shall make recommendations to the Governor and the
711 General Assembly concerning the appropriation of funds received
712 under the federal Workforce Investment Act of 1998, P.L. 105-220, as
713 from time to time amended, for dislocated workers.

714 [(d)] (c) Pursuant to Section 189(i)(4)(A) of the federal Workforce
715 Investment Act of 1998, P.L. 105-220, as from time to time amended,
716 the Governor is authorized by the General Assembly to apply for a
717 waiver of federal eligibility requirements to allow incumbent workers
718 with annual family incomes that do not exceed two hundred per cent
719 of the poverty level guidelines issued by the federal Department of
720 Health and Human Services to receive job training services.

721 Sec. 23. Sections 12-217y, 31-3bb, 31-3kk, 31-22, 31-57a, 31-61, 31-62,
722 31-64, 31-65 and 31-274h of the general statutes are repealed. (*Effective*
723 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-51xx(a)
Sec. 2	<i>from passage</i>	31-51aaa
Sec. 3	<i>from passage</i>	31-3g
Sec. 4	<i>from passage</i>	31-51qq
Sec. 5	<i>from passage</i>	4a-100(c)(5)
Sec. 6	<i>from passage</i>	31-57c(b)
Sec. 7	<i>from passage</i>	31-57d(b)
Sec. 8	<i>from passage</i>	31-57h
Sec. 9	<i>from passage</i>	31-58
Sec. 10	<i>from passage</i>	31-58a
Sec. 11	<i>from passage</i>	31-76e
Sec. 12	<i>from passage</i>	52-361a(f)
Sec. 13	<i>from passage</i>	31-59
Sec. 14	<i>from passage</i>	31-60(b)
Sec. 15	<i>from passage</i>	31-69(a)
Sec. 16	<i>from passage</i>	31-3ll
Sec. 17	<i>from passage</i>	53-303e
Sec. 18	<i>from passage</i>	31-254(g)(1)
Sec. 19	<i>from passage</i>	31-11dd(9)
Sec. 20	<i>from passage</i>	4-124hh
Sec. 21	<i>from passage</i>	31-3a
Sec. 22	<i>from passage</i>	31-11s
Sec. 23	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In section 23, "4-124" was deleted as the section was previously repealed.

LAB *Joint Favorable Subst.*

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**

The bill renames the 21st Century Skills program the Incumbent Worker Training program, effectively merging the two programs. This has no fiscal impact as it is not anticipated to significantly reduce the resources available for the programs.

The bill makes several technical and conforming changes which have no fiscal impact.

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

OLR Bill Analysis**sHB 6433*****AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.*****SUMMARY:**

This bill makes several changes to the Individual Development Account (IDA) program and the Incumbent Worker Training Program. It also repeals the tax credit for hiring people receiving benefits from the temporary family assistance program.

The bill makes numerous minor and technical changes to the Labor Department statutes, including repealing several obsolete provisions.

EFFECTIVE DATE: Upon passage

IDA PROGRAM (§§ 1 & 2)

The IDA program helps low-income people build assets. The Department of Labor (DOL) oversees the program, which is administered at the local level by participating community-based organizations.

The bill allows IDA participants to use money saved in IDAs for a variety of specified purposes, instead of being limited to one use, as under current law. The specified purposes include (1) obtaining education or job training, (2) purchasing a home, (3) starting a business or joining an existing one, (4) buying a car for work, (5) making a lease deposit, or (6) paying for a child's education or job training. Under the program, the state contributes a maximum of \$2 for every \$1 a low income participant contributes up to a limit of \$1,000 a year (\$3,000 maximum per participant).

The bill also requires that state matching IDA funds forfeited by an

IDA account holder be kept in the local reserve fund for a new account holder to use, instead of being returned to DOL's IDA reserve fund. It also requires that state matching IDA funds be returned to the IDA reserve fund if they remain unused after five years for any reason, rather than just because the IDA participant stopped making contributions.

INCUMBENT WORKER TRAINING PROGRAM (§ 16)

The bill renames the Twenty-First Century Skill Training program the Incumbent Worker Training Program and requires that 50% of funds appropriated for the latter program be used for companies that have not received this funding in the previous three years.

By law, and unchanged by the bill, the program's purposes are to (1) sustain high-growth occupation and economically vital industries and (2) assist workers in obtaining skills to start or move up their career ladders. By law, "incumbent workers" means individuals who are employed in this state, but who are in need of additional skills, training, or education to upgrade employment.

The bill requires the labor commissioner to (1) allocate funds for the program on a regional basis and (2) prescribe the program's application form. By law, DOL, in collaboration with the state's regional workforce development boards, administers the incumbent worker program. The bill permits the labor commissioner to designate an entity to administer the program in each region (presumably the regional boards).

It also makes conforming changes.

OTHER CHANGES

The bill also makes the following changes:

1. repeals the tax credit for hiring people receiving benefits from the temporary family assistance program (§ 23);
2. requires DOL to share unemployment information with (A)

- nonpublic entities that it contracts with to administer the unemployment system and (B) third parties if the individual or employer to whom the information pertains provides written, informed consent (§ 18);
3. adds the insurance and consumer protection commissioners to the Joint Enforcement Commission on Employee Misclassification and requires it to report every two years instead of annually (§ 8);
 4. eliminates references to obsolete entities including the Advisory Council on Displaced Homemakers and Wage Board (§ 3);
 5. removes an obsolete prohibition on employers' requiring an employee to work on his or her Sabbath day (see BACKGROUND) (§ 23);
 6. removes several reporting requirements, including: (1) employer reporting on the impact of the Family Medical Leave Act; (2) a list of employers disqualified from bidding on state projects by National Labor Relations Board decisions; and (3) federal Workforce Investment Act funding received for young adult programs for teenage parents and those at risk of dropping out of school (§§ 4 & 23);
 7. repeals the Fair Wage Board statute and the prohibition against retaliating against an employee for serving on a wage board (§§ 11, 16, 17 & 23).

BACKGROUND

Courts Invalidated Connecticut Sabbath Law

In 1985, the U.S. Supreme Court affirmed a lower court's decision invalidating a state law that protected employees from being fired for refusing to work on the employee's chosen Sabbath day. The U.S. Supreme Court held, "The Connecticut statute, by providing Sabbath observers with the absolute and unqualified right not to work on their chosen Sabbath, violates the Establishment Clause. To meet

constitutional requirements under the clause, a statute must not only have secular purpose and not foster excessive entanglement of government with religion, its primary effect must not advance or inhibit religion" (*Estate of Thornton v. Caldor Inc.*, 472 U.S. 703 (1985)).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/07/2013)