



General Assembly

Substitute Bill No. 1075

January Session, 2013



**AN ACT CONCERNING CIVIL ACTIONS AGAINST AN EMPLOYER
FOR FAILURE TO PAY WAGES OR COMPENSATION OR MAKE
PAYMENTS TO AN EMPLOYEE WELFARE FUND.**

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 Section 31-72 of the general statutes is repealed and the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, 2013*):

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] unless the employer establishes that the employer
13 had a good faith belief that its underpayment of wages was in
14 compliance with law. Any agreement between [him] an employee and
15 his or her employer for payment of wages other than as specified in
16 said sections shall be no defense to such action. The Labor
17 Commissioner may collect the full amount of any such unpaid wages,
18 payments due to an employee welfare fund or such arbitration award,
19 as well as interest calculated in accordance with the provisions of

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	31-72

JUD *Joint Favorable Subst.*