



General Assembly

February Session, 2014

***Raised Bill No. 5452***

LCO No. 1818



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING COMMUNITY SERVICE AND  
UNEMPLOYMENT BENEFITS.***

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

1 Section 1. (NEW) (*Effective from passage*) An individual receiving  
2 benefits under chapter 567 of the general statutes may seek permission  
3 from the Labor Commissioner to engage in volunteer community  
4 service in lieu of actively seeking work by submitting, on a form and in  
5 a manner prescribed by the commissioner: (1) A description of the  
6 nature of the volunteer community service, (2) the name and contact  
7 information for the individual responsible for supervising such  
8 volunteer community service, and (3) the weekly schedule for such  
9 volunteer community service. Not later than fourteen days after  
10 receiving such form, the commissioner shall grant or deny such  
11 permission and shall notify the individual, in writing, of his or her  
12 decision.

13 Sec. 2. Section 31-232l of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective October 1, 2014*):

15 (a) Notwithstanding the provisions of section 31-232c, for weeks of  
16 unemployment beginning after March 31, 1981, an individual shall be  
17 ineligible for payment of extended benefits for any week of  
18 unemployment in his or her eligibility period, and such ineligibility  
19 shall continue until such individual has again been employed, under  
20 an express or implied contract of hire creating an employer-employee  
21 relationship, in each of four subsequent weeks, whether or not  
22 consecutive, and has earned not less than four times his weekly  
23 extended benefit amount, if the administrator finds that during such  
24 week: (1) He or she failed to accept any offer of suitable work, as  
25 defined under subsection (c) of this section, or failed to apply for any  
26 such suitable work to which he or she was referred by the  
27 administrator; [or] (2) he or she failed to actively engage in seeking  
28 work as prescribed under subsection (d) of this section, or (3) he or she  
29 failed to actively engage in volunteer community service as prescribed  
30 under subsection (g) of this section.

31 (b) If the individual furnishes satisfactory evidence to the  
32 administrator that his or her prospects for obtaining work in his or her  
33 customary occupation within a reasonably short period are good, the  
34 determination of whether any work is suitable work with respect to  
35 such individual shall be made in accordance with the definition of  
36 suitable work for regular benefit claimants in subsection (a)(1) of  
37 section 31-236, without regard to the definition specified by subsection  
38 (c) of this section.

39 (c) (1) For purposes of this section, "suitable work" means any work  
40 which is within an individual's capabilities, provided that: (A) The  
41 gross average weekly remuneration payable for the work exceeds the  
42 sum of (i) the individual's weekly extended benefit amount, as  
43 determined under section 31-232e, plus (ii) the amount, if any, of  
44 supplemental unemployment benefits, as defined in Section  
45 501(c)(17)(D) of the Internal Revenue Code of 1986, or any subsequent  
46 corresponding internal revenue code of the United States, as from time  
47 to time amended, payable to such individual for such week; (B) the

48 wage payable for the work is not less than the greater of the minimum  
49 wage provided by Section 6(a)(1) of the Fair Labor Standards Act of  
50 1938, without regard to any exemption, or the applicable state or local  
51 minimum wage, without regard to any exemption; and (C) no work  
52 shall be deemed to be suitable work which does not accord with the  
53 labor standard provisions required by Section 3304(a)(5) of the Internal  
54 Revenue Code of 1986, or any subsequent corresponding internal  
55 revenue code of the United States, as from time to time amended. (2)  
56 Notwithstanding the provisions of subdivision (1) of subsection (a) of  
57 this section, an individual shall not be denied extended benefits for  
58 failure to accept an offer of or apply for any job which meets the  
59 definition of suitability as described in this subsection if: (A) The  
60 position was not offered to such individual in writing or was not listed  
61 with a state employment service; and (B) such failure could not result  
62 in a denial of benefits under the definition of suitable work for regular  
63 benefit claimants in section 31-236 to the extent that the criteria of  
64 suitability in that section are not inconsistent with the provisions of  
65 this subsection.

66 (d) For the purposes of subdivision (2) of subsection (a) of this  
67 section, an individual shall be treated as actively engaged in seeking  
68 work during any week if: (1) The individual has engaged in a  
69 systematic and sustained effort to obtain work during such week, and  
70 (2) the individual furnishes tangible evidence that he or she has  
71 engaged in such effort during such week.

72 (e) The Connecticut State Employment Service shall refer any  
73 claimant entitled to extended benefits under this chapter to any  
74 suitable work which meets the criteria prescribed in subsection (c) of  
75 this section.

76 (f) An individual shall be ineligible to receive extended benefits  
77 with respect to any week of unemployment in his or her eligibility  
78 period if such individual has been disqualified for regular or extended  
79 benefits under the provisions of this chapter because he or she

80 voluntarily left work, was discharged for misconduct or failed to  
81 accept an offer of or apply for suitable work unless such individual has  
82 terminated the disqualification imposed for such reasons by again  
83 having been employed under an express or implied contract of hire  
84 creating an employer-employee relationship.

85 (g) For the purposes of subdivision (3) of subsection (a) of this  
86 section, an individual shall be treated as actively engaged in volunteer  
87 community service during any week if: (1) The individual has received  
88 permission from the administrator to engage in such volunteer  
89 community service, pursuant to section 1 of this act, in lieu of actively  
90 seeking work, (2) the individual has engaged in not less than twenty  
91 hours of such volunteer community service during such week, and (3)  
92 the individual furnishes tangible evidence that he or she has engaged  
93 in such volunteer community service during such week.

94 Sec. 3. Section 31-236 of the general statutes is repealed and the  
95 following is substituted in lieu thereof (*Effective October 1, 2014*):

96 (a) An individual shall be ineligible for benefits:

97 (1) If the administrator finds that the individual has failed without  
98 sufficient cause either to apply for available, suitable work when  
99 directed so to do by the Public Employment Bureau or the  
100 administrator, or to accept suitable employment when offered by the  
101 Public Employment Bureau or by an employer, such ineligibility to  
102 continue until such individual has returned to work and has earned at  
103 least six times such individual's benefit rate. Suitable work means  
104 either employment in the individual's usual occupation or field or  
105 other work for which the individual is reasonably fitted, provided such  
106 work is within a reasonable distance of the individual's residence. In  
107 determining whether or not any work is suitable for an individual, the  
108 administrator may consider the degree of risk involved to such  
109 individual's health, safety and morals, such individual's physical  
110 fitness and prior training and experience, such individual's skills, such

111 individual's previous wage level and such individual's length of  
112 unemployment, but, notwithstanding any other provision of this  
113 chapter, no work shall be deemed suitable nor shall benefits be denied  
114 under this chapter to any otherwise eligible individual for refusing to  
115 accept work under any of the following conditions: (A) If the position  
116 offered is vacant due directly to a strike, lockout or other labor dispute;  
117 (B) if the wages, hours or other conditions of work offered are  
118 substantially less favorable to the individual than those prevailing for  
119 similar work in the locality; (C) if, as a condition of being employed,  
120 the individual would be required to join a company union or to resign  
121 from or refrain from joining any bona fide labor organization; (D) if the  
122 position offered is for work which commences or ends between the  
123 hours of one and six o'clock in the morning if the administrator finds  
124 that such work would constitute a high degree of risk to the health,  
125 safety or morals of the individual, or would be beyond the physical  
126 capabilities or fitness of the individual or there is no suitable  
127 transportation available from the individual's home to or from the  
128 individual's place of employment; or (E) if, as a condition of being  
129 employed, the individual would be required to agree not to leave such  
130 position if recalled by the individual's former employer;

131 (2) (A) If, in the opinion of the administrator, the individual has left  
132 suitable work voluntarily and without good cause attributable to the  
133 employer, until such individual has earned at least ten times such  
134 individual's benefit rate, provided whenever an individual voluntarily  
135 leaves part-time employment under conditions that would render the  
136 individual ineligible for benefits, such individual's ineligibility shall be  
137 limited as provided in subsection (b) of this section, if applicable, and  
138 provided further, no individual shall be ineligible for benefits if the  
139 individual leaves suitable work (i) for good cause attributable to the  
140 employer, including leaving as a result of changes in conditions  
141 created by the individual's employer, (ii) to care for the individual's  
142 spouse, child, or parent with an illness or disability, as defined in  
143 subdivision (16) of this subsection, (iii) due to the discontinuance of

144 transportation, other than the individual's personally owned vehicle,  
145 used to get to and from work, provided no reasonable alternative  
146 transportation is available, (iv) to protect the individual, the  
147 individual's child, the individual's spouse or the individual's parent  
148 from becoming or remaining a victim of domestic violence, as defined  
149 in section 17b-112a, provided such individual has made reasonable  
150 efforts to preserve the employment, but the employer's account shall  
151 not at any time be charged with respect to any voluntary leaving that  
152 falls under subparagraph (A)(iv) of this subdivision, (v) for a  
153 separation from employment that occurs on or after July 1, 2007, to  
154 accompany a spouse who is on active duty with the armed forces of  
155 the United States and is required to relocate by the armed forces, but  
156 the employer's account shall not at any time be charged with respect to  
157 any voluntary leaving that falls under subparagraph (A)(v) of this  
158 subdivision, or (vi) to accompany such individual's spouse to a place  
159 from which it is impractical for such individual to commute due to a  
160 change in location of the spouse's employment, but the employer's  
161 account shall not be charged with respect to any voluntary leaving  
162 under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion  
163 of the administrator, the individual has been discharged or suspended  
164 for felonious conduct, conduct constituting larceny of property or  
165 service, the value of which exceeds twenty-five dollars, or larceny of  
166 currency, regardless of the value of such currency, wilful misconduct  
167 in the course of the individual's employment, or participation in an  
168 illegal strike, as determined by state or federal laws or regulations,  
169 until such individual has earned at least ten times the individual's  
170 benefit rate; provided an individual who (i) while on layoff from  
171 regular work, accepts other employment and leaves such other  
172 employment when recalled by the individual's former employer, (ii)  
173 leaves work that is outside the individual's regular apprenticeable  
174 trade to return to work in the individual's regular apprenticeable trade,  
175 (iii) has left work solely by reason of governmental regulation or  
176 statute, or (iv) leaves part-time work to accept full-time work, shall not  
177 be ineligible on account of such leaving and the employer's account

178 shall not at any time be charged with respect to such separation, unless  
179 such employer has elected payments in lieu of contributions;

180 (3) During any week in which the administrator finds that the  
181 individual's total or partial unemployment is due to the existence of a  
182 labor dispute other than a lockout at the factory, establishment or other  
183 premises at which the individual is or has been employed, provided  
184 the provisions of this subsection do not apply if it is shown to the  
185 satisfaction of the administrator that (A) the individual is not  
186 participating in or financing or directly interested in the labor dispute  
187 that caused the unemployment, and (B) the individual does not belong  
188 to a trade, class or organization of workers, members of which,  
189 immediately before the commencement of the labor dispute, were  
190 employed at the premises at which the labor dispute occurred, and are  
191 participating in or financing or directly interested in the dispute; or (C)  
192 the individual's unemployment is due to the existence of a lockout. A  
193 lockout exists whether or not such action is to obtain for the employer  
194 more advantageous terms when an employer (i) fails to provide  
195 employment to its employees with whom the employer is engaged in a  
196 labor dispute, either by physically closing its plant or informing its  
197 employees that there will be no work until the labor dispute has  
198 terminated, or (ii) makes an announcement that work will be available  
199 after the expiration of the existing contract only under terms and  
200 conditions that are less favorable to the employees than those current  
201 immediately prior to such announcement; provided in either event the  
202 recognized or certified bargaining agent shall have advised the  
203 employer that the employees with whom the employer is engaged in  
204 the labor dispute are ready, able and willing to continue working  
205 pending the negotiation of a new contract under the terms and  
206 conditions current immediately prior to such announcement;

207 (4) During any week with respect to which the individual has  
208 received or is about to receive remuneration in the form of (A) wages  
209 in lieu of notice or dismissal payments, including severance or  
210 separation payment by an employer to an employee beyond the

211 employee's wages upon termination of the employment relationship,  
212 unless the employee was required to waive or forfeit a right or claim  
213 independently established by statute or common law, against the  
214 employer as a condition of receiving the payment, or any payment by  
215 way of compensation for loss of wages, or any other state or federal  
216 unemployment benefits, except mustering out pay, terminal leave pay  
217 or any allowance or compensation granted by the United States under  
218 an Act of Congress to an ex-serviceperson in recognition of the ex-  
219 serviceperson's former military service, or any service-connected pay  
220 or compensation earned by an ex-serviceperson paid before or after  
221 separation or discharge from active military service, or (B)  
222 compensation for temporary disability under any workers'  
223 compensation law;

224 (5) Repealed by P.A. 73-140;

225 (6) If the administrator finds that the individual has left  
226 employment to attend a school, college or university as a regularly  
227 enrolled student, such ineligibility to continue during such attendance;

228 (7) Repealed by P.A. 74-70, S. 2, 4;

229 (8) If the administrator finds that, having received benefits in a prior  
230 benefit year, the individual has not again become employed and been  
231 paid wages since the commencement of said prior benefit year in an  
232 amount equal to the greater of three hundred dollars or five times the  
233 individual's weekly benefit rate by an employer subject to the  
234 provisions of this chapter or by an employer subject to the provisions  
235 of any other state or federal unemployment compensation law;

236 (9) If the administrator finds that the individual has retired and that  
237 such retirement was voluntary, until the individual has again become  
238 employed and has been paid wages in an amount required as a  
239 condition of eligibility as set forth in subdivision (3) of section 31-235;  
240 except that the individual is not ineligible on account of such  
241 retirement if the administrator finds (A) that the individual has retired

242 because (i) such individual's work has become unsuitable considering  
243 such individual's physical condition and the degree of risk to such  
244 individual's health and safety, and (ii) such individual has requested of  
245 such individual's employer other work that is suitable, and (iii) such  
246 individual's employer did not offer such individual such work, or (B)  
247 that the individual has been involuntarily retired;

248 (10) Repealed by P.A. 77-426, S. 6, 19;

249 (11) Repealed by P.A. 77-426, S. 6, 19;

250 (12) Repealed by P.A. 77-426, S. 17, 19;

251 (13) If the administrator finds that, having been sentenced to a term  
252 of imprisonment of thirty days or longer and having commenced  
253 serving such sentence, the individual has been discharged or  
254 suspended during such period of imprisonment, until such individual  
255 has earned at least ten times such individual's benefit rate;

256 (14) If the administrator finds that the individual has been  
257 discharged or suspended because the individual has been disqualified  
258 under state or federal law from performing the work for which such  
259 individual was hired as a result of a drug or alcohol testing program  
260 mandated by and conducted in accordance with such law, until such  
261 individual has earned at least ten times such individual's benefit rate;

262 (15) If the individual is a temporary employee of a temporary help  
263 service and the individual refuses to accept suitable employment when  
264 it is offered by such service upon completion of an assignment until  
265 such individual has earned at least six times such individual's benefit  
266 rate; [and]

267 (16) If the administrator finds that the individual has left  
268 employment to pursue volunteer community service, such ineligibility  
269 to continue during such volunteer community service; and

270 ~~[(16)]~~ (17) For purposes of subparagraph (A)(ii) of subdivision (2) of

271 this subsection, "illness or disability" means an illness or disability  
272 diagnosed by a health care provider that necessitates care for the ill or  
273 disabled person for a period of time longer than the employer is  
274 willing to grant leave, paid or otherwise, and "health care provider"  
275 means (A) a doctor of medicine or osteopathy who is authorized to  
276 practice medicine or surgery by the state in which the doctor practices;  
277 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
278 authorized to practice by the state in which such person practices and  
279 performs within the scope of the authorized practice; (C) an advanced  
280 practice registered nurse, nurse practitioner, nurse midwife or clinical  
281 social worker authorized to practice by the state in which such person  
282 practices and performs within the scope of the authorized practice; (D)  
283 Christian Science practitioners listed with the First Church of Christ,  
284 Scientist in Boston, Massachusetts; (E) any medical practitioner from  
285 whom an employer or a group health plan's benefits manager will  
286 accept certification of the existence of a serious health condition to  
287 substantiate a claim for benefits; (F) a medical practitioner, in a practice  
288 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,  
289 who practices in a country other than the United States, who is  
290 licensed to practice in accordance with the laws and regulations of that  
291 country; or (G) such other health care provider as the Labor  
292 Commissioner approves, performing within the scope of the  
293 authorized practice. For purposes of subparagraph (B) of subdivision  
294 (2) of this subsection, "wilful misconduct" means deliberate  
295 misconduct in wilful disregard of the employer's interest, or a single  
296 knowing violation of a reasonable and uniformly enforced rule or  
297 policy of the employer, when reasonably applied, provided such  
298 violation is not a result of the employee's incompetence and provided  
299 further, in the case of absence from work, "wilful misconduct" means  
300 an employee must be absent without either good cause for the absence  
301 or notice to the employer which the employee could reasonably have  
302 provided under the circumstances for three separate instances within a  
303 twelve-month period. Except with respect to tardiness, for purposes of  
304 subparagraph (B) of subdivision (2) of this subsection, each instance in

305 which an employee is absent for one day or two consecutive days  
306 without either good cause for the absence or notice to the employer  
307 which the employee could reasonably have provided under the  
308 circumstances constitutes a "separate instance". For purposes of  
309 subdivision (15) of this subsection, "temporary help service" means any  
310 person conducting a business that consists of employing individuals  
311 directly for the purpose of furnishing part-time or temporary help to  
312 others; and "temporary employee" means an employee assigned to  
313 work for a client of a temporary help service.

314 (b) Any individual who has voluntarily left part-time employment  
315 under conditions which would otherwise render him ineligible for  
316 benefits pursuant to subparagraph (A) of subdivision (2) of subsection  
317 (a) of this section, who has not earned ten times his benefit rate since  
318 such separation and who is otherwise eligible for benefits shall be  
319 eligible to receive benefits only as follows: (1) If such separation from  
320 the individual's part-time employment precedes a compensable  
321 separation, under the provisions of this chapter, from his full-time  
322 employment, he shall be eligible to receive an amount equal to the  
323 benefits attributable solely to the wages paid to him for any  
324 employment during his base period other than such part-time  
325 employment; or (2) if such separation from the individual's part-time  
326 employment follows a compensable separation, under the provisions  
327 of this chapter, from his full-time employment, he shall be eligible to  
328 receive an amount equal to the lesser of the partial unemployment  
329 benefits he would have received under section 31-229 but for such  
330 separation from his part-time employment or the partial  
331 unemployment benefits for which he would be eligible under section  
332 31-229 based on any subsequent part-time employment. In no event  
333 may the employer who provided such part-time employment for the  
334 individual be charged for any benefits paid pursuant to the subsection.  
335 For purposes of this subsection, "full-time employment" means any job  
336 normally requiring thirty-five hours or more of service each week, and  
337 "part-time employment" means any job normally requiring less than

338 thirty-five hours of service each week.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2014</i>	31-232 <i>l</i>
Sec. 3	<i>October 1, 2014</i>	31-236

**Statement of Purpose:**

To allow individuals receiving unemployment compensation benefits to continue to receive such benefits while engaged in volunteer community service pursuant to the approval of the Labor Commissioner.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*