



General Assembly

Substitute Bill No. 64

February Session, 2014



AN ACT CONCERNING THE CONNECTICUT EMPLOYMENT AND TRAINING COMMISSION AND AMENDMENTS TO THE DEPARTMENT OF LABOR STATUTES.

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

1 Section 1. (NEW) (*Effective from passage*) On or before October 1,
2 2014, and annually thereafter, the Connecticut Employment and
3 Training Commission shall submit to the Office of Policy and
4 Management and the joint standing committees of the General
5 Assembly having cognizance of matters relating to labor, higher
6 education and education a report card of each program emphasizing
7 employment placement included in the commission's annual inventory
8 developed and maintained by the Labor Commissioner pursuant to
9 section 31-2 of the general statutes. The report card shall, at a
10 minimum, identify for each program the cost, number of individuals
11 entering the program, number of individuals satisfactorily completing
12 the program and the employment placement rates of those individuals
13 at thirteen and twenty-six-week intervals following completion of the
14 program or a statement as to why such measure is not relevant.

15 Sec. 2. Section 4-66e of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective from passage*):

17 (a) For purposes of this section, "self-sufficiency measurement"
18 means a calculation of the income an employed adult may need to

19 meet family needs, including, but not limited to, housing, food, day
20 care, transportation and medical costs.

21 (b) Not later than January 1, 1999, the Office of Policy and
22 Management shall contract with a private vendor to develop a self-
23 sufficiency measurement by October 1, 1999. This measurement shall
24 take into account geographical variations in costs and the age and
25 number of children in the family. The value of any state or federal
26 public assistance benefit received by a recipient of temporary family
27 assistance shall be calculated into such recipient's self-sufficiency
28 measurement.

29 (c) Not later than October 31, 1999, the Office of Policy and
30 Management shall distribute the self-sufficiency measurement to all
31 state agencies that counsel individuals who are seeking education,
32 training or employment. Effective October 31, 1999, the Office of Policy
33 and Management may also distribute the self-sufficiency measurement
34 to any other entity that requests such measurement. Such state
35 agencies and other entities may use the self-sufficiency measurement
36 to assist and guide individuals who are seeking education, training or
37 employment in establishing personal financial goals and estimating the
38 amount of income such individuals may need to support their families.

39 [(d) Not later than January 1, 2003, and every three years thereafter,
40 the Office of Workforce Competitiveness, in consultation with the
41 Office of Policy and Management, and within existing budgetary
42 resources, shall update the self-sufficiency measurement developed
43 pursuant to subsection (b) of this section, and shall distribute the
44 updated self-sufficiency measurement to all state agencies that counsel
45 individuals who are seeking education, training or employment.
46 Effective January 1, 2003, the Office of Workforce Competitiveness
47 may also distribute the updated self-sufficiency measurement to any
48 other entity that requests such measurement. Such state agencies and
49 other entities may use the updated self-sufficiency measurement to
50 assist and guide individuals who are seeking education, training or
51 employment in establishing personal financial goals and estimating the

52 amount of income such individuals may need to support their
53 families.]

54 [(e)] (d) The self-sufficiency measurement shall not be used to: (1)
55 Analyze the success or failure of any program; (2) determine or
56 establish eligibility or benefit levels for any state or federal public
57 assistance program, including, but not limited to, temporary family
58 assistance, child care assistance, medical assistance, state administered
59 general assistance, supplemental nutrition assistance or eligibility for
60 the HUSKY plan; (3) determine whether a person subject to time-
61 limited benefits under the temporary family assistance program
62 qualifies for an extension of benefits under such program; or (4)
63 supplement the amount of benefits awarded under the temporary
64 family assistance program.

65 Sec. 3. Section 31-2d of the 2014 supplement to the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective from*
67 *passage*):

68 Any order or regulation of the Office of Workforce Competitiveness
69 affecting the functions, powers, duties and obligations set forth in this
70 section and sections 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh,
71 4-124tt [, 4-124uu] and 4-124vv which is in force on July 1, 2011, shall
72 continue in force and effect as an order or regulation of the Labor
73 Department until amended, repealed or superseded pursuant to law.
74 Where any orders or regulations of said office and said department
75 conflict, the Labor Commissioner may implement policies and
76 procedures consistent with the provisions of this section and sections
77 4-124w, 4-124z, 4-124bb, 4-124ff, 4-124gg, 4-124hh, 4-124tt, [4-124uu,] 4-
78 124vv, 10-95h, 10a-11b, 10a-19d, 31-3h, as amended by this act, and 31-
79 3k while in the process of adopting the policy or procedure in
80 regulation form, provided notice of intention to adopt regulations is
81 printed in the Connecticut Law Journal not later than twenty days after
82 implementation. The policy or procedure shall be valid until the time
83 final regulations are effective.

84 Sec. 4. Subsection (b) of section 31-3h of the general statutes is
85 repealed and the following is substituted in lieu thereof (*Effective from*
86 *passage*):

87 (b) The duties and responsibilities of the commission shall include:

88 (1) Carrying out the duties and responsibilities of a state job training
89 coordinating council pursuant to the federal Job Training Partnership
90 Act, 29 USC 1532, as amended, a state human resource investment
91 council pursuant to 29 USC 1501 et seq., as amended, and such other
92 related entities as the Governor may direct;

93 (2) Reviewing all employment and training programs in the state to
94 determine their success in leading to and obtaining the goal of
95 economic self-sufficiency and to determine if such programs are
96 serving the needs of Connecticut's workers, employers and economy;

97 (3) Developing a plan for the coordination of all employment and
98 training programs in the state to avoid duplication and to promote the
99 delivery of comprehensive, individualized employment and training
100 services. The plan shall contain the commission's recommendations for
101 policies and procedures to enhance the coordination and collaboration
102 of all such programs and shall be submitted on ~~June 1, 2000~~ January
103 31, 2015, and annually thereafter, to the Governor for the Governor's
104 approval;

105 (4) Reviewing and commenting on all employment and training
106 programs enacted by the General Assembly;

107 (5) Implementing the federal Workforce Investment Act of 1998, P.L.
108 105-220, as from time to time amended. Such implementation shall
109 include (A) developing, in consultation with the regional workforce
110 development boards, a single Connecticut workforce development
111 plan that (i) complies with the provisions of said act and section 31-
112 11p, and (ii) includes comprehensive state performance measures for
113 workforce development activities specified in Title I of the federal
114 Workforce Investment Act of 1998, P.L. 105-220, as from time to time

115 amended, which performance measures comply with the requirements
116 of 20 CFR Part 666.100, (B) preparing and submitting a report on the
117 state's progress in achieving such performance measures to the
118 Governor and the General Assembly annually on January thirty-first,
119 (C) making recommendations to the General Assembly concerning the
120 allocation of funds received by the state under said act and making
121 recommendations to the regional workforce development boards
122 concerning the use of formulas in allocating such funds to adult
123 employment and job training activities and youth activities, as
124 specified in said act, (D) providing oversight and coordination of the
125 state-wide employment statistics system required by said act, (E) as
126 appropriate, recommending to the Governor that the Governor apply
127 for workforce flexibility plans and waiver authority under said act,
128 after consultation with the regional workforce development boards, (F)
129 developing performance criteria for regional workforce development
130 boards to utilize in creating a list of eligible providers, and (G) on or
131 before December 31, 1999, developing a uniform individual training
132 accounts voucher system that shall be used by the regional workforce
133 development boards to pay for training of eligible workers by eligible
134 providers, as required under said act;

135 (6) Developing and overseeing a plan for the continuous
136 improvement of the regional workforce development boards
137 established pursuant to section 31-3k;

138 (7) Developing incumbent worker, and vocational and manpower
139 training programs, including customized job training programs to
140 enhance the productivity of Connecticut businesses and to increase the
141 skills and earnings of underemployed and at-risk workers, and other
142 programs administered by the regional workforce development
143 boards. The Labor Department, in collaboration with the regional
144 workforce development boards, shall implement any incumbent
145 worker and customized job training programs developed by the
146 commission pursuant to this subdivision; and

147 (8) Developing a strategy for providing comprehensive services to

148 eligible youths, which strategy shall include developing youth
149 preapprentice and apprentice programs through, but not limited to,
150 technical high schools, and improving linkages between academic and
151 occupational learning and other youth development activities.

152 Sec. 5. Subsection (b) of section 31-60 of the 2014 supplement to the
153 general statutes is repealed and the following is substituted in lieu
154 thereof (*Effective from passage*):

155 (b) The Labor Commissioner shall adopt such regulations, in
156 accordance with the provisions of chapter 54, as may be appropriate to
157 carry out the purposes of this part. Such regulations may include, but
158 are not limited to, regulations defining and governing an executive,
159 administrative or professional employee and outside salesperson;
160 learners and apprentices, their number, proportion and length of
161 service; and piece rates in relation to time rates; and shall recognize, as
162 part of the minimum fair wage, gratuities in an amount (1) equal to
163 twenty-nine and three-tenths per cent, and effective January 1, 2009,
164 equal to thirty-one per cent of the minimum fair wage per hour, and
165 effective January 1, 2014, equal to thirty-four and six-tenths per cent of
166 the minimum fair wage per hour, and effective January 1, 2015, equal
167 to thirty-six and eight-tenths per cent of the minimum fair wage per
168 hour for persons, other than bartenders, who are employed in the hotel
169 and restaurant industry, including a hotel restaurant, who customarily
170 and regularly receive gratuities, (2) equal to eight and two-tenths per
171 cent, and effective January 1, 2009, equal to eleven per cent of the
172 minimum fair wage per hour, and effective January 1, 2014, equal to
173 fifteen and six-tenths per cent of the minimum fair wage per hour, and
174 effective January 1, 2015, equal to eighteen and one-half per cent of the
175 minimum fair wage per hour for persons employed as bartenders who
176 customarily and regularly receive gratuities, and (3) not to exceed
177 thirty-five cents per hour in any other industry, and shall also
178 recognize deductions and allowances for the value of board, in the
179 amount of eighty-five cents for a full meal and forty-five cents for a
180 light meal, lodging, apparel or other items or services supplied by the

181 employer; and other special conditions or circumstances which may be
182 usual in a particular employer-employee relationship. The
183 commissioner may provide, in such regulations, modifications of the
184 minimum fair wage herein established for learners and apprentices;
185 persons under the age of eighteen years; and for such special cases or
186 classes of cases as the commissioner finds appropriate to prevent
187 curtailment of employment opportunities, avoid undue hardship and
188 safeguard the minimum fair wage herein established. Regulations in
189 effect on July 1, 1973, providing for a board deduction and allowance
190 in an amount differing from that provided in this section shall be
191 construed to be amended consistent with this section.

192 Sec. 6. Section 31-223 of the 2014 supplement to the general statutes
193 is repealed and the following is substituted in lieu thereof (*Effective*
194 *from passage*):

195 (a) Every employer who was subject to this chapter immediately
196 prior to January 1, 1980, shall continue to be so subject. An employer
197 not previously subject to this chapter shall become subject to this
198 chapter as follows: (1) An employer subject to the Federal
199 Unemployment Tax Act for any year shall be subject to the provisions
200 of this chapter from the beginning of such year if he had one or more
201 employees in his employment in the state of Connecticut in such year;
202 (2) an employer who acquires substantially all of the assets,
203 organization, trade or business of another employer who at the time of
204 such acquisition was subject to this chapter shall immediately become
205 subject to this chapter as a successor employer; (3) an employer who,
206 after December 31, 1973, (A) in any calendar quarter in either the
207 current or preceding calendar year paid wages for services in
208 employment of one thousand five hundred dollars or more, or (B) for
209 some portion of a day in each of twenty different calendar weeks,
210 whether or not such weeks were consecutive, in either the current or
211 the preceding calendar year, had in employment at least one
212 individual irrespective of whether the same individual was in
213 employment in each such day; (4) an employer for which service in

214 employment as defined in subdivision (1) (C) of subsection (a) of
215 section 31-222 is performed after December 31, 1971; (5) an employer
216 for which service in employment as defined in subdivision (1) (D) of
217 said subsection (a) is performed after December 31, 1971; (6) an
218 employer which, together with one or more other employers, is owned
219 or controlled, by legally enforceable means or otherwise, directly or
220 indirectly by the same interests, or which owns or controls, by legally
221 enforceable means or otherwise, one or more other employers, and
222 which, if treated as a single unit or entity with such other employers or
223 interests, or both, would be an employer under subdivision (3) of this
224 subsection and subparagraphs (H) and (J) of subdivision (1) of
225 subsection (a) of section 31-222; (7) any employer, not defined as such
226 by any other subdivision of this subsection, (A) for which, within
227 either the current or preceding calendar year, service is or was
228 performed with respect to which such employer is liable for any
229 federal tax against which credit may be taken for contributions
230 required to be paid into a state unemployment fund, or (B) which, as a
231 condition for approval of this chapter for full tax credit against the tax
232 imposed by the federal Unemployment Tax Act, is required, pursuant
233 to such federal act, to be an "employer" under this chapter; (8) an
234 employer which, having become an employer under any of
235 subdivisions (1) to (7), inclusive, of this subsection, has not, under
236 subsection (c) ceased to be an employer subject to this chapter; (9) for
237 the effective period of its election pursuant to subsection (b), an
238 employer which has elected to become subject to this chapter. In
239 determining whether an employer in question shall be considered, for
240 the purposes of this section, as having had a particular number of
241 employees in his employment at a given time, there shall be counted,
242 in addition to his own employees, if any, (A) the employees of each
243 employer whose business was at the given time owned or controlled,
244 directly or indirectly, by the same interests which owned or controlled
245 the business of the employer in question, and (B) the employees of
246 each employer, substantially all of whose assets, organization, trade or
247 business has, after the given time during the same calendar year, been
248 acquired by the employer in question. If an employer shall contract

249 with or shall have under him any contractor or subcontractor for any
250 work which is part of said employer's usual trade, occupation,
251 profession or business, and which is performed in, on or about the
252 premises under such employer's control, and if such contractor or
253 subcontractor shall not be subject to this chapter, such employer shall,
254 for all the purposes of this chapter, be deemed to employ each
255 individual in the employ of such contractor or subcontractor for each
256 day during which such individual is engaged solely in performing
257 such work; but this provision shall not prevent such employer from
258 recovering from such contractor or subcontractor the amount of any
259 contributions he may be required by this chapter to pay with respect to
260 wages of such individuals for such work.

261 (b) Any employer not so subject to this chapter may accept the
262 provisions of this chapter and become in all respects subject thereto by
263 agreeing in writing filed with the administrator to pay the
264 contributions required from employers subject to this chapter. Any
265 employer with persons in his employ engaged in one or more of the
266 types of service specified in subdivision (5) of subsection (a) of section
267 31-222, except the service described by subparagraph (A) thereof, may
268 elect that the provisions of this chapter apply to such services by
269 agreeing in writing filed with the administrator to pay the
270 contributions on wages for such services. Any employer defined in
271 subdivision (1) (D) or (E) of subsection (a) of section 31-222 or (5) (F) or
272 (L) of said section may elect either to pay the contributions on wages
273 for services or to finance benefits on a reimbursable basis, by paying
274 into the Unemployment Compensation Fund an amount equivalent to
275 the amount of benefits paid out to claimants who during the applicable
276 period were paid wages by the employer concerned, said election to be
277 made in writing to the administrator in accordance with the provisions
278 of subsection (g) of section 31-225. Any employer may revoke
279 acceptance of voluntary liability at the end of any calendar year
280 following the calendar year in which he made such acceptance if he
281 gives written notice to the administrator, accompanied by proof
282 satisfactory to the administrator that he has paid all contributions due

283 under the provisions of this chapter and that he has notified his
284 employees of his intention to revoke such acceptance; such application
285 to revoke acceptance shall be submitted within thirty days after the
286 end of a calendar year and the administrator shall render his decision
287 on such application within sixty days after submission thereof and
288 such revocation of acceptance shall be effective on the thirty-first day
289 of December next preceding the giving of written notice from the
290 administrator to the employer that he is satisfied with such proofs.

291 (c) An employer may cease to be subject to this chapter at the end of
292 any calendar year following the calendar year in which he became
293 subject to this chapter if he gives written notice to the administrator,
294 accompanied by proof satisfactory to the administrator that he has not
295 employed one employee for at least thirteen weeks during the next-
296 preceding fifteen months, that he is not subject to the Federal
297 Unemployment Tax Act, and that he has notified his employees of his
298 intention to cease to be subject to this chapter; such application for
299 release shall be submitted within thirty days after the end of a calendar
300 year and the administrator shall render his decision on such
301 application within sixty days after submission thereof and the
302 employer shall cease to be subject to this chapter on the thirty-first day
303 of December next preceding the giving of written notice from the
304 administrator to the employer that he is satisfied with such proofs. The
305 administrator shall waive the requirement for an application for
306 release whenever it shall appear that the employer was unable to
307 comply with such requirement for the reason that, at the time when he
308 had qualified for release from liability under the provisions of this
309 chapter, he was in good faith not aware of the fact that he was subject
310 to the provisions of this chapter. An employer who discontinues his
311 business and enters the armed forces of the United States shall cease
312 immediately to be subject to this chapter.

313 (d) For the purposes of subdivisions (5) and (7) of subsection (a) of
314 this section, employment shall include service which would constitute
315 employment but for the fact that such service is deemed to be

316 performed entirely within another state pursuant to an election under
317 an arrangement entered into with such state by the administrator and
318 an agency charged with the administration of any other state or federal
319 unemployment compensation law.

320 (e) For the purposes of subdivisions (3)(B) and (5) of subsection (a)
321 of this section, in respect to any week including both December thirty-
322 first and January first, the days of that week to and including
323 December thirty-first shall be deemed one calendar week, and the days
324 beginning and including January first another such week.

325 (f) Any employer not previously subject to this chapter, that
326 becomes subject to this chapter pursuant to subsection (a) or (b) of this
327 section, shall provide electronic notice of the same to the administrator,
328 in a manner prescribed by the administrator, not later than thirty days
329 after becoming subject to this chapter.

330 (g) Any employer acquiring substantially all of the assets,
331 organization, trade or business of another employer subject to this
332 chapter shall provide electronic notice of such acquisition to the
333 administrator, in a manner prescribed by the administrator, not later
334 than thirty days after such acquisition. For purposes of this subsection,
335 trade or business includes an employer's employees.

336 (h) Any employer that fails to provide electronic notice as required
337 by subsections (f) and (g) of this section shall be liable to the
338 administrator for a civil penalty of fifty dollars for each violation.

339 Sec. 7. Section 31-254 of the 2014 supplement to the general statutes
340 is repealed and the following is substituted in lieu thereof (*Effective*
341 *from passage*):

342 (a) (1) Each employer, whether or not otherwise subject to this
343 chapter, shall keep accurate records of employment as defined in
344 subsection (a) of section 31-222, containing such information as the
345 administrator may by regulation prescribe in order to effectuate the
346 purposes of this chapter. Such records shall be open to, and available

347 for, inspection and copying by the administrator or his authorized
348 representatives at any reasonable time and as often as may be
349 necessary. The administrator may require from any employer, whether
350 or not otherwise subject to this chapter, any sworn or unsworn reports
351 with respect to persons employed by him which are necessary for the
352 effective administration of this chapter. Except as provided in
353 subdivision (2) of this subsection and subsection (g) of this section,
354 information obtained shall not be published or be open to public
355 inspection, other than to public employees in the performance of their
356 public duties, in any manner revealing the employee's or the
357 employer's identity, but any claimant at a hearing before a
358 commissioner shall be supplied with information from such records to
359 the extent necessary for the proper presentation of his claim. Any
360 employee of the administrator, or any other public employee, who
361 violates any provision of this section shall be fined not more than two
362 hundred dollars or imprisoned not more than six months or both and
363 shall be dismissed from the service. Reports or records which have
364 been required by the administrator and which have been used in
365 computing benefit rights of claimants or in the determination of the
366 amounts and rates of contributions shall be preserved by the
367 administrator for a period of at least four years. Those records or
368 reports required by the administrator which have not been used for the
369 purpose of computing benefit rights or in the determination of the
370 amounts or rates of contributions shall be preserved by the
371 administrator for at least two and one-half years. Such records or
372 reports may, after preservation for the minimum period required by
373 this section, be destroyed by the administrator in his discretion,
374 notwithstanding the provisions of section 11-8a. Notwithstanding any
375 of the disclosure provisions of this chapter, the administrator shall
376 provide upon request of the public agency administering the TANF
377 and child support programs, any information in his possession relating
378 to individuals: (A) Who are receiving, have received, or have applied
379 for unemployment insurance; (B) the amount of benefits being
380 received; (C) the current home address of such individuals; and (D)
381 whether any offer of work has been refused and, if so, a description of

382 the job and the terms, conditions, and rate of pay therefor.
383 Notwithstanding any of the disclosure provisions of this chapter, the
384 administrator shall provide, upon request of the Connecticut Student
385 Loan Foundation, its officers or employees, any information in his
386 possession relating to the current residence address or place of
387 employment of any individual who has been determined by the
388 Connecticut Student Loan Foundation to be in default on his student
389 loan. Reimbursement for the cost of furnishing this information shall
390 be made by the agency requesting the data in a manner prescribed by
391 the administrator of this chapter.

392 (2) Any authorized user of the CTWorks Business System shall have
393 access to any information required to be entered into such system by
394 the federal Trade Adjustment Assistance program, established by the
395 Trade Act of 1974, as amended by 19 USC 2271 et seq., provided the
396 user enters into a written agreement with the administrator
397 establishing safeguards to protect the confidentiality of any
398 information disclosed to such user. Each authorized user shall
399 reimburse the administrator for all costs incurred by the administrator
400 in disclosing information to such user. Information contained in the
401 system shall not be disclosed or redisclosed to any unauthorized user,
402 except that aggregate reports from which individual data cannot be
403 identified may be disclosed. Any person who violates any provision of
404 this subdivision shall be fined not more than two hundred dollars or
405 imprisoned not more than six months, or both, and shall be prohibited
406 from any further access to information in the system.

407 (b) The Labor Department shall administer a state directory of new
408 hires in accordance with this section. Not later than twenty days after
409 the date of employment, each employer maintaining an office or
410 transacting business in this state shall report the name, address and
411 Social Security number of each new employee employed in this state to
412 the Labor Department by forwarding to said department a copy of the
413 Connecticut income tax withholding or exemption certificate
414 completed by such employee or by any other means consistent with

415 regulations the Labor Commissioner may adopt in accordance with
416 chapter 54, except that employers reporting magnetically or
417 electronically shall report new employees, if any, at least twice per
418 month by transmissions not less than twelve nor more than sixteen
419 days apart. Each such report shall indicate the name, address and state
420 and federal tax registration or identification numbers of the employer.
421 Such information shall be transmitted in a format prescribed by the
422 Labor Commissioner. Such information shall be entered by the Labor
423 Department in the state directory of new hires within five business
424 days of receipt and may be used by the Labor Commissioner in
425 accordance with his powers and duties but shall be confidential and
426 shall not be disclosed except as provided in subsections (d) and (e) of
427 this section and subsection (b) of section 31-254a.

428 (c) (1) For the purposes of this section, "employer" does not include
429 any department, agency or instrumentality of the United States; or any
430 state agency performing intelligence or counterintelligence functions, if
431 the head of such agency has determined that reporting pursuant to this
432 section with respect to the employee could endanger the safety of the
433 employee or compromise an ongoing investigation or intelligence
434 mission. For the purposes of subsections (b) to (e), inclusive, of this
435 section, the terms "employer" and "employee" shall include persons
436 engaged in the acquisition and rendition, respectively, of independent
437 contractual services, provided the expected value of such services for
438 the calendar year next succeeding the effective date of the contract for
439 such services, is at least five thousand dollars.

440 (2) An employer that has employees who are employed in this state
441 and one or more other states and that transmits reports magnetically or
442 electronically shall not be required to report to this state if such
443 employer has designated another state in which it has employees to
444 which it will transmit reports, provided such employer has notified the
445 Labor Commissioner, in writing, as to which other state it has
446 designated for the purpose of sending such reports.

447 (d) On a daily basis, in IV-D support cases, as defined in section

448 46b-231, the Department of Social Services shall compile a list of all
449 individuals who are the subject of a child support investigation or
450 action being undertaken by the IV-D agency, as defined in section 46b-
451 231, and shall transmit such list to the Labor Department. The Labor
452 Department shall promptly identify any new employee who is such an
453 individual and said department shall transmit to the Department of
454 Social Services the name, address and Social Security number of each
455 new employee and the name, address and state and federal tax
456 registration or identification numbers of the employer. The IV-D
457 agency shall use such information to locate individuals for purposes of
458 establishing paternity and establishing, modifying and enforcing child
459 or medical support orders, and may disclose such information to any
460 agent of such agency that is under contract to carry out such purposes.
461 The Labor Commissioner shall require that confidentiality safeguards
462 be part of the contracting agency's agreement with the Department of
463 Social Services.

464 [(e) On a biweekly basis, the Department of Social Services shall
465 compile a list of individuals who are receiving public assistance under
466 the temporary assistance for needy families, Medicaid, supplemental
467 nutrition assistance, state supplement and state-administered general
468 assistance programs and shall transmit such list to the Labor
469 Department. The Labor Department shall promptly identify any new
470 employee who is such an individual and said department shall
471 transmit to the Department of Social Services the name, address and
472 Social Security number of each such new employee and the name,
473 address and state and federal tax registration or identification numbers
474 of the employer.]

475 (e) (1) The Labor Department shall execute memoranda of
476 understanding with (A) the Department of Social Services, and (B) the
477 Connecticut Health Insurance Exchange, to establish procedures to
478 furnish wage and claim information contained in the records required
479 and maintained by the Labor Commissioner to assist such entities in
480 the determination of eligibility for public assistance under the

481 temporary assistance for needy families, Medicaid, food stamps,
482 supplemental security income and other state supplement and state-
483 administered general assistance programs. Such memoranda of
484 understanding shall contain appropriate confidentiality safeguards
485 regarding such wage and claim information.

486 (2) Upon execution of the memoranda of understanding pursuant to
487 subdivision (1) of this subsection, and upon the request of the
488 Department of Social Services and the Connecticut Health Insurance
489 Exchange, the Labor Department shall furnish such wage and claim
490 information to (A) the Department of Social Services, and any agents of
491 said department that perform services associated with the Connecticut
492 Health Insurance Exchange, and (B) the Connecticut Health Insurance
493 Exchange, and any agents of said exchange.

494 (f) The Department of Social Services and the Connecticut Health
495 Insurance Exchange shall reimburse the Labor Department for any
496 costs included in carrying out the provisions of this section, including
497 the cost of providing a toll-free facsimile number for employers
498 required to report pursuant to subsection (b) of this section and section
499 31-254a. The Commissioner of Social Services and the Labor
500 Commissioner, and the Chief Executive Officer of the Connecticut
501 Health Insurance Exchange and the Labor Commissioner, shall enter
502 into [a] separate purchase of service [agreement] agreements which
503 [establishes] establish procedures necessary for the administration of
504 subsections (b) to (f), inclusive, of this section.

505 (g) (1) Notwithstanding any of the information disclosure
506 provisions of this section, the administrator shall disclose information
507 obtained pursuant to subsection (a) of this section to: (A) A regional
508 workforce development board, established pursuant to section 31-3k,
509 to the extent necessary for the effective administration of the federal
510 Trade Adjustment Assistance Program of the Trade Act of 1974, as
511 amended from time to time, the federal Workforce Investment Act, as
512 amended from time to time, and the state employment services
513 program established pursuant to section 17b-688c for recipients of

514 temporary family assistance, provided a regional workforce
515 development board, enters into a written agreement with the
516 administrator, pursuant to subdivision (2) of this subsection,
517 concerning protection of the confidentiality of such information prior
518 to the receipt of any such information; (B) a nonpublic entity that is
519 under contract with the administrator where necessary for the effective
520 administration of this chapter or with the United States Department of
521 Labor to administer grants which are beneficial to the interests of the
522 administrator, provided such nonpublic entity enters into a written
523 agreement with the administrator, pursuant to subdivision (2) of this
524 subsection, concerning protection of the confidentiality of such
525 information prior to the receipt of any such information; (C) the
526 president of the Board of Regents for Higher Education, appointed
527 under section 10a-1a, for use in the performance of such president's
528 official duties to the extent necessary for evaluating programs at
529 institutions of higher education governed by said board pursuant to
530 section 10a-1a, provided such president enters into a written
531 agreement with the administrator, pursuant to subdivision (2) of this
532 subsection, concerning protection of the confidentiality of such
533 information prior to the receipt of any such information; or (D) a third
534 party pursuant to written, informed consent of the individual or
535 employer to whom the information pertains.

536 (2) Any written agreement shall contain safeguards as are necessary
537 to protect the confidentiality of the information being disclosed,
538 including, but not limited to a:

539 (A) Statement from the regional workforce development board,
540 nonpublic entity, or president of the Board of Regents for Higher
541 Education, as appropriate, of the purposes for the requested
542 information and the specific use intended for the information;

543 (B) Statement from the regional workforce development board,
544 nonpublic entity, or president of the Board of Regents for Higher
545 Education, as appropriate, that the disclosed information shall only be
546 used for such purposes as are permitted by this subsection and

547 consistent with the written agreement;

548 (C) Requirement that the regional workforce development board,
549 nonpublic entity, or president of the Board of Regents for Higher
550 Education, as appropriate, store the disclosed information in a location
551 that is physically secure from access by unauthorized persons;

552 (D) Requirement that the regional workforce development board,
553 nonpublic entity, or president of the Board of Regents for Higher
554 Education, as appropriate, store and process the disclosed information
555 maintained in an electronic format in such a way that ensures that
556 unauthorized persons cannot obtain the information by any means;

557 (E) Requirement that the regional workforce development board,
558 nonpublic entity, or president of the Board of Regents for Higher
559 Education, as appropriate, establish safeguards to ensure that only
560 authorized persons, including any authorized agent of the board,
561 nonpublic entity, or president of the Board of Regents for Higher
562 Education, are permitted access to disclosed information stored in
563 computer systems;

564 (F) Requirement that the regional workforce development board,
565 nonpublic entity, or president of the Board of Regents for Higher
566 Education, as appropriate, enter into a written agreement, that has
567 been approved by the administrator, with any authorized agent of the
568 board, nonpublic entity, or president of the Board of Regents for
569 Higher Education, which agreement shall contain the requisite
570 safeguards contained in the written agreement between the board,
571 nonpublic entity, or president of the Board of Regents for Higher
572 Education and the administrator;

573 (G) Requirement that the regional workforce development board,
574 nonpublic entity, or president of the Board of Regents for Higher
575 Education, as appropriate, instruct all persons having access to the
576 disclosed information about the sanctions specified in this section, and
577 further require each employee of such board, nonpublic entity, or

578 president of the Board of Regents for Higher Education, and any agent
579 of such board, nonpublic entity, or president of the Board of Regents
580 for Higher Education, authorized to review such information, to sign
581 an acknowledgment that such employee or such agent has been
582 advised of such sanctions;

583 (H) Statement that redisclosure of confidential information is
584 prohibited, except with the written approval of the administrator;

585 (I) Requirement that the regional workforce development board,
586 nonpublic entity, or president of the Board of Regents for Higher
587 Education, as appropriate, dispose of information disclosed or
588 obtained under this subsection, including any copies of such
589 information made by the board, nonpublic entity, or president of the
590 Board of Regents for Higher Education, after the purpose for which the
591 information is disclosed has been served, either by returning the
592 information to the administrator, or by verifying to the administrator
593 that the information has been destroyed;

594 (J) Statement that the regional workforce development board,
595 nonpublic entity, or president of the Board of Regents for Higher
596 Education, as appropriate, shall permit representatives of the
597 administrator to conduct periodic audits, including on-site inspections,
598 for the purpose of reviewing such board's, nonpublic entity's, or
599 president of the Board of Regents for Higher Education's adherence to
600 the confidentiality and security provisions of the written agreement;
601 and

602 (K) Statement that the regional workforce development board,
603 nonpublic entity, or president of the Board of Regents for Higher
604 Education, as appropriate, shall reimburse the administrator for all
605 costs incurred by the administrator in making the requested
606 information available and in conducting periodic audits of the board's,
607 nonpublic entity's, or president of the Board of Regents for Higher
608 Education's procedures in safeguarding the information.

609 (3) Any employee or agent of a regional workforce development
 610 board, nonpublic entity, or president of the Board of Regents for
 611 Higher Education, as appropriate, who discloses any confidential
 612 information in violation of this section and the written agreement,
 613 entered into pursuant to subdivision (2) of this subsection, shall be
 614 fined not more than two hundred dollars or imprisoned not more than
 615 six months, or both, and shall be prohibited from any further access to
 616 confidential information.

617 Sec. 8. Section 4-124uu of the general statutes is repealed. (*Effective*
 618 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	4-66e
Sec. 3	<i>from passage</i>	31-2d
Sec. 4	<i>from passage</i>	31-3h(b)
Sec. 5	<i>from passage</i>	31-60(b)
Sec. 6	<i>from passage</i>	31-223
Sec. 7	<i>from passage</i>	31-254
Sec. 8	<i>from passage</i>	Repealer section

Statement of Legislative Commissioners:

In section 1, "developed and maintained by the Labor Commissioner pursuant to section 31-2 of the general statutes" was inserted after "annual inventory" for clarity.

LAB *Joint Favorable Subst.*