



General Assembly

February Session, 2014

***Raised Bill No. 243***

LCO No. 1416



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING ELIGIBILITY FOR UNEMPLOYMENT BENEFITS.***

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

1 Section 1. Section 31-225a of the 2014 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective January 1, 2015*):

4 (a) As used in this chapter, "qualified employer" means each  
5 employer subject to this chapter whose experience record has been  
6 chargeable with benefits for at least one full experience year, with the  
7 exception of employers subject to a flat entry rate of contributions as  
8 provided under subsection (d) of this section, employers subject to the  
9 maximum contribution rate under subsection (c) of section 31-273, and  
10 reimbursing employers; "contributing employer" means an employer  
11 who is assigned a percentage rate of contribution under the provisions  
12 of this section; "reimbursing employer" means an employer liable for  
13 payments in lieu of contributions as provided under section 31-225;  
14 "benefit charges" means the amount of benefit payments charged to an  
15 employer's experience account under this section; "computation date"

16 means June thirtieth of the year preceding the tax year for which the  
17 contribution rates are computed; "tax year" means the calendar year  
18 immediately following the computation date; "experience year" means  
19 the twelve consecutive months ending on June thirtieth; and  
20 "experience period" means the three consecutive experience years  
21 ending on the computation date, except that if the employer's account  
22 has been chargeable with benefits for less than three years, the  
23 experience period shall consist of the greater of one or two consecutive  
24 experience years ending on the computation date.

25 (b) (1) The administrator shall maintain for each employer, except  
26 reimbursing employers, an experience account in accordance with the  
27 provisions of this section. (2) With respect to each benefit year  
28 commencing on or after July 1, 1978, regular and additional benefits  
29 paid to an individual shall be allocated and charged to the accounts of  
30 the employers who paid [him] the individual wages in his or her base  
31 period in accordance with the following provisions: The initial  
32 determination establishing a claimant's weekly benefit rate and  
33 maximum total benefits for his or her benefit year shall include, with  
34 respect to such claimant and such benefit year, a determination of the  
35 maximum liability for such benefits of each employer who paid wages  
36 to the claimant in his or her base period. An employer's maximum  
37 total liability for such benefits with respect to a claimant's benefit year  
38 shall bear the same ratio to the maximum total benefits payable to the  
39 claimant as the total wages paid by the employer to the claimant  
40 within his or her base period bears to the total wages paid by all  
41 employers to the claimant within his or her base period. This ratio  
42 shall also be applied to each benefit payment. The amount thus  
43 determined, rounded to the nearest dollar with fractions of a dollar of  
44 exactly fifty cents rounded upward, shall be charged to the employer's  
45 account.

46 (c) (1) (A) Any week for which the employer has compensated the  
47 claimant in the form of wages in lieu of notice, dismissal payments or  
48 any similar payment for loss of wages shall be considered a week of

49 employment for the purpose of determining employer chargeability.  
50 (B) No benefits shall be charged to any employer who paid wages of (i)  
51 five hundred dollars or less to the claimant in his or her base period, if  
52 such base period commenced prior to January 1, 2015, or (ii) two  
53 thousand dollars or less to the claimant in his or her base period, if  
54 such base period commenced on or after January 1, 2015. (C) No  
55 dependency allowance paid to a claimant shall be charged to any  
56 employer. (D) In the event of a natural disaster declared by the  
57 President of the United States, no benefits paid on the basis of total or  
58 partial unemployment which is the result of physical damage to a  
59 place of employment caused by severe weather conditions including,  
60 but not limited to, hurricanes, snow storms, ice storms or flooding, or  
61 fire except where caused by the employer, shall be charged to any  
62 employer. (E) If the administrator finds that (i) an individual's most  
63 recent separation from a base period employer occurred under  
64 conditions which would result in disqualification by reason of  
65 subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an  
66 individual was discharged for violating an employer's drug testing  
67 policy, provided the policy has been adopted and applied consistent  
68 with sections 31-51t to 31-51aa, inclusive, section 14-261b and any  
69 applicable federal law, no benefits paid thereafter to such individual  
70 with respect to any week of unemployment which is based upon  
71 wages paid by such employer with respect to employment prior to  
72 such separation shall be charged to such employer's account, provided  
73 such employer shall have filed a notice with the administrator within  
74 the time allowed for appeal in section 31-241. (F) No base period  
75 employer's account shall be charged with respect to benefits paid to a  
76 claimant if such employer continues to employ such claimant at the  
77 time the employer's account would otherwise have been charged to the  
78 same extent that he employed him during the individual's base period,  
79 provided the employer shall notify the administrator within the time  
80 allowed for appeal in section 31-241. (G) If a claimant has failed to  
81 accept suitable employment under the provisions of subdivision (1) of  
82 subsection (a) of section 31-236 and the disqualification has been

83 imposed, the account of the employer who makes an offer of  
84 employment to a claimant who was a former employee shall not be  
85 charged with any benefit payments made to such claimant after such  
86 initial offer of reemployment until such time as such claimant resumes  
87 employment with such employer, provided such employer shall make  
88 application therefor in a form acceptable to the administrator. The  
89 administrator shall notify such employer whether or not his or her  
90 application is granted. Any decision of the administrator denying  
91 suspension of charges as herein provided may be appealed within the  
92 time allowed for appeal in section 31-241. (H) Fifty per cent of benefits  
93 paid to a claimant under the federal-state extended duration  
94 unemployment benefits program established by the federal  
95 Employment Security Act shall be charged to the experience accounts  
96 of the claimant's base period employers in the same manner as the  
97 regular benefits paid for such benefit year. (I) No base period  
98 employer's account shall be charged with respect to benefits paid to a  
99 claimant who voluntarily left suitable work with such employer (i) to  
100 care for a seriously ill spouse, parent or child or (ii) due to the  
101 discontinuance of the transportation used by the claimant to get to and  
102 from work, as provided in subparagraphs (A)(ii) and (A)(iii) of  
103 subdivision (2) of subsection (a) of section 31-236.

104 (2) All benefits paid which are not charged to any employer shall be  
105 pooled.

106 (3) The noncharging provisions of this chapter, except subdivisions  
107 (1)(D) and (1)(F) of this subsection, shall not apply to reimbursing  
108 employers.

109 (d) The standard rate of contributions shall be five and four-tenths  
110 per cent. Each employer who has not been chargeable with benefits, for  
111 a sufficient period of time to have his or her rate computed under this  
112 section shall pay contributions at a rate that is the higher of (1) one per  
113 cent, or (2) the state's five-year benefit cost rate. For purposes of this  
114 subsection, the state's five-year benefit cost rate shall be computed

115 annually on or before June thirtieth and shall be derived by dividing  
116 the total dollar amount of benefits paid to claimants under this chapter  
117 during the five consecutive calendar years immediately preceding the  
118 computation date by the five-year payroll during the same period. If  
119 the resulting quotient is not an exact multiple of one-tenth of one per  
120 cent, the five-year benefit cost rate shall be the next higher such  
121 multiple.

122 (e) (1) As of each June thirtieth, the administrator shall determine  
123 the charged tax rate for each qualified employer. Said rate shall be  
124 obtained by calculating a benefit ratio for each qualified employer. The  
125 employer's benefit ratio shall be the quotient obtained by dividing the  
126 total amount chargeable to the employer's experience account during  
127 the experience period by the total of his or her taxable wages during  
128 such experience period which have been reported by the employer to  
129 the administrator on or before the following September thirtieth. The  
130 resulting quotient, expressed as a per cent, shall constitute the  
131 employer's charged tax rate. If the resulting quotient is not an exact  
132 multiple of one-tenth of one per cent, the charged rate shall be the next  
133 higher such multiple, except that if the resulting quotient is less than  
134 five-tenths of one per cent, the charged rate shall be five-tenths of one  
135 per cent and if the resulting quotient is greater than five and four-  
136 tenths per cent, the charged rate shall be five and four-tenths per cent.  
137 The employer's charged tax rate will be in accordance with the  
138 following table:

T1	Employer's Charged Tax Rate Table	
T2	Employer's Benefit Ratio	Employer's Charged Tax Rate
T3	Employer's Benefit Ratio	Tax Rate
T4	.005 or less	.5% minimum subject
T5	.006	.6% to fund
T6	.007	.7% solvency
T7	.008	.8% adjustment
T8	.009	.9%
T9	.010	1.0%

T10	.011	1.1%
T11	.012	1.2%
T12	.013	1.3%
T13	.014	1.4%
T14	.015	1.5%
T15	.016	1.6%
T16	.017	1.7%
T17	.018	1.8%
T18	.019	1.9%
T19	.020	2.0%
T20	.021	2.1%
T21	.022	2.2%
T22	.023	2.3%
T23	.024	2.4%
T24	.025	2.5%
T25	.026	2.6%
T26	.027	2.7%
T27	.028	2.8%
T28	.029	2.9%
T29	.030	3.0%
T30	.031	3.1%
T31	.032	3.2%
T32	.033	3.3%
T33	.034	3.4%
T34	.035	3.5%
T35	.036	3.6%
T36	.037	3.7%
T37	.038	3.8%
T38	.039	3.9%
T39	.040	4.0%
T40	.041	4.1%
T41	.042	4.2%
T42	.043	4.3%
T43	.044	4.4%

T44	.045	4.5%
T45	.046	4.6%
T46	.047	4.7%
T47	.048	4.8%
T48	.049	4.9%
T49	.050	5.0%
T50	.051	5.1%
T51	.052	5.2%
T52	.053	5.3%
T53	.054 & higher	5.4% maximum subject
T54		to fund solvency
T55		adjustment

139 (2) (A) Each contributing employer subject to this chapter shall pay  
140 an assessment to the administrator at a rate established by the  
141 administrator sufficient to pay interest due on advances from the  
142 federal unemployment account under Title XII of the Social Security  
143 Act (42 U.S. Code Sections 1321 to 1324). The administrator shall  
144 establish the necessary procedures for payment of such assessments.  
145 The amounts received by the administrator based on such assessments  
146 shall be paid over to the State Treasurer and credited to the General  
147 Fund. Any amount remaining from such assessments, after all such  
148 federal interest charges have been paid, shall be transferred to the  
149 Employment Security Administration Fund or to the Unemployment  
150 Compensation Advance Fund established under section 31-264a, (i) to  
151 the extent that any federal interest charges have been paid from the  
152 Unemployment Compensation Advance Fund, (ii) to the extent that  
153 the administrator determines that reimbursement is appropriate, or  
154 (iii) otherwise to the extent that reimbursement of the advance fund is  
155 the appropriate accounting principle governing the use of the  
156 assessments. Sections 31-265 to 31-274, inclusive, shall apply to the  
157 collection of such assessments.

158 (B) On and after January 1, 1994, and conditioned upon the issuance

159 of any revenue bonds pursuant to section 31-264b, each contributing  
160 employer shall also pay an assessment to the administrator at a rate  
161 established by the administrator sufficient to pay the interest due on  
162 advances from the Unemployment Compensation Advance Fund and  
163 reimbursements required for advances from the Unemployment  
164 Compensation Advance Fund, computed in accordance with  
165 subsection (h) of section 31-264a. The administrator shall establish the  
166 assessments as a percentage of the charged tax rate for each employer  
167 pursuant to subdivision (1) of this subsection. The administrator shall  
168 establish the necessary procedures for billing, payment and collection  
169 of the assessments. Sections 31-265 to 31-274, inclusive, shall apply to  
170 the collection of such assessments by the administrator. The payments  
171 received by the administrator based on the assessments, excluding  
172 interest and penalties on past due assessments, are hereby pledged and  
173 shall be paid over to the State Treasurer for credit to the  
174 Unemployment Compensation Advance Fund.

175 (f) (1) For each calendar year commencing with calendar year 1994  
176 but prior to calendar year 2013, the administrator shall establish a fund  
177 balance tax rate sufficient to maintain a balance in the Unemployment  
178 Compensation Trust Fund equal to eight-tenths of one per cent of the  
179 total wages paid to workers covered under this chapter by  
180 contributing employers during the year ending the last preceding June  
181 thirtieth. If the fund balance tax rate established by the administrator  
182 results in a fund balance in excess of said per cent as of December  
183 thirtieth of any year, the administrator shall, in the year next following,  
184 establish a fund balance tax rate sufficient to eliminate the fund  
185 balance in excess of said per cent. For each calendar year commencing  
186 with calendar year 2013, the administrator shall establish a fund  
187 balance tax rate sufficient to maintain a balance in the Unemployment  
188 Compensation Trust Fund that results in an average high cost multiple  
189 equal to 0.5. Commencing with calendar year 2014 and ending with  
190 calendar year 2018, the administrator shall establish a fund balance tax  
191 rate sufficient to maintain a balance in the Unemployment

192 Compensation Trust Fund that results in an average high cost multiple  
193 that is increased by 0.1 from the preceding calendar year. Commencing  
194 with calendar year 2019, the administrator shall establish a fund  
195 balance tax rate sufficient to maintain a balance in the Unemployment  
196 Compensation Trust Fund that results in an average high cost multiple  
197 equal to 1.0. If the fund balance tax rate established by the  
198 administrator results in a fund balance in excess of the amount  
199 prescribed in this subdivision as of December thirtieth of any year, the  
200 administrator shall, in the year next following, establish a fund balance  
201 rate sufficient to eliminate the fund balance in excess of said amount.  
202 The assessment levied by the administrator at any time (A) during a  
203 calendar year commencing on or after January 1, 1994, but prior to  
204 January 1, 1999, shall not exceed one and five-tenths per cent, (B)  
205 during a calendar year commencing on or after January 1, 1999, shall  
206 not exceed one and four-tenths per cent, and shall not be calculated to  
207 result in a fund balance in excess of eight-tenths of one per cent of such  
208 total wages, and (C) during a calendar year commencing on or after  
209 January 1, 2013, shall not exceed one and four-tenths per cent and shall  
210 not be calculated to result in a fund balance in excess of the amounts  
211 prescribed in this subdivision.

212 (2) The average high cost multiple shall be computed as follows:  
213 The result of the balance of the Unemployment Compensation Trust  
214 Fund on December thirtieth immediately preceding the new rate year  
215 divided by the total wages paid to workers covered under this chapter  
216 by contributing employers for the twelve months ending on the  
217 December thirtieth immediately preceding the new rate year shall be  
218 the numerator and the average of the three highest calendar benefit  
219 cost rates in (A) the last twenty years, or (B) a period including the last  
220 three recessions, whichever is longer, shall be the denominator. Benefit  
221 cost rates are computed as benefits paid including the state's share of  
222 extended benefits but excluding reimbursable benefits as a per cent of  
223 total wages in covered employment. The results rounded to the next  
224 lower one decimal place will be the average high cost multiple.

225 (g) Each qualified employer's contribution rate for each calendar  
226 year after 1973 shall be a percentage rate equal to the sum of his or her  
227 charged tax rate as of the June thirtieth preceding such calendar year  
228 and the fund balance tax rate as of December thirtieth preceding such  
229 calendar year.

230 (h) (1) With respect to each benefit year commencing on or after July  
231 1, 1978, notice of determination of the claimant's benefit entitlement for  
232 such benefit year shall include notice of the allocation of benefit  
233 charges of the claimant's base period employers and each such  
234 employer shall be mailed a copy of such notice of determination and  
235 shall be an interested party thereto. Such determination shall be final  
236 unless the claimant or any of such employers files an appeal from such  
237 decision in accordance with the provisions of section 31-241. (2) The  
238 administrator shall, not less frequently than once each calendar  
239 quarter, mail a statement of charges to each employer to whose  
240 experience record any charges have been made since the last previous  
241 such statement. Such statement shall show, with respect to each week  
242 for which benefits have been paid and charged, the name and Social  
243 Security account number of the claimant who was paid the benefit, the  
244 amount of the benefits charged for such week and the total amount  
245 charged in the quarter. (3) The statement of charges provided for in  
246 subdivision (2) of this subsection shall constitute notice to the  
247 employer that it has been determined that the benefits reported in such  
248 statement were properly payable under this chapter to the claimants  
249 for the weeks and in the amounts shown in such statements. If the  
250 employer contends that benefits have been improperly charged due to  
251 fraud or error, a written protest setting forth reasons therefor shall be  
252 filed with the administrator within sixty days of the mailing date of the  
253 quarterly statement. An eligibility issue shall not be reopened on the  
254 basis of such quarterly statement if notification of such eligibility issue  
255 had previously been given to the employer under the provisions of  
256 section 31-241, and he failed to file a timely appeal therefrom or had  
257 the issue finally resolved against him. (4) The provisions of

258 subdivisions (2) and (3) of this subsection shall not apply to combined  
259 wage claims paid under subsection (b) of section 31-255. For such  
260 combined wage claims paid under the unemployment law of other  
261 states, the administrator shall, each calendar quarter, mail a statement  
262 of charges to each employer whose experience record has been  
263 charged since the previous such statement. Such statement shall show  
264 the name and Social Security number of the claimant who was paid the  
265 benefits and the total amount of the benefits charged in the quarter.

266 (i) (1) At the written request of any employer which holds at least  
267 eighty per cent controlling interest in another employer or employers,  
268 the administrator may mingle the experience rating records of such  
269 dominant and controlled employers as if they constituted a single  
270 employer, subject to such regulations as the administrator may make  
271 and publish concerning the establishment, conduct and dissolution of  
272 such joint experience rating records. (2) The executors, administrators,  
273 successors or assigns of any former employer shall acquire the  
274 experience rating records of the predecessor employer with the  
275 following exception: The experience of a predecessor employer, who  
276 leased premises and equipment from a third party and who has not  
277 transferred any assets to the successor, shall not be transferred if there  
278 is no common controlling interest in the predecessor and successor  
279 entities. (3) The administrator is authorized to establish such  
280 regulations governing joint accounts as may be necessary to comply  
281 with the requirements of the federal Unemployment Tax Act.

282 (j) (1) Each employer subject to this chapter shall submit quarterly,  
283 on forms supplied by the administrator, a listing of wage information,  
284 including the name of each employee receiving wages in employment  
285 subject to this chapter, such employee's Social Security account  
286 number and the amount of wages paid to such employee during such  
287 calendar quarter.

288 (2) Commencing with the first calendar quarter of 2014, each  
289 employer subject to this chapter who reports wages for employees

290 receiving wages in employment subject to this chapter, and each  
291 person or organization that, as an agent, reports wages for employees  
292 receiving wages in employment subject to this chapter on behalf of one  
293 or more employers subject to this chapter shall submit quarterly the  
294 information required by subdivision (1) of this subsection on magnetic  
295 tape, diskette, or other similar electronic means which the  
296 administrator may prescribe, in a format prescribed by the  
297 administrator, unless such employer or agent receives a waiver  
298 pursuant to subdivision (5) of this subsection.

299 (3) Any employer that fails to submit the information required by  
300 subdivision (1) of this subsection in a timely manner, as determined by  
301 the administrator, shall be liable to the administrator for a late filing  
302 fee of twenty-five dollars. Any employer that fails to submit the  
303 information required by subdivision (1) of this subsection under a  
304 proper state unemployment compensation registration number shall  
305 be liable to the administrator for a fee of twenty-five dollars. All fees  
306 collected by the administrator under this subdivision shall be  
307 deposited in the Employment Security Administration Fund.

308 (4) Commencing with the first calendar quarter of 2014, each  
309 employer subject to this chapter who makes contributions or payments  
310 in lieu of contributions for employees receiving wages in employment  
311 subject to this chapter, and each person or organization that, as an  
312 agent, makes contributions or payments in lieu of contributions for  
313 employees receiving wages in employment subject to this chapter on  
314 behalf of one or more employers subject to this chapter shall make  
315 such contributions or payments in lieu of contributions electronically.

316 (5) Any employer or any person or organization that, as an agent,  
317 submits information pursuant to subdivision (2) of this subsection or  
318 makes contributions or payments in lieu of contributions pursuant to  
319 subdivision (4) of this subsection may request in writing, not later than  
320 thirty days prior to the date a submission of information or a  
321 contribution or payment in lieu of contribution is due, that the

322 administrator waive the requirement that such submission or  
323 contribution or payment in lieu of contribution be made electronically.  
324 The administrator shall grant such request if, on the basis of  
325 information provided by such employer or person or organization and  
326 on a form prescribed by the administrator, the administrator finds that  
327 there would be undue hardship for such employer or person or  
328 organization. The administrator shall promptly inform such employer  
329 or person or organization of the granting or rejection of the requested  
330 waiver. The decision of the administrator shall be final and not subject  
331 to further review or appeal. Such waiver shall be effective for twelve  
332 months from the date such waiver is granted.

333 (k) The employer may inspect his or her account records in the  
334 office of the Employment Security Division at any reasonable time.

335 Sec. 2. Subsection (a) of section 31-236 of the general statutes is  
336 repealed and the following is substituted in lieu thereof (*Effective*  
337 *January 1, 2015*):

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

339 (1) If the administrator finds that the individual has failed without  
340 sufficient cause either to apply for available, suitable work when  
341 directed so to do by the Public Employment Bureau or the  
342 administrator, or to accept suitable employment when offered by the  
343 Public Employment Bureau or by an employer, such ineligibility to  
344 continue until such individual has returned to work and has earned at  
345 least six times such individual's benefit rate. Suitable work means  
346 either employment in the individual's usual occupation or field or  
347 other work for which the individual is reasonably fitted, provided such  
348 work is within a reasonable distance of the individual's residence. In  
349 determining whether or not any work is suitable for an individual, the  
350 administrator may consider the degree of risk involved to such  
351 individual's health, safety and morals, such individual's physical  
352 fitness and prior training and experience, such individual's skills, such

353 individual's previous wage level and such individual's length of  
354 unemployment, but, notwithstanding any other provision of this  
355 chapter, no work shall be deemed suitable nor shall benefits be denied  
356 under this chapter to any otherwise eligible individual for refusing to  
357 accept work under any of the following conditions: (A) If the position  
358 offered is vacant due directly to a strike, lockout or other labor dispute;  
359 (B) if the wages, hours or other conditions of work offered are  
360 substantially less favorable to the individual than those prevailing for  
361 similar work in the locality; (C) if, as a condition of being employed,  
362 the individual would be required to join a company union or to resign  
363 from or refrain from joining any bona fide labor organization; (D) if the  
364 position offered is for work which commences or ends between the  
365 hours of one and six o'clock in the morning if the administrator finds  
366 that such work would constitute a high degree of risk to the health,  
367 safety or morals of the individual, or would be beyond the physical  
368 capabilities or fitness of the individual or there is no suitable  
369 transportation available from the individual's home to or from the  
370 individual's place of employment; or (E) if, as a condition of being  
371 employed, the individual would be required to agree not to leave such  
372 position if recalled by the individual's former employer;

373 (2) (A) If, in the opinion of the administrator, the individual has left  
374 suitable work voluntarily and without good cause attributable to the  
375 employer, until such individual has earned at least ten times such  
376 individual's benefit rate, provided whenever an individual voluntarily  
377 leaves part-time employment under conditions that would render the  
378 individual ineligible for benefits, such individual's ineligibility shall be  
379 limited as provided in subsection (b) of this section, if applicable, and  
380 provided further, no individual shall be ineligible for benefits if the  
381 individual leaves suitable work (i) for good cause attributable to the  
382 employer, including leaving as a result of changes in conditions  
383 created by the individual's employer, (ii) to care for the individual's  
384 spouse, child, or parent with an illness or disability, as defined in  
385 subdivision (16) of this subsection, (iii) due to the discontinuance of

386 transportation, other than the individual's personally owned vehicle,  
387 used to get to and from work, provided no reasonable alternative  
388 transportation is available, (iv) to protect the individual, the  
389 individual's child, the individual's spouse or the individual's parent  
390 from becoming or remaining a victim of domestic violence, as defined  
391 in section 17b-112a, provided such individual has made reasonable  
392 efforts to preserve the employment, but the employer's account shall  
393 not at any time be charged with respect to any voluntary leaving that  
394 falls under subparagraph (A)(iv) of this subdivision, (v) for a  
395 separation from employment that occurs on or after July 1, 2007, to  
396 accompany a spouse who is on active duty with the armed forces of  
397 the United States and is required to relocate by the armed forces, but  
398 the employer's account shall not at any time be charged with respect to  
399 any voluntary leaving that falls under subparagraph (A)(v) of this  
400 subdivision, or (vi) to accompany such individual's spouse to a place  
401 from which it is impractical for such individual to commute due to a  
402 change in location of the spouse's employment, but the employer's  
403 account shall not be charged with respect to any voluntary leaving  
404 under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion  
405 of the administrator, the individual has been discharged or suspended  
406 for felonious conduct, conduct constituting larceny of property or  
407 service, the value of which exceeds twenty-five dollars, or larceny of  
408 currency, regardless of the value of such currency, wilful misconduct  
409 in the course of the individual's employment, or participation in an  
410 illegal strike, as determined by state or federal laws or regulations,  
411 until such individual has earned at least ten times the individual's  
412 benefit rate; provided an individual who (i) while on layoff from  
413 regular work, accepts other employment and leaves such other  
414 employment when recalled by the individual's former employer, (ii)  
415 leaves work that is outside the individual's regular apprenticeable  
416 trade to return to work in the individual's regular apprenticeable trade,  
417 (iii) has left work solely by reason of governmental regulation or  
418 statute, or (iv) leaves part-time work to accept full-time work, shall not  
419 be ineligible on account of such leaving and the employer's account

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

422 (3) During any week in which the administrator finds that the  
423 individual's total or partial unemployment is due to the existence of a  
424 labor dispute other than a lockout at the factory, establishment or other  
425 premises at which the individual is or has been employed, provided  
426 the provisions of this subsection do not apply if it is shown to the  
427 satisfaction of the administrator that (A) the individual is not  
428 participating in or financing or directly interested in the labor dispute  
429 that caused the unemployment, and (B) the individual does not belong  
430 to a trade, class or organization of workers, members of which,  
431 immediately before the commencement of the labor dispute, were  
432 employed at the premises at which the labor dispute occurred, and are  
433 participating in or financing or directly interested in the dispute; or (C)  
434 the individual's unemployment is due to the existence of a lockout. A  
435 lockout exists whether or not such action is to obtain for the employer  
436 more advantageous terms when an employer (i) fails to provide  
437 employment to its employees with whom the employer is engaged in a  
438 labor dispute, either by physically closing its plant or informing its  
439 employees that there will be no work until the labor dispute has  
440 terminated, or (ii) makes an announcement that work will be available  
441 after the expiration of the existing contract only under terms and  
442 conditions that are less favorable to the employees than those current  
443 immediately prior to such announcement; provided in either event the  
444 recognized or certified bargaining agent shall have advised the  
445 employer that the employees with whom the employer is engaged in  
446 the labor dispute are ready, able and willing to continue working  
447 pending the negotiation of a new contract under the terms and  
448 conditions current immediately prior to such announcement;

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

453 employee's wages upon termination of the employment relationship,  
454 unless the employee was required to waive or forfeit a right or claim  
455 independently established by statute or common law, against the  
456 employer as a condition of receiving the payment, or any payment by  
457 way of compensation for loss of wages, or any other state or federal  
458 unemployment benefits, except mustering out pay, terminal leave pay  
459 or any allowance or compensation granted by the United States under  
460 an Act of Congress to an ex-serviceperson in recognition of the ex-  
461 serviceperson's former military service, or any service-connected pay  
462 or compensation earned by an ex-serviceperson paid before or after  
463 separation or discharge from active military service, or (B)  
464 compensation for temporary disability under any workers'  
465 compensation law;

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

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

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

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

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

484 because (i) such individual's work has become unsuitable considering  
485 such individual's physical condition and the degree of risk to such  
486 individual's health and safety, and (ii) such individual has requested of  
487 such individual's employer other work that is suitable, and (iii) such  
488 individual's employer did not offer such individual such work, or (B)  
489 that the individual has been involuntarily retired;

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

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

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

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

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

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

509 (16) If the administrator finds that the individual has been  
510 discharged or suspended because the individual has been disqualified  
511 from performing the work for which such individual was hired due to  
512 the loss of such individual's operator license as a result of a drug or

513 alcohol testing program conducted in accordance with sections 14-44k,  
514 14-227a or 14-227b, regardless of whether such testing program was  
515 conducted while the individual was off duty, until such individual has  
516 earned at least ten times such individual's benefit rate; and

517        ~~[(16)]~~ (17) For purposes of subparagraph (A)(ii) of subdivision (2) of  
518 this subsection, "illness or disability" means an illness or disability  
519 diagnosed by a health care provider that necessitates care for the ill or  
520 disabled person for a period of time longer than the employer is  
521 willing to grant leave, paid or otherwise, and "health care provider"  
522 means (A) a doctor of medicine or osteopathy who is authorized to  
523 practice medicine or surgery by the state in which the doctor practices;  
524 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
525 authorized to practice by the state in which such person practices and  
526 performs within the scope of the authorized practice; (C) an advanced  
527 practice registered nurse, nurse practitioner, nurse midwife or clinical  
528 social worker authorized to practice by the state in which such person  
529 practices and performs within the scope of the authorized practice; (D)  
530 Christian Science practitioners listed with the First Church of Christ,  
531 Scientist in Boston, Massachusetts; (E) any medical practitioner from  
532 whom an employer or a group health plan's benefits manager will  
533 accept certification of the existence of a serious health condition to  
534 substantiate a claim for benefits; (F) a medical practitioner, in a practice  
535 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,  
536 who practices in a country other than the United States, who is  
537 licensed to practice in accordance with the laws and regulations of that  
538 country; or (G) such other health care provider as the Labor  
539 Commissioner approves, performing within the scope of the  
540 authorized practice. For purposes of subparagraph (B) of subdivision  
541 (2) of this subsection, "wilful misconduct" means deliberate  
542 misconduct in wilful disregard of the employer's interest, or a single  
543 knowing violation of a reasonable and uniformly enforced rule or  
544 policy of the employer, when reasonably applied, provided such  
545 violation is not a result of the employee's incompetence and provided

546 further, in the case of absence from work, "wilful misconduct" means  
547 an employee must be absent without either good cause for the absence  
548 or notice to the employer which the employee could reasonably have  
549 provided under the circumstances for three separate instances within a  
550 twelve-month period. Except with respect to tardiness, for purposes of  
551 subparagraph (B) of subdivision (2) of this subsection, each instance in  
552 which an employee is absent for one day [or two consecutive days]  
553 without either good cause for the absence or notice to the employer  
554 which the employee could reasonably have provided under the  
555 circumstances constitutes a "separate instance". For purposes of  
556 subdivision (15) of this subsection, "temporary help service" means any  
557 person conducting a business that consists of employing individuals  
558 directly for the purpose of furnishing part-time or temporary help to  
559 others; and "temporary employee" means an employee assigned to  
560 work for a client of a temporary help service.

561       Sec. 3. (*Effective from passage*) (a) There is established a task force to  
562 study the methods the Labor Department and the labor departments of  
563 other states use to determine whether an individual receiving  
564 unemployment benefits has made reasonable efforts to obtain work.  
565 The task force may seek input from the department's employment  
566 security division and employment security appeals. The task force  
567 shall make recommendations including, but not limited to, changes to  
568 the criteria used to determine what constitutes a reasonable effort to  
569 obtain work and technology that may be implemented by the  
570 department to improve and expand the verification of whether an  
571 individual receiving unemployment benefits has made reasonable  
572 efforts to obtain work.

573       (b) The task force shall consist of the following members:

574       (1) The chairpersons and ranking members of the joint standing  
575 committee of the General Assembly having cognizance of matters  
576 relating to labor and public employees, or the chairpersons' and  
577 ranking members' designees;

578 (2) One appointed by the speaker of the House of Representatives  
579 who shall be an individual with experience providing human resource  
580 services to employers;

581 (3) One appointed by the president pro tempore of the Senate who  
582 shall be an individual with experience providing legal representation  
583 to unemployment benefit claimants;

584 (4) One appointed by the majority leader of the House of  
585 Representatives who shall be an individual with experience providing  
586 legal representation to unemployment benefit claimants;

587 (5) One appointed by the majority leader of the Senate who shall  
588 represent a labor organization;

589 (6) One appointed by the minority leader of the House of  
590 Representatives who shall represent businesses in the state;

591 (7) One appointed by the minority leader of the Senate who shall  
592 have experience providing legal representation to employers in  
593 unemployment benefit disputes;

594 (8) The Labor Commissioner, or the commissioner's designee; and

595 (9) Two persons appointed by the Governor, one of whom shall be a  
596 representative of an employment staffing agency, and one of whom  
597 shall represent individuals providing third-party unemployment  
598 compensation claim consultation services to employers.

599 (c) All appointments to the task force shall be made not later than  
600 August 1, 2014. Any vacancy shall be filled by the appointing  
601 authority.

602 (d) The speaker of the House of Representatives and the president  
603 pro tempore of the Senate shall each select one chairperson of the task  
604 force from among the members of the task force. Such chairpersons  
605 shall schedule the first meeting of the task force, which shall be held

606 not later than September 1, 2014. A majority of task force members  
607 shall constitute a quorum. A majority vote of a quorum shall be  
608 required for any official action of the task force. The task force shall  
609 meet upon the call of the chairpersons or upon the request of a  
610 majority of the members.

611 (e) The administrative staff of the joint standing committee of the  
612 General Assembly having cognizance of matters relating to labor and  
613 public employees shall serve as administrative staff of the task force.

614 (f) Members of the task force shall serve without compensation,  
615 except for necessary expenses incurred in the performance of their  
616 duties.

617 (g) Not later than January 1, 2015, the task force shall submit a  
618 report on its findings and recommendations to the joint standing  
619 committee of the General Assembly having cognizance of matters  
620 relating to labor and public employees, in accordance with the  
621 provisions of section 11-4a of the general statutes. The task force shall  
622 terminate on the date that it submits such report or January 1, 2015,  
623 whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	31-225a
Sec. 2	<i>January 1, 2015</i>	31-236(a)
Sec. 3	<i>from passage</i>	New section

**Statement of Purpose:**

To increase the minimum base period wages needed to qualify for unemployment compensation, to disqualify any commercial driver from collecting unemployment benefits if he or she loses an operator license pursuant to a drug or alcohol testing program, to redefine unexcused absence to mean a single day of absence and to establish a task force to develop a more reliable method of verifying whether individuals receiving unemployment benefits are making reasonable efforts to obtain work.

*[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.]*