



General Assembly

Raised Bill No. 371

February Session, 2014

LCO No. 2067



Referred to Committee on LABOR AND PUBLIC
EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING RETALIATION AGAINST IMMIGRANT
WORKERS.***

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this
2 section:

3 (1) "Employee" means any individual engaged in service to an
4 employer in a business of his employer;

5 (2) "Employer" means an individual engaged in business who has
6 employees, including the state and any political subdivision thereof;
7 and

8 (3) "Unfair immigration-related practice" means any discriminatory
9 practice directed at an employee who has immigrated to this country,
10 including, but not limited to:

11 (A) Requesting that the employee provide additional or different
12 documents than are required under Section 1324a(b) of Title 8 of the
13 United States Code, or refusing to accept documents provided by the

14 employee pursuant to said section that reasonably appear to be
15 genuine;

16 (B) Checking or threatening to check the employment authorization
17 status of an employee at a time or in a manner not required under
18 Section 1324a(b) of Title 8 of the United States Code;

19 (C) Filing or threatening to file a false police report against an
20 employee; and

21 (D) Contacting or threatening to contact immigration authorities to
22 report an employee.

23 (b) No employer shall engage in any unfair immigration-related
24 practice against an employee for the purpose of retaliating against
25 such employee for exercising any right afforded to him or her
26 pursuant to the provisions of chapters 557 to 559, inclusive, 561, 563a,
27 566a, 567, 568 or 571 of title 31 of the general statutes, including, but
28 not be limited to:

29 (1) Filing a complaint or informing any individual of an employer's
30 alleged violation of any provision of said chapters, provided such
31 complaint or disclosure was made in good faith;

32 (2) Seeking information regarding whether an employer is in
33 compliance with any provision of said chapters; and

34 (3) Informing an individual of his or her potential rights and
35 remedies under any provision of said chapters, or assisting such
36 individual in asserting his or her rights or seeking remedies under any
37 provision of said chapters.

38 (c) Nothing in this section shall be construed to prevent an
39 employer from complying with the requirements of state or federal
40 statutes, rules or regulations, case law or rules of self-regulatory
41 organizations.

42 (d) Engaging in an unfair immigration-related practice against an
43 employee within ninety days after the employee exercises any right
44 afforded to him or her pursuant to the provisions of chapters 557 to
45 559, inclusive, 561, 563a, 566a, 567, 568 or 571 of title 31 of the general
46 statutes shall create a rebuttable presumption of having done so in
47 retaliation for the exercise of those rights.

48 (e) Any employee may file a complaint with the Labor
49 Commissioner alleging violation of subsection (b) of this section, not
50 later than one hundred eighty days after such violation occurs. Upon
51 receipt of such complaint the commissioner shall investigate such
52 complaint and may hold a hearing in accordance with the provisions
53 of chapter 54 of the general statutes. After the hearing, the
54 commissioner shall send each party a written copy of his or her
55 decision.

56 (f) If the commissioner finds an employer has violated subsection
57 (b) of this section, the commissioner may (1) levy against the employer
58 a civil penalty of up to five hundred dollars for the first violation and
59 one thousand dollars for each subsequent violation, (2) suspend the
60 license of such employer to transact such business in this state for a
61 period of not more than thirty days for a first violation and not more
62 than ninety days for each subsequent violation, and (3) award an
63 employee aggrieved by such violation all appropriate relief including
64 rehiring or reinstatement to his or her previous job, payment of back
65 wages, reestablishment of employee benefits or any other remedies the
66 commissioner may deem appropriate.

67 (g) Any party aggrieved by the commissioner's decision under
68 subsection (f) of this section may appeal the decision to the Superior
69 Court in accordance with the provisions of chapter 54 of the general
70 statutes.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2014</i>	New section
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LAB *Joint Favorable*