



General Assembly

**Amendment**

February Session, 2014

LCO No. 4447

**\*SB0037104447SD0\***

Offered by:

SEN. HOLDER-WINFIELD, 10<sup>th</sup>

Dist.

REP. TERCYAK, 26<sup>th</sup> Dist.

To: Senate Bill No. 371

File No. 327

Cal. No. 237

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

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 31-72 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2014*):

5 When any employer fails to pay an employee wages in accordance  
6 with the provisions of sections 31-71a to 31-71i, inclusive, or fails to  
7 compensate an employee in accordance with section 31-76k or where  
8 an employee or a labor organization representing an employee  
9 institutes an action to enforce an arbitration award which requires an  
10 employer to make an employee whole or to make payments to an  
11 employee welfare fund, such employee or labor organization [may]  
12 shall recover, in a civil action, (1) twice the full amount of such wages,  
13 with costs and such reasonable attorney's fees as may be allowed by

14 the court, [and any] or (2) if the employer establishes that the employer  
15 had a good faith belief that the underpayment of wages was in  
16 compliance with law, the full amount of such wages or compensation,  
17 with costs and such reasonable attorney's fees as may be allowed by  
18 the court. Any agreement between [him] an employee and his or her  
19 employer for payment of wages other than as specified in said sections  
20 shall be no defense to such action. The Labor Commissioner may  
21 collect the full amount of any such unpaid wages, payments due to an  
22 employee welfare fund or such arbitration award, as well as interest  
23 calculated in accordance with the provisions of section 31-265 from the  
24 date the wages or payment should have been received, had payment  
25 been made in a timely manner. In addition, the Labor Commissioner  
26 may bring any legal action necessary to recover twice the full amount  
27 of unpaid wages, payments due to an employee welfare fund or  
28 arbitration award, and the employer shall be required to pay the costs  
29 and such reasonable attorney's fees as may be allowed by the court.  
30 The commissioner shall distribute any wages, arbitration awards or  
31 payments due to an employee welfare fund collected pursuant to this  
32 section to the appropriate person.

33 Sec. 502. Section 31-68 of the general statutes is repealed and the  
34 following is substituted in lieu thereof (*Effective October 1, 2014*):

35 (a) If any employee is paid by his or her employer less than the  
36 minimum fair wage or overtime wage to which he or she is entitled  
37 under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair  
38 wage order he [may] or she shall recover, in a civil action, (1) twice the  
39 full amount of such minimum wage or overtime wage less any amount  
40 actually paid to him or her by the employer, with costs and such  
41 reasonable attorney's fees as may be allowed by the court, [and any] or  
42 (2) if the employer establishes that the employer had a good faith belief  
43 that the underpayment of such wages was in compliance with the law,  
44 the full amount of such minimum wage or overtime wage less any  
45 amount actually paid to him or her by the employer, with costs and  
46 such reasonable attorney's fees as may be allowed by the court. Any  
47 agreement between [him] an employee and his or her employer to

48 work for less than such minimum fair wage or overtime wage shall be  
 49 no defense to such action. The commissioner may collect the full  
 50 amount of unpaid minimum fair wages or unpaid overtime wages to  
 51 which an employee is entitled under said sections or order, as well as  
 52 interest calculated in accordance with the provisions of section 31-265  
 53 from the date the wages should have been received, had they been  
 54 paid in a timely manner. In addition, the commissioner may bring any  
 55 legal action necessary to recover twice the full amount of the unpaid  
 56 minimum fair wages or unpaid overtime wages to which the employee  
 57 is entitled under said sections or under an order, and the employer  
 58 shall be required to pay the costs and such reasonable attorney's fees as  
 59 may be allowed by the court. The commissioner shall distribute any  
 60 wages or interest collected pursuant to this section to the employee or  
 61 in accordance with the provisions of subsection (b) of this section.

62 (b) All wages collected by the commissioner for an employee whose  
 63 whereabouts are unknown to the commissioner shall be held by the  
 64 commissioner for three months and thereafter the commissioner may,  
 65 in his discretion, pay the same, on application, to the husband or wife  
 66 or, if none, to the next of kin of such employee. As a condition of such  
 67 payment, the commissioner or his authorized representative shall  
 68 require proof of the relationship of the claimant and the execution of a  
 69 bond of indemnity and a receipt for such payment. Notwithstanding  
 70 the provisions of section 3-60b, any such wages held by the  
 71 commissioner for two years without being claimed shall escheat to the  
 72 state, subject to the provisions of sections 3-66a to 3-71a, inclusive."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2014	31-72
Sec. 502	October 1, 2014	31-68