



General Assembly

January Session, 2015

Raised Bill No. 911

LCO No. 3315



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

***AN ACT CONCERNING CIVIL ACTIONS TO COLLECT PAST DUE
PAYMENTS TO EMPLOYEE WELFARE FUNDS.***

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For the purposes of
2 this section, "employee welfare fund" shall have the same meaning as
3 provided in subsection (i) of section 31-53 of the general statutes.

4 (b) Any payment to an employee welfare fund that is past due
5 under the terms of a written contract or rules and regulations adopted
6 by the trustees of such funds shall be considered wages for the
7 purpose of section 31-72 of the general statutes, as amended by this act.

8 (c) (1) Any sole proprietor or general partner, or officer, director or
9 member of a corporation or limited liability company, who fails to
10 make such payment when due to an employee welfare fund under the
11 terms of a written contract or rules and regulations adopted by the
12 trustees of such fund, or (2) any employee of a corporation or limited
13 liability company who has been designated by the corporation or
14 limited liability company to make such payment and who fails to make

15 such payment when due to an employee welfare fund shall be
16 personally liable in a civil action for payment of the amount due such
17 fund, as well as costs and reasonable attorney's fees.

18 Sec. 2. Section 31-72 of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective October 1, 2015*):

20 When any employer fails to pay an employee wages in accordance
21 with the provisions of sections 31-71a to 31-71i, inclusive, or section 1
22 of this act, other than a sole proprietor or general partner against
23 whom an action has been brought in accordance with the provisions of
24 section 1 of this act for the same failure to pay wages, or fails to
25 compensate an employee in accordance with section 31-76k or where
26 an employee or a labor organization representing an employee
27 institutes an action to enforce an arbitration award which requires an
28 employer to make an employee whole or to make payments to an
29 employee welfare fund, such employee or labor organization may
30 recover, in a civil action, twice the full amount of such wages, with
31 costs and such reasonable attorney's fees as may be allowed by the
32 court, and any agreement between him and his employer for payment
33 of wages other than as specified in said sections shall be no defense to
34 such action. The Labor Commissioner may collect the full amount of
35 any such unpaid wages, payments due to an employee welfare fund or
36 such arbitration award, as well as interest calculated in accordance
37 with the provisions of section 31-265 from the date the wages or
38 payment should have been received, had payment been made in a
39 timely manner. In addition, the Labor Commissioner may bring any
40 legal action necessary to recover twice the full amount of unpaid
41 wages, payments due to an employee welfare fund or arbitration
42 award, and the employer shall be required to pay the costs and such
43 reasonable attorney's fees as may be allowed by the court. The
44 commissioner shall distribute any wages, arbitration awards or
45 payments due to an employee welfare fund collected pursuant to this
46 section to the appropriate person.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	31-72

Statement of Purpose:

To allow individuals to bring civil actions against their employers to recover past due payments to employee welfare funds and to require payments to employee welfare funds to be considered "wages" for purposes of section 31-72 of the general statutes.

[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.]