



General Assembly

January Session, 2015

Raised Bill No. 914

LCO No. 3359



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING AN EMPLOYER'S FAILURE TO PAY WAGES.

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

1 Section 1. Section 31-68 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) If any employee is paid by his or her employer less than the
4 minimum fair wage or overtime wage to which he or she is entitled
5 under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair
6 wage order he [may] or she shall recover, in a civil action, (1) twice the
7 full amount of such minimum wage or overtime wage less any amount
8 actually paid to him or her by the employer, with costs and such
9 reasonable attorney's fees as may be allowed by the court, [and any] or
10 (2) if the employer establishes that the employer had a good faith belief
11 that the underpayment of such wages was in compliance with the law,
12 the full amount of such minimum wage or overtime wage less any
13 amount actually paid to him or her by the employer, with costs and
14 such reasonable attorney's fees as may be allowed by the court. Any
15 agreement between [him] an employee and his or her employer to
16 work for less than such minimum fair wage or overtime wage shall be

17 no defense to such action. The commissioner may collect the full
18 amount of unpaid minimum fair wages or unpaid overtime wages to
19 which an employee is entitled under said sections or order, as well as
20 interest calculated in accordance with the provisions of section 31-265
21 from the date the wages should have been received, had they been
22 paid in a timely manner. In addition, the commissioner may bring any
23 legal action necessary to recover twice the full amount of the unpaid
24 minimum fair wages or unpaid overtime wages to which the employee
25 is entitled under said sections or under an order, and the employer
26 shall be required to pay the costs and such reasonable attorney's fees as
27 may be allowed by the court. The commissioner shall distribute any
28 wages or interest collected pursuant to this section to the employee or
29 in accordance with the provisions of subsection (b) of this section.

30 (b) All wages collected by the commissioner for an employee whose
31 whereabouts are unknown to the commissioner shall be held by the
32 commissioner for three months and thereafter the commissioner may,
33 in his discretion, pay the same, on application, to the husband or wife
34 or, if none, to the next of kin of such employee. As a condition of such
35 payment, the commissioner or his authorized representative shall
36 require proof of the relationship of the claimant and the execution of a
37 bond of indemnity and a receipt for such payment. Notwithstanding
38 the provisions of section 3-60b, any such wages held by the
39 commissioner for two years without being claimed shall escheat to the
40 state, subject to the provisions of sections 3-66a to 3-71a, inclusive.

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

43 When any employer fails to pay an employee wages in accordance
44 with the provisions of sections 31-71a to 31-71i, inclusive, or fails to
45 compensate an employee in accordance with section 31-76k or where
46 an employee or a labor organization representing an employee
47 institutes an action to enforce an arbitration award which requires an
48 employer to make an employee whole or to make payments to an

49 employee welfare fund, such employee or labor organization [may]
50 shall recover, in a civil action, (1) twice the full amount of such wages,
51 with costs and such reasonable attorney's fees as may be allowed by
52 the court, [and any] or (2) if the employer establishes that the employer
53 had a good faith belief that the underpayment of wages was in
54 compliance with law, the full amount of such wages or compensation,
55 with costs and such reasonable attorney's fees as may be allowed by
56 the court. Any agreement between [him] an employee and his or her
57 employer for payment of wages other than as specified in said sections
58 shall be no defense to such action. The Labor Commissioner may
59 collect the full amount of any such unpaid wages, payments due to an
60 employee welfare fund or such arbitration award, as well as interest
61 calculated in accordance with the provisions of section 31-265 from the
62 date the wages or payment should have been received, had payment
63 been made in a timely manner. In addition, the Labor Commissioner
64 may bring any legal action necessary to recover twice the full amount
65 of unpaid wages, payments due to an employee welfare fund or
66 arbitration award, and the employer shall be required to pay the costs
67 and such reasonable attorney's fees as may be allowed by the court.
68 The commissioner shall distribute any wages, arbitration awards or
69 payments due to an employee welfare fund collected pursuant to this
70 section to the appropriate person.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2015</i> | 31-68 |
| Sec. 2 | <i>October 1, 2015</i> | 31-72 |

Statement of Purpose:

To allow employees or labor organizations to recover twice the full amount of damages associated with an employer's failure to pay wages unless the employer can demonstrate a good faith belief that it was complying with the law.

[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.]