



General Assembly

February Session, 2016

**Raised Bill No. 5367**

LCO No. 1588



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING THE TOTAL UNEMPLOYMENT BENEFIT RATE AND AN ONLINE EMPLOYMENT EXCHANGE.**

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

1 Section 1. Section 31-231a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) For a construction worker identified pursuant to regulations  
4 adopted in accordance with subsection (c) of this section, the total  
5 unemployment benefit rate for the individual's benefit year  
6 commencing on or after April 1, 1996, shall be an amount equal to one  
7 twenty-sixth, rounded to the next lower dollar, of his or her total  
8 wages paid during that quarter of his or her current benefit year's base  
9 period in which wages were the highest but not less than fifteen  
10 dollars nor more than the maximum benefit rate as provided in  
11 subsection (b) of this section.

12 (b) For an individual not included in subsection (a) of this section,  
13 the individual's total unemployment benefit rate for his or her benefit  
14 year commencing after September 30, 1967, shall be an amount equal

15 to one twenty-sixth, rounded to the next lower dollar, of the average of  
16 his or her total wages, as defined in subdivision (1) of subsection (b) of  
17 section 31-222, paid during the two quarters of his or her current  
18 benefit year's base period in which such wages were highest but not  
19 less than fifteen dollars, and commencing after October 1, 2016, shall  
20 be an amount equal to one twenty-sixth, rounded to the next lower  
21 dollar, of the average of his or her total wages, as defined in section 31-  
22 222, paid during the four quarters of his or her current benefit year's  
23 base period but not less than fifty dollars nor more than one hundred  
24 fifty-six dollars in any benefit year commencing on or after the first  
25 Sunday in July, 1982, nor more than sixty per cent rounded to the next  
26 lower dollar of the average wage of production and related workers in  
27 the state in any benefit year commencing on or after the first Sunday in  
28 October, 1983, and provided the maximum benefit rate in any benefit  
29 year commencing on or after the first Sunday in October, 1988, shall  
30 not increase more than eighteen dollars in any benefit year, such  
31 increase to be effective as of the first Sunday in October of such year,  
32 and further provided the maximum benefit rate shall not increase in  
33 benefit years 2016, 2017 and 2018. The average wage of production and  
34 related workers in the state shall be determined by the administrator,  
35 on or before August fifteenth annually, as of the year ended the  
36 previous June thirtieth to be effective during the benefit year  
37 commencing on or after the first Sunday of the following October and  
38 shall be so determined in accordance with the standards for the  
39 determination of average production wages established by the United  
40 States Department of Labor, Bureau of Labor Statistics.

41 (c) The administrator shall adopt regulations pursuant to the  
42 provisions of chapter 54 to implement the provisions of this section.  
43 Such regulations shall specify the National Council on Compensation  
44 Insurance employee classification codes which identify construction  
45 workers covered by subsection (a) of this section and specify the  
46 manner and format in which employers shall report the identification  
47 of such workers to the administrator.

48 Sec. 2. Section 31-236 of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2016*):

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

51 (1) If the administrator finds that the individual has failed without  
52 sufficient cause either to apply for available, suitable work when  
53 directed so to do by the Public Employment Bureau or the  
54 administrator, or to accept suitable employment when offered by the  
55 Public Employment Bureau or by an employer, such ineligibility to  
56 continue until such individual has returned to work and has earned at  
57 least six times such individual's benefit rate. Suitable work means  
58 either employment in the individual's usual occupation or field or  
59 other work for which the individual is reasonably fitted, provided such  
60 work is within a reasonable distance of the individual's residence. In  
61 determining whether or not any work is suitable for an individual, the  
62 administrator may consider the degree of risk involved to such  
63 individual's health, safety and morals, such individual's physical  
64 fitness and prior training and experience, such individual's skills, such  
65 individual's previous wage level and such individual's length of  
66 unemployment, but, notwithstanding any other provision of this  
67 chapter, no work shall be deemed suitable nor shall benefits be denied  
68 under this chapter to any otherwise eligible individual for refusing to  
69 accept work under any of the following conditions: (A) If the position  
70 offered is vacant due directly to a strike, lockout or other labor dispute;  
71 (B) if the wages, hours or other conditions of work offered are  
72 substantially less favorable to the individual than those prevailing for  
73 similar work in the locality; (C) if, as a condition of being employed,  
74 the individual would be required to join a company union or to resign  
75 from or refrain from joining any bona fide labor organization; (D) if the  
76 position offered is for work which commences or ends between the  
77 hours of one and six o'clock in the morning if the administrator finds  
78 that such work would constitute a high degree of risk to the health,  
79 safety or morals of the individual, or would be beyond the physical  
80 capabilities or fitness of the individual or there is no suitable

81 transportation available from the individual's home to or from the  
82 individual's place of employment; or (E) if, as a condition of being  
83 employed, the individual would be required to agree not to leave such  
84 position if recalled by the individual's former employer;

85 (2) (A) If, in the opinion of the administrator, the individual has left  
86 suitable work voluntarily and without good cause attributable to the  
87 employer, until such individual has earned at least ten times such  
88 individual's benefit rate, provided whenever an individual voluntarily  
89 leaves part-time employment under conditions that would render the  
90 individual ineligible for benefits, such individual's ineligibility shall be  
91 limited as provided in subsection (b) of this section, if applicable, and  
92 provided further, no individual shall be ineligible for benefits if the  
93 individual leaves suitable work (i) for good cause attributable to the  
94 employer, including leaving as a result of changes in conditions  
95 created by the individual's employer, (ii) to care for the individual's  
96 spouse, child, or parent with an illness or disability, as defined in  
97 subdivision [(16)] (17) of this subsection, (iii) due to the discontinuance  
98 of transportation, other than the individual's personally owned  
99 vehicle, used to get to and from work, provided no reasonable  
100 alternative transportation is available, (iv) to protect the individual, the  
101 individual's child, the individual's spouse or the individual's parent  
102 from becoming or remaining a victim of domestic violence, as defined  
103 in section 17b-112a, provided such individual has made reasonable  
104 efforts to preserve the employment, but the employer's account shall  
105 not at any time be charged with respect to any voluntary leaving that  
106 falls under subparagraph (A)(iv) of this subdivision, (v) for a  
107 separation from employment that occurs on or after July 1, 2007, to  
108 accompany a spouse who is on active duty with the armed forces of  
109 the United States and is required to relocate by the armed forces, but  
110 the employer's account shall not at any time be charged with respect to  
111 any voluntary leaving that falls under subparagraph (A)(v) of this  
112 subdivision, or (vi) to accompany such individual's spouse to a place  
113 from which it is impractical for such individual to commute due to a

114 change in location of the spouse's employment, but the employer's  
115 account shall not be charged with respect to any voluntary leaving  
116 under subparagraph (A)(vi) of this subdivision; or (B) if, in the opinion  
117 of the administrator, the individual has been discharged or suspended  
118 for felonious conduct, conduct constituting larceny of property or  
119 service, the value of which exceeds twenty-five dollars, or larceny of  
120 currency, regardless of the value of such currency, wilful misconduct  
121 in the course of the individual's employment, or participation in an  
122 illegal strike, as determined by state or federal laws or regulations,  
123 until such individual has earned at least ten times the individual's  
124 benefit rate; provided an individual who (i) while on layoff from  
125 regular work, accepts other employment and leaves such other  
126 employment when recalled by the individual's former employer, (ii)  
127 leaves work that is outside the individual's regular apprenticeable  
128 trade to return to work in the individual's regular apprenticeable trade,  
129 (iii) has left work solely by reason of governmental regulation or  
130 statute, or (iv) leaves part-time work to accept full-time work, shall not  
131 be ineligible on account of such leaving and the employer's account  
132 shall not at any time be charged with respect to such separation, unless  
133 such employer has elected payments in lieu of contributions;

134 (3) During any week in which the administrator finds that the  
135 individual's total or partial unemployment is due to the existence of a  
136 labor dispute other than a lockout at the factory, establishment or other  
137 premises at which the individual is or has been employed, provided  
138 the provisions of this subsection do not apply if it is shown to the  
139 satisfaction of the administrator that (A) the individual is not  
140 participating in or financing or directly interested in the labor dispute  
141 that caused the unemployment, and (B) the individual does not belong  
142 to a trade, class or organization of workers, members of which,  
143 immediately before the commencement of the labor dispute, were  
144 employed at the premises at which the labor dispute occurred, and are  
145 participating in or financing or directly interested in the dispute; or (C)  
146 the individual's unemployment is due to the existence of a lockout. A

147 lockout exists whether or not such action is to obtain for the employer  
148 more advantageous terms when an employer (i) fails to provide  
149 employment to its employees with whom the employer is engaged in a  
150 labor dispute, either by physically closing its plant or informing its  
151 employees that there will be no work until the labor dispute has  
152 terminated, or (ii) makes an announcement that work will be available  
153 after the expiration of the existing contract only under terms and  
154 conditions that are less favorable to the employees than those current  
155 immediately prior to such announcement; provided in either event the  
156 recognized or certified bargaining agent shall have advised the  
157 employer that the employees with whom the employer is engaged in  
158 the labor dispute are ready, able and willing to continue working  
159 pending the negotiation of a new contract under the terms and  
160 conditions current immediately prior to such announcement;

161 (4) During any week with respect to which the individual has  
162 received or is about to receive remuneration in the form of (A) wages  
163 in lieu of notice or dismissal payments, including severance or  
164 separation payment by an employer to an employee beyond the  
165 employee's wages upon termination of the employment relationship,  
166 unless the employee was required to waive or forfeit a right or claim  
167 independently established by statute or common law, against the  
168 employer as a condition of receiving the payment, or any payment by  
169 way of compensation for loss of wages, or any other state or federal  
170 unemployment benefits, except mustering out pay, terminal leave pay  
171 or any allowance or compensation granted by the United States under  
172 an Act of Congress to an ex-serviceperson in recognition of the ex-  
173 serviceperson's former military service, or any service-connected pay  
174 or compensation earned by an ex-serviceperson paid before or after  
175 separation or discharge from active military service, or (B)  
176 compensation for temporary disability under any workers'  
177 compensation law;

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

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

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

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

190 (9) If the administrator finds that the individual has retired and that  
191 such retirement was voluntary, until the individual has again become  
192 employed and has been paid wages in an amount required as a  
193 condition of eligibility as set forth in subdivision (3) of section 31-235;  
194 except that the individual is not ineligible on account of such  
195 retirement if the administrator finds (A) that the individual has retired  
196 because (i) such individual's work has become unsuitable considering  
197 such individual's physical condition and the degree of risk to such  
198 individual's health and safety, and (ii) such individual has requested of  
199 such individual's employer other work that is suitable, and (iii) such  
200 individual's employer did not offer such individual such work, or (B)  
201 that the individual has been involuntarily retired;

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

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

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

205 (13) If the administrator finds that, having been sentenced to a term  
206 of imprisonment of thirty days or longer and having commenced  
207 serving such sentence, the individual has been discharged or

208 suspended during such period of imprisonment, until such individual  
209 has earned at least ten times such individual's benefit rate;

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

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

221 (16) If the administrator finds that the individual, having  
222 commenced a claim for benefits on or after January 1, 2017, has failed  
223 to post his or her resume on an online employment exchange  
224 designated by the administrator and designed for employers and job  
225 seekers in the state after the sixth consecutive week of collecting  
226 benefits under this chapter. The administrator may adopt regulations,  
227 in accordance with the provisions of chapter 54, to implement the  
228 provisions of this subdivision; and

229 [(16)] (17) For purposes of subparagraph (A)(ii) of subdivision (2) of  
230 this subsection, "illness or disability" means an illness or disability  
231 diagnosed by a health care provider that necessitates care for the ill or  
232 disabled person for a period of time longer than the employer is  
233 willing to grant leave, paid or otherwise, and "health care provider"  
234 means (A) a doctor of medicine or osteopathy who is authorized to  
235 practice medicine or surgery by the state in which the doctor practices;  
236 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
237 authorized to practice by the state in which such person practices and  
238 performs within the scope of the authorized practice; (C) an advanced



239 practice registered nurse, nurse practitioner, nurse midwife or clinical  
240 social worker authorized to practice by the state in which such person  
241 practices and performs within the scope of the authorized practice; (D)  
242 Christian Science practitioners listed with the First Church of Christ,  
243 Scientist in Boston, Massachusetts; (E) any medical practitioner from  
244 whom an employer or a group health plan's benefits manager will  
245 accept certification of the existence of a serious health condition to  
246 substantiate a claim for benefits; (F) a medical practitioner, in a practice  
247 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,  
248 who practices in a country other than the United States, who is  
249 licensed to practice in accordance with the laws and regulations of that  
250 country; or (G) such other health care provider as the Labor  
251 Commissioner approves, performing within the scope of the  
252 authorized practice. For purposes of subparagraph (B) of subdivision  
253 (2) of this subsection, "wilful misconduct" means deliberate  
254 misconduct in wilful disregard of the employer's interest, or a single  
255 knowing violation of a reasonable and uniformly enforced rule or  
256 policy of the employer, when reasonably applied, provided such  
257 violation is not a result of the employee's incompetence and provided  
258 further, in the case of absence from work, "wilful misconduct" means  
259 an employee must be absent without either good cause for the absence  
260 or notice to the employer which the employee could reasonably have  
261 provided under the circumstances for three separate instances within a  
262 twelve-month period. Except with respect to tardiness, for purposes of  
263 subparagraph (B) of subdivision (2) of this subsection, each instance in  
264 which an employee is absent for one day or two consecutive days  
265 without either good cause for the absence or notice to the employer  
266 which the employee could reasonably have provided under the  
267 circumstances constitutes a "separate instance". For purposes of  
268 subdivision (15) of this subsection, "temporary help service" means any  
269 person conducting a business that consists of employing individuals  
270 directly for the purpose of furnishing part-time or temporary help to  
271 others; and "temporary employee" means an employee assigned to  
272 work for a client of a temporary help service.

273 (b) Any individual who has voluntarily left part-time employment  
 274 under conditions which would otherwise render him or her ineligible  
 275 for benefits pursuant to subparagraph (A) of subdivision (2) of  
 276 subsection (a) of this section, who has not earned ten times his or her  
 277 benefit rate since such separation and who is otherwise eligible for  
 278 benefits shall be eligible to receive benefits only as follows: (1) If such  
 279 separation from the individual's part-time employment precedes a  
 280 compensable separation, under the provisions of this chapter, from his  
 281 or her full-time employment, he or she shall be eligible to receive an  
 282 amount equal to the benefits attributable solely to the wages paid to  
 283 him or her for any employment during his or her base period other  
 284 than such part-time employment; or (2) if such separation from the  
 285 individual's part-time employment follows a compensable separation,  
 286 under the provisions of this chapter, from his or her full-time  
 287 employment, he or she shall be eligible to receive an amount equal to  
 288 the lesser of the partial unemployment benefits he or she would have  
 289 received under section 31-229 but for such separation from his or her  
 290 part-time employment or the partial unemployment benefits for which  
 291 he or she would be eligible under section 31-229 based on any  
 292 subsequent part-time employment. In no event may the employer who  
 293 provided such part-time employment for the individual be charged for  
 294 any benefits paid pursuant to the subsection. For purposes of this  
 295 subsection, "full-time employment" means any job normally requiring  
 296 thirty-five hours or more of service each week, and "part-time  
 297 employment" means any job normally requiring less than thirty-five  
 298 hours of service each week.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	31-231a
Sec. 2	<i>October 1, 2016</i>	31-236

**Statement of Purpose:**

To calculate an individual's unemployment benefit rate using four quarters of earnings, to put a three-year freeze on the maximum

unemployment benefit rate and to require certain recipients of unemployment benefits to post their resume online in order to continue to receive such benefits.

*[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.]*