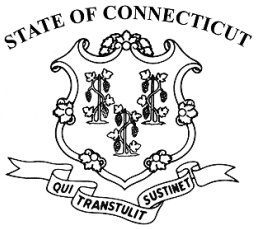

Substitute Senate Bill No. 220

Public Act No. 16-169

AN ACT CONCERNING UNEMPLOYMENT COMPENSATION APPEALS AND HEARINGS, EMPLOYEE PAY PERIODS AND MINOR AND TECHNICAL REVISIONS TO THE GENERAL STATUTES RELATING TO THE LABOR DEPARTMENT.

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

Section 1. Subsection (h) of section 31-225a of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(h) (1) With respect to each benefit year commencing on or after July 1, 1978, notice of determination of the claimant's benefit entitlement for such benefit year shall include notice of the allocation of benefit charges of the claimant's base period employers and each such employer shall be **[**mailed**]** provided a copy of such notice of determination and shall be an interested party thereto. Such determination shall be final unless the claimant or any of such employers files an appeal from such decision in accordance with the provisions of section 31-241, as amended by this act. (2) The administrator shall, not less frequently than once each calendar quarter, **[**mail**]** provide a statement of charges to each employer to whose experience record any charges have been made since the last previous such statement. Such statement shall show, with respect to

each week for which benefits have been paid and charged, the name and Social Security account number of the claimant who was paid the benefit, the amount of the benefits charged for such week and the total amount charged in the quarter. (3) The statement of charges provided for in subdivision (2) of this subsection shall constitute notice to the employer that it has been determined that the benefits reported in such statement were properly payable under this chapter to the claimants for the weeks and in the amounts shown in such statements. If the employer contends that benefits have been improperly charged due to fraud or error, a written protest setting forth reasons therefor shall be filed with the administrator within sixty days of the **[**mailing**]** date **[**of**]** the quarterly statement was provided. An eligibility issue shall not be reopened on the basis of such quarterly statement if notification of such eligibility issue had previously been given to the employer under the provisions of section 31-241, as amended by this act, and he or she failed to file a timely appeal therefrom or had the issue finally resolved against him or her. (4) The provisions of subdivisions (2) and (3) of this subsection shall not apply to combined wage claims paid under subsection (b) of section 31-255. For such combined wage claims paid under the unemployment law of other states, the administrator shall, each calendar quarter, **[**mail**]** provide a statement of charges to each employer whose experience record has been charged since the previous such statement. Such statement shall show the name and Social Security number of the claimant who was paid the benefits and the total amount of the benefits charged in the quarter.

Sec. 2. Subsection (i) of section 31-227 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(i) (1) An individual filing a new claim for unemployment compensation shall at the time of filing such claim be advised that: (A) Unemployment compensation is subject to federal, state and local

income tax; (B) requirements exist pertaining to estimated tax payments; (C) the individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code; (D) the individual may elect to have state income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of three per cent; **[**(E) the individual shall be permitted to change a previously elected withholding status one time in a benefit year;**]** and **[**(F)**]** (E) an individual who elects deductions pursuant to subparagraph (C) or (D) of this subdivision shall be subject to deductions pursuant to subparagraphs (C) and (D) of this subdivision. (2) Amounts deducted and withheld from unemployment compensation shall remain in the Unemployment Compensation Fund until transferred to the federal or state taxing authority as a payment of income tax. (3) The commissioner shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of federal and state income taxes. (4) Amounts shall be deducted and withheld in accordance with any regulations adopted by the commissioner to implement the provisions of this subsection. (5) For purposes of this subsection, "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the administrator pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

Sec. 3. Section 31-237a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

As used in this chapter, unless the context clearly indicates otherwise:

(a) "Board" means the Employment Security Board of Review;

(b) "Appeals division" means the Employment Security Appeals Division consisting of the board members, the referees employed in the referee section and all other supporting staff members employed in that division for discharge of its responsibilities as set forth in this chapter;

(c) "Referee" means an employment security appeals referee;

(d) "Chief referee" means the chief referee of the referee section;

(e) "Referee section" means the organizational unit consisting of the employment security appeals referees employed in the appeals division and all other supporting staff members employed in that division for discharge of the responsibilities assigned to referees in accordance with this chapter; **[**and**]**

(f) "Staff assistant" means the staff assistant to the Employment Security Board of Review; and

(g) "Records" means the official records, files and data maintained by the Employment Security Division.

Sec. 4. Section 31-237h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The appeals division shall **[**have**]** be permitted access to all records of the Employment Security Division necessary to the performance of the duties assigned to the board and the referees under this chapter in a manner prescribed by the appeals division.

Sec. 5. Section 31-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Claims for benefits shall be made **[**, in accordance with such regulations as the administrator may prescribe, at the public employment bureau or branch most easily accessible either from the

individual's place of residence or from the place of his most recent employment, as designated**]** in a manner prescribed by the administrator.

Sec. 6. Section 31-241 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The administrator, or a deputy or representative designated by **[**him**]** the administrator and hereinafter referred to as an examiner, shall promptly examine the initiating claim and, on the basis of the facts found by him or her, shall determine whether or not such claim is valid and, if valid, the weekly amount of benefits payable and the maximum possible duration thereof. **[**He**]** The administrator or an examiner shall promptly notify the claimant of the decision and the reasons therefor, which notification shall set forth the provision of this section for appeal. The administrator or an examiner shall promptly examine each claim for a benefit payment for a week of unemployment and, on the basis of the facts found by him or her, shall determine whether or not the claimant is eligible to receive such benefit payment for such week and the amount of benefits payable for such week. The determination of eligibility by the administrator or an examiner shall be based upon evidence or testimony presented in **[**such**]** a manner **[**as the administrator shall prescribe**]** prescribed by the administrator, including in writing, by telephone or by other electronic means. **[**at a hearing called for such purpose.**]** The administrator or an examiner may prescribe **[**an in person**]** a hearing by telephone or in person at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator or an examiner, as the case may be. Notice of the decision and the reasons therefor shall be given to the claimant. The employers against whose accounts charges may be made due to any benefits awarded by the decision shall be notified of the initial determination of the claimant's benefit entitlement at the time notice is given to the claimant, which

notification shall set forth the provisions of this section for appeal, provided any employer who claims that the claimant is ineligible for benefits because his or her unemployment is due to the existence of a labor dispute at such employer's factory, establishment or other premises, shall be notified of the decision and the reasons therefor, whether or not benefits awarded by the decision might be charged against such employer's account. The employer's appeal rights shall be limited to the first notice **[**he**]** the employer is given in connection with a claim which sets forth his or her appeal rights, and no issue may be appealed if notice of such issue and the right to appeal such issue had previously been given. For any determination of an overpayment made prior to October 1, 2013, notwithstanding any provisions of this chapter to the contrary, whenever the employer, after receiving notice of such hearing, fails to appear at the hearing or fails to timely submit a written response in a manner prescribed by the administrator, such employer's proportionate share of benefits paid to the claimant prior to the issuance of a decision by a referee under section 31-242, as amended by this act, for any week beginning prior to the forty-second day after the end of the calendar week in which the employer's appeal was filed shall be charged against such employer's account and the claimant shall not be charged with an overpayment with respect to such benefits pursuant to subsection (a) of section 31-273, as amended by this act. For any determination of an overpayment made on or after October 1, 2013, notwithstanding any provisions of this chapter to the contrary, whenever the employer, after receiving notice of such hearing, fails to appear at the hearing or fails to submit a timely and adequate written response in a manner prescribed by the administrator, such employer's proportionate share of benefits paid to the claimant prior to the issuance of a decision by a referee under section 31-242, as amended by this act, or the Employment Security Board of Review under section 31-249a, as amended by this act, shall be charged against such employer's account. The decision of the administrator shall be final and benefits shall be paid or denied in

accordance therewith unless the claimant or any of such employers, within twenty-one calendar days after such notification was **[**mailed to his last-known address**]** provided to the claimant or any of such employers, files an appeal from such decision and applies for a hearing, provided (1) any such appeal which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, **[**and**]** (3) if any such appeal is filed by mail, such appeal shall be considered timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period it was placed in the possession of such postal authorities for delivery to the appropriate office**,** **[**. Posting**]** except posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail, and (4) if any such appeal is filed electronically, such appeal shall be considered timely filed if it was received within such twenty-one-day period. Where the administrator or examiner has determined that the claimant is eligible for benefits, benefits shall be paid promptly in accordance with the determination regardless of the pendency of the period to file an appeal or the pendency of such appeal. No examiner shall participate in any case in which he or she is an interested party. Any person who has filed a claim for benefits pursuant to an agreement entered into by the administrator with the proper agency under the laws of the United States, whereby the administrator makes payment of unemployment compensation out of funds supplied by the United States, may in like manner file an appeal from the decision of such claim and apply for a hearing, and the United States or the agency thereof which had employed such person may in like manner appeal from the decision on such claim and apply for a hearing.

(b) The administrator shall adopt regulations, in accordance with the provisions of section 31-244, as amended by this act, and chapter 54, effective July 1, 1992, establishing procedures and guidelines necessary to implement the provisions of this section. Such regulations shall prescribe a minimum number of days of advance notice to be afforded parties prior to a hearing and standards for determining the timeliness of written responses to hearing notices.

Sec. 7. Section 31-242 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Unless such appeal is withdrawn, a referee shall promptly hear the claim, de novo, and render a decision thereon. Unless **[**he**]** a party has waived the notice or agreed to a shorter period of time, notice, by mail or otherwise, of the time and place of such hearing shall be given each interested party not less than five days prior to the date appointed therefor. The parties, including the administrator, shall be notified of the referee's decision, which notification shall be accompanied by a finding of the facts and the conclusions of law upon which the decision is based. The referee may, for good cause, issue a decision which remands the case to the administrator for such further proceedings as the referee may reasonably direct. Such hearing shall be held by the referee designated by the chief referee. No referee shall hear an appeal if he or she has any interest in the proceeding or in the business of any party to the proceeding. A challenge to the interest of a referee may be made by any party to the proceeding. The decision on said challenge shall be made by the chairman of the board, after proceedings held in accordance with such rules of procedures as the board may establish.

Sec. 8. Section 31-244 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The manner in which disputed claims shall be presented and the reports thereon required from the claimant and from employers shall

be in accordance with regulations prescribed by the administrator. Neither the administrator nor the examiners shall be bound by the ordinary common law or statutory rules of evidence or procedure, but may make inquiry in such manner, through oral testimony or written, **[**and**]** printed or electronic records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A complete record shall be kept of all proceedings in connection with a disputed claim.

Sec. 9. Section 31-244a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

The conduct of hearings and appeals, including notice thereof, shall be in accordance with rules of procedure prescribed by the board in regulations adopted pursuant to section 31-237g. No formal pleadings shall be required **[**,**]** beyond such notices as the board provides for by its rules of procedure. The referees and the board shall not be bound by the ordinary common law or statutory rules of evidence or procedure. They shall make inquiry in such manner, through oral testimony and written, electronic and printed records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A record shall be prepared of all testimony and proceedings at any hearing before a referee and before the board but need not be transcribed unless an appeal is taken from the referee's or board's decision, as the case may be.

Sec. 10. Section 31-248 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any decision of a referee, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the twenty-second calendar day after the date on which a copy of the decision is **[**mailed**]** provided to the

party, provided (1) any such appeal or motion which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, **[**and**]** (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period, it was placed in the possession of such postal authorities for delivery to the appropriate office, **[**. Posting**]** except posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail, and (4) if any such appeal is filed electronically, such appeal shall be considered timely filed if it was received within such twenty-one-day period.

(b) Any decision of a referee may be reopened, set aside, vacated or modified on the timely filed motion of a party aggrieved by such decision, or on the referee's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the **[**mailing of**]** date a copy of the decision entered after any such reopening, setting aside, vacation or modification, or a decision denying such motion, as the case may be, was provided to the aggrieved party, provided no such motion from any party may be accepted with regard to a decision denying a preceding motion to reopen, vacate, set aside or modify filed by the same party. An appeal to the board from a referee's decision may be processed by the referee as a motion for purposes of reopening, vacating, setting aside or modifying such decision, solely in order to grant the relief requested.

(c) Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his or her remedy before the board, as provided in this chapter. The administrator shall be deemed to be a party to any judicial proceeding involving any such decision and shall be represented in such proceeding by the Attorney General.

Sec. 11. Section 31-249 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

At any time before the referee's decision has become final within the periods of limitation prescribed in section 31-248, as amended by this act, any party including the administrator, may appeal therefrom to the board. Such appeal shall be filed in a manner prescribed by the appeals division and may be heard in any local office of the **[**employment security division**]** Employment Security Division or, in the case of an interstate claim, in the office in which the claim was filed, or in the office of the appeals referee or the board of review. Such appeal to the board may be heard on the record of the hearing before the referee or the board may hear additional evidence or testimony, provided the board shall determine what evidence shall be heard in the appeal established in accordance with the standards and criteria in regulations adopted pursuant to section 31-237g. The board may remand the case to a referee for such further proceedings as it may direct. Upon the final determination of the appeal by the board, it shall issue its decision, affirming, modifying or reversing the decision of the referee. The board shall state in each decision whether or not it was based on the record of the hearing before the referees, the reasons for the decision and the citations of any precedents used to support it. In any case in which the board modifies the referee's findings of fact or conclusions of law, the board's decision shall include its findings of fact and conclusions of law.

Sec. 12. Section 31-249a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Any decision of the board, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the thirty-first calendar day after the date on which a copy of the decision is **[**mailed**]** provided to the party, provided (1) any such appeal or motion which is filed after such thirty-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, **[**and**]** (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such thirty-day period or bears a legible United States postal service postmark which indicates that within such thirty-day period it was placed in the possession of such postal authorities for delivery to the appropriate office, **[**. Posting**]** except posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail, and (4) if any such appeal is filed electronically, such appeal shall be considered timely filed if it was received within such thirty-day period.

(b) Any decision of the board may be reopened, vacated, set aside, or modified on the timely filed motion of a party aggrieved by such decision, or on the board's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the **[**mailing of**]** date a copy of the decision entered after any such reopening, **[**vacating,**]** setting aside, vacation or modification, or **[**the**]** a decision denying such motion, as the case may be, was provided to the aggrieved party, provided no such motion from any party may be accepted with regard to a decision denying a preceding motion to reopen, **[**vacate,**]** set aside, vacate or

modify filed by the same party. An appeal to Superior Court from a board decision may be processed by the board as a motion for purposes of reopening, **[**vacating,**]** setting aside, vacating or modifying such decision solely in order to grant the relief requested.

(c) Benefits shall be paid or denied in accordance with the decision of the board. Where the board has determined that the claimant is eligible for benefits and an appeal has been initiated under section 31-249b, as amended by this act, benefits shall be paid during the pendency of an appeal before the court. Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his or her remedies before the board, as provided in this chapter.

Sec. 13. Section 31-249b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

At any time before the board's decision has become final, any party, including the administrator, may appeal such decision, including any claim that the decision violates statutory or constitutional provisions, to the superior court for the judicial district of Hartford or for the judicial district wherein the appellant resides. Any or all parties similarly situated may join in one appeal. In such judicial proceeding the original and five copies of a petition, which shall state the grounds on which a review is sought, shall be filed in the office of the board in a manner prescribed by the appeals division. The chairman of the board shall, within the third business day thereafter, cause the original petition or petitions to be mailed to the clerk of the Superior Court and copy or copies thereof to the administrator and to each other party to the proceeding in which such appeal was taken; and said clerk shall docket such appeal as returned to the next return day after the receipt of such petition or petitions. In all cases, the board shall certify the record to the court. The record shall consist of the notice of appeal to the referee and the board, the notices of hearing before them, the referee's findings of fact and decision, the findings and decision of the

board, all documents admitted into evidence before the referee and the board or both and all other evidentiary material accepted by them. Upon request of the court, the board shall (1) in cases in which its decision was rendered on the record of such hearing before the referee, prepare and verify to the court a transcript of such hearing before the referee; and (2) in cases in which its decision was rendered on the record of its own evidentiary hearing, provide and verify to the court a transcript of such hearing of the board. In any appeal, any finding of the referee or the board shall be subject to correction only to the extent provided by section 22-9 of the Connecticut Practice Book. Such appeals shall be claimed for the short calendar unless the court shall order the appeal placed on the trial list. An appeal may be taken from the decision of the Superior Court to the Appellate Court in the same manner as is provided in section 51-197b. It shall not be necessary in any judicial proceeding under this section that exceptions to the rulings of the board shall have been made or entered and no bond shall be required for entering an appeal to the Superior Court. Unless the court shall otherwise order after motion and hearing, the final decision of the court shall be the decision as to all parties to the original proceeding. In any appeal in which one of the parties is not represented by counsel and in which the party taking the appeal does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may of its own motion dismiss the appeal, or the party ready to proceed may move for nonsuit or default as appropriate. When an appeal is taken to the Superior Court, the clerk thereof shall by writing notify the board of any action of the court thereon and of the disposition of such appeal whether by judgment, remand, withdrawal or otherwise and shall, upon the decision on the appeal, furnish the board with a copy of such decision. The court may remand the case to the board for proceedings de novo, or for further proceedings on the record, or for such limited purposes as the court may prescribe. The court also may order the board to remand the case to a referee for any further proceedings deemed necessary by the court.

The court may retain jurisdiction by ordering a return to the court of the proceedings conducted in accordance with the order of the court or the court may order final disposition. A party aggrieved by a final disposition made in compliance with an order of the Superior Court, by the filing of an appropriate motion, may request the court to review the disposition of the case.

Sec. 14. Section 31-249e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

Every decision of a referee **[**,**]** or the board shall be issued in a manner prescribed by the appeals division, which may include, but need not be limited to, in writing, **[**and delivered**]** in person delivery, **[**or**]** by mail or electronically, to the parties concerned immediately following its rendition. The decision shall contain a notice setting forth the appellate rights of parties.

Sec. 15. Subsection (g) of section 31-254 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) (1) Notwithstanding any of the information disclosure provisions of this section, the administrator shall disclose information obtained pursuant to subsection (a) of this section to: (A) A regional workforce development board, established pursuant to section 31-3k, to the extent necessary for the effective administration of the federal Trade Adjustment Assistance Program of the Trade Act of 1974, as amended from time to time, the federal **[**Workforce Investment Act**]** Workforce Innovation and Opportunity Act of 2014, as amended from time to time, and the state employment services program established pursuant to section 17b-688c for recipients of temporary family assistance, provided a regional workforce development board, enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the

confidentiality of such information prior to the receipt of any such information; (B) a nonpublic entity that is under contract with the administrator or another state agency where necessary for the effective administration of this chapter or with the United States Department of Labor to administer grants which are beneficial to the interests of the administrator, provided such nonpublic entity enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; (C) the president of the Board of Regents for Higher Education, appointed under section 10a-1a, for use in the performance of such president's official duties to the extent necessary for evaluating programs at institutions of higher education governed by said board pursuant to section 10a-1a, provided such president enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; or (D) a third party pursuant to written, informed consent of the individual or employer to whom the information pertains.

(2) Any written agreement shall contain safeguards as are necessary to protect the confidentiality of the information being disclosed, including, but not limited to, a:

(A) Statement from the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, of the purposes for the requested information and the specific use intended for the information;

(B) Statement from the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, that the disclosed information shall only be used for such purposes as are permitted by this subsection and consistent with the written agreement;

(C) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, store the disclosed information in a location that is physically secure from access by unauthorized persons;

(D) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, store and process the disclosed information maintained in an electronic format in such a way that ensures that unauthorized persons cannot obtain the information by any means;

(E) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, establish safeguards to ensure that only authorized persons, including any authorized agent of the board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, are permitted access to disclosed information stored in computer systems;

(F) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, enter into a written agreement, that has been approved by the administrator, with any authorized agent of the board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, which agreement shall contain the requisite safeguards contained in the written agreement between the board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education and the administrator;

(G) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, instruct all persons having access to the disclosed information about the sanctions specified in this section, and further require each employee of such board, nonpublic entity **[**,**]** or

president of the Board of Regents for Higher Education, and any agent of such board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, authorized to review such information, to sign an acknowledgment that such employee or such agent has been advised of such sanctions;

(H) Statement that redisclosure of confidential information is prohibited, except with the written approval of the administrator;

(I) Requirement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, dispose of information disclosed or obtained under this subsection, including any copies of such information made by the board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, after the purpose for which the information is disclosed has been served, either by returning the information to the administrator, or by verifying to the administrator that the information has been destroyed;

(J) Statement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, shall permit representatives of the administrator to conduct periodic audits, including on-site inspections, for the purpose of reviewing such board's, nonpublic entity's **[**,**]** or president of the Board of Regents for Higher Education's adherence to the confidentiality and security provisions of the written agreement; and

(K) Statement that the regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, shall reimburse the administrator for all costs incurred by the administrator in making the requested information available and in conducting periodic audits of the board's, nonpublic entity's **[**,**]** or president of the Board of Regents for Higher

Education's procedures in safeguarding the information.

(3) Any employee or agent of a regional workforce development board, nonpublic entity **[**,**]** or president of the Board of Regents for Higher Education, as appropriate, who discloses any confidential information in violation of this section and the written agreement, entered into pursuant to subdivision (2) of this subsection, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both, and shall be prohibited from any further access to confidential information.

Sec. 16. Section 31-273 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) (1) Any person who, through error, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in his or her case, or has received a greater amount of benefits than was due him or her under this chapter, shall be charged with an overpayment of a sum equal to the amount so overpaid to him or her, provided such error has been discovered and brought to **[**his**]** such person's attention within one year of the date of receipt of such benefits. A person whose receipt of such a sum was not due to fraud, wilful misrepresentation or wilful nondisclosure by himself or herself or another shall be entitled to a **[**hearing before an examiner designated by the administrator**]** determination of eligibility by an examiner designated by the administrator that shall be based upon evidence or testimony presented in a manner prescribed by the administrator, including in writing, by telephone or by other electronic means. The examiner may prescribe a hearing by telephone or in person at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the examiner. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such

hearing. Such examiner shall determine whether: (A) Such person shall repay such sum to the administrator for the Unemployment Compensation Fund, (B) such sum shall be recouped by offset from such person's unemployment benefits, or (C) repayment or recoupment of such sum would defeat the purpose of the benefits or be against equity and good conscience and should be waived. In any case where the examiner determines that such sum shall be recouped by offset from a person's unemployment benefits, the deduction from benefits shall not exceed fifty per cent of the person's weekly benefit amount. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount in accordance with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the administrator may recover such overpayment through a wage execution against the claimant's earnings upon his or her return to work in accordance with the provisions of section 52-361a, and the administrator may request the Commissioner of Administrative Services to seek reimbursement for such amount pursuant to section 12-742. Any person with respect to whom a determination of overpayment has been made, according to the provisions of this subsection, shall be given notice of such determination and the provisions for repayment or recoupment of the amount overpaid. No repayment shall be required and no deduction from benefits shall be made until the determination of overpayment has become final.

(2) The determination of overpayment shall be final unless the claimant, within twenty-one days after notice of such determination was **[**mailed to him**]** provided to the claimant at his or her last-known address, files an appeal from such determination to a referee, except that any such appeal that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing. If the last day for filing an appeal falls on any day

when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day. If any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the possession of postal authorities for delivery to the appropriate office, **[**. Posting**]** except posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail. If any such appeal is filed electronically, such appeal shall be considered timely filed if it was received within such twenty-one-day period.

(3) The appeal shall be heard in the same manner provided in section 31-242, as amended by this act, for an appeal from the decision of an examiner on a claim for benefits. Any party aggrieved by the decision of the referee, including the administrator, may appeal to the Employment Security Board of Review in the manner provided in section 31-249, as amended by this act. Decisions of the board may be appealed to the Superior Court in the manner provided in section 31-249b, as amended by this act. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in his or her opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year. Any determination of overpayment made under this section which becomes final may be enforced by a wage execution in the same manner as a judgment of the Superior

Court when the claimant fails to pay according to his or her repayment schedule. The court may issue a wage execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court, and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.

(b) (1) Any person who, by reason of fraud, wilful misrepresentation or wilful nondisclosure by such person or by another of a material fact, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in such person's case, or has received a greater amount of benefits than was due such person under this chapter, shall be charged with an overpayment and shall be liable to repay to the administrator for the Unemployment Compensation Fund a sum equal to the amount so overpaid to such person. If such person does not make repayment in full of the sum overpaid, the administrator shall recoup such sum by offset from such person's unemployment benefits. The deduction from benefits shall be one hundred per cent of the person's weekly benefit entitlement until the full amount of the overpayment has been recouped. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount plus, for any determination of an overpayment made on or after July 1, 2005, interest at the rate of one per cent of the amount so overpaid per month, in accordance with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the administrator may recover such overpayment plus interest through a wage execution against the claimant's earnings upon the claimant's return to work in accordance with the provisions of section 52-361a. In addition, the administrator may request the Commissioner of Administrative Services to seek reimbursement for such amount pursuant to section 12-742. If the administrator's actions are insufficient to recover such overpayment, the administrator may

submit the outstanding balance to the Internal Revenue Service for the purpose of offsetting the claimant's federal tax refund pursuant to 26 USC **[**6402(d)**]** 6402(f), 31 USC 3720A or other applicable federal laws. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in the administrator's opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year.

(2) (A) For any determination of an overpayment made prior to October 1, 2013, any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose a material fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall forfeit benefits for not less than one or more than thirty-nine compensable weeks following determination of such offense or offenses, during which weeks such person would otherwise have been eligible to receive benefits. For the purposes of section 31-231b, as amended by this act, such person shall be deemed to have received benefits for such forfeited weeks. This penalty shall be in addition to any other applicable penalty under this section and in addition to the liability to repay any moneys so received by such person and shall not be confined to a single benefit year. (B) For any determination of an overpayment made on or after October 1, 2013, any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose

a material fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall be subject to a penalty of fifty per cent of the amount of overpayment for the first offense and a penalty of one hundred per cent of the amount of overpayment for any subsequent offense. This penalty shall be in addition to the liability to repay the full amount of overpayment and shall not be confined to a single benefit year. Thirty-five per cent of any such penalty shall be paid into the Unemployment Compensation Trust Fund and sixty-five per cent of such penalty shall be paid into the Employment Security Administration Fund. The penalty amounts computed in this subparagraph shall be rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward.

(3) Any person charged with the fraudulent receipt of benefits or the making of a fraudulent claim, as provided in this subsection, shall be entitled to a **[**hearing before the administrator, or a deputy or representative designated by the administrator**]** determination of eligibility by the administrator that shall be based upon evidence or testimony presented in a manner prescribed by the administrator including in writing, by telephone or by other electronic means. The administrator may prescribe a hearing by telephone or in person at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such hearing. The administrator shall determine, on the basis of facts found by the administrator, whether or not a fraudulent act subject to the penalties of this subsection has been committed and, upon such finding, shall fix the penalty for any such offense according to the provisions of this subsection. Any person determined by the administrator to have committed fraud under the provisions of this section shall be liable for repayment to the administrator of the

Unemployment Compensation Fund for any benefits determined by the administrator to have been collected fraudulently, as well as any other penalties assessed by the administrator in accordance with the provisions of this subsection. Until such liabilities have been met to the satisfaction of the administrator, such person shall forfeit any right to receive benefits under the provisions of this chapter. Notification of such decision and penalty shall be **[**mailed to such person's last known address**]** provided to such person and shall be final unless such person files an appeal not later than twenty-one days after the **[**mailing**]** date **[**of**]** such notification was provided to such person, except that (A) any such appeal that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (B) if the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, **[**and**]** (C) if any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the possession of postal authorities for delivery to the appropriate office, **[**. Posting**]** except posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail, and (D) if any such appeal is filed electronically, such appeal shall be considered timely filed if it was received within such twenty-one-day period. Such appeal shall be heard by a referee in the same manner provided in section 31-242, as amended by this act, for an appeal from the decision of an examiner on a claim for benefits. The manner in which such appeals shall be heard and appeals taken therefrom to the board of review and then to the Superior Court, either by the administrator or the claimant, shall be in accordance with the provisions set forth in section 31-249, as amended by this act, or 31-249b, as amended by this act, as the case may be. Any determination of

overpayment made under this subsection which becomes final on or after October 1, 1995, may be enforced in the same manner as a judgment of the Superior Court when the claimant fails to pay according to the claimant's repayment schedule. The court may issue execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court; and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.

(c) Any person, firm or corporation who knowingly employs a person and pays such employee without declaring such payment in the payroll records shall be guilty of a class A misdemeanor.

(d) If, after investigation, the administrator determines that there is probable cause to believe that the person, firm or corporation has wilfully failed to declare payment of wages in the payroll record, the administrator shall provide an opportunity for a hearing on the matter. If a hearing is requested, it shall be conducted by the administrator, or a deputy or representative designated by **[**him**]** the administrator. Notice of the time and place of such hearing, and the reasons therefor, shall be given to the person, firm, or corporation not less than five days prior to the date appointed for such hearing. If the administrator determines, on the basis of the facts found by him or her, that such nondeclaration occurred and was wilful, the administrator shall fix the payments and penalties in accordance with the provisions of subsection (e) of this section. Such person, firm or corporation may appeal to the superior court for the judicial district of Hartford or for the judicial district in which the employer's principal place of business is located. Such court shall give notice of a time and place of hearing to the administrator. At such hearing the court may confirm or correct the administrator's determination. If the administrator's determination is confirmed, the cost of such proceedings, as in civil actions, shall be

assessed against such person, firm or corporation. No costs shall be assessed against the state on such appeal.

(e) If the administrator determines that any person, firm or corporation has wilfully failed to declare the payment of wages on payroll records, the administrator may impose a penalty of ten per cent of the total contributions past due to the administrator, as determined pursuant to section 31-270. Such penalty shall be in addition to any other applicable penalty and interest under section 31-266. In addition, the administrator may require the person, firm or corporation to make contributions at the maximum rate provided in section 31-225a, as amended by this act, for a period of one year following the determination by the administrator concerning the wilful nondeclaration. If the person, firm or corporation is paying or should have been paying, the maximum rate at the time of the determination, the administrator may require that such maximum rate continue for a period of three years following the determination.

(f) Any person who knowingly makes a false statement or representation or fails to disclose a material fact in order to obtain, increase, prevent or decrease any benefit, contribution or other payment under this chapter, or under any similar law of another state or of the United States in regard to which this state acted as agent pursuant to an agreement authorized by section 31-225, whether to be made to or by himself or herself or any other person, and who receives any such benefit, pays any such contribution or alters any such payment to his or her advantage by such fraudulent means (1) shall be guilty of a class A misdemeanor if such benefit, contribution or payment amounts to five hundred dollars or less or (2) shall be guilty of a class D felony if such benefit, contribution or payment amounts to more than five hundred dollars. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1977,

except within five years next after such violation has been committed.

(g) Any person, firm or corporation who knowingly fails to pay contributions or other payments due under this chapter shall be guilty of a class A misdemeanor. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1987, except within five years after such violation has been committed.

(h) Any person who knowingly violates any provision of this chapter for which no other penalty is provided by law shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

(i) Any person who wilfully violates any regulation made by the administrator or the board under the authority of this chapter, for which no penalty is specifically provided, shall be fined not more than two hundred dollars.

(j) All interest payments collected by the administrator under subsection (b) of this section shall be deposited in the Employment Security Administration Fund.

(k) For any determination of an overpayment made on or after October 1, 2013, if the administrator determines that an overpayment was caused by an employer's failure to timely or adequately respond to the administrator's request for information relating to a claim in a manner prescribed by the administrator, such employer shall not be relieved of its proportionate share of charges for each week determined to be overpaid.

Sec. 17. Subsection (g) of section 4-67n of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(g) **[**The Secretary of the Office of Policy and Management shall be an authorized representative of the Labor Commissioner or administrator of unemployment compensation under chapter 567 and shall receive upon request by the secretary any information in the Labor Commissioner's possession relating to employment records that may include, but need not be limited to: Employee name, Social Security number, current residential address, name and address of the employer, employer North American Industry Classification System code and wages. In addition, the**]** The Labor Department, upon the request of the Secretary of the Office of Policy and Management, shall furnish unemployment compensation **[**wage records contained in the quarterly returns required and**]** records maintained by the Labor Commissioner pursuant to **[**section 31-254**]** chapter 567, for purposes of this section. Nothing in this subsection shall be construed as limiting the secretary's authority to request or receive information from the Labor Department.

Sec. 18. Section 31-51x of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) No employer may require an employee to submit to a urinalysis drug test unless the employer has reasonable suspicion that the employee is under the influence of drugs or alcohol which adversely affects or could adversely affect such employee's job performance. **[**The Labor Commissioner shall adopt regulations in accordance with chapter 54 to specify circumstances which shall be presumed to give rise to an employer having such a reasonable suspicion, provided nothing in such regulations shall preclude an employer from citing other circumstances as giving rise to such a reasonable suspicion.**]**

(b) Notwithstanding the provisions of subsection (a) of this section, an employer may require an employee to submit to a urinalysis drug test on a random basis if (1) such test is authorized under federal law, (2) the employee serves in an occupation which has been designated as

a high-risk or safety-sensitive occupation pursuant to regulations adopted by the Labor Commissioner pursuant to chapter 54, or is employed to operate a school bus, as defined in section 14-275, or a student transportation vehicle, as defined in section 14-212, or (3) the urinalysis is conducted as part of an employee assistance program sponsored or authorized by the employer in which the employee voluntarily participates.

Sec. 19. Subdivision (1) of section 3-123rrr of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(1) **[**"Health Care Costs Containment Committee"**]** "Health Care Cost Containment Committee" means the committee established in accordance with the ratified agreement between the state and the State Employees Bargaining Agent Coalition pursuant to subsection (f) of section 5-278.

Sec. 20. Subsection (a) of section 3-123uuu of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established an account to be known as the "state employee plan premium account", which shall be a separate, nonlapsing account within the General Fund. All premiums paid by nonstate public employers and nonstate public employees pursuant to participation in the state employee plan shall be deposited into said account. The account shall be administered by the Comptroller, with the advice of the Health Care **[**Costs**]** Cost Containment Committee, for payment of claims and administrative fees to entities providing coverage or services under the state employee plan.

Sec. 21. Subsection (d) of section 31-40x of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu

thereof (*Effective from passage*):

(d) Nothing in this section shall prevent an employer from:

(1) (A) Conducting an investigation for the purpose of ensuring compliance with applicable state or federal laws, regulatory requirements or prohibitions against work-related employee misconduct based on the receipt of specific information about activity on an **[**employee**]** employee's or applicant's personal online account, or (B) conducting an investigation based on the receipt of specific information about an **[**employee**]** employee's or applicant's unauthorized transfer of such employer's proprietary information, confidential information or financial data to or from a personal online account operated by an employee, applicant or other source. Any employer conducting an investigation pursuant to this subdivision may require an employee or applicant to allow such employer to access his or her personal online account for the purpose of conducting such investigation, provided such employer shall not require such employee or applicant to disclose the user name and password, password or other authentication means for accessing such personal online account; or

(2) Monitoring, reviewing, accessing or blocking electronic data stored on an electronic communications device paid for, in whole or in part, by an employer, or traveling through or stored on an employer's network, in compliance with state and federal law.

Sec. 22. Subsection (j) of section 31-40x of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(j) The commissioner may request the Attorney General to bring an action in the Superior Court to recover the penalties levied pursuant to subsections **[**(f)**]** (g) and (h) of this section.

Sec. 23. Subsection (d) of section 31-76n of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) Not later than December 1, 2015, and annually thereafter, the board shall submit a report, in accordance with the provisions of section 11-4a, on its findings and recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to labor, human services and education, and to the Labor Commissioner, Commissioner of Social Services and **[**Director of the Office**]** Commissioner of Early Childhood. Such report shall be made available to the public in a form and manner prescribed by the board.

Sec. 24. (NEW) (*Effective October 1, 2016*) (a) (1) Wherever the term "Workforce Investment Act of 1998, P.L. 105-220" is used in the following general statutes, the term "Workforce Innovation and Opportunity Act of 2014, P.L. 113-128" shall be substituted in lieu thereof; (2) wherever the term "Workforce Investment Act of 1998" is used in the following general statutes, the term "Workforce Innovation and Opportunity Act of 2014" shall be substituted in lieu thereof; and (3) wherever the term "Workforce Investment Act" is used in the following general statutes, the term "Workforce Innovation and Opportunity Act" shall be substituted in lieu thereof: 4-89, 4-124w, 4a-82, 31-3h, 31-3k, 31-3*l*, 31-3gg, 31-11*l*, 31-11m, 31-11n, 31-11o, 31-11p, 31-11q, 31-11r, 31-11s, 31-11t, 31-11u, and 31-254, as amended by this act.

(b) Wherever the term "Workforce Investment Act of 1998, P.L. 105-220" is used in any public or special act of 2016, the term "Workforce Innovation and Opportunity Act of 2014, P.L. 113-128" shall be substituted in lieu thereof.

(c) The Legislative Commissioners' Office shall, in codifying the

provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 25. Section 31-231b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Except as provided in sections **[**31-232a**]** 31-232b to 31-232k, inclusive, as amended by this act, no individual shall receive benefits for unemployment occurring during his or her benefit year commencing after September 30, 1967, in excess of twenty-six times his or her total unemployment benefit rate.

Sec. 26. Section 31-232b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

As used in this section, subsection (d) of section 31-222, sections 31-231b, as amended by this act, and **[**31-232a**]** 31-232c to 31-232k, inclusive, as amended by this act, subdivision (8) of subsection (a) of section 31-236 and section 31-250, unless the context clearly requires otherwise:

(a) (1) "Extended benefit period" means a period which (A) begins with the third week after a week for which there is a state "on" indicator; and (B) ends with either of the following weeks, whichever occurs later: (i) The third week after the first week for which there is a state "off" indicator; or (ii) the thirteenth consecutive week of such period; provided no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) With respect to benefits for weeks of unemployment beginning after September 26, 1982, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding

twelve weeks, the rate of insured unemployment, as defined in subdivision (7) of this subsection, (A) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, or (B) equaled or exceeded six per cent.

(3) With respect to benefits for weeks of unemployment beginning after June 23, 1993, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (A) equals or exceeds six and one-half per cent, and (B) equals or exceeds one hundred ten per cent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) Notwithstanding the provisions of subdivision (2) of this subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December 31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, as defined in subdivision (7) of this subsection, (i) equaled or exceeded five per cent and equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding three calendar years, or (ii) equaled or exceeded six per cent.

(5) Notwithstanding the provisions of subdivision (3) of this subsection, with respect to benefits for weeks of unemployment (A) beginning after December 17, 2010, and ending on or before December

31, 2011, or (B) beginning after the date established in federal law permitting this subdivision for which there is one hundred per cent federal sharing authorized by federal law, there is a state "on" indicator for a week if the average rate of total unemployment in the state, as determined by the United States Secretary of Labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week (i) equals or exceeds six and one-half per cent, and (ii) equals or exceeds one hundred ten per cent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

(6) There is a state "off" indicator for a week only if none of the options specified in subdivisions (2) to (5), inclusive, of this subsection result in an "on" indicator.

(7) "Rate of insured unemployment", for the purposes of subdivisions (2) and (4) of this subsection, means the percentage derived by dividing (A) the average weekly number of individuals filing claims for regular benefits in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the administrator on the basis of **[**his**]** the administrator's reports to the United States Secretary of Labor, by (B) the average monthly employment covered under the provisions of this chapter, for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(8) "Regular benefits" means benefits payable to an individual under this chapter, or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, other than extended benefits and additional benefits.

(9) "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 USC Chapter 85, payable to an individual under the provisions of this

section, subsection (d) of section 31-222, sections 31-231b, as amended by this act, and **[**31-232a**]** 31-232c to 31-232k, inclusive, as amended by this act, subdivision (8) of subsection (a) of section 31-236 and section 31-250 for weeks of unemployment in his or her eligibility period.

(10) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment. **[**or by reason of other special factors under the provisions of section 31-232a.**]**

(11) "Eligibility period" of an individual means the period consisting of the weeks in **[**his**]** the individual's benefit year which begin in an extended benefit period and, if **[**his**]** the individual's benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

(12) "Exhaustee" means an individual who, with respect to any week of unemployment in **[**his**]** the individual's eligibility period: (A) Has received, prior to such week, all of the regular benefits that were available to him or her under this chapter, or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 USC Chapter 85, in his or her current benefit year that includes such week; provided, for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him or her although, as a result of a pending appeal with respect to wages or employment or both that were not considered in the original monetary determination in his or her benefit year, he or she may subsequently be determined to be entitled to added regular benefits; or (B) **[**his**]** the individual's benefit year having expired prior to such week, has no, or insufficient, wages or employment or both on the basis of which he or she could establish a new benefit year that would include such week; and (C) (i) has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of

1965 and such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and (ii) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada, provided that the reference to the Virgin Islands shall be inapplicable effective on the day after the day on which the United States Secretary of Labor approves under Section 3304(a) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, an unemployment compensation law submitted to the Secretary by the Virgin Islands for approval; but, if he or she is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law, he or she is considered an exhaustee.

(13) "State law" means the unemployment insurance law of any state, approved by the United States Secretary of Labor under Section 3304 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

(14) "High unemployment period" means any period during which an extended benefit period would be in effect if subparagraph (A) of subdivision (3) of this subsection were applied by substituting eight per cent for six and one-half per cent.

(b) "Wages" means all remuneration for employment, as defined in subsection (b) of section 31-222.

(c) "Administrator" means the Labor Commissioner, as defined in subsection (c) of section 31-222.

Sec. 27. Section 31-232c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Except when the result would be inconsistent with the other

provisions of subsection (d) of section 31-222 and sections 31-231b, as amended by this act, **[**31-232a**]** 31-232b to 31-232k, inclusive, as amended by this act, 31-236(a)(8) and 31-250, as provided in the regulations of the administrator, the provisions of this chapter, which apply to claims for, or the payment of, regular benefits, including benefits for partial unemployment, shall apply to claims for, and the payment of, extended benefits.

Sec. 28. Section 31-232h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No individual shall receive both extended benefits and additional benefits during or in respect to the same week. An individual may become eligible to receive additional benefits under section 31-232a with respect to a week of unemployment only if he is not eligible to receive extended benefits under subsection (d) of section 31-222 and sections 31-231b, as amended by this act, **[**31-232a**]** 31-232b to 31-232k, inclusive, as amended by this act, 31-236(a)(8) and 31-250 with respect to such week.

Sec. 29. Section 31-232i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In the administration of the provisions of subsection (d) of section 31-222 and sections 31-231b, as amended by this act, **[**31-232a**]** 31-232b to 31-232k, inclusive, as amended by this act, 31-236(a)(8) and 31-250, which are enacted to conform with the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, the administrator shall take such action as may be necessary (1) to ensure that the provisions are so interpreted and applied as to meet the requirements of such federal act as interpreted by the United States Department of Labor and (2) to secure to this state the full reimbursement of the federal share of extended benefits paid under said sections that are reimbursable under the federal act.

Sec. 30. Section 31-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Each individual who is eligible to receive benefits for unemployment with respect to any week shall be paid with respect to such week a dependency allowance of fifteen dollars for such individual's nonworking spouse, as defined by regulation, living in the same household with such individual and for each of such individual's children or stepchildren who at the beginning of the individual's current benefit year were being wholly or mainly supported by such individual and were under eighteen years of age or under twenty-one years of age and in full-time attendance in a secondary school, a technical school, a college, or state accredited job training program, or who at the beginning of the individual's benefit year were mentally or physically handicapped and because of such handicap were being wholly or mainly supported by such individual, but in no event shall such allowances exceed the number of whole dollars in one hundred per cent of the total unemployment benefit rate of such individual or be paid with respect to more than five dependents. If the individual acquires any additional dependents in the course of a benefit year, the dependency allowance shall be adjusted accordingly during the next following complete calendar week. Dependency allowances shall be in addition to the unemployment benefits otherwise payable and shall not be considered part of an individual's total unemployment benefit rate **[**but shall be counted in the amount of maximum benefits provided in section 31-232a**]** and no dependency allowance shall be payable with respect to any week unless an unemployment benefit is also payable with respect to such week. If both **[**a husband and a wife**]** spouses receive benefits with respect to a week of unemployment, neither shall be entitled to a dependency allowance with respect to the other and only one of them shall be entitled to a dependency allowance with respect to any child or stepchild.

Sec. 31. Subdivision (5) of subsection (a) of section 31-222 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(5) No provision of this chapter, except section 31-254, as amended by this act, shall apply to any of the following types of service or employment, except when voluntarily assumed, as provided in section 31-223:

(A) Service performed by an individual in the employ of **[**his**]** such individual's son, daughter or spouse, and service performed by a child under the age of eighteen in the employ of **[**his**]** such child's father or mother;

(B) Service performed in the employ of the United States government, any other state, any town or city of any other state, or any political subdivision or instrumentality of any of them; except that, to the extent that the Congress of the United States permits states to require any instrumentalities of the United States to make contributions to an unemployment fund under a state unemployment compensation law, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities; provided, if this state is not certified for any year by the Secretary of Labor under Section 3304 of the Federal Internal Revenue Code, the contributions required of such instrumentalities with respect to such year shall be refunded by the administrator from the fund in the same manner and within the same period as is provided in sections **[**31-268,**]** 31-269, as amended by this act, 31-270 and 31-271 with respect to contributions erroneously collected;

(C) Service with respect to which unemployment compensation is payable under an unemployment compensation plan established by an Act of Congress, provided the administrator is authorized to enter into agreements with the proper agencies under such Act of Congress, to

provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this chapter, and provided further, in computing benefits the administrator shall disregard all wages paid by employers who fall within the definition of "employer" in Section 1(a) of the Federal Railroad Unemployment Insurance Act;

(D) Service performed in this state or elsewhere with respect to which contributions are required and paid under an unemployment compensation law of any other state;

(E) Service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is fifty dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this subparagraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (i) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or (ii) such individual was so employed by such employer in the performance of such service during the preceding calendar quarter;

(F) Service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501(a) of the Internal Revenue Code or under Section 521 of said code excluding any organization described in Section 401(a) of said code, if the remuneration for such service is less than fifty dollars;

(G) Service performed in the employ of a school, college, or

university if such service is performed (i) by a student who is enrolled and is regularly attending classes at such school, college or university, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college or university, and (II) such employment will not be covered by any program of unemployment insurance;

(H) Service performed as a student nurse in the employ of a hospital or a nurses' training school chartered pursuant to state law by an individual who is enrolled and is regularly attending classes in such nurses' training school, and service performed as an intern in the employ of a hospital by an individual who has completed a four years' course in a medical school chartered or approved pursuant to state law;

(I) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(J) Service performed by an individual who is enrolled, at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(K) Service performed by an individual as an insurance agent, other

than an industrial life insurance agent, and service performed by an individual as a real estate salesperson, if all such service is performed for remuneration solely by way of commission;

(L) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection (h) of this section;

(M) Service performed by an individual in the employ of any town, city or other political subdivision, provided such service is performed in lieu of payment of any delinquent tax payable to such town, city or other political subdivision;

(N) Service performed by an individual as an outside sales representative of a for-profit travel agency if substantially all of such service is performed outside of any travel agency premises, and all such service is performed for remuneration solely by way of commission. For purposes of this subparagraph, an "outside sales representative" means an individual whose services to a for-profit travel agency are performed under such travel agency's Airlines Reporting Corporation accreditation, or the International Airlines Travel Agent Network endorsement;

(O) Service performed by the operator of an escort motor vehicle, for an oversize vehicle, overweight vehicle or a vehicle with a load traveling upon any Connecticut highway pursuant to a permit required by section 14-270, and the regulations adopted pursuant to said section, provided the following conditions are met:

(i) The service is provided by an individual operator who is engaged in the business or trade of providing such escort motor vehicle;

(ii) The operator is, and has been, free from control and direction by any other business or other person in connection with the actual

performance of such services;

(iii) The operator owns his or her own vehicle, and statutorily required equipment, and exclusively employs this equipment in providing such services; and

(iv) The operator is treated as an independent contractor for all purposes, including, but not limited to, federal and state taxation, workers' compensation, choice of hours worked and choice to accept referrals from multiple entities without consequence; and

(P) Service performed by the operator of a motor vehicle transporting property for compensation pursuant to an agreement with a contracting party, provided the following conditions are met:

(i) The motor vehicle has a gross vehicle weight rating in excess of ten thousand pounds;

(ii) The operator owns such motor vehicle or holds it under a bona fide lease arrangement, provided any lease arrangement, loan or loan guarantee is commercially reasonable and is not with the contracting party or any related entity. For purposes of this subparagraph, a lease arrangement, loan or loan guarantee shall be commercially reasonable if it is on terms equal to terms available in a trucking equipment purchase or lease in customary and usual retail transactions generally available in the state;

(iii) The operator's compensation is based on factors, which may include, but not be limited to, mileage-based rates, a percentage of any schedule of rates or by the hours or time expended in relation to actual performance of the service contracted for or an agreed upon flat fee;

(iv) The operator may refuse to work without consequence and may accept work from multiple contracting entities in compliance with statutory and regulatory limitations without consequence. The service

performed by the operator shall satisfy the requirements of subparagraph (B)(ii) of subdivision (1) of subsection (a) of this section, except that the administrator shall not find that the operator is an employee of the contracting party solely because such operator chooses to perform services only for such contracting party; and

(v) The provisions of this subparagraph shall not affect the applicability of any provision of chapter 229.

Sec. 32. Section 31-269 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If more or less than the correct amount of contributions imposed has been paid with respect to employment during any period**,** **[**and if such overpayment or underpayment cannot be or is not adjusted under section 31-268,**]** the amount of the overpayment shall be refunded to the employer from the contribution account of the Unemployment Compensation Fund or the amount of the underpayment shall be paid by the employer to the administrator at such time as the administrator prescribes, provided no refund shall be made unless request has been made within three years from the due date of the contributions claimed to have been overpaid or which would be contrary to the requirements of the Social Security Act or any amendments thereto. Any refunds of interest paid into the Employment Security Special Administration Fund established by section 31-259 shall be paid from said fund. If the overstatement of wages results in unemployment compensation benefits being paid, the amount of any overpayment of unemployment compensation benefits shall be deducted from any refunds of contributions until the amount of overpayment of unemployment compensation benefits has been recovered.

Sec. 33. Subsection (a) of section 31-71b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) Except as provided in subdivision (2) of this subsection, each employer, or the agent or representative of an employer, shall pay weekly, or once every two weeks, all moneys due each employee on a regular pay day, designated in advance by the employer, in cash, by negotiable checks or, upon an employee's written request, by credit to such employee's account in any bank that has agreed with the employer to accept such wage deposits.

(2) Unless otherwise requested by the recipient, the Comptroller shall, as soon as is practicable, pay all wages due each state employee, as defined in section 5-196, by electronic direct deposit to such employee's account in any bank, Connecticut credit union or federal credit union that has agreed with the Comptroller to accept such wage deposits.

Sec. 34. Section 31-71i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The commissioner may, upon application, waive the provisions of section 31-71b, as amended by this act, with respect to any particular week or weeks, and may also, upon application, permit any employer, subject to the provisions of this section, to establish regular pay **[**days**]** periods less frequently than **[**weekly**]** once every two weeks, provided each employee affected shall be paid in full at least once in each calendar month on a regularly established schedule.

Sec. 35. Sections 31-3hh, 31-11x, 31-40t, 31-232a and 31-268 of the general statutes are repealed. (*Effective from passage*)

Approved June 6, 2016