



General Assembly

**Amendment**

February Session, 2016

LCO No. 5042



Offered by:  
REP. TERCYAK, 26<sup>th</sup> Dist.

To: Subst. House Bill No. 5075

File No. 3

Cal. No. 39

**"AN ACT CONCERNING DISABILITY INSURANCE COVERAGE FOR UNIFORMED MEMBERS OF FIRE DEPARTMENTS WHO ARE OTHERWISE INELIGIBLE FOR WORKERS' COMPENSATION BENEFITS FOR CERTAIN TYPES OF CANCER."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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 Section 31-231a of the general statutes is repealed and the  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

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

14 (b) For an individual not included in subsection (a) of this section,  
15 the individual's total unemployment benefit rate for his or her benefit  
16 year commencing after September 30, 1967, shall be an amount equal  
17 to one twenty-sixth, rounded to the next lower dollar, of the average of  
18 his or her total wages, as defined in subdivision (1) of subsection (b) of  
19 section 31-222, paid during the two quarters of his or her current  
20 benefit year's base period in which such wages were highest but not  
21 less than fifteen dollars, and commencing after October 1, 2016, shall  
22 be an amount equal to one twenty-sixth, rounded to the next lower  
23 dollar, of the average of his or her total wages, as defined in section 31-  
24 222, paid during the four quarters of his or her current benefit year's  
25 base period but not less than fifty dollars nor more than one hundred  
26 fifty-six dollars in any benefit year commencing on or after the first  
27 Sunday in July, 1982, nor more than sixty per cent rounded to the next  
28 lower dollar of the average wage of production and related workers in  
29 the state in any benefit year commencing on or after the first Sunday in  
30 October, 1983, and provided the maximum benefit rate in any benefit  
31 year commencing on or after the first Sunday in October, 1988, shall  
32 not increase more than eighteen dollars in any benefit year, such  
33 increase to be effective as of the first Sunday in October of such year,  
34 and further provided the maximum benefit rate shall not increase in  
35 benefit years 2016, 2017 and 2018. The average wage of production and  
36 related workers in the state shall be determined by the administrator,  
37 on or before August fifteenth annually, as of the year ended the  
38 previous June thirtieth to be effective during the benefit year  
39 commencing on or after the first Sunday of the following October and  
40 shall be so determined in accordance with the standards for the  
41 determination of average production wages established by the United  
42 States Department of Labor, Bureau of Labor Statistics.

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

48 manner and format in which employers shall report the identification  
49 of such workers to the administrator.

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

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

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

81 safety or morals of the individual, or would be beyond the physical  
82 capabilities or fitness of the individual or there is no suitable  
83 transportation available from the individual's home to or from the  
84 individual's place of employment; or (E) if, as a condition of being  
85 employed, the individual would be required to agree not to leave such  
86 position if recalled by the individual's former employer;

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

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

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

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

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

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

181 (6) If the administrator finds that the individual has left

182 employment to attend a school, college or university as a regularly  
183 enrolled student, such ineligibility to continue during such attendance;

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

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

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

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

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

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

207 (13) If the administrator finds that, having been sentenced to a term  
208 of imprisonment of thirty days or longer and having commenced  
209 serving such sentence, the individual has been discharged or  
210 suspended during such period of imprisonment, until such individual  
211 has earned at least ten times such individual's benefit rate;

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

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

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

231 [(16)] (17) For purposes of subparagraph (A)(ii) of subdivision (2) of  
232 this subsection, "illness or disability" means an illness or disability  
233 diagnosed by a health care provider that necessitates care for the ill or  
234 disabled person for a period of time longer than the employer is  
235 willing to grant leave, paid or otherwise, and "health care provider"  
236 means (A) a doctor of medicine or osteopathy who is authorized to  
237 practice medicine or surgery by the state in which the doctor practices;  
238 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
239 authorized to practice by the state in which such person practices and  
240 performs within the scope of the authorized practice; (C) an advanced  
241 practice registered nurse, nurse practitioner, nurse midwife or clinical  
242 social worker authorized to practice by the state in which such person  
243 practices and performs within the scope of the authorized practice; (D)  
244 Christian Science practitioners listed with the First Church of Christ,

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

275 (b) Any individual who has voluntarily left part-time employment  
276 under conditions which would otherwise render him or her ineligible  
277 for benefits pursuant to subparagraph (A) of subdivision (2) of  
278 subsection (a) of this section, who has not earned ten times his or her

279 benefit rate since such separation and who is otherwise eligible for  
280 benefits shall be eligible to receive benefits only as follows: (1) If such  
281 separation from the individual's part-time employment precedes a  
282 compensable separation, under the provisions of this chapter, from his  
283 or her full-time employment, he or she shall be eligible to receive an  
284 amount equal to the benefits attributable solely to the wages paid to  
285 him or her for any employment during his or her base period other  
286 than such part-time employment; or (2) if such separation from the  
287 individual's part-time employment follows a compensable separation,  
288 under the provisions of this chapter, from his or her full-time  
289 employment, he or she shall be eligible to receive an amount equal to  
290 the lesser of the partial unemployment benefits he or she would have  
291 received under section 31-229 but for such separation from his or her  
292 part-time employment or the partial unemployment benefits for which  
293 he or she would be eligible under section 31-229 based on any  
294 subsequent part-time employment. In no event may the employer who  
295 provided such part-time employment for the individual be charged for  
296 any benefits paid pursuant to the subsection. For purposes of this  
297 subsection, "full-time employment" means any job normally requiring  
298 thirty-five hours or more of service each week, and "part-time  
299 employment" means any job normally requiring less than thirty-five  
300 hours of service each week.

301 Sec. 3. (NEW) (*Effective October 1, 2016*) (a) Whenever the Labor  
302 Commissioner or an employee has probable cause to believe that an  
303 employer failed to pay wages to such employee in violation of section  
304 31-60 or sections 31-71b to 31-71e, inclusive, of the general statutes or  
305 has failed to compensate an employee in violation of section 31-76c or  
306 31-76k of the general statutes, the Labor Commissioner or such  
307 employee shall be entitled to a lien on any property, real or personal,  
308 in which such employer has an interest to enforce payment of such  
309 wages or compensation and any statutory penalties that would be  
310 available in a civil action under section 31-68 or 31-72 of the general  
311 statutes.

312 (b) To establish a lien for unpaid wages under this section, the Labor

313 Commissioner or the employee shall serve notice of such lien by  
314 certified mail with a return receipt requested or by priority mail with  
315 delivery confirmation to the employer that failed to pay such wages.  
316 Such notice of lien shall contain such information as will identify (1)  
317 the owner of the property upon which the lien is claimed, (2) the  
318 residence or business address of such owner, (3) the specific property  
319 claimed to be subject to such lien, (4) the location of such property, (5)  
320 the amount of wages or compensation and any accrued penalties and  
321 interest claimed to be due the employee in relation to the lien, and (6)  
322 the pay period or periods for which such lien is claimed. Such notice of  
323 lien shall be sent not later than one year after the final pay period in  
324 which such wages or compensation were due and shall advise the  
325 employer that the employer may dispute such lien by filing a  
326 complaint in the Superior Court where the employer's property is  
327 located not later than thirty days after such notice of lien is served.

328 (c) An employer may dispute such lien by filing a complaint in the  
329 Superior Court where the employer's property is located not later than  
330 thirty days after notice was served on the employer. A complaint  
331 under this section shall include (1) a copy of the notice served  
332 pursuant to subsection (b) of this section, and (2) a statement of any  
333 defense to the lien for unpaid wages with an affidavit containing a  
334 statement of facts that support such defense. On request of the  
335 employer or the Labor Commissioner or the employee, the court may  
336 hold an evidentiary hearing prior to making a determination. If the  
337 court, upon consideration of the facts before it and taking into account  
338 any defenses, counterclaims or set-offs, claims of exemption and claims  
339 of adequate insurance, finds that the Labor Commissioner or the  
340 employee has shown probable cause that the employer owes wages or  
341 compensation and any accrued penalties and interest in the amount of  
342 the lien sought and finds that a lien securing the judgment should be  
343 granted, the lien applied for shall be granted as requested or as  
344 modified by the court. The court shall determine whether to issue an  
345 order granting such lien not later than forty-five days after receiving  
346 the employer's complaint and shall provide written notification to the

347 employer and to the Labor Commissioner or the employee of such  
348 determination.

349 (d) If the employer fails to file a timely complaint disputing the lien  
350 and the employee or Labor Commissioner files a copy of the notice of  
351 lien and proof of service the with the clerk, the court shall issue an  
352 order granting a lien for the amount claimed.

353 (e) A lien is established under this section after the court provides  
354 written notification to the employer and to the Labor Commissioner or  
355 the employee of its decision to grant a lien, provided such employer  
356 does not file an appeal of such determination within thirty days after  
357 receiving such determination. The lien shall attach and become  
358 perfected at the time when notice of such lien is filed as provided in  
359 subsection (i) of this section. Such lien shall be effective for a period of  
360 ten years from the date of filing unless extinguished or discharged as  
361 provided in subsection (g) of this section.

362 (f) An action to recover unpaid wages or compensation and any  
363 accrued penalties and interest by the Labor Commissioner or the  
364 employee shall be deemed an action to foreclose upon any property  
365 subject to a lien established under this section. In any judgment  
366 resulting from such action, the court may order the sale or the transfer  
367 to the employee of title or possession of any property subject to such  
368 lien. Any property subject to such lien may be foreclosed upon in the  
369 same manner as a mortgage at any point after a judgment for unpaid  
370 wages is issued.

371 (g) A lien established under this section shall be extinguished upon  
372 expiration of the limitations period applicable to any claim for unpaid  
373 wages or compensation and any accrued penalties and interest if no  
374 civil action to recover such wages or compensation and any accrued  
375 penalties and interest is commenced prior to the expiration of such  
376 limitations period. If judgment is entered in favor of the employer in  
377 any action to recover such wages or compensation and any accrued  
378 penalties and interest, the lien shall be extinguished upon expiration of

379 the applicable appeals period if no appeal is filed. If an appeal is filed,  
380 the lien shall remain in force until all issues on appeal have been  
381 decided. Any person who has lodged for record a wage lien on any  
382 property shall, after receiving satisfaction of his or her claim or after  
383 the rendition of a final judgment against such person showing that  
384 nothing is due thereon, within ten days after being requested to do so  
385 in writing by any person interested in having the lien removed, sign  
386 and lodge in the office in which the lien was filed for record a  
387 certificate that such lien is removed which, when recorded, shall  
388 discharge such lien. If the person fails to comply with such request, he  
389 or she shall pay to the party aggrieved by such failure such sum, not  
390 exceeding half the amount claimed by such lien, as the court having  
391 cognizance of the action brought therefor may determine.

392 (h) Notwithstanding any provision of the general statutes, a lien  
393 established under this section shall have priority over any other  
394 encumbrance originating after the employee's unpaid wages or  
395 compensation became due. Such lien shall have priority over the rights  
396 of any purchaser of any property of the employer, including against  
397 any bona fide purchaser under 11 USC 545(2). A lien established under  
398 this section is effective against the employer and the estate of the  
399 employer.

400 (i) A lien established under this section against real property shall  
401 be recorded with the town clerk for the town in which any portion of  
402 the employer's property is located. A lien established under this  
403 section against personal property shall be recorded in the same  
404 manner as a financing statement is filed with the Secretary of the State.

405 (j) Nothing in this section shall be construed to prevent the Labor  
406 Commissioner or an employee from exercising any right or seeking  
407 any remedy to which he or she may otherwise be entitled under any  
408 state or federal law.

409 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section,  
410 "employer" has the same meaning as provided in section 31-58 of the

411 general statutes, and "employee" means any individual employed or  
412 permitted to work by an employer.

413 (b) If an employee employed in a bona fide executive,  
414 administrative or professional capacity, as defined in the regulations of  
415 the Labor Commissioner issued pursuant to section 31-60 of the  
416 general statutes, is absent from work as a result of a disciplinary  
417 suspension for violating a written workplace conduct rule prohibiting  
418 harassment or workplace violence, the employer may deduct from the  
419 wages of such employee an amount equal to the wages that would  
420 have been paid for the number of days such employee is absent.

421 (c) The Labor Commissioner may adopt regulations, in accordance  
422 with the provisions of chapter 54 of the general statutes, as the  
423 commissioner deems necessary to implement the provisions of  
424 subsection (b) of this section.

425 Sec. 5. Subsection (a) of section 10-153a of the general statutes is  
426 repealed and the following is substituted in lieu thereof (*Effective*  
427 *October 1, 2016*):

428 (a) Members of the teaching profession shall have and shall be  
429 protected in the exercise of the right to form, join or assist, or refuse to  
430 form, join or assist, any organization qualified as a tax-exempt  
431 organization under Section 501(c)(5) of the Internal Revenue Code of  
432 1986, or any subsequent corresponding internal revenue code of the  
433 United States, as amended from time to time, for professional or  
434 economic improvement and to negotiate in good faith through  
435 representatives of their own choosing with respect to salaries, hours  
436 and other conditions of employment free from interference, restraint,  
437 coercion or discriminatory practices by any employing board of  
438 education or administrative agents or representatives thereof in  
439 derogation of the rights guaranteed by this section and sections 10-  
440 153b to 10-153n, inclusive.

441 Sec. 6. (NEW) (*Effective October 1, 2016*) (a) For purposes of this  
442 section:

443 (1) "Building maintenance service" means work performed in  
444 connection with the care or maintenance of buildings, including, but  
445 not limited to, work customarily performed by cleaners, porters,  
446 janitors, handypersons and security guards;

447 (2) "Covered employee" means any person performing building  
448 maintenance service in or about a covered location. "Covered  
449 employee" does not include any person providing building  
450 maintenance service in or about a covered location on a temporary  
451 basis to replace another covered employee who is taking covered  
452 leave;

453 (3) "Covered employer" means any person, firm, business,  
454 educational institution, nonprofit agency, corporation, limited liability  
455 company or other entity, including the state or any political  
456 subdivision thereof, that (A) directly employs at least one covered  
457 employee, (B) contracts or subcontracts for the services of at least one  
458 covered employee, (C) owns or operates a covered location, or (D)  
459 leases any portion of a covered location and (i) directly employees at  
460 least one covered employee, or (ii) contracts or subcontracts for the  
461 services of at least one covered employee;

462 (4) "Covered leave" means any paid or unpaid temporary leave  
463 voluntarily taken by a covered employee pursuant to (A) any  
464 applicable state or federal law, (B) any written employee handbook, or  
465 (C) written request initiated by the covered employee;

466 (5) "Covered location" means (A) an office building having an area  
467 of not less than one hundred thousand square feet, (B) a private or  
468 public institution of higher education, or (C) a museum, as defined in  
469 section 11-80 of the general statutes;

470 (6) "Minimum workweek" means the minimum number of  
471 compensated hours provided to a covered employee in any workweek,  
472 except for weeks in which the covered employee is taking covered  
473 leave;

474 (7) "Office building" means (A) an industrial, commercial or  
475 business facility, (B) a continuous, commonly owned office park, or (C)  
476 a group of office buildings that (i) have common ownership or  
477 management, and (ii) are contiguous or have consecutive address; and

478 (8) "Workweek" means a fixed, regularly recurring period of one  
479 hundred sixty-eight hours or seven consecutive twenty-four-hour  
480 periods.

481 (b) On and after January 1, 2017, the minimum workweek for a  
482 covered employee shall be thirty hours per workweek.

483 (c) Each covered employer shall provide notice to each covered  
484 employee (1) of the entitlement to a minimum workweek, and (2) that  
485 the covered employee has a right to file a complaint with the Labor  
486 Commissioner for any violation of this section. A covered employer  
487 may comply with the provisions of this section by displaying a poster  
488 in a conspicuous place, accessible to covered employees, at the covered  
489 location and the covered employer's place of business that contains the  
490 information required by this section in both English and Spanish. The  
491 Labor Commissioner may adopt regulations, in accordance with  
492 chapter 54 of the general statutes, to establish additional requirements  
493 concerning the means by which covered employers shall provide such  
494 notice.

495 (d) Any covered employee aggrieved by a violation of the  
496 provisions of subsection (b) or (c) of this section may file a complaint  
497 with the Labor Commissioner. Upon receipt of any such complaint,  
498 said commissioner may hold a hearing. After the hearing, any covered  
499 employer who is found by the Labor Commissioner, by a  
500 preponderance of the evidence, to have violated the provisions of  
501 subsection (b) of this section shall be liable to the Labor Department for  
502 a civil penalty of up to five hundred dollars for the first violation and  
503 up to one thousand dollars for any subsequent violation. Any covered  
504 employer who is found by the Labor Commissioner, by a  
505 preponderance of the evidence, to have violated the provisions of

506 subsection (c) of this section shall be liable to the Labor Department for  
507 a civil penalty of up to one hundred dollars for each day that such  
508 covered employer fails to post notice, provided such penalty shall not  
509 exceed five hundred dollars. The Labor Commissioner may award the  
510 covered employee all appropriate relief, including, but not limited to,  
511 reinstatement, payment of back wages, any medical costs incurred  
512 during the period of time the covered employee was entitled to and  
513 denied the minimum workweek, liquidated damages in an amount not  
514 to exceed one hundred dollars per day for each day the covered  
515 employer was in violation of the provisions of this section and  
516 reasonable attorney's fees. Any party aggrieved by the decision of the  
517 commissioner may appeal the decision to the Superior Court in  
518 accordance with the provisions of chapter 54 of the general statutes.

519 (e) It shall be a violation of this section for any covered employer to  
520 discharge or cause to be discharged, or in any other manner  
521 discriminate against any covered employee because such covered  
522 employee has (1) filed any charge, or has instituted or caused to be  
523 instituted any proceeding, under or related to this section, (2) given, or  
524 is about to give, any information in connection with any inquiry or  
525 proceeding relating to any right provided under this section, or (3)  
526 testified, or is about to testify, in any inquiry or proceeding relating to  
527 any right provided under this section.

528 (f) It shall be a violation of this section for any covered employer to  
529 (1) hinder or delay the commissioner or the commissioner's authorized  
530 representative in the performance of the commissioner's or the  
531 commissioner's authorized representative's duties in the enforcement  
532 of this section, or (2) refuse to submit to the commissioner or the  
533 commissioner's authorized representative any reports or refuse to  
534 make available to the commissioner or the commissioner's authorized  
535 representative any records required by him or her in investigating the  
536 covered employer for purposes of this section.

537 (g) The Labor Commissioner shall administer this section within  
538 available appropriations.

539 (h) The provisions of this section shall not apply to any covered  
 540 employee performing building maintenance service at a covered  
 541 location pursuant to a contract for building maintenance service that  
 542 (1) is intended to create janitorial work job opportunities for persons  
 543 with a disability, as defined in section 4a-82 of the general statutes, and  
 544 (2) is in conformity with state and federal statutes and regulations  
 545 regarding the employment of persons with a disability."

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
Sec. 3	<i>October 1, 2016</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2016</i>	10-153a(a)
Sec. 6	<i>October 1, 2016</i>	New section