



General Assembly

Substitute Bill No. 5478

February Session, 2018



**AN ACT CONCERNING TECHNICAL AND MINOR CHANGES TO THE
LABOR DEPARTMENT STATUTES.**

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

1 Section 1. Subsection (b) of section 3-123 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2018*):

4 (b) Whenever a firefighter, under the provisions of the constitution
5 and bylaws of the Connecticut State Firefighters Association, is entitled
6 to wage replacement benefits from said association pursuant to the
7 firefighters cancer relief program established pursuant to section 7-
8 313j, the State Treasurer shall, upon the delivery to the State Treasurer
9 of proper proof from said association of the right of such firefighter to
10 wage replacement benefits as aforesaid, process payment for such
11 firefighter entitled to such wage replacement benefits, or [their] his or
12 her legal representative, for the amount to which such firefighter is
13 entitled as wage replacement benefits as aforesaid, provided such
14 orders shall be limited to available funds contained in the firefighters
15 cancer relief account established pursuant to section 7-313h.

16 Sec. 2. Subsection (b) of section 7-479a of the general statutes is
17 repealed and the following is substituted in lieu thereof (*Effective*
18 *October 1, 2018*):

19 (b) "Interlocal risk management program" means a plan and
20 activities carried out under such plan by an interlocal risk management
21 agency to reduce risk of loss on account of one or more of the
22 following: Public liability, [worker's] workers' compensation liability,
23 automobile risks, or property perils and losses in excess of retentions,
24 including safety engineering and other loss prevention and control
25 techniques and to administer one or more interlocal risk management
26 pools, including the processing and defense of claims brought against
27 members of the agency.

28 Sec. 3. Subsection (c) of section 7-479g of the general statutes is
29 repealed and the following is substituted in lieu thereof (*Effective*
30 *October 1, 2018*):

31 (c) An interlocal risk management pool shall not function as a
32 means of sharing among members of an interlocal risk management
33 agency risks of loss for or from public liability, [worker's] workers'
34 compensation, automobile risks, property perils or losses in excess of
35 retentions until the agency's bylaws have been filed with and
36 approved by the Insurance Commissioner.

37 Sec. 4. Subdivision (2) of subsection (d) of section 8-265ff of the
38 general statutes is repealed and the following is substituted in lieu
39 thereof (*Effective October 1, 2018*):

40 (2) Lump-sum additions to family assets such as inheritances,
41 capital gains, insurance payments included under health, accident,
42 hazard or [worker's] workers' compensation policies and settlements,
43 verdicts or awards for personal or property losses or transfer of assets
44 without consideration within one year of the time of application.
45 Pending claims for such items must be identified by the homeowner as
46 contingent assets.

47 Sec. 5. Subdivision (2) of subsection (f) of section 8-265ss of the
48 general statutes is repealed and the following is substituted in lieu
49 thereof (*Effective October 1, 2018*):

50 (2) Lump-sum additions to family assets such as inheritances,
51 capital gains, insurance payments included under health, accident,
52 hazard or [worker's] workers' compensation policies and settlements,
53 verdicts or awards for personal or property losses or transfer of assets
54 without consideration within one year of the time of application.
55 Pending claims for such items must be identified by the borrower as
56 contingent assets.

57 Sec. 6. Section 31-3h of the 2018 supplement to the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2018*):

60 (a) There is created, within the Labor Department, the Connecticut
61 Employment and Training Commission.

62 (b) The duties and responsibilities of the commission shall include:

63 (1) Carrying out the duties and responsibilities of a state job training
64 coordinating council pursuant to the federal Job Training Partnership
65 Act, 29 USC 1532, as amended from time to time, a state human
66 resource investment council pursuant to 29 USC 1501 et seq., as
67 amended from time to time, and such other related entities as the
68 Governor may direct;

69 (2) Reviewing all employment and training programs in the state to
70 determine their success in leading to and obtaining the goal of
71 economic self-sufficiency and to determine if such programs are
72 serving the needs of Connecticut's workers, employers and economy;

73 [(3) Developing a plan for the coordination of all employment and
74 training programs in the state to avoid duplication and to promote the
75 delivery of comprehensive, individualized employment and training
76 services and the reemployment of workers fifty years of age or older.
77 The plan shall contain the commission's recommendations for policies
78 and procedures to enhance the coordination and collaboration of all
79 such programs;]

80 [(4)] (3) Reviewing and commenting on all employment and
81 training programs enacted by the General Assembly;

82 [(5)] (4) Implementing the federal Workforce Innovation and
83 Opportunity Act of 2014, P.L. 113-128, as amended from time to time.
84 Such implementation shall include (A) developing, in consultation
85 with the regional workforce development boards, a single Connecticut
86 workforce development plan that (i) complies with the provisions of
87 said act and section 31-11p, and (ii) includes comprehensive state
88 performance measures for workforce development activities specified
89 in Title I of the federal Workforce Innovation and Opportunity Act of
90 2014, P.L. 113-128, as amended from time to time, which performance
91 measures comply with the requirements of 20 CFR Part 666.100, (B)
92 making recommendations to the General Assembly concerning the
93 allocation of funds received by the state under said act and making
94 recommendations to the regional workforce development boards
95 concerning the use of formulas in allocating such funds to adult
96 employment and job training activities and youth activities, as
97 specified in said act, (C) providing oversight and coordination of the
98 state-wide employment statistics system required by said act, (D) as
99 appropriate, recommending to the Governor that the Governor apply
100 for workforce flexibility plans and waiver authority under said act,
101 after consultation with the regional workforce development boards, (E)
102 developing performance criteria for regional workforce development
103 boards to utilize in creating a list of eligible providers, and (F) on or
104 before December 31, 1999, developing a uniform individual training
105 accounts voucher system that shall be used by the regional workforce
106 development boards to pay for training of eligible workers by eligible
107 providers, as required under said act;

108 [(6)] (5) Developing and overseeing a plan for the continuous
109 improvement of the regional workforce development boards
110 established pursuant to section 31-3k;

111 [(7)] (6) Developing incumbent worker, and vocational and
112 manpower training programs, including customized job training

113 programs to enhance the productivity of Connecticut businesses and to
114 increase the skills and earnings of underemployed and at-risk workers,
115 and other programs administered by the regional workforce
116 development boards. The Labor Department, in collaboration with the
117 regional workforce development boards, shall implement any
118 incumbent worker and customized job training programs developed
119 by the commission pursuant to this subdivision;

120 [(8)] (7) Developing a strategy for providing comprehensive services
121 to eligible youths, which strategy shall include developing youth
122 preapprentice and apprentice programs through, but not limited to,
123 technical education and career schools, and improving linkages
124 between academic and occupational learning and other youth
125 development activities; and

126 [(9)] (8) Coordinating an electronic state hiring campaign to
127 encourage the reemployment of workers fifty years of age or older to
128 be administered through the Labor Department's Internet web site,
129 which shall include testimony from various employers that
130 demonstrates the value of hiring and retaining workers fifty years of
131 age or older. Not later than January 1, 2015, the commission shall
132 submit a report, in accordance with section 11-4a, to the joint standing
133 committee of the General Assembly having cognizance of matters
134 relating to labor on the status of such campaign.

135 Sec. 7. Section 31-11ff of the 2018 supplement to the general statutes
136 is repealed and the following is substituted in lieu thereof (*Effective*
137 *October 1, 2018*):

138 (a) For purposes of this section:

139 (1) "Early college high school" means a school in which persons who
140 are underrepresented in higher education, including, but not limited
141 to, low-income youth, first-generation college students, English
142 language learners and minority students, may simultaneously earn,
143 tuition free, a high school diploma and an associate degree or up to

144 two years of credit toward a bachelor's degree;

145 (2) "Middle college program" means a collaboration between a
146 school district's high schools and a regional-community technical
147 college or a four-year college or university where a student may (A)
148 take core high school courses or courses for which college or
149 university-level credit may be given, and (B) attribute all such credits
150 earned toward a program of higher learning at an institution of higher
151 education in which such student enrolls upon graduation from the
152 middle college program; and

153 (3) "Connecticut Early College Opportunity program" or "CT-ECO"
154 means a collaboration between a school district's high schools, a local
155 community college and a company or business entity where a student
156 may earn an industry-recognized, two-year postsecondary degree in
157 addition to a high school diploma.

158 (b) The Connecticut Employment and Training Commission shall
159 develop, in collaboration with the Connecticut state colleges and
160 universities, Department of Education, and regional work force
161 development boards established pursuant to section 31-3j, a state-wide
162 plan for implementing, expanding or improving upon career certificate
163 programs established under section 10-20a, middle college programs,
164 early college high school programs and Connecticut Early College
165 Opportunity programs to provide education, training and placement
166 in jobs available in the manufacturing, health care, construction, green,
167 science, technology, engineering and mathematics industries and other
168 emerging sectors of the state's economy. Such plan shall include a
169 proposal to fund such programs.

170 [(c) (1) Not later than January 1, 2018, the Connecticut Employment
171 and Training Commission shall report, in accordance with the
172 provisions of section 11-4a, on the plan developed under subsection (b)
173 of this section, to the joint standing committee of the General
174 Assembly having cognizance of matters relating to higher education
175 and employment advancement.

176 (2) Not later than September 1, 2018, and annually thereafter, said
177 commission shall report, in accordance with the provisions of section
178 11-4a, on the status of programs included in the plan developed under
179 subsection (b) of this section to the joint standing committee of the
180 General Assembly having cognizance of matters relating to higher
181 education and employment advancement.]

182 Sec. 8. Subsection (c) of section 31-23 of the 2018 supplement to the
183 general statutes is repealed and the following is substituted in lieu
184 thereof (*Effective October 1, 2018*):

185 (c) No minor under the age of eighteen years shall be employed or
186 permitted to work in any occupation which has been or shall be
187 pronounced hazardous to health by the Department of Public Health
188 or pronounced hazardous in other respects by the Labor Department.
189 This section shall not apply to (1) the employment or enrollment of
190 minors sixteen years of age and over as registered apprentices or
191 registered preapprentices in a bona fide registered apprenticeship
192 [courses] program or registered preapprenticeship program in
193 manufacturing or mechanical establishments, technical education and
194 career schools or public schools, (2) the employment of such minors
195 who have graduated from a public or private secondary or technical
196 education and career school in any manufacturing or mechanical
197 establishment, (3) the employment of such minors who are
198 participating in a manufacturing or mechanical internship, registered
199 apprenticeship or registered preapprenticeship in any manufacturing
200 or mechanical establishment, or (4) the enrollment of such minors in a
201 cooperative work-study program approved by the Commissioner of
202 Education and the Labor Commissioner or in a program established
203 pursuant to section 10-20a. No provision of this section shall apply to
204 agricultural employment, domestic service, street trades or the
205 distribution of newspapers. For purposes of this subsection, (A)
206 "internship" means supervised practical training of a high school
207 student or recent high school graduate that is comprised of curriculum
208 and workplace standards approved by the Department of Education

209 and the Labor Department, [and] (B) "cooperative work-study
210 program" means a program of vocational education, approved by the
211 Commissioner of Education and the Labor Commissioner, for persons
212 who, through a cooperative arrangement between the school and
213 employers, receive instruction, including required academic courses
214 and related vocational instruction by alternation of study in school
215 with a job in any occupational field, provided these two experiences
216 are planned and supervised by the school and employers so that each
217 contributes to the student's education and to his employability. Work
218 periods and school attendance may be on alternate half days, full days,
219 weeks or other periods of time in fulfilling the cooperative work-study
220 program, (C) "apprentice" means a person (i) employed under a
221 written agreement to work at and learn a specific trade, and (ii)
222 registered with the Labor Department, and (D) "preapprentice" means
223 a person, student or minor (i) employed under a written agreement
224 with an apprenticeship sponsor for a term of training and employment
225 not exceeding two thousand hours or twenty-four months in duration,
226 and (ii) registered with the Labor Department.

227 Sec. 9. Subsection (a) of section 31-76a of the general statutes is
228 repealed and the following is substituted in lieu thereof (*Effective*
229 *October 1, 2018*):

230 (a) On receipt of a complaint for nonpayment of wages or a
231 violation of the provisions of subsection (g) of section 31-288, the Labor
232 Commissioner, [the director of minimum wage and wage enforcement
233 agents of the Labor Department] the director of Wage and Workplace
234 Standards or the director's designee, shall have power to enter, during
235 usual business hours, the place of business or employment of any
236 employer to determine compliance with the wage payment laws or
237 subsection (g) of section 31-288, and for such purpose may examine
238 payroll and other records and interview employees, call hearings,
239 administer oaths, take testimony under oath and take depositions in
240 the manner provided by sections 52-148a to 52-148e, inclusive.

241 Sec. 10. Subsection (b) of section 31-231a of the general statutes is

242 repealed and the following is substituted in lieu thereof (*Effective*
243 *October 1, 2018*):

244 (b) For an individual not included in subsection (a) of this section,
245 the individual's total unemployment benefit rate for his benefit year
246 commencing after September 30, 1967, shall be an amount equal to one
247 twenty-sixth, rounded to the next lower dollar, of the average of his
248 total wages, as defined in subdivision (1) of subsection (b) of section
249 31-222, paid during the two quarters of his current benefit year's base
250 period in which such wages were highest but not less than fifteen
251 dollars nor more than one hundred fifty-six dollars in any benefit year
252 commencing on or after the first Sunday in July, 1982, nor more than
253 (1) sixty per cent rounded to the next lower dollar of the average wage
254 of production and related workers in the state in any benefit year
255 commencing on or after the first Sunday in October, 1983, and (2) fifty
256 per cent rounded to the next lower dollar of the average wage of all
257 workers in the state in any benefit year commencing on or after the
258 first Sunday in October, 2018, and provided the maximum benefit rate
259 in any benefit year commencing on or after the first Sunday in October,
260 1988, shall not increase more than eighteen dollars in any benefit year,
261 such increase to be effective as of the first Sunday in October of such
262 year. The average wage of [production and related] all workers in the
263 state shall be determined by (A) the administrator, on or before August
264 fifteenth annually, as of the year ended the previous [June thirtieth]
265 March thirty-first to be effective during the benefit year commencing
266 on or after the first Sunday of the following October, and [shall be so
267 determined in accordance with the standards for the determination of
268 average production wages established by the United States
269 Department of Labor, Bureau of Labor Statistics] (B) the Connecticut
270 Quarterly Census of Employment and Wages or by such other method,
271 as determined by the administrator, that accurately reflects the average
272 wage of all workers in the state.

273 Sec. 11. Section 17b-733 of the general statutes is repealed and the
274 following is substituted in lieu thereof (*Effective October 1, 2018*):

275 The Office of Early Childhood shall be the lead agency for child care
276 services, as described in section 19a-77, in Connecticut. The office shall:
277 (1) Identify, annually, existing child care services and maintain an
278 inventory of all available services; (2) provide technical assistance to
279 corporations and private agencies in the development and expansion
280 of child care services for families at all income levels, including
281 families of their employees and clients; (3) study and identify funding
282 sources available for child care services including federal funds and
283 tax benefits; (4) study the cost and availability of liability insurance for
284 providers of child care services; (5) encourage providers of child care
285 services to obtain accreditation; (6) develop a range of financing
286 options for child care services, including the use of a tax-exempt bond
287 program, a loan guarantee program and the establishment of a direct
288 revolving loan program; (7) promote the colocation of child care
289 services and school readiness programs pursuant to section 4b-31; (8)
290 establish a performance-based evaluation system; (9) develop for
291 recommendation to the Governor and the General Assembly measures
292 to provide incentives for the private sector to develop and support
293 expanded child care services; (10) provide, within available funds and
294 in conjunction with the temporary family assistance program, as
295 defined in section 17b-680, and administered by the Department of
296 Social Services, child care services to public assistance recipients; (11)
297 develop and implement, with the assistance of the Early Childhood
298 Cabinet, established pursuant to section 10-16z, a coordinated and
299 comprehensive state-wide early childhood care and education system
300 of professional development for providers and staff of early childhood
301 care and education programs, including child care centers, group child
302 care homes and family child care homes that provide child care
303 services, that makes available to such providers and their staff, within
304 available appropriations, scholarship assistance, career counseling and
305 training and advancement in career ladders; [, as defined in section 4-
306 124bb;] (12) plan and implement a unit cost reimbursement system for
307 state-funded child care services such that, on and after January 1, 2008,
308 any increase in reimbursement shall be based on a requirement that
309 such centers meet the staff qualifications, as defined in subsection (b)

310 of section 10-16p; (13) develop, within available funds, initiatives to
311 increase compensation paid to providers of child care services for
312 educational opportunities, including, but not limited to, (A) incentives
313 for educational advancement paid to persons employed by child care
314 centers receiving state or federal funds, and (B) support for the
315 establishment and implementation by the Labor Commissioner of
316 apprenticeship programs for child care center workers pursuant to
317 sections 31-22m to 31-22q, inclusive, which programs shall be jointly
318 administered by labor and management trustees; (14) evaluate the
319 effectiveness of any initiatives developed pursuant to subdivision (13)
320 of this section in improving staff retention rates and the quality of
321 education and care provided to children; and (15) report annually to
322 the Governor and the General Assembly, in accordance with the
323 provisions of section 11-4a, on the status of child care services in
324 Connecticut. Such report shall include (A) an itemization of the
325 allocation of state and federal funds for programs providing child care
326 services; (B) the number of children served under each program so
327 funded; (C) the number and type of such programs, providers and
328 support personnel; (D) state activities to encourage partnership
329 between the public and private sectors; (E) average payments issued
330 by the state for both part-time and full-time child care; (F) the range of
331 family income and percentages served within each range by such
332 programs; and (G) the age range of children served.

333 Sec. 12. Section 31-2d of the general statutes is repealed and the
334 following is substituted in lieu thereof (*Effective October 1, 2018*):

335 Any order or regulation of the Office of Workforce Competitiveness
336 affecting the functions, powers, duties and obligations set forth in this
337 section and sections 4-124w, 4-124z, [4-124bb,] 4-124ff, 4-124gg, 4-
338 124hh, 4-124tt and 4-124vv which is in force on July 1, 2011, shall
339 continue in force and effect as an order or regulation of the Labor
340 Department until amended, repealed or superseded pursuant to law.
341 Where any orders or regulations of said office and said department
342 conflict, the Labor Commissioner may implement policies and

343 procedures consistent with the provisions of this section and sections
 344 4-124w, 4-124z, [4-124bb,] 4-124ff, 4-124gg, 4-124hh, 4-124tt, 4-124vv,
 345 10-95h, 10a-11b, 10a-19d, 31-3h and 31-3k while in the process of
 346 adopting the policy or procedure in regulation form, provided notice
 347 of intention to adopt regulations is printed in the Connecticut Law
 348 Journal not later than twenty days after implementation. The policy or
 349 procedure shall be valid until the time final regulations are effective.

350 Sec. 13. Sections 4-124bb and 4-124dd of the general statutes are
 351 repealed. (*Effective October 1, 2018*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	3-123(b)
Sec. 2	<i>October 1, 2018</i>	7-479a(b)
Sec. 3	<i>October 1, 2018</i>	7-479g(c)
Sec. 4	<i>October 1, 2018</i>	8-265ff(d)(2)
Sec. 5	<i>October 1, 2018</i>	8-265ss(f)(2)
Sec. 6	<i>October 1, 2018</i>	31-3h
Sec. 7	<i>October 1, 2018</i>	31-11ff
Sec. 8	<i>October 1, 2018</i>	31-23(c)
Sec. 9	<i>October 1, 2018</i>	31-76a(a)
Sec. 10	<i>October 1, 2018</i>	31-231a(b)
Sec. 11	<i>October 1, 2018</i>	17b-733
Sec. 12	<i>October 1, 2018</i>	31-2d
Sec. 13	<i>October 1, 2018</i>	Repealer section

Statement of Legislative Commissioners:

In Section 10(b), language was added to clarify commencement date of changes, Sections 11 and 12 were added to make conforming statutory changes necessitated by the repeal of section 4-124bb of the general statutes, and former Section 11 was renumbered as Section 13.

LAB *Joint Favorable Subst.*