



General Assembly

February Session, 2018

Raised Bill No. 5480

LCO No. 2263



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING UNEMPLOYMENT COMPENSATION BENEFITS.

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

1 Section 1. Section 31-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

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

12 (b) For an individual not included in subsection (a) of this section,

13 the individual's total unemployment benefit rate for his or her benefit
14 year commencing after September 30, 1967, shall be an amount equal
15 to one twenty-sixth, rounded to the next lower dollar, of the average of
16 his or her total wages, as defined in subdivision (1) of subsection (b) of
17 section 31-222, paid during the two quarters of his current benefit
18 year's base period in which such wages were highest but not less than
19 fifteen dollars, and commencing on or after October 1, 2018, shall be an
20 amount equal to one twenty-sixth, rounded to the next lower dollar, of
21 the average of his or her current total wages, as defined in section 31-
22 222, paid during the three-quarters of his or her current benefit year's
23 base period but not less than fifty dollars nor more than one hundred
24 fifty-six dollars in any benefit year commencing on or after the first
25 Sunday in July, 1982, nor more than sixty per cent rounded to the next
26 lower dollar of the average wage of production and related workers in
27 the state in any benefit year commencing on or after the first Sunday in
28 October, 1983, and provided the maximum benefit rate in any benefit
29 year commencing on or after the first Sunday in October, 1988, shall
30 not increase more than eighteen dollars in any benefit year, such
31 increase to be effective as of the first Sunday in October of such year,
32 and further provided the maximum benefit rate shall not increase in
33 any benefit year commencing on or after the first Sunday in October,
34 2018, if the balance in the Unemployment Trust Fund results in an
35 average high cost multiple that is less than 0.7, as calculated pursuant
36 to subsection (f) of section 31-225a. The average wage of production
37 and related workers in the state shall be determined by the
38 administrator, on or before August fifteenth annually, as of the year
39 ended the previous June thirtieth to be effective during the benefit year
40 commencing on or after the first Sunday of the following October and
41 shall be so determined in accordance with the standards for the
42 determination of average production wages established by the United
43 States Department of Labor, Bureau of Labor Statistics.

44 (c) The administrator shall adopt regulations pursuant to the
45 provisions of chapter 54 to implement the provisions of this section.

46 Such regulations shall specify the National Council on Compensation
47 Insurance employee classification codes which identify construction
48 workers covered by subsection (a) of this section and specify the
49 manner and format in which employers shall report the identification
50 of such workers to the administrator.

51 Sec. 2. Subdivision (4) of subsection (a) of section 31-236 of the
52 general statutes is repealed and the following is substituted in lieu
53 thereof (*Effective October 1, 2018*):

54 (4) During any week with respect to which the individual has
55 received or is about to receive remuneration in the form of (A) wages
56 in lieu of notice or dismissal payments, including severance or
57 separation payment by an employer to an employee beyond the
58 employee's wages upon termination of the employment relationship,
59 [unless the employee was required to waive or forfeit a right or claim
60 independently established by statute or common law, against the
61 employer as a condition of receiving the payment,] or any payment by
62 way of compensation for loss of wages, or any other state or federal
63 unemployment benefits, except mustering out pay, terminal leave pay
64 or any allowance or compensation granted by the United States under
65 an Act of Congress to an ex-serviceperson in recognition of the ex-
66 serviceperson's former military service, or any service-connected pay
67 or compensation earned by an ex-serviceperson paid before or after
68 separation or discharge from active military service, or (B)
69 compensation for temporary disability under any workers'
70 compensation law;

71 Sec. 3. Subdivision (16) of subsection (a) of section 31-236 of the
72 general statutes is repealed and the following is substituted in lieu
73 thereof (*Effective October 1, 2018*):

74 (16) For purposes of subparagraph (A) (ii) of subdivision (2) of this
75 subsection, "illness or disability" means an illness or disability
76 diagnosed by a health care provider that necessitates care for the ill or

77 disabled person for a period of time longer than the employer is
78 willing to grant leave, paid or otherwise, and "health care provider"
79 means (A) a doctor of medicine or osteopathy who is authorized to
80 practice medicine or surgery by the state in which the doctor practices;
81 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor
82 authorized to practice by the state in which such person practices and
83 performs within the scope of the authorized practice; (C) an advanced
84 practice registered nurse, nurse practitioner, nurse midwife or clinical
85 social worker authorized to practice by the state in which such person
86 practices and performs within the scope of the authorized practice; (D)
87 Christian Science practitioners listed with the First Church of Christ,
88 Scientist in Boston, Massachusetts; (E) any medical practitioner from
89 whom an employer or a group health plan's benefits manager will
90 accept certification of the existence of a serious health condition to
91 substantiate a claim for benefits; (F) a medical practitioner, in a practice
92 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,
93 who practices in a country other than the United States, who is
94 licensed to practice in accordance with the laws and regulations of that
95 country; or (G) such other health care provider as the Labor
96 Commissioner approves, performing within the scope of the
97 authorized practice. For purposes of subparagraph (B) of subdivision
98 (2) of this subsection, "wilful misconduct" means deliberate
99 misconduct in wilful disregard of the employer's interest, or a single
100 knowing violation of a reasonable and uniformly enforced rule or
101 policy of the employer, when reasonably applied, provided such
102 violation is not a result of the employee's incompetence and provided
103 further, in the case of absence from work, "wilful misconduct" means
104 an employee must be absent without either good cause for the absence
105 or notice to the employer which the employee could reasonably have
106 provided under the circumstances for three separate instances within a
107 twelve-month period. Except with respect to tardiness, for purposes of
108 subparagraph (B) of subdivision (2) of this subsection, each instance in
109 which an employee is absent for one day [or two consecutive days]
110 without either good cause for the absence or notice to the employer

111 which the employee could reasonably have provided under the
112 circumstances constitutes a "separate instance". For purposes of
113 subdivision (15) of this subsection, "temporary help service" means any
114 person conducting a business that consists of employing individuals
115 directly for the purpose of furnishing part-time or temporary help to
116 others; and "temporary employee" means an employee assigned to
117 work for a client of a temporary help service.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	31-231a
Sec. 2	<i>October 1, 2018</i>	31-236(a)(4)
Sec. 3	<i>October 1, 2018</i>	31-236(a)(16)

Statement of Purpose:

To update and reform unemployment compensation and ensure that the Unemployment Trust Fund remains solvent in future years.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]