



General Assembly

**Substitute Bill No. 5480**

February Session, 2018



**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 Section 31-231a of the general statutes is repealed and the  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 (1) fifteen dollars nor more than one hundred fifty-six dollars in any  
20 benefit year commencing on or after the first Sunday in July, 1982, nor

21 more than sixty per cent rounded to the next lower dollar of the  
22 average wage of production and related workers in the state in any  
23 benefit year commencing on or after the first Sunday in October, 1983,  
24 and (2) fifty dollars nor more than sixty per cent rounded to the next  
25 lower dollar of the average wage of production and related workers in  
26 the state in any benefit year commencing on or after the first Sunday in  
27 October, 2018, and provided the maximum benefit rate in any benefit  
28 year commencing on or after the first Sunday in October, 1988, shall  
29 not increase more than eighteen dollars in any benefit year, such  
30 increase to be effective as of the first Sunday in October of such year,  
31 and further provided the maximum benefit rate shall not increase in  
32 any benefit year commencing on or after the first Sunday in October,  
33 2018, if the balance in the Unemployment Trust Fund results in an  
34 average high cost multiple that is less than 0.7, as calculated pursuant  
35 to subsection (f) of section 31-225a. The average wage of production  
36 and related workers in the state shall be determined by the  
37 administrator, on or before August fifteenth annually, as of the year  
38 ended the 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. Subdivision (4) of subsection (a) of section 31-236 of the  
51 general statutes is repealed and the following is substituted in lieu  
52 thereof (*Effective October 1, 2018*):

53 (4) During any week with respect to which the individual has

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

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

73 (16) For purposes of subparagraph (A) (ii) of subdivision (2) of this  
74 subsection, "illness or disability" means an illness or disability  
75 diagnosed by a health care provider that necessitates care for the ill or  
76 disabled person for a period of time longer than the employer is  
77 willing to grant leave, paid or otherwise, and "health care provider"  
78 means (A) a doctor of medicine or osteopathy who is authorized to  
79 practice medicine or surgery by the state in which the doctor practices;  
80 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor  
81 authorized to practice by the state in which such person practices and  
82 performs within the scope of the authorized practice; (C) an advanced  
83 practice registered nurse, nurse practitioner, nurse midwife or clinical  
84 social worker authorized to practice by the state in which such person  
85 practices and performs within the scope of the authorized practice; (D)  
86 Christian Science practitioners listed with the First Church of Christ,

87 Scientist in Boston, Massachusetts; (E) any medical practitioner from  
 88 whom an employer or a group health plan's benefits manager will  
 89 accept certification of the existence of a serious health condition to  
 90 substantiate a claim for benefits; (F) a medical practitioner, in a practice  
 91 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,  
 92 who practices in a country other than the United States, who is  
 93 licensed to practice in accordance with the laws and regulations of that  
 94 country; or (G) such other health care provider as the Labor  
 95 Commissioner approves, performing within the scope of the  
 96 authorized practice. For purposes of subparagraph (B) of subdivision  
 97 (2) of this subsection, "wilful misconduct" means deliberate  
 98 misconduct in wilful disregard of the employer's interest, or a single  
 99 knowing violation of a reasonable and uniformly enforced rule or  
 100 policy of the employer, when reasonably applied, provided such  
 101 violation is not a result of the employee's incompetence and provided  
 102 further, in the case of absence from work, "wilful misconduct" means  
 103 an employee must be absent without either good cause for the absence  
 104 or notice to the employer which the employee could reasonably have  
 105 provided under the circumstances for three separate instances within a  
 106 twelve-month period. Except with respect to tardiness, for purposes of  
 107 subparagraph (B) of subdivision (2) of this subsection, each instance in  
 108 which an employee is absent for one day [or two consecutive days]  
 109 without either good cause for the absence or notice to the employer  
 110 which the employee could reasonably have provided under the  
 111 circumstances constitutes a "separate instance". For purposes of  
 112 subdivision (15) of this subsection, "temporary help service" means any  
 113 person conducting a business that consists of employing individuals  
 114 directly for the purpose of furnishing part-time or temporary help to  
 115 others; and "temporary employee" means an employee assigned to  
 116 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)

**LAB**      *Joint Favorable Subst.*

**FIN**      *Joint Favorable*