



General Assembly

Amendment

February Session, 2018

LCO No. 5284



Offered by:

REP. RUTIGLIANO, 123rd Dist.

REP. ROJAS, 9th Dist.

To: Subst. House Bill No. 5480

File No. 322

Cal. No. 217

"AN ACT CONCERNING UNEMPLOYMENT COMPENSATION BENEFITS."

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

3 "Section 1. Subparagraph (A) of subdivision (2) of subsection (b) of
4 section 31-222 of the 2018 supplement to the general statutes is
5 repealed and the following is substituted in lieu thereof (*Effective*
6 *October 1, 2018*):

7 (A) That part of the remuneration (i) in excess of seven thousand
8 one hundred dollars paid by an employer to an individual during any
9 calendar year commencing on or after January 1, 1983, (ii) in excess of
10 nine thousand dollars paid by an employer to an individual during the
11 calendar year commencing on January 1, 1994, (iii) in excess of an
12 amount equal to the taxable wages for the prior year increased by one
13 thousand dollars so paid during any calendar year commencing on or
14 after January 1, 1995, but prior to January 1, 1999, or (iv) in excess of

15 fifteen thousand five hundred dollars for any calendar year
16 commencing on or after January 1, 1999, or (v) in excess of fifteen
17 thousand seven hundred fifty dollars for any calendar year
18 commencing after the department has the technical capability to
19 manage an increase in the minimum earnings threshold at no cost to
20 the Unemployment Trust Fund. This subsection shall not apply to
21 wages paid in whole or in part from federal funds after January 1,
22 1976, to employees of towns, cities and other political and
23 governmental subdivisions and shall not operate to reduce an
24 individual's benefit rights. Remuneration paid to an individual by an
25 employer with respect to employment in another state or states upon
26 which contributions were required of and paid by such employer
27 under an unemployment compensation law of such other state or
28 states shall be included as a part of remuneration equal to the
29 maximum limitation herein referred to;

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 Section 31-231a of the general statutes is repealed and the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

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

41 (b) For an individual not included in subsection (a) of this section,
42 the individual's total unemployment benefit rate for his or her benefit
43 year commencing after September 30, 1967, shall be an amount equal
44 to one twenty-sixth, rounded to the next lower dollar, of the average of
45 his or her total wages, as defined in subdivision (1) of subsection (b) of
46 section 31-222, paid during the two quarters of his or her current
47 benefit year's base period in which such wages were highest but not

48 less than (1) fifteen dollars nor more than one hundred fifty-six dollars
49 in any benefit year commencing on or after the first Sunday in July,
50 1982, nor more than sixty per cent rounded to the next lower dollar of
51 the average wage of production and related workers in the state in any
52 benefit year commencing on or after the first Sunday in October, 1983,
53 and (2) sixty-two dollars and fifty cents nor more than sixty per cent
54 rounded to the next lower dollar of the average wage of production
55 and related workers in the state in any benefit year commencing after
56 the department has the technical capability to manage an increase in
57 the minimum earnings threshold at no cost to the Unemployment
58 Trust Fund, and provided the maximum benefit rate in any benefit
59 year commencing on or after the first Sunday in October, 1988, shall
60 not increase more than eighteen dollars in any benefit year, such
61 increase to be effective as of the first Sunday in October of such year,
62 and further provided the maximum benefit rate shall not increase in
63 benefit years 2018, 2019 and 2020. The average wage of production and
64 related workers in the state shall be determined by the administrator,
65 on or before August fifteenth annually, as of the year ended the
66 previous June thirtieth to be effective during the benefit year
67 commencing on or after the first Sunday of the following October and
68 shall be so determined in accordance with the standards for the
69 determination of average production wages established by the United
70 States Department of Labor, Bureau of Labor Statistics.

71 (c) The administrator shall adopt regulations pursuant to the
72 provisions of chapter 54 to implement the provisions of this section.
73 Such regulations shall specify the National Council on Compensation
74 Insurance employee classification codes which identify construction
75 workers covered by subsection (a) of this section and specify the
76 manner and format in which employers shall report the identification
77 of such workers to the administrator.

78 Sec. 3. Subdivision (4) of subsection (a) of section 31-236 of the
79 general statutes is repealed and the following is substituted in lieu
80 thereof (*Effective October 1, 2018*):

81 (4) During any week with respect to which the individual has
82 received or is about to receive remuneration in the form of (A) wages
83 in lieu of notice or dismissal payments, including severance or
84 separation payment by an employer to an employee beyond the
85 employee's wages upon termination of the employment relationship,
86 [unless the employee was required to waive or forfeit a right or claim
87 independently established by statute or common law, against the
88 employer as a condition of receiving the payment,] or any payment by
89 way of compensation for loss of wages, or any other state or federal
90 unemployment benefits, except mustering out pay, terminal leave pay
91 or any allowance or compensation granted by the United States under
92 an Act of Congress to an ex-serviceman in recognition of the ex-
93 serviceman's former military service, or any service-connected pay
94 or compensation earned by an ex-serviceman paid before or after
95 separation or discharge from active military service, or (B)
96 compensation for temporary disability under any workers'
97 compensation law;

98 Sec. 4. Subdivision (16) of subsection (a) of section 31-236 of the
99 general statutes is repealed and the following is substituted in lieu
100 thereof (*Effective October 1, 2018*):

101 (16) For purposes of subparagraph (A) (ii) of subdivision (2) of this
102 subsection, "illness or disability" means an illness or disability
103 diagnosed by a health care provider that necessitates care for the ill or
104 disabled person for a period of time longer than the employer is
105 willing to grant leave, paid or otherwise, and "health care provider"
106 means (A) a doctor of medicine or osteopathy who is authorized to
107 practice medicine or surgery by the state in which the doctor practices;
108 (B) a podiatrist, dentist, psychologist, optometrist or chiropractor
109 authorized to practice by the state in which such person practices and
110 performs within the scope of the authorized practice; (C) an advanced
111 practice registered nurse, nurse practitioner, nurse midwife or clinical
112 social worker authorized to practice by the state in which such person
113 practices and performs within the scope of the authorized practice; (D)
114 Christian Science practitioners listed with the First Church of Christ,

115 Scientist in Boston, Massachusetts; (E) any medical practitioner from
 116 whom an employer or a group health plan's benefits manager will
 117 accept certification of the existence of a serious health condition to
 118 substantiate a claim for benefits; (F) a medical practitioner, in a practice
 119 enumerated in subparagraphs (A) to (E), inclusive, of this subdivision,
 120 who practices in a country other than the United States, who is
 121 licensed to practice in accordance with the laws and regulations of that
 122 country; or (G) such other health care provider as the Labor
 123 Commissioner approves, performing within the scope of the
 124 authorized practice. For purposes of subparagraph (B) of subdivision
 125 (2) of this subsection, "wilful misconduct" means deliberate
 126 misconduct in wilful disregard of the employer's interest, or a single
 127 knowing violation of a reasonable and uniformly enforced rule or
 128 policy of the employer, when reasonably applied, provided such
 129 violation is not a result of the employee's incompetence and provided
 130 further, in the case of absence from work, "wilful misconduct" means
 131 an employee must be absent without either good cause for the absence
 132 or notice to the employer which the employee could reasonably have
 133 provided under the circumstances for three separate instances within a
 134 twelve-month period. Except with respect to tardiness, for purposes of
 135 subparagraph (B) of subdivision (2) of this subsection, each instance in
 136 which an employee is absent for one day [or two consecutive days]
 137 without either good cause for the absence or notice to the employer
 138 which the employee could reasonably have provided under the
 139 circumstances constitutes a "separate instance". For purposes of
 140 subdivision (15) of this subsection, "temporary help service" means any
 141 person conducting a business that consists of employing individuals
 142 directly for the purpose of furnishing part-time or temporary help to
 143 others; and "temporary employee" means an employee assigned to
 144 work for a client of a temporary help service."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	31-222(b)(2)(A)
Sec. 2	October 1, 2018	31-231a

Sec. 3	<i>October 1, 2018</i>	31-236(a)(4)
Sec. 4	<i>October 1, 2018</i>	31-236(a)(16)