



General Assembly

January Session, 2021

Raised Bill No. 6595

LCO No. 4441



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

**AN ACT CONCERNING LABOR MATTERS RELATED TO COVID-19,
PERSONAL PROTECTIVE EQUIPMENT AND OTHER STAFFING
ISSUES.**

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

1 Section 1. Section 31-290a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No employer who is subject to the provisions of this chapter shall:
4 [discharge,] (1) Discharge or cause to be discharged, or in any manner
5 discipline or discriminate against any employee because the employee
6 has filed a claim for workers' compensation benefits or otherwise
7 exercised the rights afforded to him pursuant to the provisions of this
8 chapter, or (2) deliberately misinform or otherwise deliberately
9 dissuade an employee from filing a claim for workers' compensation
10 benefits.

11 (b) Any employee who is so discharged, disciplined or discriminated

12 against or who has been deliberately misinformed or dissuaded from
13 filing a claim for workers' compensation benefits may either: (1) Bring a
14 civil action in the superior court for the judicial district where the
15 employer has its principal office for the reinstatement of his previous
16 job, payment of back wages and reestablishment of employee benefits
17 to which he would have otherwise been entitled if he had not been
18 discriminated against or discharged and any other damages caused by
19 such discrimination or discharge. The court may also award punitive
20 damages. Any employee who prevails in such a civil action shall be
21 awarded reasonable attorney's fees and costs to be taxed by the court;
22 or (2) file a complaint with the chairman of the Workers' Compensation
23 Commission alleging violation of the provisions of subsection (a) of this
24 section. Upon receipt of any such complaint, the chairman shall select a
25 commissioner to hear the complaint, provided any commissioner who
26 has previously rendered any decision concerning the claim shall be
27 excluded. The hearing shall be held in the workers' compensation
28 district where the employer has its principal office. After the hearing,
29 the commissioner shall send each party a written copy of his decision.
30 The commissioner may award the employee the reinstatement of his
31 previous job, payment of back wages and reestablishment of employee
32 benefits to which he otherwise would have been eligible if he had not
33 been discriminated against or discharged. Any employee who prevails
34 in such a complaint shall be awarded reasonable attorney's fees. Any
35 party aggrieved by the decision of the commissioner may appeal the
36 decision to the Appellate Court.

37 Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of
38 adjudication of claims for payment of benefits under the provisions of
39 chapter 568 of the general statutes, when there is a dispute regarding
40 whether a request for medical and surgical aid or hospital and nursing
41 services, including mechanical aids and prescription drugs, is
42 reasonable or necessary, the employer or insurer shall file a notice of
43 controversy. A copy of the notice of controversy shall be sent to the
44 originator of the request. A health care provider, employee or other
45 interested party may request a hearing regarding payment of medical

46 and related services for determination of any such dispute.

47 (b) Payment of a medical bill by an employer or insurer shall not be
48 considered an admission by the employer or the insurer as to the
49 reasonableness of subsequent medical bills. The provisions of this
50 section shall not affect the applicability of any notice provision of section
51 31-294c of the general statutes.

52 Sec. 3. (NEW) (*Effective from passage*) (a) For the purpose of
53 adjudication of claims for payment of benefits under the provisions of
54 chapter 568 of the general statutes, an employee who died or was unable
55 to work as a result of contracting COVID-19, or due to symptoms that
56 were later diagnosed as COVID-19, at any time during (1) the public
57 health and civil preparedness emergencies declared by the Governor on
58 March 10, 2020, or any extension of such declarations, or (2) any new
59 public health and civil preparedness emergencies declared by the
60 Governor as a result of a COVID-19 outbreak in this state, shall be
61 presumed to have contracted COVID-19 as an occupational disease
62 arising out of and in the course of employment, provided (A) the
63 contraction of COVID-19 by such employee shall be confirmed by a
64 positive laboratory test or, if a laboratory test was not available for the
65 employee, as diagnosed and documented by the employee's licensed
66 physician, licensed physician's assistant or licensed advanced practice
67 registered nurse, based on the employee's symptoms; and (B) a copy of
68 the positive laboratory test or the written documentation of the
69 physician's, physician assistant's or advanced practice registered nurse's
70 diagnosis is provided to the employer or insurer. For the purposes of
71 this section, "COVID-19" means the respiratory disease designated by
72 the World Health Organization on February 11, 2020, as coronavirus
73 2019, and any related mutation thereof recognized by the World Health
74 Organization as a communicable respiratory disease.

75 (b) The provisions of subsection (a) of this section shall not apply to
76 an employee who, during the fourteen consecutive days immediately
77 preceding the date the employee died or was unable to work due to
78 contracting COVID-19 or due to symptoms that were later diagnosed as

79 COVID-19: (1) Was employed in a capacity where he or she worked
80 solely from home and did not have physical interaction with other
81 employees or work-related supplies or materials of the employer, or (2)
82 was the recipient of an individualized written offer or directive from his
83 or her employer to work solely from home, but otherwise chose to work
84 at a work site of the employer.

85 (c) Notwithstanding the definition of "occupational disease" under
86 section 31-396 of the general statutes, COVID-19 shall be considered an
87 occupational disease for any employee who was diagnosed with
88 COVID-19 in accordance with subsection (a) of this section.

89 (d) The presumption under subsection (a) of this section shall only be
90 rebutted if the employer or insurer clearly demonstrates by a
91 preponderance of the evidence that the employment of the individual
92 was not a direct cause of the occupational disease. The employer or the
93 insurer, within ten days of filing a notice to contest an employee's rights
94 to compensation benefits pursuant to section 31-294c of the general
95 statutes, shall provide evidence to rebut the presumption under
96 subsection (a) of this section. If a compensation commissioner finds that
97 such presumption has been rebutted, such commissioner shall decide
98 the claim on its merits, in accordance with established practices of
99 causation. For purposes of this section, an employee's preexisting
100 condition shall have no bearing on the merits of a claim, both with
101 regard to approving a claim and continuing benefits once they have
102 been awarded.

103 (e) An employee who has contracted COVID-19 but who is not
104 entitled to the presumption under subsection (a) of this section shall not
105 be precluded from making a claim as provided in chapter 568 of the
106 general statutes.

107 (f) Beginning on July 1, 2021, and ending on January 1, 2023, the
108 Workers' Compensation Commission shall provide a detailed report on
109 the first business day of each month on COVID-19 workers'
110 compensation claims and shall provide such reports to the joint

111 standing committees of the General Assembly having cognizance of
 112 matters relating to labor and insurance. Such monthly reports shall
 113 contain: (1) The number of total COVID-19 workers' compensation
 114 claims filed since May 10, 2020; (2) the number of record-only claims
 115 filed by hospitals, nursing homes, municipalities and other employers,
 116 listed by employer name; (3) the number of COVID-19 workers'
 117 compensation cases filed by state employees in each agency; (4) the
 118 number of such claims contested by each individual employer,
 119 including state agencies, third-party administrators and insurers, by
 120 client; (5) the reasons cited by each employer, including state agencies,
 121 third-party administrators or insurers, by client, for contesting such
 122 claims; (6) the number of claims that have received a hearing by the
 123 Workers' Compensation Commission; (7) the number of: (A) Rulings by
 124 the Workers' Compensation Commission regarding such claims that
 125 have been appealed, (B) approved voluntary agreements, (C) findings
 126 and awards, (D) findings and dismissals, (E) petitions for review, and
 127 (F) stipulations; (8) the average time it took to schedule an initial hearing
 128 once it has been requested; and (9) the average time it took to adjudicate
 129 contested COVID-19 workers' compensation claims. Employers,
 130 including state agencies, third-party administrators and insurers shall
 131 comply with all requests from the Workers' Compensation Commission
 132 for information required to compile the reports.

133 Sec. 4. Subsection (a) of section 31-306 of the general statutes is
 134 repealed and the following is substituted in lieu thereof (*Effective from*
 135 *passage*):

136 (a) Compensation shall be paid to dependents on account of death
 137 resulting from an accident arising out of and in the course of
 138 employment or from an occupational disease as follows:

139 (1) [~~Four~~] Twenty thousand dollars shall be paid for burial expenses
 140 in any case in which the employee died on or after October 1, 1988. On
 141 January 1, 2022, and not later than each January first thereafter, the
 142 compensation for burial benefits shall be adjusted by the percentage
 143 increase between the last complete calendar year and the previous

144 calendar year in the consumer price index for urban wage earners and
145 clerical workers in the northeast urban area of New York-Northern New
146 Jersey-Long Island, NY-NJ-CT-PA, with no seasonal adjustment, as
147 calculated by the United States Department of Labor's Bureau of Labor
148 Statistics. If there is no one wholly or partially dependent upon the
149 deceased employee, the burial expenses [of four thousand dollars] shall
150 be paid to the person who assumes the responsibility of paying the
151 funeral expenses.

152 (2) Twenty thousand dollars shall be paid for burial expenses in any
153 case in which an employee died due to contracting COVID-19 during
154 (A) the public health and civil preparedness emergencies declared by
155 the Governor on March 10, 2020, or any extension of such declarations,
156 or (B) any new public health and civil preparedness emergencies
157 declared by the Governor as a result of a COVID-19 outbreak in this
158 state. For the purposes of this subdivision, "COVID-19" means the
159 respiratory disease designated by the World Health Organization on
160 February 11, 2020, as coronavirus 2019, and any related mutation thereof
161 recognized by the World Health Organization as a communicable
162 respiratory disease.

163 ~~[(2)]~~ (3) To those wholly dependent upon the deceased employee at
164 the date of the deceased employee's injury, a weekly compensation
165 equal to seventy-five per cent of the average weekly earnings of the
166 deceased calculated pursuant to section 31-310, after such earnings have
167 been reduced by any deduction for federal or state taxes, or both, and
168 for the federal Insurance Contributions Act made from such employee's
169 total wages received during the period of calculation of the employee's
170 average weekly wage pursuant to said section 31-310, as of the date of
171 the injury but not more than the maximum weekly compensation rate
172 set forth in section 31-309 for the year in which the injury occurred or
173 less than twenty dollars weekly. (A) The weekly compensation rate of
174 each dependent entitled to receive compensation under this section as a
175 result of death arising from a compensable injury occurring on or after
176 October 1, 1977, shall be adjusted annually as provided in this
177 subdivision as of the following October first, and each subsequent

178 October first, to provide the dependent with a cost-of-living adjustment
179 in the dependent's weekly compensation rate as determined as of the
180 date of the injury under section 31-309. If the maximum weekly
181 compensation rate, as determined under the provisions of said section
182 31-309, to be effective as of any October first following the date of the
183 injury, is greater than the maximum weekly compensation rate
184 prevailing at the date of the injury, the weekly compensation rate which
185 the injured employee was entitled to receive at the date of the injury or
186 October 1, 1990, whichever is later, shall be increased by the percentage
187 of the increase in the maximum weekly compensation rate required by
188 the provisions of said section 31-309 from the date of the injury or
189 October 1, 1990, whichever is later, to such October first. The cost-of-
190 living increases provided under this subdivision shall be paid by the
191 employer without any order or award from the commissioner. The
192 adjustments shall apply to each payment made in the next succeeding
193 twelve-month period commencing with the October first next
194 succeeding the date of the injury. With respect to any dependent
195 receiving benefits on October 1, 1997, with respect to any injury
196 occurring on or after July 1, 1993, and before October 1, 1997, such
197 benefit shall be recalculated to October 1, 1997, as if such benefits had
198 been subject to recalculation annually under this subparagraph. The
199 difference between the amount of any benefits that would have been
200 paid to such dependent if such benefits had been subject to such
201 recalculation and the actual amount of benefits paid during the period
202 between such injury and such recalculation shall be paid to the
203 dependent not later than December 1, 1997, in a lump-sum payment.
204 The employer or its insurer shall be reimbursed by the Second Injury
205 Fund, as provided in section 31-354, for adjustments, including lump-
206 sum payments, payable under this subparagraph for deaths from
207 compensable injuries occurring on or after July 1, 1993, and before
208 October 1, 1997, upon presentation of any vouchers and information
209 that the Treasurer shall require. No claim for payment of retroactive
210 benefits may be made to the Second Injury Fund more than two years
211 after the date on which the employer or its insurer paid such benefits in
212 accordance with this subparagraph. (B) The weekly compensation rate

213 of each dependent entitled to receive compensation under this section
214 as a result of death arising from a compensable injury occurring on or
215 before September 30, 1977, shall be adjusted as of October 1, 1977, and
216 October 1, 1980, and thereafter, as provided in this subdivision to
217 provide the dependent with partial cost-of-living adjustments in the
218 dependent's weekly compensation rate. As of October 1, 1977, the
219 weekly compensation rate paid prior to October 1, 1977, to the
220 dependent shall be increased by twenty-five per cent. The partial cost-
221 of-living adjustment provided under this subdivision shall be paid by
222 the employer without any order or award from the commissioner. In
223 addition, on each October first, the weekly compensation rate of each
224 dependent as of October 1, 1990, shall be increased by the percentage of
225 the increase in the maximum compensation rate over the maximum
226 compensation rate of October 1, 1990, as determined under the
227 provisions of section 31-309 existing on October 1, 1977. The cost of the
228 adjustments shall be paid by the employer or its insurance carrier who
229 shall be reimbursed for such cost from the Second Injury Fund as
230 provided in section 31-354 upon presentation of any vouchers and
231 information that the Treasurer shall require. No claim for payment of
232 retroactive benefits may be made to the Second Injury Fund more than
233 two years after the date on which the employer or its insurance carrier
234 paid such benefits in accordance with this subparagraph.

235 [(3)] (4) If the surviving spouse is the sole presumptive dependent,
236 compensation shall be paid until death or remarriage.

237 [(4)] (5) If there is a presumptive dependent spouse surviving and
238 also one or more presumptive dependent children, all of which children
239 are either children of the surviving spouse or are living with the
240 surviving spouse, the entire compensation shall be paid to the surviving
241 spouse in the same manner and for the same period as if the surviving
242 spouse were the sole dependent. If, however, any of the presumptive
243 dependent children are neither children of the surviving spouse nor
244 living with the surviving spouse, the compensation shall be divided into
245 as many parts as there are presumptive dependents. The shares of any
246 children having a presumptive dependent parent shall be added to the

247 share of the parent and shall be paid to the parent. The share of any
248 dependent child not having a surviving dependent parent shall be paid
249 to the father or mother of the child with whom the child may be living,
250 or to the legal guardian of the child, or to any other person, for the
251 benefit of the child, as the commissioner may direct.

252 ~~[(5)]~~ (6) If the compensation being paid to the surviving presumptive
253 dependent spouse terminates for any reason, or if there is no surviving
254 presumptive dependent spouse at the time of the death of the employee,
255 but there is at either time one or more presumptive dependent children,
256 the compensation shall be paid to the children as a class, each child
257 sharing equally with the others. Each child shall receive compensation
258 until the child reaches the age of eighteen or dies before reaching age
259 eighteen, provided the child shall continue to receive compensation up
260 to the attainment of the age of twenty-two if unmarried and a full-time
261 student, except any child who has attained the age of twenty-two while
262 a full-time student but has not completed the requirements for, or
263 received, a degree from a postsecondary educational institution shall be
264 deemed not to have attained age twenty-two until the first day of the
265 first month following the end of the quarter or semester in which the
266 child is enrolled at the time, or if the child is not enrolled in a quarter or
267 semester system, until the first day of the first month following the
268 completion of the course in which the child is enrolled or until the first
269 day of the third month beginning after such time, whichever occurs first.
270 When a child's participation ceases, such child's share shall be divided
271 among the remaining eligible dependent children, provided if any child,
272 when the child reaches the age of eighteen years, is physically or
273 mentally incapacitated from earning, the child's right to compensation
274 shall not terminate but shall continue for the full period of incapacity.

275 ~~[(6)]~~ (7) In all cases where there are no presumptive dependents, but
276 where there are one or more persons wholly dependent in fact, the
277 compensation in case of death shall be divided according to the relative
278 degree of their dependence. Compensation payable under this
279 subdivision shall be paid for not more than three hundred and twelve
280 weeks from the date of the death of the employee. The compensation, if

281 paid to those wholly dependent in fact, shall be paid at the full
282 compensation rate. The compensation, if paid to those partially
283 dependent in fact upon the deceased employee as of the date of the
284 injury, shall not, in total, be more than the full compensation rate nor
285 less than twenty dollars weekly, nor, if the average weekly sum
286 contributed by the deceased at the date of the injury to those partially
287 dependent in fact is more than twenty dollars weekly, not more than the
288 sum so contributed.

289 [(7)] (8) When the sole presumptive dependents are, at the time of the
290 injury, nonresident aliens and the deceased has in this state some person
291 or persons who are dependent in fact, the commissioner may in the
292 commissioner's discretion equitably apportion the sums payable as
293 compensation to the dependents.

294 Sec. 5. Subdivision (16) of section 31-275 of the general statutes is
295 repealed and the following is substituted in lieu thereof (*Effective from*
296 *passage*):

297 (16) (A) "Personal injury" or "injury" includes, in addition to
298 accidental injury that may be definitely located as to the time when and
299 the place where the accident occurred, an injury to an employee that is
300 causally connected with the employee's employment and is the direct
301 result of repetitive trauma or repetitive acts incident to such
302 employment, and occupational disease.

303 (B) "Personal injury" or "injury" shall not be construed to include:

304 (i) An injury to an employee that results from the employee's
305 voluntary participation in any activity the major purpose of which is
306 social or recreational, including, but not limited to, athletic events,
307 parties and picnics, whether or not the employer pays some or all of the
308 cost of such activity;

309 (ii) A mental or emotional impairment, unless such impairment (I)
310 arises from a physical injury or occupational disease, (II) in the case of a
311 police officer of the Division of State Police within the Department of

312 Emergency Services and Public Protection, an organized local police
313 department or a municipal constabulary, arises from such police
314 officer's use of deadly force or subjection to deadly force in the line of
315 duty, regardless of whether such police officer is physically injured,
316 provided such police officer is the subject of an attempt by another
317 person to cause such police officer serious physical injury or death
318 through the use of deadly force, and such police officer reasonably
319 believes such police officer to be the subject of such an attempt, or (III)
320 in the case of [a police officer, parole officer or firefighter,] an eligible
321 individual as defined in section 31-294k, as amended by this act, is a
322 diagnosis of post-traumatic stress [disorder] injury as defined in section
323 31-294k, as amended by this act, that meets all the requirements of
324 section 31-294k, as amended by this act. As used in this clause, "in the
325 line of duty" means any action that a police officer is obligated or
326 authorized by law, rule, regulation or written condition of employment
327 service to perform, or for which the police officer or firefighter is
328 compensated by the public entity such officer serves;

329 (iii) A mental or emotional impairment that results from a personnel
330 action, including, but not limited to, a transfer, promotion, demotion or
331 termination; or

332 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this
333 subdivision, "personal injury" or "injury" includes injuries to employees
334 of local or regional boards of education resulting from participation in a
335 school-sponsored activity but does not include any injury incurred
336 while going to or from such activity. As used in this clause, "school-
337 sponsored activity" means any activity sponsored, recognized or
338 authorized by a board of education and includes activities conducted on
339 or off school property and "participation" means acting as a chaperone,
340 advisor, supervisor or instructor at the request of an administrator with
341 supervisory authority over the employee.

342 Sec. 6. Section 31-294k of the general statutes is repealed and the
343 following is substituted in lieu thereof (*Effective from passage*):

344 (a) As used in this section:

345 (1) "COVID-19" means the respiratory disease designated by the
346 World Health Organization on February 11, 2020, as coronavirus 2019,
347 and any related mutation thereof recognized by the World Health
348 Organization as a communicable respiratory disease;

349 (2) "Eligible individual" means a police officer, firefighter, emergency
350 medical services personnel, Department of Correction employee,
351 telecommunicator or health care provider;

352 (3) "Emergency medical services personnel" has the same meaning as
353 provided in section 20-206jj;

354 [(1)] (4) "Firefighter" has the same meaning as provided in section 7-
355 313g;

356 (5) "Health care provider" means a person employed at a doctor's
357 office, hospital, health care center, clinic, medical school, local health
358 department or agency, nursing facility, retirement facility, nursing
359 home, home health care provider, any facility that performs laboratory
360 or medical testing, pharmacy or any similar institution, and a person
361 employed to provide personal care assistance, as defined in section 17b-
362 706;

363 [(2)] (6) "In the line of duty" means any action that [a police officer,
364 parole officer or firefighter] an eligible individual is obligated or
365 authorized by law, rule, regulation or written condition of employment
366 service to perform, or for which the [officer or firefighter] eligible
367 individual is compensated by the public entity such [officer or
368 firefighter] individual serves, except that, in the case of a volunteer
369 firefighter, such action or service constitutes fire duties, as defined in
370 subsection (b) of section 7-314b;

371 [(3)] (7) "Mental health professional" means a board-certified
372 psychiatrist or a psychologist licensed pursuant to chapter 383, who has
373 experience diagnosing and treating post-traumatic stress [disorder]

374 injury;

375 [(4)] (8) "Parole officer" means an employee of the Department of
376 Correction who supervises inmates in the community after their release
377 from prison on parole or under another prison release program;

378 [(5)] (9) "Police officer" has the same meaning as provided in section
379 7-294a, except that "police officer" does not include an officer of a law
380 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan
381 Tribe of Indians of Connecticut;

382 [(6) "Post-traumatic stress disorder"] (10) "Post-traumatic stress
383 injury" means [a disorder] an injury that meets the diagnostic criteria for
384 post-traumatic stress disorder as specified in the most recent edition of
385 the American Psychiatric Association's "Diagnostic and Statistical
386 Manual of Mental Disorders"; [and]

387 [(7)] (11) "Qualifying event" means: [an]

388 (A) An event occurring in the line of duty (i) on or after July 1, 2019,
389 and before the effective date of this act in which a police officer, parole
390 officer or firefighter, or (ii) on or after the effective date of this section in
391 which an eligible individual who is a police officer, firefighter,
392 emergency medical services personnel, Department of Correction
393 employee or telecommunicator:

394 [(A)] (I) Views a deceased minor;

395 [(B)] (II) Witnesses the death of a person or an incident involving the
396 death of a person;

397 [(C)] (III) Witnesses an injury to a person who subsequently dies
398 before or upon admission at a hospital as a result of the injury and not
399 as a result of any other intervening cause;

400 [(D)] (IV) Has physical contact with and treats an injured person who
401 subsequently dies before or upon admission at a hospital as a result of
402 the injury and not as a result of any other intervening cause;

403 [(E)] (V) Carries an injured person who subsequently dies before or
404 upon admission at a hospital as a result of the injury and not as a result
405 of any other intervening cause; or

406 [(F)] (VI) Witnesses a traumatic physical injury that results in the loss
407 of a vital body part or a vital body function that results in permanent
408 disfigurement of the victim, or

409 (B) An event arising out of and in the course of employment on or
410 after March 10, 2020, in which an eligible individual who is a health care
411 provider:

412 (i) Is engaged in activities substantially dedicated to mitigating or
413 responding to the public health and civil preparedness emergencies
414 declared by the Governor on March 10, 2020, or any extension of such
415 emergency declarations;

416 (ii) Witnesses the death of a person due to COVID-19 or due to
417 symptoms that were later diagnosed as COVID-19;

418 (iii) Witnesses an injury to a person who subsequently dies as a result
419 of COVID-19 or due to symptoms that were later diagnosed as COVID-
420 19;

421 (iv) Has physical contact with and treats or provides care for a person
422 who subsequently dies as a result of COVID-19 or due to symptoms that
423 were later diagnosed as COVID-19; or

424 (v) Witnesses a traumatic physical injury that results in the loss of a
425 vital body function of a person due to COVID-19 or due to symptoms
426 that were later diagnosed as COVID-19;

427 (12) "Telecommunicator" has the same meaning as provided in
428 section 28-30; and

429 (13) "Witnesses" means, for an eligible individual who is a
430 telecommunicator, hears by telephone or radio.

431 (b) A diagnosis of post-traumatic stress [disorder] injury is
432 compensable as a personal injury as described in subparagraph
433 (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act,
434 if a mental health professional examines [a police officer, parole officer
435 or firefighter] the eligible individual and diagnoses the [officer or
436 firefighter] individual with a post-traumatic stress [disorder] injury as a
437 direct result of a qualifying event, provided (1) the post-traumatic stress
438 [disorder] injury resulted from [the officer or firefighter] (A) the eligible
439 individual acting in the line of duty if such individual is a police officer,
440 firefighter, emergency medical services personnel, Department of
441 Correction employee or telecommunicator and, in the case of a
442 firefighter, such firefighter complied with Federal Occupational Safety
443 and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29
444 CFR 1910.156, or (B) the eligible individual acting the course of
445 employment if such individual is a health care provider, (2) a qualifying
446 event was a substantial factor in causing the [disorder, (3) such
447 qualifying event, and not another event or source of stress, was the
448 primary cause of the post-traumatic stress disorder] injury, and [(4)] (3)
449 the post-traumatic stress [disorder] injury did not result from any
450 disciplinary action, work evaluation, job transfer, layoff, demotion,
451 promotion, termination, retirement or similar action of the [officer or
452 firefighter] eligible individual. Any such mental health professional
453 shall comply with any workers' compensation guidelines for approved
454 medical providers, including, but not limited to, guidelines on release
455 of past or contemporaneous medical records.

456 (c) Whenever liability to pay compensation is contested by the
457 employer, the employer shall file with the commissioner, on or before
458 the twenty-eighth day after the employer has received a written notice
459 of claim, a notice in accordance with a form prescribed by the
460 chairperson of the Workers' Compensation Commission stating that the
461 right to compensation is contested, the name of the claimant, the name
462 of the employer, the date of the alleged injury and the specific grounds
463 on which the right to compensation is contested. The employer shall
464 send a copy of the notice to the employee in accordance with section 31-

465 321. If the employer or the employer's legal representative fails to file
466 the notice contesting liability on or before the twenty-eighth day after
467 receiving the written notice of claim, the employer shall commence
468 payment of compensation for such injury on or before the twenty-eighth
469 day after receiving the written notice of claim, but the employer may
470 contest the employee's right to receive compensation on any grounds or
471 the extent of the employee's disability within one hundred eighty days
472 from the receipt of the written notice of claim and any benefits paid
473 during the one hundred eighty days shall be considered payments
474 without prejudice, provided the employer shall not be required to
475 commence payment of compensation when the written notice of claim
476 has not been properly served in accordance with section 31-321 or when
477 the written notice of claim fails to include a warning that the employer
478 (1) if the employer has commenced payment for the alleged injury on or
479 before the twenty-eighth day after receiving a written notice of claim,
480 shall be precluded from contesting liability unless a notice contesting
481 liability is filed within one hundred eighty days from the receipt of the
482 written notice of claim, and (2) shall be conclusively presumed to have
483 accepted the compensability of the alleged injury unless the employer
484 either files a notice contesting liability on or before the twenty-eighth
485 day after receiving a written notice of claim or commences payment for
486 the alleged injury on or before such twenty-eighth day. An employer
487 shall be entitled, if the employer prevails, to reimbursement from the
488 claimant of any compensation paid by the employer on and after the
489 date the commissioner receives written notice from the employer or the
490 employer's legal representative, in accordance with the form prescribed
491 by the chairperson of the Workers' Compensation Commission, stating
492 that the right to compensation is contested. Notwithstanding the
493 provisions of this subsection, an employer who fails to contest liability
494 for an alleged injury on or before the twenty-eighth day after receiving
495 a written notice of claim and who fails to commence payment for the
496 alleged injury on or before such twenty-eighth day, shall be conclusively
497 presumed to have accepted the compensability of the alleged injury. If
498 an employer has opted to post an address of where notice of a claim for
499 compensation by an employee shall be sent, as described in subsection

500 (a) of section 31-294c, the twenty-eight-day period set forth in this
501 subsection shall begin on the date when such employer receives written
502 notice of a claim for compensation at such posted address.

503 (d) Notwithstanding any provision of this chapter, workers'
504 compensation benefits for any [police officer, parole officer or
505 firefighter] eligible individual for a personal injury described in
506 subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as
507 amended by this act, shall (1) include any combination of medical
508 treatment prescribed by a board-certified psychiatrist or a licensed
509 psychologist, temporary total incapacity benefits under section 31-307
510 and temporary partial incapacity benefits under subsection (a) of section
511 31-308, and (2) be provided for a maximum of fifty-two weeks from the
512 date of diagnosis. No medical treatment, temporary total incapacity
513 benefits under section 31-307 or temporary partial incapacity benefits
514 under subsection (a) of section 31-308 shall be awarded beyond four
515 years from the date of the qualifying event that formed the basis for the
516 personal injury. The weekly benefits received by an [officer or a
517 firefighter] eligible individual pursuant to section 31-307 or subsection
518 (a) of section 31-308, when combined with other benefits including, but
519 not limited to, contributory and noncontributory retirement benefits,
520 Social Security benefits, benefits under a long-term or short-term
521 disability plan, but not including payments for medical care, shall not
522 exceed the average weekly wage paid to such [officer or firefighter]
523 eligible individual. An [officer or firefighter] eligible individual
524 receiving benefits pursuant to this subsection shall not be entitled to
525 benefits pursuant to subsection (b) of section 31-308 or section 31-308a.

526 Sec. 7. (NEW) (*Effective from passage*) (a) As used in this section:

527 (1) "Compensation" means an employee's average weekly earnings
528 for the twelve-month period immediately preceding the date of the
529 employee's last day of active employment with an employer, including
530 wages or salary, payments to an employee while on vacation or on
531 leave, allocated or declared tip income, bonuses or commissions,
532 contributions or premiums paid by the employer for fringe benefits,

533 overtime or other premium payments, and allowances for expenses,
534 uniforms, travel or education;

535 (2) "COVID-19" means the respiratory disease designated by the
536 World Health Organization on February 11, 2020, as coronavirus 2019,
537 and any related mutation thereof recognized by the World Health
538 Organization as a communicable respiratory disease;

539 (3) "Customary seasonal work" means work performed by an
540 employee for approximately the same portion of each calendar year;

541 (4) "Employer" means any person, including a corporate officer or
542 executive, who directly or indirectly or through an agent or any other
543 person, including through the services of a temporary service or staffing
544 agency or similar entity, conducts an enterprise and employs or
545 exercises control over the wages, hours or working conditions of any
546 employee;

547 (5) "Employment site" means the principal physical place where a
548 laid-off employee performed the predominance of the employee's duties
549 prior to being laid off, or, in the case of a laid-off employee in
550 construction, transportation, building services or other industries where
551 work is performed at locations other than the employer's administrative
552 headquarters from which such assignments were made, any location
553 served by such headquarters;

554 (6) "Enterprise" means any income-producing economic activity
555 carried on in this state that employs five or more employees;

556 (7) "Laid-off employee" means any employee who was employed by
557 the employer for six months or more in the twelve months preceding
558 March 10, 2020, and whose most recent separation from active service
559 or whose failure to be scheduled for customary seasonal work by that
560 employer occurred after March 10, 2020, and was due to government
561 shutdown orders, lack of business, or a reduction or furlough of the
562 employer's workforce; and

563 (8) "Length of service" means the total of all periods of time during
564 which an employee has been in active service, including periods of time
565 when the employee was on leave or on vacation.

566 (b) Each employer shall send to each of its laid-off employees, in
567 writing to their last known physical address and electronic mail address,
568 and in a text message to their mobile phone, all job positions that become
569 available at the employer for which the laid-off employee is qualified. A
570 laid-off employee is qualified for a position if the employee: (1) Held the
571 same or similar position at the enterprise at the time of the employee's
572 most recent separation from active service with the employer; or (2) is
573 or can be qualified for the position with the same training that would be
574 provided to a new employee hired for such position. The employer shall
575 offer such positions to laid-off employees in the order of preference set
576 forth under subdivisions (1) and (2) of this subsection. Where more than
577 one employee is entitled to preference for a position, the employer shall
578 offer the position to the employee with the greatest length of service at
579 the employment site. An employer may make offers of employment for
580 a position to more than one laid-off employee with the final offer of
581 employment for such position conditioned upon the order of preference
582 described in this subsection.

583 (c) An offer of employment to a laid-off employee pursuant to this
584 section shall be in the same classification or job title at the same
585 employment site, subject to relocation as provided in subsection (g) of
586 this section, and with substantially the same duties, compensation,
587 benefits and working conditions as applied to the laid-off employee
588 immediately prior to March 10, 2020.

589 (d) Any laid-off employee who is offered a position pursuant to this
590 section shall be given not less than ten days in which to accept or decline
591 the offer. A laid-off employee who declines an offer due to his or her
592 age, underlying health conditions of himself or herself or of a family
593 member or other person living in his or her household shall retain his
594 or her right to accept the position and shall retain all other rights under
595 this section until both (1) the expiration of the public health and civil

596 preparedness emergencies declared by the Governor on March 10, 2020,
597 and any extension of such emergency declarations, and (2) the laid-off
598 employee is reoffered the position.

599 (e) Each employer that declines to rehire a laid-off employee on the
600 grounds of lack of qualifications and instead hires a person other than a
601 laid-off employee shall provide to the laid-off employee a written notice
602 not later than thirty days after the date such person is hired. Such notice
603 shall identify the person hired in lieu of rehiring the laid-off employee,
604 the reasons for such decision and all demographic data the employer
605 has regarding such new hire and the laid-off employee who was not
606 rehired.

607 (f) Laid-off employees rehired pursuant to this section shall be
608 permitted to work for not less than thirty work days, unless there is just
609 cause for their termination.

610 (g) The requirements of this section shall apply under any of the
611 following circumstances:

612 (1) The ownership of the employer changed after a laid-off employee
613 was laid off, but the enterprise continues to conduct the same or similar
614 operations it did prior to March 10, 2020;

615 (2) The form of organization of the employer changed after March 10,
616 2020;

617 (3) Substantially all of the assets of the employer were acquired by
618 another entity that conducts the same or similar operations using
619 substantially the same assets; or

620 (4) The employer relocates the operations at which a laid-off
621 employee was employed prior to March 10, 2020, to a different
622 employment site not greater than twenty-five miles away from the
623 original employment site.

624 (h) No employer shall terminate, refuse to reemploy, reduce
625 compensation, or otherwise take any adverse action against any person

626 seeking to enforce his or her rights under this section or for participating
627 in proceedings related to this section, opposing the violation of any
628 provision of this section or otherwise asserting rights under this section.

629 (i) An employer that terminates, refuses to reemploy or takes any
630 other adverse action against any laid-off employee shall provide to the
631 employee at or before the time of the termination, refusal to reemploy
632 or other adverse action a detailed written statement of the reason or
633 reasons for the termination, refusal to reemploy or other adverse action,
634 including all the facts substantiating the reason or reasons and all facts
635 known to the employer that contradict the substantiating facts.

636 (j) (1) A laid-off employee aggrieved by a violation of any provision
637 of this section may bring a civil action for judicial enforcement of such
638 provision in the superior court for the judicial district where the
639 violation is alleged to have occurred or where the employer has its
640 principal office. Any laid-off employee who prevails in such civil action
641 shall be awarded reasonable attorney's fees and costs to be taxed by the
642 court.

643 (2) If the court finds that the employer has violated this section, the
644 court may enjoin the employer from engaging in such violation and
645 order such affirmative action as may be appropriate, which may
646 include, but shall not be limited to, reinstatement or hiring of a laid-off
647 employee, with or without back pay, including fringe benefits or any
648 other equitable relief as the court deems appropriate. Interim earnings
649 or amounts earnable with reasonable diligence by the person or persons
650 discriminated against shall reduce the back pay otherwise allowable.
651 Before interim earnings are deducted from lost wages, there shall be
652 deducted from the interim earnings any reasonable amounts expended
653 by the laid-off employee in searching for, obtaining or relocating to new
654 employment. The court may order compensatory and punitive damages
655 if the court finds that the employer engaged in the violation with malice
656 or with reckless indifference to the requirements of this section.

657 (3) If it is established that a laid-off employee exercised rights under

658 this section or alleged in good faith that the employer was not
659 complying with this section and the employer thereafter terminated,
660 refused to reemploy, demoted or otherwise took adverse action against
661 the laid-off employee, and such action took place not later than sixty
662 days after such exercise, a rebuttable presumption shall arise that the
663 employer's action was taken in violation of this section. The employer
664 may assert that the sole and factual reason for the action was a legitimate
665 business reason. The laid-off employee may rebut the employer's
666 asserted legitimate business reason by showing that such reason is a
667 pretext.

668 (k) The Labor Commissioner shall establish a system for receiving
669 information about claimed violations of this section. The system shall
670 enable the submission of information, in writing or electronically, by
671 any person purporting to have knowledge of the claimed violation. The
672 Labor Commissioner shall retain all information for a minimum of two
673 years after submission.

674 (l) The provisions of this section shall apply to each laid-off employee,
675 whether or not such laid-off employee is represented for purposes of
676 collective bargaining or is covered by a collective bargaining agreement,
677 and may be waived in a bona fide collective bargaining agreement, but
678 only if the waiver is explicitly set forth in the agreement in clear and
679 unambiguous terms. Unilateral implementation of terms and conditions
680 of employment by either party to a collective bargaining relationship
681 shall not constitute or be permitted as a waiver of all or any part of the
682 provisions of this section.

683 Sec. 8. (NEW) (*Effective from passage*) (a) As used in this section and
684 section 9 of this act, "personal protective equipment" means the
685 equipment and devices necessary to comply with section 31-370 of the
686 general statutes.

687 (b) Not later than six months after the end of the public health and
688 civil preparedness emergencies declared by the Governor on March 10,
689 2020, or the effective date of this section, whichever is later, the

690 Commissioner of Public Health, in consultation with the Department of
691 Administrative Services and the Division of Emergency Management
692 and Homeland Security, shall award a contract or contracts for the
693 procurement of personal protective equipment to create two stockpiles
694 of such equipment pursuant to this section. The commissioner may
695 make awards to multiple bidders and shall, to the maximum extent
696 feasible, pay for the personal protective equipment with federal public
697 health emergency funds. Each stockpile shall be gradually filled to a
698 capacity determined by the commissioner, provided at least one third of
699 the capacity of the stockpile shall be filled each year until capacity is
700 met. If personal protective equipment from a stockpile is used, the
701 stockpile shall be refilled in a manner similar to how the initial stockpile
702 was filled.

703 (c) One stockpile shall consist of personal protective equipment
704 approved for use by a federal agency and one stockpile shall consist of
705 personal protective equipment approved for use by the Department of
706 Public Health, in consultation with the Department of Administrative
707 Services and the Division of Emergency Management and Homeland
708 Security. Fifty per cent of the personal protective equipment in each
709 stockpile shall, to the maximum extent feasible, be manufactured in this
710 state, and thirty per cent of the personal protective equipment in each
711 stockpile shall, to the maximum extent feasible, be manufactured in the
712 United States.

713 (d) (1) During a declaration of a public health emergency, the
714 Commissioner of Public Health shall make personal protective
715 equipment in such stockpiles available without charge to state agencies,
716 political subdivisions of the state, nursing homes, hospitals, nonprofit
717 organizations and public schools. If the commissioner determines, after
718 making such personal protective equipment available, that there is an
719 excess supply of personal protective equipment, the commissioner shall
720 make such excess supply available for purchase by other private entities
721 at fair market value. The commissioner shall establish orders of priority
722 for the entities that may gain access to the state's personal protective
723 equipment stockpiles.

724 (2) When any personal protective equipment in a stockpile is within
725 one year of its expiration date, the commissioner shall make such
726 personal protective equipment available for sale at no more than fair
727 market value to the following entities, in order of priority: (A) Private
728 nursing homes in this state, (B) federally qualified healthcare centers in
729 this state, (C) hospitals, (D) nonprofit hospitals and entities that provide
730 direct medical care in this state, (E) public school districts in this state,
731 and (F) private schools and nonpublic charter schools in this state. To
732 the extent feasible, expired personal protective equipment shall be
733 disposed of in an environmentally sound manner.

734 (e) The Division of Emergency Management and Homeland Security,
735 in consultation with the Department of Public Health and the
736 Department of Administrative Services, shall submit a report annually
737 to the Governor and the General Assembly, in accordance with the
738 provisions of section 11-4a of the general statutes, on the status of the
739 stockpiles. The report shall include data on the price paid by the state
740 for the personal protective equipment and data on any personal
741 protective equipment sold by the state. The reports shall be made
742 available to the public on the Internet web site of the Division of
743 Emergency Management and Homeland Security.

744 Sec. 9. (NEW) (*Effective from passage*) The Division of Emergency
745 Management and Homeland Security, in consultation with the
746 Department of Public Health, shall establish a process to evaluate,
747 distribute and approve personal protective equipment for use during
748 public health emergencies. The process shall be designed to assist the
749 production of personal protective equipment by businesses not
750 otherwise engaged in the production of such equipment and not
751 approved by a federal agency to produce such equipment, and shall
752 prioritize businesses that manufacture personal protective equipment in
753 this state. The process shall require the Department of Administrative
754 Services to assist the Division of Emergency Management and
755 Homeland Security and the Department of Public Health in the review
756 of such businesses to ensure such businesses are legitimate and do not
757 have any unresolved safety or health citations.

758 Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section:

759 (1) "Department" means the Department of Public Health;

760 (2) "Health care provider" has the same meaning as provided in
761 section 19a-17b of the general statutes, except that "health care provider"
762 does not include an independent medical practice that is owned and
763 operated, or maintained as a clinic or office, by one or more licensed
764 physicians and used as an office for the practice of their profession,
765 within the scope of their license, regardless of the name used publicly to
766 identify the place or establishment unless the medical practice is
767 operated or maintained exclusively as part of an integrated health
768 system or health facility;

769 (3) "Long-term care provider" means a home health care agency,
770 home health aide agency, behavioral health facility, alcohol or drug
771 treatment facility, assisted living services agency, or nursing home, each
772 as defined in section 19a-490 of the general statutes;

773 (4) "Covered provider" means a health care provider or long-term
774 care provider;

775 (5) "Health care worker" means an individual employed by a health
776 care provider;

777 (6) "Long-term care worker" means an individual employed by a
778 long-term care provider; and

779 (7) "Personal protective equipment" or "PPE" means the equipment
780 and devices necessary to comply with section 31-370 of the general
781 statutes.

782 (b) On and after January 1, 2023, or one year after regulations are
783 adopted pursuant to subsection (g) of this section, whichever is later,
784 each covered provider shall maintain an unexpired inventory of PPE
785 deemed sufficient by the Commissioner of Public Health for ninety days
786 of surge consumption in the event of a state of emergency declaration
787 by the Governor, or a local emergency for a pandemic or other health

788 emergency. Personal protective equipment in the inventory shall be new
789 and not previously worn or used. Each covered provider shall provide
790 an inventory of its PPE to the department upon request from the
791 department. Except as provided in subsections (d) and (e) of this section,
792 a covered provider that violates this subsection shall be subject to a civil
793 penalty in the amount of twenty-five thousand dollars.

794 (c) If a covered provider provides services in a facility or other setting
795 controlled or owned by another covered provider that is obligated to
796 maintain a PPE inventory pursuant to this section, the covered provider
797 that controls or owns the facility or other setting shall be required to
798 maintain the required PPE for the covered provider providing services
799 in such facility or setting.

800 (d) Any covered provider may apply to the department, in writing,
801 for a waiver of some or all of the PPE inventory requirements described
802 in subsection (a) of this section. The department may approve the
803 waiver if the covered provider has twenty-five or fewer employees and
804 the covered provider agrees to close in-person operations during any
805 public health emergency in which increased use of PPE is recommended
806 by the department until sufficient PPE becomes available to the covered
807 provider to return to in-person operations.

808 (e) (1) The department may exempt a covered provider from the civil
809 penalty under subsection (a) of this section if the department determines
810 that supply chain limitations make meeting the required supply level
811 infeasible, and (A) a covered provider has made a reasonable attempt,
812 as determined by the department, to obtain PPE, or (B) the covered
813 provider shows that meeting the required supply level is not possible
814 due to issues beyond the covered providers control, such as the covered
815 provider ordered the PPE but such order was not fulfilled by the
816 manufacturer or distributor, or the PPE was damaged in transit or
817 stolen.

818 (2) A covered provider shall not be assessed a civil penalty under
819 subsection (a) of this section if the covered provider's PPE inventory

820 falls below the required supply level as a result of the covered provider's
821 distribution of PPE to its health care workers or long-term care workers,
822 or to another covered provider's workers, during a state of emergency
823 declared by the Governor or a declared local emergency for a pandemic
824 or other health emergency, provided the covered provider replenishes
825 its inventory to the required supply level not later than thirty days after
826 the date the inventory falls below the required supply level if the
827 department has determined there is not a supply limitation.

828 (f) A covered provider shall supply PPE to its health care workers and
829 long-term care workers and require that such workers use the PPE.

830 (g) The department shall adopt regulations, in accordance with
831 chapter 54 of the general statutes, to carry out the provisions of this
832 section. Such regulations shall (1) establish requirements for the surge
833 capacity levels described in subsection (a) of this section, including, but
834 not limited to, the types and amount of PPE to be maintained by the
835 covered provider based on the type and size of each covered provider,
836 as well as the composition of health care workers and long-term care
837 workers in its workforce, and (2) not establish policies or standards that
838 are less protective or prescriptive than any federal, state or local law on
839 PPE standards.

840 Sec. 11. (NEW) (*Effective from passage*) (a) Each acute care hospital and
841 nursing home shall collect data on COVID-19 in a form and format
842 prescribed by the Commissioner of Public Health (1) each day during
843 the time period of the public health and civil preparedness emergencies
844 declared by the Governor on March 10, 2020, or any extension of such
845 time periods, and (2) monthly after the expiration of such time periods.
846 The COVID-19 data shall be based on nationally recognized and
847 recommended standards and shall include, but need not be limited to
848 for each such hospital and nursing home: (A) Current inpatient data of
849 COVID-19 cases, hospitalizations and deaths, (B) the number of
850 employees exposed to COVID-19 and exhibiting symptoms of COVID-
851 19 who were tested for COVID-19, (C) the number of asymptomatic
852 employees tested for COVID-19, (D) the number of COVID-19 vaccines

853 administered, (E) census data of beds and ventilators, and (F) an
854 inventory of personal protective equipment, including the quantity in
855 possession and the utilization rate.

856 (b) Each acute care hospital and nursing home shall post such data to
857 such hospital's and nursing home's Internet web site each day during
858 the time period of the public health and civil preparedness emergencies
859 declared by the Governor on March 10, 2020, or any extension of such
860 time periods, and quarterly after such time period has expired. For
861 purposes of this section "COVID-19" means the respiratory disease
862 designated by the World Health Organization on February 11, 2020, as
863 coronavirus 2019, and any related mutation thereof recognized by the
864 World Health Organization as a communicable respiratory disease.

865 Sec. 12. (NEW) (*Effective from passage*) As used in this section and
866 sections 13 to 16, inclusive, of this act:

867 (1) "Covered week" means any week within the eligible time period
868 in which a covered employee was required to perform work for an
869 employer at the job site or away from the covered employee's home.

870 (2) "COVID-19" means the respiratory disease designated by the
871 World Health Organization on February 11, 2020, as coronavirus 2019,
872 and any related mutation thereof recognized by the World Health
873 Organization as a communicable respiratory disease;

874 (3) "Eligible time period" means the period beginning March 20, 2020,
875 and ending April 30, 2021;

876 (4) "Essential employee" means any employee deemed eligible by the
877 Department of Public Health as of February 20, 2021, to receive a
878 COVID-19 vaccination in phase 1a or 1b of the COVID-19 vaccination
879 program;

880 (5) "Covered employee" means any essential employee or specialized
881 risk employee;

882 (6) "Employer" means the employer of a covered employee and

883 includes consumers, as defined in section 17b-706 of the general statutes;
884 and

885 (7) "Specialized risk employee" means a covered employee required
886 to work in congregate settings or with persons infected with COVID-19,
887 and any personal care attendant, as defined in section 17b-706 of the
888 general statutes.

889 Sec. 13. (NEW) (*Effective from passage*) (a) There is established within
890 the Department of Social Services the Essential Employees Pandemic
891 Pay Grant Program to administer and award grants to employers whose
892 covered employees were engaged in activities substantially dedicated to
893 mitigating or responding to the public health and civil preparedness
894 emergencies declared by the Governor on March 10, 2020, during the
895 eligible period. Not less than fifteen per cent of unrestricted funds
896 received by the state from January 1, 2021, to July 1, 2021, inclusive, for
897 purposes of COVID-19 relief shall be appropriated by the state to fund
898 grants under the program.

899 (b) Not later than July 1, 2021, or sixty days after the Commissioner
900 of Social Services certifies that the program is established and available,
901 whichever is later, each employer shall apply to the department for a
902 grant under the program in an amount sufficient to make payments of
903 additional compensation to covered employees pursuant to subdivision
904 (1) of subsection (a) of section 14 of this act. The department shall issue
905 such grants requested on the grant application not later than thirty days
906 after the date grant applications are due, provided if the amount
907 appropriated to the program under subsection (a) of this section is
908 insufficient to fund the full amount of such grants, the department shall
909 prorate each grant by such amount as is necessary to issue a grant
910 payment to each employer who submitted an application.

911 Sec. 14. (NEW) (*Effective from passage*) (a) Each employer that receives
912 a grant under section 13 of this act shall pay each of its covered
913 employees additional compensation for each hour worked by such
914 covered employee during a covered week. Such compensation shall be

915 in addition to all other compensation, including wages, remuneration or
916 other pay and benefits the covered employee otherwise receives from
917 the employer, and shall be paid in an amount (1) equal to five dollars
918 per hour worked for essential employees and ten dollars per hour
919 worked for specialized risk employees if the employer received a grant
920 in the full amount for which the employer applied, or (2) prorated as
921 necessary to distribute the grant funds to each covered employee if the
922 employer received a grant in an amount less than the amount for which
923 the employer applied. No employer may deny such compensation
924 based upon the quality or type of work the covered employee
925 performed during such covered week.

926 (b) Such compensation shall be provided to the covered employee as
927 a lump sum payment in the first regularly scheduled payment of wages
928 after the employer's receipt of the grant. In any case where the employer
929 is unable to arrange for payment of the amount due to the covered
930 employee in the first regularly scheduled payment of wages, such
931 amounts shall be paid as soon as practicable, but not later than the
932 second regularly scheduled payment of wages after the employer's
933 receipt of the grant. Such compensation shall be clearly demarcated as a
934 separate line item in each paystub or other document provided to a
935 covered employee that details the remuneration the covered employee
936 received from the employer for a particular period of time. If any
937 covered employee does not otherwise regularly receive any such
938 paystub or other document from the employer, the employer shall
939 provide such paystub or other document to the covered employee for
940 the duration of the period in which the employer provides additional
941 compensation under subsection (a) of this section.

942 (c) (1) Any employer receiving a grant pursuant to section 13 of this
943 act or providing additional compensation to a covered employee under
944 this section shall not reduce or in any way diminish the compensation,
945 including the wages, remuneration or other pay or employment benefits
946 of a covered employee from March 20, 2020, to June 30, 2021, inclusive,
947 from the level provided to the covered employee on the date before the
948 effective date of this act.

949 (2) An employer shall not take any action to displace a covered
950 employee or partially displace a covered employee by reducing hours,
951 wages or employment benefits for the purposes of hiring an individual
952 for an equivalent position at a rate of compensation that is less than
953 required to be provided to a covered employee under subdivision (1) of
954 this subsection.

955 (d) The additional compensation provided pursuant to subsection (a)
956 of this section shall be excluded from the amount of remuneration for
957 work paid to the covered employee for purposes of (1) calculating the
958 employer's eligibility for any wage-based benefits offered by the
959 employer; or (2) computing the regular rate at which such covered
960 employee is employed under any provision of the general statutes
961 providing for minimum wages, overtime pay or any other wage-based
962 employment standard or benefit.

963 (e) If a covered employee entitled to additional compensation under
964 this section dies prior to such compensation, the employer shall pay
965 such additional compensation to the next of kin of the covered employee
966 as a lump sum payment.

967 Sec. 15. (NEW) (*Effective from passage*) (a) Any employer who fails to
968 apply for a grant pursuant to section 13 of this act, and any employer
969 who receives a grant and fails to make a payment of additional
970 compensation or otherwise causes an employee to incur a loss as a result
971 of a violation of any provision of section 14 of this act, shall be subject to
972 the provisions of sections 31-68 and 31-71g of the general statutes, as
973 amended by this act, for failure to make wage payments.

974 (b) Any employer who takes any action against an employee for
975 invoking any right created by section 14 of this act shall be subject to the
976 provisions of sections 31-69 and 31-69a of the general statutes, as
977 amended by this act.

978 Sec. 16. (NEW) (*Effective from passage*) All actions required under
979 section 14 of this act of consumers, as defined in section 17b-706 of the
980 general statutes, shall be undertaken by fiscal intermediaries who shall

981 be solely responsible for any penalties otherwise applicable to such
982 consumers under this section and section 15 of this act and sections 31-
983 68, 31-69, 31-69a and 31-71g of the general statutes, as amended by this
984 act. The Department of Social Services and the Department of
985 Developmental Services may apply to the Essential Employees
986 Pandemic Pay Grant Program for such funds as shall be reasonably
987 required to compensate fiscal intermediaries for compliance with
988 sections 12 to 16, inclusive, of this act.

989 Sec. 17. Section 31-71g of the general statutes is repealed and the
990 following is substituted in lieu thereof (*Effective October 1, 2021*):

991 Any employer or any officer or agent of an employer or any other
992 person authorized by an employer to pay wages who violates any
993 provision of this part or intentionally violates any provision of
994 subsection (a) of section 15 of this act: (1) Shall be guilty of a class D
995 felony, except that such employer, officer or agent shall be fined not less
996 than two thousand nor more than five thousand dollars for each offense
997 if the total amount of all unpaid wages owed to an employee is more
998 than two thousand dollars; (2) may be fined not less than one thousand
999 nor more than two thousand dollars or imprisoned not more than one
1000 year, or both, for each offense if the total amount of all unpaid wages
1001 owed to an employee is more than one thousand dollars but not more
1002 than two thousand dollars; (3) may be fined not less than five hundred
1003 nor more than one thousand dollars or imprisoned not more than six
1004 months, or both, for each offense if the total amount of all unpaid wages
1005 owed to an employee is more than five hundred but not more than one
1006 thousand dollars; or (4) may be fined not less than two hundred nor
1007 more than five hundred dollars or imprisoned not more than three
1008 months, or both, for each offense if the total amount of all unpaid wages
1009 owed to an employee is five hundred dollars or less.

1010 Sec. 18. Subsection (a) of section 31-69 of the general statutes is
1011 repealed and the following is substituted in lieu thereof (*Effective October*
1012 *1, 2021*):

1013 (a) Any employer or his agent, or the officer or agent of any
1014 corporation, who discharges or in any other manner discriminates
1015 against any employee because such employee has testified or is about to
1016 testify in any investigation or proceeding under or related to this part or
1017 section 15 of this act, or because such employer believes that such
1018 employee may testify in any investigation or proceeding under this part,
1019 shall be fined not less than one hundred dollars nor more than four
1020 hundred dollars.

1021 Sec. 19. Section 31-69a of the general statutes is repealed and the
1022 following is substituted in lieu thereof (*Effective October 1, 2021*):

1023 (a) In addition to the penalties provided in this chapter and chapter
1024 568, any employer, officer, agent or other person who violates any
1025 provision of this chapter, chapter 557 or subsection (g) of section 31-288,
1026 or who intentionally violates any provision of section 15 of this act, shall
1027 be liable to the Labor Department for a civil penalty of three hundred
1028 dollars for each such violation, [of said chapters and for each violation
1029 of subsection (g) of section 31-288,] except that (1) any person who
1030 violates (A) a stop work order issued pursuant to subsection (c) of
1031 section 31-76a shall be liable to the Labor Department for a civil penalty
1032 of one thousand dollars and each day of such violation shall constitute
1033 a separate offense, and (B) any provision of section 31-12, 31-13 or 31-14,
1034 subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be
1035 liable to the Labor Department for a civil penalty of six hundred dollars
1036 for each violation of said sections, and (2) a violation of subsection (g) of
1037 section 31-288 shall constitute a separate offense for each day of such
1038 violation.

1039 (b) Any employer, officer, agent or other person who violates any
1040 provision of chapter 563a may be liable to the Labor Department for a
1041 civil penalty of not greater than five hundred dollars for the first
1042 violation of chapter 563a related to an individual employee or former
1043 employee, and for each subsequent violation of said chapter related to
1044 such individual employee or former employee, may be liable to the
1045 Labor Department for a civil penalty of not greater than one thousand

1046 dollars. In setting a civil penalty for any violation in a particular case,
1047 the Labor Commissioner shall consider all factors which the
1048 commissioner deems relevant, including, but not limited to, (1) the level
1049 of assessment necessary to insure immediate and continued compliance
1050 with the provisions of chapter 563a; (2) the character and degree of
1051 impact of the violation; and (3) any prior violations of such employer of
1052 chapter 563a.

1053 (c) The Attorney General, upon complaint of the Labor
1054 Commissioner, shall institute civil actions to recover the penalties
1055 provided for under subsections (a) and (b) of this section. Any amount
1056 recovered shall be deposited in the General Fund and credited to a
1057 separate nonlapsing appropriation to the Labor Department, for other
1058 current expenses, and may be used by the Labor Department to enforce
1059 the provisions of chapter 557, chapter 563a, this chapter, [and]
1060 subsection (g) of section 31-288 and section 15 of this act, and to
1061 implement the provisions of section 31-4.

1062 Sec. 20. (NEW) (*Effective from passage*) As used in this section and
1063 sections 21 to 25, inclusive, of this act:

1064 (1) "Child" means a biological, adopted or foster child, stepchild, or
1065 legal ward, of an employee, or a child of a person standing in loco
1066 parentis of an employee, or an individual to whom the employee stood
1067 in loco parentis when the individual was a minor child;

1068 (2) "Employee" means an individual engaged in service to an
1069 employer in the business of the employer;

1070 (3) "Employer" means any person, firm, business, educational
1071 institution, nonprofit organization, corporation, limited liability
1072 company or other entity, and includes the Personal Care Attendant
1073 Workforce Council established under section 17b-706a of the general
1074 statutes, which shall be deemed the employer of all personal care
1075 attendants, as defined in section 17b-706 of the general statutes.
1076 "Employer" does not include the federal government;

1077 (4) "Family member" means (A) the employee's spouse, as defined in
1078 section 31-51kk of the general statutes, child, parent, grandparent,
1079 grandchild or sibling, whether related to the employee by blood,
1080 marriage, adoption or foster care, or (B) an individual related to the
1081 employee by blood or affinity whose close association with the
1082 employee is the equivalent of those family relationships;

1083 (5) "Parent" means a biological parent, foster parent, adoptive parent,
1084 stepparent, parent-in-law of the employee or legal guardian of an
1085 employee or an employee's spouse, an individual standing in loco
1086 parentis to an employee, or an individual who stood in loco parentis to
1087 the employee when the employee was a minor child; and

1088 (6) "Retaliatory personnel action" means any termination,
1089 suspension, constructive discharge, demotion, unfavorable
1090 reassignment, refusal to promote, reduction of hours, disciplinary
1091 action or other adverse employment action taken by an employer
1092 against an employee.

1093 Sec. 21. (*Effective from passage*) (a) (1) Each employer shall provide to
1094 each of its employees COVID-19 sick leave in addition to any paid sick
1095 leave provided by the employer pursuant to sections 31-57s and 31-57t
1096 of the general statutes. The COVID-19 sick leave shall be (A) in the
1097 amount of eighty hours for each employee who regularly works forty or
1098 more hours per week, or (B) equal to the amount of hours the employee
1099 is regularly scheduled to work or works in a two-week period,
1100 whichever is greater, for each employee who regularly works less than
1101 forty hours per week.

1102 (2) An employee exempt from overtime requirements under 29 USC
1103 213(a)(1), as amended from time to time, shall be assumed to work forty
1104 hours per week for purposes of calculating COVID-19 sick leave, unless
1105 such employee regularly works less than forty hours per week, in which
1106 case the COVID-19 sick leave shall be provided based upon the number
1107 of hours regularly worked per week. An employee who regularly works
1108 less than forty hours per week, but whose number of work hours varies

1109 from week to week, shall be provided COVID-19 sick leave using the
1110 average number of hours per week the employee was scheduled to work
1111 in the six-month period immediately preceding the date on which the
1112 employee utilizes COVID-19 sick leave, including the hours of any leave
1113 taken by the employee, provided if the employee did not work over
1114 such period, the average shall be the reasonable expectation of the
1115 employee, at the time the employee was hired, of the average number
1116 of hours per week the employee would be regularly scheduled to work.

1117 (b) COVID-19 sick leave shall be provided to each employee,
1118 regardless of how long such employee has been employed by the
1119 employer and shall be available for use by an employee for any of the
1120 purposes set forth in subsection (c) of this section beginning on the
1121 earlier of: (1) September 1, 2021, or (2) the date the employee is hired,
1122 provided such employee is hired during the time period of the public
1123 health and civil preparedness emergencies declared by the Governor on
1124 March 10, 2020, or any extension of such time period. An employee shall
1125 be entitled to use COVID-19 sick leave retroactively starting from March
1126 10, 2020, until four weeks after the Governor's emergency declarations
1127 expire.

1128 (c) An employee shall be entitled to take COVID-19 sick leave when
1129 the employee is unable to perform the functions of the job of such
1130 employee, including through telework, due to any of the following
1131 reasons related to COVID-19:

1132 (1) The employee's need to: (A) Self-isolate and care for oneself
1133 because the employee has been diagnosed with COVID-19 or is
1134 experiencing symptoms of COVID-19; (B) seek preventive care
1135 concerning COVID-19; or (C) seek or obtain medical diagnosis, care, or
1136 treatment if experiencing symptoms of COVID-19;

1137 (2) The employee's need to comply with an order or determination to
1138 self-isolate, on the basis that the employee's physical presence on the job
1139 or in the community would jeopardize the employee's health, the health
1140 of other employees or the health of an individual in the employee's

1141 household because of: (A) Possible exposure to COVID-19; or (B) the
1142 exhibition of symptoms of COVID-19, regardless of whether the
1143 employee has been diagnosed with COVID-19;

1144 (3) The employee's need to care for a family member who is: (A) Self-
1145 isolating, seeking preventive care, or seeking or obtaining medical
1146 diagnosis, care, or treatment for the purposes described in subdivision
1147 (1) of this subsection; or (B) self-isolating due to an order or
1148 determination as described in subdivision (2) of this subsection;

1149 (4) The employee's inability to work or telework because the
1150 employee is: (A) Prohibited from working by the employer due to health
1151 concerns related to the potential transmission of COVID-19; or (B)
1152 subject to an individual or general local, state or federal quarantine or
1153 isolation order, including a shelter-in-place or stay-at-home order,
1154 related to COVID-19;

1155 (5) The employee's need to care for a family member when the care
1156 provider of such family member is unavailable due to COVID-19, or if
1157 the family member's school or place of care has been closed by a local,
1158 state or federal public official or at the discretion of the school or place
1159 of care due to COVID-19, including, if a school or place of care: (A) Is
1160 physically closed but providing virtual learning instruction; (B) requires
1161 or makes optional virtual learning instruction; or (C) requires or makes
1162 available a hybrid of in-person and virtual learning instruction models;
1163 or

1164 (6) The employee's inability to work because the employee has a
1165 health condition that may increase susceptibility to or risk of COVID-19,
1166 including, but not limited to, age, heart disease, asthma, lung disease,
1167 diabetes, kidney disease or a weakened immune system.

1168 (d) An order or determination pursuant to subdivision (2) of
1169 subsection (c) of this section or subparagraph (B) of subdivision (3) of
1170 subsection (c) of this section shall be made by a local, state or federal
1171 public official, a health authority having jurisdiction, a health care
1172 provider or the employer of the employee or the employee's family

1173 member. Such order or determination need not be specific to such
1174 employee or family member.

1175 (e) Each employer shall pay each employee for COVID-19 sick leave
1176 at a pay rate equal to the greater of (1) the normal hourly wage for that
1177 employee, or (2) the minimum fair wage rate under section 31-58 of the
1178 general statutes in effect for the pay period during which the employee
1179 used COVID-19 sick leave. For any employee whose hourly wage varies
1180 depending on the work performed by the employee, "normal hourly
1181 wage" means the average hourly wage of the employee in the pay period
1182 prior to the one in which the employee uses COVID-19 sick leave.

1183 (f) The employee shall provide advance notice to the employer of the
1184 need for COVID-19 sick leave as soon as practicable only when the need
1185 for COVID-19 sick leave is foreseeable and the employer's place of
1186 business has not been closed.

1187 (g) Notwithstanding any provision of sections 20 to 25, inclusive, of
1188 this act, no documentation from an employee shall be required by an
1189 employer for COVID-19 sick leave.

1190 (h) If an employee is transferred to a separate division, entity or
1191 location, but remains employed by the same employer, the employee
1192 shall be entitled to all COVID-19 sick leave received under sections 20
1193 to 25, inclusive, of this act at the prior division, entity or location and
1194 shall be entitled to use all COVID-19 sick leave as provided in sections
1195 20 to 25, inclusive, of this act. If a different employer succeeds or takes
1196 the place of an existing employer, all employees of the original employer
1197 who remain employed by the successor employer are entitled to all
1198 COVID-19 sick leave they accrued or are eligible for pursuant to sections
1199 20 to 25, inclusive, of this act while employed by the original employer,
1200 and are entitled to use COVID-19 sick leave previously received
1201 pursuant to sections 20 to 25, inclusive, of this act.

1202 (i) An employer shall not require, as a condition of an employee's
1203 taking COVID-19 sick leave, that the employee search for or find a
1204 replacement worker to cover the hours during which the employee is

1205 using COVID-19 sick leave.

1206 Sec. 22. (NEW) (*Effective from passage*) (a) Nothing in sections 20 to 25,
1207 inclusive, of this act shall be construed to: (1) Discourage or prohibit an
1208 employer from the adoption or retention of a COVID-19 sick leave, paid
1209 sick leave or other paid leave policy more generous than the one
1210 required pursuant to section 21 of this act, including providing more
1211 leave than required under said section; (2) diminish any rights provided
1212 to any employee under a collective bargaining agreement; or (3) prohibit
1213 an employer from establishing a policy whereby an employee may
1214 donate unused COVID-19 sick leave to another employee.

1215 (b) An employee may first use the COVID-19 sick leave provided
1216 under section 23 of this act prior to using sick leave under section 31-57t
1217 of the general statutes. An employer may not require an employee to
1218 use other paid leave provided by the employer to the employee before
1219 the employee uses the COVID-19 sick leave.

1220 Sec. 23. (NEW) (*Effective from passage*) (a) It shall be unlawful for an
1221 employer or any other person to interfere with, restrain or deny the
1222 exercise of, or the attempt to exercise, any right protected under sections
1223 20 to 25, inclusive, of this act. No employer shall take retaliatory
1224 personnel action or discriminate against an employee because the
1225 employee (1) requests or uses COVID-19 sick leave in accordance with
1226 the provisions of sections 20 to 25, inclusive, of this act, or (2) files a
1227 complaint with the Labor Commissioner alleging the employer's
1228 violation of any provision of said sections.

1229 (b) The Labor Commissioner shall advise any employee who (1) is
1230 covered by a collective bargaining agreement that provides for COVID-
1231 19 sick leave, and (2) files a complaint pursuant to subsection (a) of this
1232 section of the employee's right to pursue a grievance with his or her
1233 collective bargaining agent.

1234 (c) Any employee aggrieved by a violation of any provision of
1235 sections 20 to 25, inclusive, of this act, may file a complaint with the
1236 Labor Commissioner. Upon receipt of any such complaint, the Labor

1237 Commissioner may hold a hearing. After the hearing, any employer
1238 who is found by the Labor Commissioner, by a preponderance of the
1239 evidence, to have violated any provision of this section shall be liable to
1240 the Labor Department for a civil penalty in an amount consistent with
1241 the penalties provided in section 31-57v of the general statutes. The
1242 Labor Commissioner may award the employee appropriate relief
1243 consistent with the provisions of section 31-57v of the general statutes.
1244 Any party aggrieved by the decision of the Labor Commissioner may
1245 appeal the decision to the Superior Court in accordance with the
1246 provisions of section 4-183 of the general statutes.

1247 (d) Any person aggrieved by a violation of any provision of sections
1248 20 to 25, inclusive, of this act, the Labor Commissioner, the Attorney
1249 General or any entity a member of which is aggrieved by a violation of
1250 this act, may bring a civil action in a court of competent jurisdiction
1251 against the employer violating said sections. Such action may be
1252 brought by a person aggrieved by a violation of this section without first
1253 filing an administrative complaint.

1254 (e) The Labor Commissioner shall administer this section within
1255 available appropriations.

1256 Sec. 24. (NEW) (*Effective from passage*) (a) Each employer subject to the
1257 provisions of sections 20 to 25, inclusive, of this act shall, at the time of
1258 hiring or not later than fourteen days after the effective date of this
1259 section, whichever is later, provide written notice to each employee (1)
1260 of the entitlement to COVID-19 sick leave, the amount of COVID-19 sick
1261 leave provided and the terms under which COVID-19 sick leave may be
1262 used, (2) that retaliatory personnel actions by the employer are
1263 prohibited, and (3) of the right to file a complaint with the Labor
1264 Commissioner or file a civil action for any violation of sections 20 to 25,
1265 inclusive, of this act. Each employer shall also display a poster in a
1266 conspicuous place, accessible to employees, at the employer's place of
1267 business that contains the information required by this section in both
1268 English and Spanish provided in cases where the employer does not
1269 maintain a physical workplace, or an employee teleworks or performs

1270 work through a web-based or app-based platform, notification shall be
1271 sent via electronic communication or a conspicuous posting in the web-
1272 based or app-based platform. The Labor Commissioner shall provide
1273 such posters and model written notices to all employers. Additionally,
1274 employers shall include in the record of hours worked, wages earned
1275 and deductions required by section 31-13a of the general statutes, the
1276 number of hours, if any, of COVID-19 sick leave received by each
1277 employee, as well as any use of COVID-19 sick leave in the calendar
1278 year. The Labor Commissioner shall administer this section within
1279 available appropriations.

1280 (b) Employers shall retain records documenting hours worked by
1281 employees and COVID-19 sick leave taken by employees, for a period
1282 of three years, and shall allow the Labor Commissioner access to such
1283 records, with appropriate notice and at a mutually agreeable time, to
1284 monitor compliance with the requirements of this section. When an
1285 issue arises as to an employee's entitlement to COVID-19 sick leave
1286 under this section, if the employer does not maintain or retain adequate
1287 records documenting hours worked by the employee and COVID-19
1288 sick leave taken by the employee, or does not allow reasonable access to
1289 such records, it shall be presumed that the employer has violated this
1290 section absent clear and convincing evidence otherwise.

1291 (c) The Labor Commissioner may coordinate implementation and
1292 enforcement of sections 20 to 25, inclusive, of this act and shall
1293 promulgate appropriate guidelines or regulations for such purposes.

1294 (d) The Labor Commissioner may develop and implement a
1295 multilingual outreach program to inform employees, parents and
1296 persons who are under the care of a health care provider about the
1297 availability of COVID-19 sick leave. This program may include the
1298 development of notices and other written materials in English and in
1299 other languages. The Labor Commissioner shall administer this section
1300 within available appropriations.

1301 Sec. 25. (NEW) (*Effective from passage*) Unless required by law, an

1302 employer shall not require disclosure of the details of an employee's or
1303 an employee's family member's health information as a condition for
1304 providing COVID-19 sick leave under sections 20 to 25, inclusive, of this
1305 act. If an employer possesses health information about an employee or
1306 an employee's family member, such information shall be treated as
1307 confidential and not disclosed except to such employee or with the
1308 permission of such employee.

1309 Sec. 26. Subdivision (1) of subsection (c) of section 31-225a of the
1310 general statutes is repealed and the following is substituted in lieu
1311 thereof (*Effective October 1, 2021*):

1312 (c) (1) (A) Any week for which the employer has compensated the
1313 claimant in the form of wages in lieu of notice, dismissal payments or
1314 any similar payment for loss of wages shall be considered a week of
1315 employment for the purpose of determining employer chargeability. (B)
1316 No benefits shall be charged to any employer who paid wages of five
1317 hundred dollars or less to the claimant in his or her base period. (C) No
1318 dependency allowance paid to a claimant shall be charged to any
1319 employer. (D) In the event of a natural disaster declared by the President
1320 of the United States, no benefits paid on the basis of total or partial
1321 unemployment which is the result of physical damage to a place of
1322 employment caused by severe weather conditions including, but not
1323 limited to, hurricanes, snow storms, ice storms or flooding, or fire except
1324 where caused by the employer, shall be charged to any employer. (E) If
1325 the administrator finds that (i) an individual's most recent separation
1326 from a base period employer occurred under conditions which would
1327 result in disqualification by reason of subdivision (2), (6) or (9) of
1328 subsection (a) of section 31-236, or (ii) an individual was discharged for
1329 violating an employer's drug testing policy, provided the policy has
1330 been adopted and applied consistent with sections 31-51t to 31-51aa,
1331 inclusive, section 14-261b and any applicable federal law, no benefits
1332 paid thereafter to such individual with respect to any week of
1333 unemployment which is based upon wages paid by such employer with
1334 respect to employment prior to such separation shall be charged to such
1335 employer's account, provided such employer shall have filed a notice

1336 with the administrator within the time allowed for appeal in section 31-
1337 241. (F) No base period employer's account shall be charged with respect
1338 to benefits paid to a claimant if such employer continues to employ such
1339 claimant at the time the employer's account would otherwise have been
1340 charged to the same extent that he or she employed him or her during
1341 the individual's base period, provided the employer shall notify the
1342 administrator within the time allowed for appeal in section 31-241. (G)
1343 If a claimant has failed to accept suitable employment under the
1344 provisions of subdivision (1) of subsection (a) of section 31-236 and the
1345 disqualification has been imposed, the account of the employer who
1346 makes an offer of employment to a claimant who was a former
1347 employee shall not be charged with any benefit payments made to such
1348 claimant after such initial offer of reemployment until such time as such
1349 claimant resumes employment with such employer, provided such
1350 employer shall make application therefor in a form acceptable to the
1351 administrator. The administrator shall notify such employer whether or
1352 not his or her application is granted. Any decision of the administrator
1353 denying suspension of charges as herein provided may be appealed
1354 within the time allowed for appeal in section 31-241. (H) Fifty per cent
1355 of benefits paid to a claimant under the federal-state extended duration
1356 unemployment benefits program established by the federal
1357 Employment Security Act shall be charged to the experience accounts of
1358 the claimant's base period employers in the same manner as the regular
1359 benefits paid for such benefit year. (I) No base period employer's
1360 account shall be charged with respect to benefits paid to a claimant who
1361 voluntarily left suitable work with such employer (i) to care for a
1362 seriously ill spouse, parent or child or (ii) due to the discontinuance of
1363 the transportation used by the claimant to get to and from work, as
1364 provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of
1365 subsection (a) of section 31-236. (J) No base period employer's account
1366 shall be charged with respect to benefits paid to a claimant who has been
1367 discharged or suspended because the claimant has been disqualified
1368 from performing the work for which he or she was hired due to the loss
1369 of such claimant's operator license as a result of a drug or alcohol test or
1370 testing program conducted in accordance with section 14-44k, 14-227a

1371 or 14-227b while the claimant was off duty. (K) No base period
1372 employer's account shall be charged with respect to benefits paid to a
1373 claimant due to partial or total unemployment that the Labor
1374 Commissioner or the commissioner's designee determines are
1375 attributable to COVID-19, including, but not limited to, benefits paid to
1376 a claimant who, through no fault of his or her own, becomes either
1377 partially or fully unemployed during the public health and civil
1378 preparedness emergencies declared by the Governor on March 10, 2020,
1379 and any period of extension or renewal.

1380 Sec. 27. Subsection (c) of section 31-225a of the general statutes, as
1381 amended by section 26 of public act 19-25, section 235 of public act 19-
1382 117 and section 26 of this act is repealed and the following is substituted
1383 in lieu thereof (*Effective January 1, 2022*):

1384 (c) (1) (A) Any week for which the employer has compensated the
1385 claimant in the form of wages in lieu of notice, dismissal payments or
1386 any similar payment for loss of wages shall be considered a week of
1387 employment for the purpose of determining employer chargeability. (B)
1388 No benefits shall be charged to any employer who paid wages of five
1389 hundred dollars or less to the claimant in his or her base period. (C) No
1390 dependency allowance paid to a claimant shall be charged to any
1391 employer. (D) In the event of a natural disaster declared by the President
1392 of the United States, no benefits paid on the basis of total or partial
1393 unemployment which is the result of physical damage to a place of
1394 employment caused by severe weather conditions including, but not
1395 limited to, hurricanes, snow storms, ice storms or flooding, or fire except
1396 where caused by the employer, shall be charged to any employer. (E) If
1397 the administrator finds that (i) an individual's most recent separation
1398 from a base period employer occurred under conditions which would
1399 result in disqualification by reason of subdivision (2), (6) or (9) of
1400 subsection (a) of section 31-236, or (ii) an individual was discharged for
1401 violating an employer's drug testing policy, provided the policy has
1402 been adopted and applied consistent with sections 31-51t to 31-51aa,
1403 inclusive, section 14-261b and any applicable federal law, no benefits
1404 paid thereafter to such individual with respect to any week of

1405 unemployment which is based upon wages paid by such employer with
1406 respect to employment prior to such separation shall be charged to such
1407 employer's account, provided such employer shall have filed a notice
1408 with the administrator within the time allowed for appeal in section 31-
1409 241. (F) No base period employer's account shall be charged with respect
1410 to benefits paid to a claimant if such employer continues to employ such
1411 claimant at the time the employer's account would otherwise have been
1412 charged to the same extent that he or she employed him or her during
1413 the individual's base period, provided the employer shall notify the
1414 administrator within the time allowed for appeal in section 31-241. (G)
1415 If a claimant has failed to accept suitable employment under the
1416 provisions of subdivision (1) of subsection (a) of section 31-236 and the
1417 disqualification has been imposed, the account of the employer who
1418 makes an offer of employment to a claimant who was a former
1419 employee shall not be charged with any benefit payments made to such
1420 claimant after such initial offer of reemployment until such time as such
1421 claimant resumes employment with such employer, provided such
1422 employer shall make application therefor in a form acceptable to the
1423 administrator. The administrator shall notify such employer whether or
1424 not his or her application is granted. Any decision of the administrator
1425 denying suspension of charges as herein provided may be appealed
1426 within the time allowed for appeal in section 31-241. (H) Fifty per cent
1427 of benefits paid to a claimant under the federal-state extended duration
1428 unemployment benefits program established by the federal
1429 Employment Security Act shall be charged to the experience accounts of
1430 the claimant's base period employers in the same manner as the regular
1431 benefits paid for such benefit year. (I) No base period employer's
1432 account shall be charged with respect to benefits paid to a claimant who
1433 voluntarily left suitable work with such employer (i) to care for a
1434 seriously ill spouse, parent or child, or (ii) due to the discontinuance of
1435 the transportation used by the claimant to get to and from work, as
1436 provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of
1437 subsection (a) of section 31-236. (J) No base period employer's account
1438 shall be charged with respect to benefits paid to a claimant who has been
1439 discharged or suspended because the claimant has been disqualified

1440 from performing the work for which he or she was hired due to the loss
1441 of such claimant's operator license as a result of a drug or alcohol test or
1442 testing program conducted in accordance with section 14-44k, 14-227a
1443 or 14-227b while the claimant was off duty. (K) No base period
1444 employer's account shall be charged with respect to benefits paid to a
1445 claimant due to partial or total unemployment that the Labor
1446 Commissioner or the commissioner's designee determines are
1447 attributable to COVID-19, including, but not limited to, benefits paid to
1448 a claimant who, through no fault of his or her own, becomes either
1449 partially or fully unemployed during the public health and civil
1450 preparedness emergency declared by the Governor on March 10, 2020,
1451 and any period of extension or renewal. [K] (L) No base period
1452 employer's account shall be charged with respect to benefits paid to a
1453 claimant whose separation from employment is attributable to the
1454 return of an individual who was absent from work due to a bona fide
1455 leave taken pursuant to sections 31-49f to 31-49t, inclusive, or 31-51kk to
1456 31-51qq, inclusive.

1457 (2) All benefits paid which are not charged to any employer shall be
1458 pooled.

1459 (3) The noncharging provisions of this chapter, except subparagraphs
1460 (D), (F) and [(K)] (L) of subdivision (1) of this subsection, shall not apply
1461 to reimbursing employers.

1462 Sec. 28. (NEW) (*Effective from passage*) (a) Notwithstanding any
1463 provision of chapter 567 of the general statutes, during the weeks
1464 commencing July 26, 2020, and ending on September 5, 2020,
1465 individuals who were eligible for a weekly benefit amount of less than
1466 one hundred dollars pursuant to the provisions of said chapter and who
1467 did not exhaust their state regular unemployment benefits by July 26,
1468 2020, shall have their weekly benefit amount raised to one hundred
1469 dollars and such individuals shall be permitted to apply for lost wages
1470 assistance.

1471 (b) Notwithstanding any provision of chapter 567 of the general

1472 statutes, if an additional federal benefit program is established for which
1473 the eligibility of an individual requires a weekly benefit amount of not
1474 less than one hundred dollars pursuant to the provisions of said chapter,
1475 individuals who are eligible for a weekly benefit amount of less than
1476 one hundred dollars and who have not exhausted their state regular
1477 unemployment benefits shall have their weekly benefit amount raised
1478 to one hundred dollars, and such individuals shall be permitted to apply
1479 for such additional federal benefit program. As used in this subsection,
1480 "additional federal benefit program" means a program enacted in
1481 federal law that provides benefits for unemployment caused by or
1482 related to COVID-19 or the public health and civil preparedness
1483 emergencies declared by the Governor on March 10, 2020, or any
1484 extension of such emergency declarations, and for which there is one
1485 hundred per cent federal funding and "COVID-19" means the
1486 respiratory disease designated by the World Health Organization on
1487 February 11, 2020, as coronavirus 2019, and any related mutation thereof
1488 recognized by the World Health Organization as a communicable
1489 respiratory disease.

1490 (c) With respect to employers who make payments in lieu of
1491 contributions pursuant to section 31-225 of the general statutes, for
1492 individuals who are affected by subsection (a) or (b) of this section, the
1493 amount otherwise due from the employer in lieu of contributions shall
1494 be reduced by an amount equal to the difference between the
1495 individual's weekly benefit amount to be paid pursuant to subsections
1496 (a) or (b) of this section and the weekly benefit amount which was or
1497 would have been calculated pursuant to chapter 567 of the general
1498 statutes prior to the adjustment to the weekly benefit amount required
1499 by subsections (a) or (b) of this section.

1500 (d) The Labor Commissioner may issue any implementing orders the
1501 commissioner deems necessary to effectuate the provisions of this
1502 section.

1503 Sec. 29. Subsection (f) of section 31-273 of the general statutes is
1504 repealed and the following is substituted in lieu thereof (*Effective from*

1505 *passage*):

1506 (f) Any person who knowingly makes a false statement or
1507 representation or fails to disclose a material fact in order to obtain,
1508 increase, prevent or decrease any benefit, contribution or other payment
1509 under this chapter, or under any similar law of another state or of the
1510 United States in regard to which this state acted as agent pursuant to an
1511 agreement authorized by section 31-225, whether to be made to or by
1512 himself or herself or any other person, and who receives any such
1513 benefit, pays any such contribution or alters any such payment to his or
1514 her advantage by such fraudulent means (1) shall be guilty of a class A
1515 misdemeanor if such benefit, contribution or payment amounts to [five
1516 hundred] two thousand dollars or less, or (2) shall be guilty of a class D
1517 felony if such benefit, contribution or payment amounts to more than
1518 [five hundred] two thousand dollars. Notwithstanding the provisions
1519 of section 54-193, no person shall be prosecuted for a violation of the
1520 provisions of this subsection committed on or after October 1, 1977,
1521 except within five years next after such violation has been committed.

1522 Sec. 30. (NEW) (*Effective from passage*) Each contracting authority
1523 acting pursuant to section 31-53 of the general statutes shall consider the
1524 use of a project labor agreement pursuant to section 31-56b of the
1525 general statutes for state contracts valued at ten million dollars or more.
1526 Each contractor who bids on such a state contract shall (1) be
1527 prequalified under section 4a-100 of the general statutes to perform the
1528 work required by the contractor under the contract, (2) be enrolled in
1529 the apprenticeship program pursuant to section 31-22m of the general
1530 statutes, and (3) if awarded the contract, complete the work required
1531 under the contract using its own employees and shall pay such
1532 employees not less than the wages described in section 31-53 of the
1533 general statutes.

1534 Sec. 31. Section 31-57r of the general statutes is repealed and the
1535 following is substituted in lieu thereof (*Effective from passage*):

1536 As used in this section and sections 31-57s to 31-57w, inclusive:

1537 (1) "Child" means a biological, adopted or foster child, stepchild, legal
1538 ward of a service worker, or a child of a service worker standing in loco
1539 parentis, who is (A) under eighteen years of age; or (B) eighteen years
1540 of age or older and incapable of self-care because of a mental or physical
1541 disability;

1542 (2) "Day or temporary worker" means an individual who performs
1543 work for another on (A) a per diem basis, or (B) an occasional or
1544 irregular basis for only the time required to complete such work,
1545 whether such individual is paid by the person for whom such work is
1546 performed or by an employment agency or temporary help service, as
1547 defined in section 31-129;

1548 (3) "Employee" means an individual engaged in service to an
1549 employer in the business of the employer and includes a personal care
1550 attendant, as defined in section 17b-706, who shall be deemed employed
1551 by the Personal Care Attendant Workforce Council established under
1552 section 17b-706a;

1553 (4) (A) "Employer" means any person, firm, business, educational
1554 institution, nonprofit agency, corporation, limited liability company or
1555 other entity that employs fifty or more individuals in the state, which
1556 shall be determined based on such person's, firm's, business',
1557 educational institution's, nonprofit agency's, corporation's, limited
1558 liability company's or other entity's payroll for the week containing
1559 October first, annually, [.] and includes the Personal Care Attendant
1560 Workforce Council established under section 17b-706a, which shall be
1561 deemed the employer all personal care attendants, as defined in section
1562 17b-706. "Employer" does not mean the federal government. (B)
1563 "Employer" does not include [:(A) Any] any business establishment
1564 classified in sector 31, 32 or 33 in the North American Industrial
1565 Classification System, [or (B) any] nationally chartered organization
1566 exempt from taxation under Section 501(c)(3) of the Internal Revenue
1567 Code of 1986, or any subsequent corresponding internal revenue code
1568 of the United States, as from time to time amended, that provides all of
1569 the following services: Recreation, child care and education or the

1570 federal government;

1571 (5) "Family violence" has the same meaning as provided in section
1572 46b-38a;

1573 (6) "Retaliatory personnel action" means any termination,
1574 suspension, constructive discharge, demotion, unfavorable
1575 reassignment, refusal to promote, disciplinary action or other adverse
1576 employment action taken by an employer against an employee or a
1577 service worker;

1578 (7) "Service worker" means an employee primarily engaged in an
1579 occupation with one of the following broad or detailed occupation code
1580 numbers and titles, as defined by the federal Bureau of Labor Statistics
1581 Standard Occupational Classification system or any successor system:
1582 (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health
1583 Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and
1584 Human Service Assistants; (E) 21-1094 Community Health Workers; (F)
1585 21-1099 Community and Social Service Specialists, All Other; (G) 25-
1586 4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician
1587 Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-
1588 1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170
1589 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040
1590 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health
1591 Practitioner Support Technologists and Technicians; (R) 29-2060
1592 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home
1593 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U)
1594 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092
1595 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing
1596 Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving
1597 Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers;
1598 (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers;
1599 (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers,
1600 Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants
1601 and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts
1602 and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090

1603 Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-
1604 2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
1605 (LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030
1606 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
1607 Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage
1608 Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
1609 (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors
1610 of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and
1611 Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
1612 (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170
1613 Receptionists and Information Clerks; (YY) 43-5020 Couriers and
1614 Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
1615 (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and
1616 Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
1617 (DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE)
1618 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
1619 (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine
1620 Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy
1621 Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous
1622 Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
1623 (LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing
1624 Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
1625 (NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency
1626 Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi
1627 Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
1628 and is (i) paid on an hourly basis, or (ii) not exempt from the minimum
1629 wage and overtime compensation requirements of the Fair Labor
1630 Standards Act of 1938 and the regulations promulgated thereunder, as
1631 amended from time to time. "Service worker" does not include day or
1632 temporary workers;

1633 (8) "Sexual assault" means any act that constitutes a violation of
1634 section 53a-70b of the general statutes, revision of 1958, revised to
1635 January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or
1636 53a-73a;

1637 (9) "Spouse" means a husband or wife, as the case may be; and

1638 (10) "Year" means any three-hundred-sixty-five-day period used by
1639 an employer to calculate employee benefits.

1640 Sec. 32. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

1641 (1) "Nurse" means an advanced practice registered nurse, registered
1642 nurse or licensed practical nurse;

1643 (2) "Advanced practice registered nurse" means an advanced practice
1644 registered nurse licensed pursuant to chapter 378 of the general statutes;

1645 (3) "Registered nurse" means a registered nurse licensed pursuant to
1646 chapter 378 of the general statutes;

1647 (4) "Licensed practical nurse" means a practical nurse licensed
1648 pursuant to chapter 378 of the general statutes;

1649 (5) "Nurse's aide" means a nurse's aide registered pursuant to chapter
1650 378a of the general statutes;

1651 (6) "Hospital" means any short-term acute care general or children's
1652 hospital licensed by the Department of Public Health, including the John
1653 Dempsey Hospital of The University of Connecticut Health Center;

1654 (7) "Direct patient care" means any care of a patient that is provided
1655 personally by a hospital staff member and includes, but is not limited
1656 to, treatment, counseling, self-care and the administration of
1657 medication; and

1658 (8) "Nursing unit" means a unit or floor in a hospital.

1659 (b) Each hospital shall calculate for each nursing unit, on a per shift
1660 basis, the total number of nurses and nurse's aides providing direct
1661 patient care to patients of the hospital. Each hospital shall post in each
1662 nursing unit, at the beginning of each shift, a clear and conspicuous
1663 notice readily accessible to and clearly visible by patients, employees
1664 and visitors of the hospital, including, but not limited to, persons in a

1665 wheelchair, containing the following information:

1666 (1) The name of the hospital;

1667 (2) The date;

1668 (3) The total number of (A) advanced practice registered nurses, (B)
1669 registered nurses, (C) licensed practical nurses, and (D) nurse's aides,
1670 who will be responsible for direct patient care during the shift, and the
1671 total number of hours each such nurse or nurse's aide is scheduled to
1672 work during the shift; and

1673 (4) The total number of patients in the nursing unit.

1674 (c) In addition to the information posted pursuant to subsection (a) of
1675 this section, each hospital shall post at the beginning of each shift a clear
1676 and conspicuous notice readily accessible to and clearly visible by
1677 patients, employees and visitors of the hospital, including, but not
1678 limited to, persons in a wheelchair, containing the following
1679 information:

1680 (1) The hospital's staffing matrix for the nursing unit; and

1681 (2) The telephone number or Internet web site that a patient,
1682 employee or visitor of the hospital may use to report a suspected
1683 violation by the hospital of a regulatory requirement concerning staffing
1684 levels and direct patient care.

1685 (d) Each hospital shall, upon oral or written request, make the
1686 information posted pursuant to subsections (b) and (c) of this section
1687 available to the public for review. The hospital shall retain such
1688 information for not less than eighteen months from the date such
1689 information was posted.

1690 (e) No hospital shall discharge or in any manner discriminate or
1691 retaliate against any employee of any hospital or against any other
1692 person because such employee or person reported a suspected violation
1693 by the hospital of a regulatory requirement concerning staffing levels

1694 and direct patient care. Notwithstanding any other provision of the
1695 general statutes, any hospital that violates any provision of this
1696 subsection shall (1) be liable to such employee or person for treble
1697 damages, and (2) reinstate the employee, if the employee was
1698 terminated from employment. For purposes of this subsection,
1699 "discriminate or retaliate" includes, but is not limited to, the discharge,
1700 demotion, suspension or any other detrimental change in terms or
1701 conditions of employment or the threat of any such action.

1702 Sec. 33. Section 31-68 of the general statutes is repealed and the
1703 following is substituted in lieu thereof (*Effective from passage*):

1704 (a) (1) If any employee is paid by his or her employer less than the
1705 minimum fair wage or overtime wage to which he or she is entitled
1706 under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair
1707 wage order, or less than the amount of additional compensation to
1708 which he or she is entitled under sections 12 to 16, inclusive, of this act,
1709 he or she shall recover, in a civil action, (A) twice the full amount of such
1710 minimum wage, [or] overtime wage or additional compensation less
1711 any amount actually paid to him or her by the employer, with costs and
1712 such reasonable attorney's fees as may be allowed by the court, or (B) if
1713 the employer establishes that the employer had a good faith belief that
1714 the underpayment of such wages or additional compensation was in
1715 compliance with the law, the full amount of such minimum wage, [or]
1716 overtime wage or additional compensation less any amount actually
1717 paid to him or her by the employer, with costs and such reasonable
1718 attorney's fees as may be allowed by the court.

1719 (2) Notwithstanding the provisions of subdivision (1) of this
1720 subsection, if any employee is paid by his or her employer less than the
1721 minimum fair wage or overtime wage to which he or she is entitled
1722 under section 31-62-E4 of the regulations of Connecticut state agencies,
1723 such employee shall recover, in a civil action, (A) twice the full amount
1724 of such minimum wage or overtime wage less any amount actually paid
1725 to such employee by the employer, with costs and such reasonable
1726 attorney's fees as may be allowed by the court, or (B) if the employer

1727 establishes that the employer had a good faith belief that the
1728 underpayment of such wages was in compliance with the law, the full
1729 amount of such minimum wage or overtime wage less any amount
1730 actually paid to such employee by the employer, with costs as may be
1731 allowed by the court. A good faith belief includes, but is not limited to,
1732 reasonable reliance on written guidance from the Labor Department.

1733 (3) Notwithstanding the provisions of section 52-105, no person may
1734 be authorized by a court to sue for the benefit of other alleged similarly
1735 situated persons in a case brought for violations of section 31-62-E4 of
1736 the regulations of Connecticut state agencies, unless such person, in
1737 addition to satisfying any judicial rules of practice governing class
1738 action certifications, demonstrates to the court, under the appropriate
1739 burden of proof, that the defendant is liable to all individual proposed
1740 class members because all such members (A) performed nonservice
1741 duties while employed by the defendant, for more than a de minimis
1742 amount of time, that were not incidental to service duties, and (B) were
1743 not properly compensated by the defendant for some portion of their
1744 nonservice duties in accordance with section 31-62-E4 of the regulations
1745 of Connecticut state agencies.

1746 (4) Any agreement between an employee and his or her employer to
1747 work for less than such minimum fair wage or overtime wage or for less
1748 than the amount of additional compensation owned to the employee
1749 pursuant to sections 12 to 16, inclusive, of this act shall be no defense to
1750 such action as described in this section. The commissioner may collect
1751 the full amount of unpaid minimum fair wages, [or] unpaid overtime
1752 wages or unpaid additional compensation to which an employee is
1753 entitled under said sections or order, as well as interest calculated in
1754 accordance with the provisions of section 31-265 from the date the
1755 wages or additional compensation should have been received, had they
1756 been paid in a timely manner. In addition, the commissioner may bring
1757 any legal action necessary to recover twice the full amount of the unpaid
1758 minimum fair wages, [or] unpaid overtime wages or unpaid additional
1759 compensation to which the employee is entitled under said sections or
1760 under an order, and the employer shall be required to pay the costs and

1761 such reasonable attorney's fees as may be allowed by the court. The
 1762 commissioner shall distribute any wages, additional compensation or
 1763 interest collected pursuant to this section to the employee or in
 1764 accordance with the provisions of subsection (b) of this section.

1765 (b) All wages and additional compensation collected by the
 1766 commissioner for an employee whose whereabouts are unknown to the
 1767 commissioner shall be held by the commissioner for three months and
 1768 thereafter the commissioner may, in his discretion, pay the same, on
 1769 application, to the husband or wife or, if none, to the next of kin of such
 1770 employee. As a condition of such payment, the commissioner or his
 1771 authorized representative shall require proof of the relationship of the
 1772 claimant and the execution of a bond of indemnity and a receipt for such
 1773 payment. Notwithstanding the provisions of section 3-60b, any such
 1774 wages or additional compensation held by the commissioner for two
 1775 years without being claimed shall escheat to the state, subject to the
 1776 provisions of sections 3-66a to 3-71a, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-290a
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	31-306(a)
Sec. 5	<i>from passage</i>	31-275(16)
Sec. 6	<i>from passage</i>	31-294k
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2021</i>	31-71g
Sec. 18	<i>October 1, 2021</i>	31-69(a)

Sec. 19	<i>October 1, 2021</i>	31-69a
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>October 1, 2021</i>	31-225a(c)(1)
Sec. 27	<i>January 1, 2022</i>	31-225a(c)
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	31-273(f)
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>from passage</i>	31-57r
Sec. 32	<i>October 1, 2021</i>	New section
Sec. 33	<i>from passage</i>	31-68

Statement of Purpose:

To address labor matters related to COVID-19, personal protective equipment and other staffing issues.

[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.]