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

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

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 Section 31-290a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(a) No employer who is subject to the provisions of this chapter shall:

[discharge.] (1) Discharge or cause to be discharged, or in any manner discipline or discriminate against any employee because the employee has filed a claim for workers' compensation benefits or otherwise exercised the rights afforded to him pursuant to the provisions of this chapter, or (2) deliberately misinform or otherwise deliberately dissuade an employee from filing a claim for workers' compensation benefits.
(b) Any employee who is so discharged, disciplined or discriminated against or who has been deliberately misinformed or dissuaded from filing a claim for workers' compensation benefits may either: (1) Bring a civil action in the superior court for the judicial district where the employer has its principal office for the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he would have otherwise been entitled if he had not been discriminated against or discharged and any other damages caused by such discrimination or discharge. The court may also award punitive damages. Any employee who prevails in such a civil action shall be awarded reasonable attorney's fees and costs to be taxed by the court; or (2) file a complaint with the chairman of the Workers' Compensation Commission alleging violation of the provisions of subsection (a) of this section. Upon receipt of any such complaint, the chairman shall select a commissioner to hear the complaint, provided any commissioner who has previously rendered any decision concerning the claim shall be excluded. The hearing shall be held in the workers' compensation district where the employer has its principal office. After the hearing, the commissioner shall send each party a written copy of his decision. The commissioner may award the employee the reinstatement of his previous job, payment of back wages and reestablishment of employee benefits to which he otherwise would have been eligible if he had not been discriminated against or discharged. Any employee who prevails in such a complaint shall be awarded reasonable attorney's fees. Any party aggrieved by the decision of the commissioner may appeal the decision to the Appellate Court.

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

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

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

(b) The provisions of subsection (a) of this section shall not apply to
an employee who, during the fourteen consecutive days immediately
preceding the date the employee died or was unable to work due to
contracting COVID-19 or due to symptoms that were later diagnosed as COVID-19: (1) Was employed in a capacity where he or she worked solely from home and did not have physical interaction with other employees or work-related supplies or materials of the employer, or (2) was the recipient of an individualized written offer or directive from his or her employer to work solely from home, but otherwise chose to work at a work site of the employer.

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

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

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

(f) Beginning on July 1, 2021, and ending on January 1, 2023, the Workers' Compensation Commission shall provide a detailed report on the first business day of each month on COVID-19 workers'
compensation claims and shall provide such reports to the joint standing committees of the General Assembly having cognizance of matters relating to labor and insurance. Such monthly reports shall contain: (1) The number of total COVID-19 workers' compensation claims filed since May 10, 2020; (2) the number of record-only claims filed by hospitals, nursing homes, municipalities and other employers, listed by employer name; (3) the number of COVID-19 workers' compensation cases filed by state employees in each agency; (4) the number of such claims contested by each individual employer, including state agencies, third-party administrators and insurers, by client; (5) the reasons cited by each employer, including state agencies, third-party administrators or insurers, by client, for contesting such claims; (6) the number of claims that have received a hearing by the Workers' Compensation Commission; (7) the number of: (A) Rulings by the Workers' Compensation Commission regarding such claims that have been appealed, (B) approved voluntary agreements, (C) findings and awards, (D) findings and dismissals, (E) petitions for review, and (F) stipulations; (8) the average time it took to schedule an initial hearing once it has been requested; and (9) the average time it took to adjudicate contested COVID-19 workers' compensation claims. Employers, including state agencies, third-party administrators and insurers shall comply with all requests from the Workers' Compensation Commission for information required to compile the reports.

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

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

(1) [Four] Twenty thousand dollars shall be paid for burial expenses in any case in which the employee died on or after October 1, 1988. On January 1, 2022, and not later than each January first thereafter, the compensation for burial benefits shall be adjusted by the percentage
increase between the last complete calendar year and the previous
calendar year in the consumer price index for urban wage earners and
clerical workers in the northeast urban area of New York-Northern New
Jersey-Long Island, NY-NJ-CT-PA, with no seasonal adjustment, as
calculated by the United States Department of Labor's Bureau of Labor
Statistics. If there is no one wholly or partially dependent upon the
deceased employee, the burial expenses [of four thousand dollars] shall
be paid to the person who assumes the responsibility of paying the
funeral expenses.

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

[(2)] (3) To those wholly dependent upon the deceased employee at
the date of the deceased employee's injury, a weekly compensation
equal to seventy-five per cent of the average weekly earnings of the
deceased calculated pursuant to section 31-310, after such earnings have
been reduced by any deduction for federal or state taxes, or both, and
for the federal Insurance Contributions Act made from such employee's
total wages received during the period of calculation of the employee's
average weekly wage pursuant to said section 31-310, as of the date of
the injury but not more than the maximum weekly compensation rate
set forth in section 31-309 for the year in which the injury occurred or
less than twenty dollars weekly. (A) The weekly compensation rate of
each dependent entitled to receive compensation under this section as a
result of death arising from a compensable injury occurring on or after
October 1, 1977, shall be adjusted annually as provided in this
subdivision as of the following October first, and each subsequent
October first, to provide the dependent with a cost-of-living adjustment
in the dependent's weekly compensation rate as determined as of the
date of the injury under section 31-309. If the maximum weekly
compensation rate, as determined under the provisions of said section
31-309, to be effective as of any October first following the date of the
injury, is greater than the maximum weekly compensation rate
prevailing at the date of the injury, the weekly compensation rate which
the injured employee was entitled to receive at the date of the injury or
October 1, 1990, whichever is later, shall be increased by the percentage
of the increase in the maximum weekly compensation rate required by
the provisions of said section 31-309 from the date of the injury or
October 1, 1990, whichever is later, to such October first. The cost-of-
living increases provided under this subdivision shall be paid by the
employer without any order or award from the commissioner. The
adjustments shall apply to each payment made in the next succeeding
twelve-month period commencing with the October first next
succeeding the date of the injury. With respect to any dependent
receiving benefits on October 1, 1997, with respect to any injury
occurring on or after July 1, 1993, and before October 1, 1997, such
benefit shall be recalculated to October 1, 1997, as if such benefits had
been subject to recalculation annually under this subparagraph. The
difference between the amount of any benefits that would have been
paid to such dependent if such benefits had been subject to such
recalculation and the actual amount of benefits paid during the period
between such injury and such recalculation shall be paid to the
dependent not later than December 1, 1997, in a lump-sum payment.
The employer or its insurer shall be reimbursed by the Second Injury
Fund, as provided in section 31-354, for adjustments, including lump-
sum payments, payable under this subparagraph for deaths from
compensable injuries occurring on or after July 1, 1993, and before
October 1, 1997, upon presentation of any vouchers and information
that the Treasurer shall require. No claim for payment of retroactive
benefits may be made to the Second Injury Fund more than two years
after the date on which the employer or its insurer paid such benefits in
accordance with this subparagraph. (B) The weekly compensation rate of each dependent entitled to receive compensation under this section as a result of death arising from a compensable injury occurring on or before September 30, 1977, shall be adjusted as of October 1, 1977, and October 1, 1980, and thereafter, as provided in this subdivision to provide the dependent with partial cost-of-living adjustments in the dependent's weekly compensation rate. As of October 1, 1977, the weekly compensation rate paid prior to October 1, 1977, to the dependent shall be increased by twenty-five per cent. The partial cost-of-living adjustment provided under this subdivision shall be paid by the employer without any order or award from the commissioner. In addition, on each October first, the weekly compensation rate of each dependent as of October 1, 1990, shall be increased by the percentage of the increase in the maximum compensation rate over the maximum compensation rate of October 1, 1990, as determined under the provisions of section 31-309 existing on October 1, 1977. The cost of the adjustments shall be paid by the employer or its insurance carrier who shall be reimbursed for such cost from the Second Injury Fund as provided in section 31-354 upon presentation of any vouchers and information that the Treasurer shall require. No claim for payment of retroactive benefits may be made to the Second Injury Fund more than two years after the date on which the employer or its insurance carrier paid such benefits in accordance with this subparagraph.

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

[(4)] (5) If there is a presumptive dependent spouse surviving and also one or more presumptive dependent children, all of which children are either children of the surviving spouse or are living with the surviving spouse, the entire compensation shall be paid to the surviving spouse in the same manner and for the same period as if the surviving spouse were the sole dependent. If, however, any of the presumptive dependent children are neither children of the surviving spouse nor living with the surviving spouse, the compensation shall be divided into as many parts as there are presumptive dependents. The shares of any
children having a presumptive dependent parent shall be added to the
share of the parent and shall be paid to the parent. The share of any
dependent child not having a surviving dependent parent shall be paid
to the father or mother of the child with whom the child may be living,
or to the legal guardian of the child, or to any other person, for the
benefit of the child, as the commissioner may direct.

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

[(6)] (7) In all cases where there are no presumptive dependents, but
where there are one or more persons wholly dependent in fact, the
compensation in case of death shall be divided according to the relative
degree of their dependence. Compensation payable under this
subdivision shall be paid for not more than three hundred and twelve
weeks from the date of the death of the employee. The compensation, if paid to those wholly dependent in fact, shall be paid at the full compensation rate. The compensation, if paid to those partially dependent in fact upon the deceased employee as of the date of the injury, shall not, in total, be more than the full compensation rate nor less than twenty dollars weekly, nor, if the average weekly sum contributed by the deceased at the date of the injury to those partially dependent in fact is more than twenty dollars weekly, not more than the sum so contributed.

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

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

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

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

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

(ii) A mental or emotional impairment, unless such impairment (I) arises from a physical injury or occupational disease, (II) in the case of a
police officer of the Division of State Police within the Department of
Emergency Services and Public Protection, an organized local police
department or a municipal constabulary, arises from such police
officer's use of deadly force or subjection to deadly force in the line of
duty, regardless of whether such police officer is physically injured,
provided such police officer is the subject of an attempt by another
person to cause such police officer serious physical injury or death
through the use of deadly force, and such police officer reasonably
believes such police officer to be the subject of such an attempt, or (III)
in the case of [a police officer, parole officer or firefighter,] an eligible
individual as defined in section 31-294k, as amended by this act, is a
diagnosis of post-traumatic stress [disorder] injury as defined in section
31-294k, as amended by this act, that meets all the requirements of
section 31-294k, as amended by this act. As used in this clause, "in the
line of duty" means any action that a police officer is obligated or
authorized by law, rule, regulation or written condition of employment
service to perform, or for which the police officer or firefighter is
compensated by the public entity such officer serves;

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

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

Sec. 6. Section 31-294k of the general statutes is repealed and the
following is substituted in lieu thereof (Effective from passage):
(a) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) "Witnesses" means, for an eligible individual who is a telecommunicator, hears by telephone or radio.
(b) A diagnosis of post-traumatic stress [disorder] injury is compensable as a personal injury as described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act, if a mental health professional examines [a police officer, parole officer or firefighter] the eligible individual and diagnoses the [officer or firefighter] individual with a post-traumatic stress [disorder] injury as a direct result of a qualifying event, provided (1) the post-traumatic stress [disorder] injury resulted from [the officer or firefighter] (A) the eligible individual acting in the line of duty if such individual is a police officer, firefighter, emergency medical services personnel, Department of Correction employee or telecommunicator and, in the case of a firefighter, such firefighter complied with Federal Occupational Safety and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156, or (B) the eligible individual acting the course of employment if such individual is a health care provider, (2) a qualifying event was a substantial factor in causing the [disorder, (3) such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder] injury, and [(4) (3)] the post-traumatic stress [disorder] injury did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action of the [officer or firefighter] eligible individual. Any such mental health professional shall comply with any workers' compensation guidelines for approved medical providers, including, but not limited to, guidelines on release of past or contemporaneous medical records.

(c) Whenever liability to pay compensation is contested by the employer, the employer shall file with the commissioner, on or before the twenty-eighth day after the employer has received a written notice of claim, a notice in accordance with a form prescribed by the chairperson of the Workers' Compensation Commission stating that the right to compensation is contested, the name of the claimant, the name of the employer, the date of the alleged injury and the specific grounds on which the right to compensation is contested. The employer shall send a copy of the notice to the employee in accordance with section 31-
321. If the employer or the employer's legal representative fails to file the notice contesting liability on or before the twenty-eighth day after receiving the written notice of claim, the employer shall commence payment of compensation for such injury on or before the twenty-eighth day after receiving the written notice of claim, but the employer may contest the employee's right to receive compensation on any grounds or the extent of the employee's disability within one hundred eighty days from the receipt of the written notice of claim and any benefits paid during the one hundred eighty days shall be considered payments without prejudice, provided the employer shall not be required to commence payment of compensation when the written notice of claim has not been properly served in accordance with section 31-321 or when the written notice of claim fails to include a warning that the employer (1) if the employer has commenced payment for the alleged injury on or before the twenty-eighth day after receiving a written notice of claim, shall be precluded from contesting liability unless a notice contesting liability is filed within one hundred eighty days from the receipt of the written notice of claim, and (2) shall be conclusively presumed to have accepted the compensability of the alleged injury unless the employer either files a notice contesting liability on or before the twenty-eighth day after receiving a written notice of claim or commences payment for the alleged injury on or before such twenty-eighth day. An employer shall be entitled, if the employer prevails, to reimbursement from the claimant of any compensation paid by the employer on and after the date the commissioner receives written notice from the employer or the employer's legal representative, in accordance with the form prescribed by the chairperson of the Workers' Compensation Commission, stating that the right to compensation is contested. Notwithstanding the provisions of this subsection, an employer who fails to contest liability for an alleged injury on or before the twenty-eighth day after receiving a written notice of claim and who fails to commence payment for the alleged injury on or before such twenty-eighth day, shall be conclusively presumed to have accepted the compensability of the alleged injury. If an employer has opted to post an address of where notice of a claim for compensation by an employee shall be sent, as described in subsection
(a) of section 31-294c, the twenty-eight-day period set forth in this subsection shall begin on the date when such employer receives written notice of a claim for compensation at such posted address.

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

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

(1) "Compensation" means an employee's average weekly earnings for the twelve-month period immediately preceding the date of the employee's last day of active employment with an employer, including wages or salary, payments to an employee while on vacation or on leave, allocated or declared tip income, bonuses or commissions, contributions or premiums paid by the employer for fringe benefits,
overtime or other premium payments, and allowances for expenses, uniforms, travel or education;

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

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

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

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

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

(7) "Laid-off employee" means any employee who was employed by the employer for six months or more in the twelve months preceding March 10, 2020, and whose most recent separation from active service or whose failure to be scheduled for customary seasonal work by that employer occurred after March 10, 2020, and was due to government shutdown orders, lack of business, or a reduction or furlough of the employer's workforce; and
(8) "Length of service" means the total of all periods of time during which an employee has been in active service, including periods of time when the employee was on leave or on vacation.

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

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

(d) Any laid-off employee who is offered a position pursuant to this section shall be given not less than ten days in which to accept or decline the offer. A laid-off employee who declines an offer due to his or her age, underlying health conditions of himself or herself or of a family member or other person living in his or her household shall retain his or her right to accept the position and shall retain all other rights under this section until both (1) the expiration of the public health and civil
preparedness emergencies declared by the Governor on March 10, 2020, and any extension of such emergency declarations, and (2) the laid-off employee is reoffered the position.

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

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

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

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

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

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

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

(h) No employer shall terminate, refuse to reemploy, reduce compensation, or otherwise take any adverse action against any person
seeking to enforce his or her rights under this section or for participating
in proceedings related to this section, opposing the violation of any
provision of this section or otherwise asserting rights under this section.

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

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

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

(3) If it is established that a laid-off employee exercised rights under
this section or alleged in good faith that the employer was not
complying with this section and the employer thereafter terminated,
refused to reemploy, demoted or otherwise took adverse action against
the laid-off employee, and such action took place not later than sixty
days after such exercise, a rebuttable presumption shall arise that the
employer's action was taken in violation of this section. The employer
may assert that the sole and factual reason for the action was a legitimate
business reason. The laid-off employee may rebut the employer's
asserted legitimate business reason by showing that such reason is a
pretext.

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

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

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

(b) Not later than six months after the end of the public health and
civil preparedness emergencies declared by the Governor on March 10,
2020, or the effective date of this section, whichever is later, the
Commissioner of Public Health, in consultation with the Department of Administrative Services and the Division of Emergency Management and Homeland Security, shall award a contract or contracts for the procurement of personal protective equipment to create two stockpiles of such equipment pursuant to this section. The commissioner may make awards to multiple bidders and shall, to the maximum extent feasible, pay for the personal protective equipment with federal public health emergency funds. Each stockpile shall be gradually filled to a capacity determined by the commissioner, provided at least one third of the capacity of the stockpile shall be filled each year until capacity is met. If personal protective equipment from a stockpile is used, the stockpile shall be refilled in a manner similar to how the initial stockpile was filled.

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

(d) (1) During a declaration of a public health emergency, the Commissioner of Public Health shall make personal protective equipment in such stockpiles available without charge to state agencies, political subdivisions of the state, nursing homes, hospitals, nonprofit organizations and public schools. If the commissioner determines, after making such personal protective equipment available, that there is an excess supply of personal protective equipment, the commissioner shall make such excess supply available for purchase by other private entities at fair market value. The commissioner shall establish orders of priority for the entities that may gain access to the state's personal protective equipment stockpiles.
(2) When any personal protective equipment in a stockpile is within one year of its expiration date, the commissioner shall make such personal protective equipment available for sale at no more than fair market value to the following entities, in order of priority: (A) Private nursing homes in this state, (B) federally qualified healthcare centers in this state, (C) hospitals, (D) nonprofit hospitals and entities that provide direct medical care in this state, (E) public school districts in this state, and (F) private schools and nonpublic charter schools in this state. To the extent feasible, expired personal protective equipment shall be disposed of in an environmentally sound manner.

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

Sec. 9. (NEW) (Effective from passage) The Division of Emergency Management and Homeland Security, in consultation with the Department of Public Health, shall establish a process to evaluate, distribute and approve personal protective equipment for use during public health emergencies. The process shall be designed to assist the production of personal protective equipment by businesses not otherwise engaged in the production of such equipment and not approved by a federal agency to produce such equipment, and shall prioritize businesses that manufacture personal protective equipment in this state. The process shall require the Department of Administrative Services to assist the Division of Emergency Management and Homeland Security and the Department of Public Health in the review of such businesses to ensure such businesses are legitimate and do not have any unresolved safety or health citations.
Sec. 10. (NEW) (Effective from passage) (a) As used in this section:

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

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

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

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

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

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

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

(b) On and after January 1, 2023, or one year after regulations are adopted pursuant to subsection (g) of this section, whichever is later, each covered provider shall maintain an unexpired inventory of PPE deemed sufficient by the Commissioner of Public Health for ninety days of surge consumption in the event of a state of emergency declaration by the Governor, or a local emergency for a pandemic or other health
emergency. Personal protective equipment in the inventory shall be new
and not previously worn or used. Each covered provider shall provide
an inventory of its PPE to the department upon request from the
department. Except as provided in subsections (d) and (e) of this section,
a covered provider that violates this subsection shall be subject to a civil
penalty in the amount of twenty-five thousand dollars.

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

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

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

(2) A covered provider shall not be assessed a civil penalty under
subsection (a) of this section if the covered provider's PPE inventory
falls below the required supply level as a result of the covered provider's
distribution of PPE to its health care workers or long-term care workers,
or to another covered provider's workers, during a state of emergency
declared by the Governor or a declared local emergency for a pandemic
or other health emergency, provided the covered provider replenishes
its inventory to the required supply level not later than thirty days after
the date the inventory falls below the required supply level if the
department has determined there is not a supply limitation.

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

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

Sec. 11. (NEW) (Effective from passage) (a) Each acute care hospital and
nursing home shall collect data on COVID-19 in a form and format
prescribed by the Commissioner of Public Health (1) each day during
the time period of the public health and civil preparedness emergencies
declared by the Governor on March 10, 2020, or any extension of such
time periods, and (2) monthly after the expiration of such time periods.
The COVID-19 data shall be based on nationally recognized and
recommended standards and shall include, but need not be limited to
for each such hospital and nursing home: (A) Current inpatient data of
COVID-19 cases, hospitalizations and deaths, (B) the number of
employees exposed to COVID-19 and exhibiting symptoms of COVID-19
who were tested for COVID-19, (C) the number of asymptomatic
employees tested for COVID-19, (D) the number of COVID-19 vaccines
administered, (E) census data of beds and ventilators, and (F) an inventory of personal protective equipment, including the quantity in possession and the utilization rate.

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

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

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

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

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

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

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

(6) "Employer" means the employer of a covered employee and
includes consumers, as defined in section 17b-706 of the general statutes;
and

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

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

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

Sec. 14. (NEW) (Effective from passage) (a) Each employer that receives
a grant under section 13 of this act shall pay each of its covered
employees additional compensation for each hour worked by such
covered employee during a covered week. Such compensation shall be
in addition to all other compensation, including wages, remuneration or
other pay and benefits the covered employee otherwise receives from
the employer, and shall be paid in an amount (1) equal to five dollars
per hour worked for essential employees and ten dollars per hour
worked for specialized risk employees if the employer received a grant
in the full amount for which the employer applied, or (2) prorated as
necessary to distribute the grant funds to each covered employee if the
employer received a grant in an amount less than the amount for which
the employer applied. No employer may deny such compensation
based upon the quality or type of work the covered employee
performed during such covered week.

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

(c) (1) Any employer receiving a grant pursuant to section 13 of this
act or providing additional compensation to a covered employee under
this section shall not reduce or in any way diminish the compensation,
including the wages, remuneration or other pay or employment benefits
of a covered employee from March 20, 2020, to June 30, 2021, inclusive,
from the level provided to the covered employee on the date before the
effective date of this act.
(2) An employer shall not take any action to displace a covered employee or partially displace a covered employee by reducing hours, wages or employment benefits for the purposes of hiring an individual for an equivalent position at a rate of compensation that is less than required to be provided to a covered employee under subdivision (1) of this subsection.

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

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

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

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

Sec. 16. (NEW) (Effective from passage) All actions required under section 14 of this act of consumers, as defined in section 17b-706 of the general statutes, shall be undertaken by fiscal intermediaries who shall
be solely responsible for any penalties otherwise applicable to such consumers under this section and section 15 of this act and sections 31-68, 31-69, 31-69a and 31-71g of the general statutes, as amended by this act. The Department of Social Services and the Department of Developmental Services may apply to the Essential Employees Pandemic Pay Grant Program for such funds as shall be reasonably required to compensate fiscal intermediaries for compliance with sections 12 to 16, inclusive, of this act.

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

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

Sec. 18. Subsection (a) of section 31-69 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):
(a) Any employer or his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify in any investigation or proceeding under or related to this part or section 15 of this act, or because such employer believes that such employee may testify in any investigation or proceeding under this part, shall be fined not less than one hundred dollars nor more than four hundred dollars.

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

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

(b) Any employer, officer, agent or other person who violates any provision of chapter 563a may be liable to the Labor Department for a civil penalty of not greater than five hundred dollars for the first violation of chapter 563a related to an individual employee or former employee, and for each subsequent violation of said chapter related to such individual employee or former employee, may be liable to the Labor Department for a civil penalty of not greater than one thousand dollars.
dollars. In setting a civil penalty for any violation in a particular case, the Labor Commissioner shall consider all factors which the commissioner deems relevant, including, but not limited to, (1) the level of assessment necessary to insure immediate and continued compliance with the provisions of chapter 563a; (2) the character and degree of impact of the violation; and (3) any prior violations of such employer of chapter 563a.

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

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

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

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

(3) "Employer" means any person, firm, business, educational institution, nonprofit organization, corporation, limited liability company or other entity, and includes the Personal Care Attendant Workforce Council established under section 17b-706a of the general statutes, which shall be deemed the employer of all personal care attendants, as defined in section 17b-706 of the general statutes. "Employer" does not include the federal government;
(4) "Family member" means (A) the employee's spouse, as defined in section 31-51kk of the general statutes, child, parent, grandparent, grandchild or sibling, whether related to the employee by blood, marriage, adoption or foster care, or (B) an individual related to the employee by blood or affinity whose close association with the employee is the equivalent of those family relationships;

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

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

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

(2) An employee exempt from overtime requirements under 29 USC 213(a)(1), as amended from time to time, shall be assumed to work forty hours per week for purposes of calculating COVID-19 sick leave, unless such employee regularly works less than forty hours per week, in which case the COVID-19 sick leave shall be provided based upon the number of hours regularly worked per week. An employee who regularly works less than forty hours per week, but whose number of work hours varies
from week to week, shall be provided COVID-19 sick leave using the average number of hours per week the employee was scheduled to work in the six-month period immediately preceding the date on which the employee utilizes COVID-19 sick leave, including the hours of any leave taken by the employee, provided if the employee did not work over such period, the average shall be the reasonable expectation of the employee, at the time the employee was hired, of the average number of hours per week the employee would be regularly scheduled to work.

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

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

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

(2) The employee's need to comply with an order or determination to self-isolate, on the basis that the employee's physical presence on the job or in the community would jeopardize the employee's health, the health of other employees or the health of an individual in the employee's
household because of: (A) Possible exposure to COVID-19; or (B) the
exhibition of symptoms of COVID-19, regardless of whether the
employee has been diagnosed with COVID-19;

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

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

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

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

(d) An order or determination pursuant to subdivision (2) of
subsection (c) of this section or subparagraph (B) of subdivision (3) of
subsection (c) of this section shall be made by a local, state or federal
public official, a health authority having jurisdiction, a health care
provider or the employer of the employee or the employee's family
member. Such order or determination need not be specific to such employee or family member.

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

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

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

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

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

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

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

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

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

(c) Any employee aggrieved by a violation of any provision of sections 20 to 25, inclusive, of this act, may file a complaint with the Labor Commissioner. Upon receipt of any such complaint, the Labor
Commissioner may hold a hearing. After the hearing, any employer
who is found by the Labor Commissioner, by a preponderance of the
evidence, to have violated any provision of this section shall be liable to
the Labor Department for a civil penalty in an amount consistent with
the penalties provided in section 31-57v of the general statutes. The
Labor Commissioner may award the employee appropriate relief
consistent with the provisions of section 31-57v of the general statutes.
Any party aggrieved by the decision of the Labor Commissioner may
appeal the decision to the Superior Court in accordance with the
provisions of section 4-183 of the general statutes.

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

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

Sec. 24. (NEW) (Effective from passage) (a) Each employer subject to the
provisions of sections 20 to 25, inclusive, of this act shall, at the time of
hiring or not later than fourteen days after the effective date of this
section, whichever is later, provide written notice to each employee (1)
of the entitlement to COVID-19 sick leave, the amount of COVID-19 sick
leave provided and the terms under which COVID-19 sick leave may be
used, (2) that retaliatory personnel actions by the employer are
prohibited, and (3) of the right to file a complaint with the Labor
Commissioner or file a civil action for any violation of sections 20 to 25,
inclusive, of this act. Each employer shall also display a poster in a
conspicuous place, accessible to employees, at the employer's place of
business that contains the information required by this section in both
English and Spanish provided in cases where the employer does not
maintain a physical workplace, or an employee teleworks or performs
work through a web-based or app-based platform, notification shall be sent via electronic communication or a conspicuous posting in the web-based or app-based platform. The Labor Commissioner shall provide such posters and model written notices to all employers. Additionally, employers shall include in the record of hours worked, wages earned and deductions required by section 31-13a of the general statutes, the number of hours, if any, of COVID-19 sick leave received by each employee, as well as any use of COVID-19 sick leave in the calendar year. The Labor Commissioner shall administer this section within available appropriations.

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

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

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

Sec. 25. (NEW) (Effective from passage) Unless required by law, an
employer shall not require disclosure of the details of an employee's or
an employee's family member's health information as a condition for
providing COVID-19 sick leave under sections 20 to 25, inclusive, of this
act. If an employer possesses health information about an employee or
an employee's family member, such information shall be treated as
confidential and not disclosed except to such employee or with the
permission of such employee.

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

(c) (1) (A) Any week for which the employer has compensated the
claimant in the form of wages in lieu of notice, dismissal payments or
any similar payment for loss of wages shall be considered a week of
employment for the purpose of determining employer chargeability. (B)
No benefits shall be charged to any employer who paid wages of five
hundred dollars or less to the claimant in his or her base period. (C) No
dependency allowance paid to a claimant shall be charged to any
employer. (D) In the event of a natural disaster declared by the President
of the United States, no benefits paid on the basis of total or partial
unemployment which is the result of physical damage to a place of
employment caused by severe weather conditions including, but not
limited to, hurricanes, snow storms, ice storms or flooding, or fire except
where caused by the employer, shall be charged to any employer. (E) If
the administrator finds that (i) an individual's most recent separation
from a base period employer occurred under conditions which would
result in disqualification by reason of subdivision (2), (6) or (9) of
subsection (a) of section 31-236, or (ii) an individual was discharged for
violating an employer's drug testing policy, provided the policy has
been adopted and applied consistent with sections 31-51t to 31-51aa,
inclusive, section 14-261b and any applicable federal law, no benefits
paid thereafter to such individual with respect to any week of
unemployment which is based upon wages paid by such employer with
respect to employment prior to such separation shall be charged to such
employer's account, provided such employer shall have filed a notice
with the administrator within the time allowed for appeal in section 31-241. (F) No base period employer's account shall be charged with respect to benefits paid to a claimant if such employer continues to employ such claimant at the time the employer's account would otherwise have been charged to the same extent that he or she employed him or her during the individual's base period, provided the employer shall notify the administrator within the time allowed for appeal in section 31-241. (G) If a claimant has failed to accept suitable employment under the provisions of subdivision (I) of subsection (a) of section 31-236 and the disqualification has been imposed, the account of the employer who makes an offer of employment to a claimant who was a former employee shall not be charged with any benefit payments made to such claimant after such initial offer of reemployment until such time as such claimant resumes employment with such employer, provided such employer shall make application therefor in a form acceptable to the administrator. The administrator shall notify such employer whether or not his or her application is granted. Any decision of the administrator denying suspension of charges as herein provided may be appealed within the time allowed for appeal in section 31-241. (H) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the regular benefits paid for such benefit year. (I) No base period employer's account shall be charged with respect to benefits paid to a claimant who voluntarily left suitable work with such employer (i) to care for a seriously ill spouse, parent or child or (ii) due to the discontinuance of the transportation used by the claimant to get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of subsection (a) of section 31-236. (J) No base period employer's account shall be charged with respect to benefits paid to a claimant who has been discharged or suspended because the claimant has been disqualified from performing the work for which he or she was hired due to the loss of such claimant's operator license as a result of a drug or alcohol test or testing program conducted in accordance with section 14-44k, 14-227a
or 14-227b while the claimant was off duty. (K) No base period employer's account shall be charged with respect to benefits paid to a claimant due to partial or total unemployment that the Labor Commissioner or the commissioner's designee determines are attributable to COVID-19, including, but not limited to, benefits paid to a claimant who, through no fault of his or her own, becomes either partially or fully unemployed during the public health and civil preparedness emergencies declared by the Governor on March 10, 2020, and any period of extension or renewal.

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

(c) (1) (A) Any week for which the employer has compensated the claimant in the form of wages in lieu of notice, dismissal payments or any similar payment for loss of wages shall be considered a week of employment for the purpose of determining employer chargeability. (B) No benefits shall be charged to any employer who paid wages of five hundred dollars or less to the claimant in his or her base period. (C) No dependency allowance paid to a claimant shall be charged to any employer. (D) In the event of a natural disaster declared by the President of the United States, no benefits paid on the basis of total or partial unemployment which is the result of physical damage to a place of employment caused by severe weather conditions including, but not limited to, hurricanes, snow storms, ice storms or flooding, or fire except where caused by the employer, shall be charged to any employer. (E) If the administrator finds that (i) an individual's most recent separation from a base period employer occurred under conditions which would result in disqualification by reason of subdivision (2), (6) or (9) of subsection (a) of section 31-236, or (ii) an individual was discharged for violating an employer's drug testing policy, provided the policy has been adopted and applied consistent with sections 31-51t to 31-51aa, inclusive, section 14-261b and any applicable federal law, no benefits paid thereafter to such individual with respect to any week of
unemployment which is based upon wages paid by such employer with
respect to employment prior to such separation shall be charged to such
employer's account, provided such employer shall have filed a notice
with the administrator within the time allowed for appeal in section 31-
241. (F) No base period employer's account shall be charged with respect
to benefits paid to a claimant if such employer continues to employ such
claimant at the time the employer's account would otherwise have been
charged to the same extent that he or she employed him or her during
the individual's base period, provided the employer shall notify the
administrator within the time allowed for appeal in section 31-241. (G)
If a claimant has failed to accept suitable employment under the
provisions of subdivision (I) of subsection (a) of section 31-236 and the
disqualification has been imposed, the account of the employer who
makes an offer of employment to a claimant who was a former
employee shall not be charged with any benefit payments made to such
claimant after such initial offer of reemployment until such time as such
claimant resumes employment with such employer, provided such
employer shall make application therefor in a form acceptable to the
administrator. The administrator shall notify such employer whether or
not his or her application is granted. Any decision of the administrator
denyng suspension of charges as herein provided may be appealed
within the time allowed for appeal in section 31-241. (H) Fifty per cent
of benefits paid to a claimant under the federal-state extended duration
unemployment benefits program established by the federal
Employment Security Act shall be charged to the experience accounts of
the claimant's base period employers in the same manner as the regular
benefits paid for such benefit year. (I) No base period employer's
account shall be charged with respect to benefits paid to a claimant who
voluntarily left suitable work with such employer (i) to care for a
seriously ill spouse, parent or child, or (ii) due to the discontinuance of
the transportation used by the claimant to get to and from work, as
provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of
subsection (a) of section 31-236. (J) No base period employer's account
shall be charged with respect to benefits paid to a claimant who has been
discharged or suspended because the claimant has been disqualified.
from performing the work for which he or she was hired due to the loss
of such claimant's operator license as a result of a drug or alcohol test or
testing program conducted in accordance with section 14-44k, 14-227a
or 14-227b while the claimant was off duty. (K) No base period
employer's account shall be charged with respect to benefits paid to a
claimant due to partial or total unemployment that the Labor
Commissioner or the commissioner's designee determines are
attributable to COVID-19, including, but not limited to, benefits paid to
a claimant who, through no fault of his or her own, becomes either
partially or fully unemployed during the public health and civil
preparedness emergency declared by the Governor on March 10, 2020,
and any period of extension or renewal. [K] (L) No base period
employer's account shall be charged with respect to benefits paid to a
claimant whose separation from employment is attributable to the
return of an individual who was absent from work due to a bona fide
leave taken pursuant to sections 31-49f to 31-49t, inclusive, or 31-51kk to
31-51qq, inclusive.

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

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

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

(b) Notwithstanding any provision of chapter 567 of the general
statutes, if an additional federal benefit program is established for which
the eligibility of an individual requires a weekly benefit amount of not
less than one hundred dollars pursuant to the provisions of said chapter,
individuals who are eligible for a weekly benefit amount of less than
one hundred dollars and who have not exhausted their state regular
unemployment benefits shall have their weekly benefit amount raised
to one hundred dollars, and such individuals shall be permitted to apply
for such additional federal benefit program. As used in this subsection,
"additional federal benefit program" means a program enacted in
federal law that provides benefits for unemployment caused by or
related to COVID-19 or the public health and civil preparedness
emergencies declared by the Governor on March 10, 2020, or any
extension of such emergency declarations, and for which there is one
hundred per cent federal funding and "COVID-19" means the
respiratory disease designated by the World Health Organization on
February 11, 2020, as coronavirus 2019, and any related mutation thereof
recognized by the World Health Organization as a communicable
respiratory disease.

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

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

Sec. 29. Subsection (f) of section 31-273 of the general statutes is
repealed and the following is substituted in lieu thereof (Effective from
(f) Any person who knowingly makes a false statement or representation or fails to disclose a material fact in order to obtain, increase, prevent or decrease any benefit, contribution or other payment under this chapter, or under any similar law of another state or of the United States in regard to which this state acted as agent pursuant to an agreement authorized by section 31-225, whether to be made to or by himself or herself or any other person, and who receives any such benefit, pays any such contribution or alters any such payment to his or her advantage by such fraudulent means (1) shall be guilty of a class A misdemeanor if such benefit, contribution or payment amounts to $[five hundred] two thousand dollars or less, or (2) shall be guilty of a class D felony if such benefit, contribution or payment amounts to more than $[five hundred] two thousand dollars. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1977, except within five years next after such violation has been committed.

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

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

As used in this section and sections 31-57s to 31-57w, inclusive:
(1) "Child" means a biological, adopted or foster child, stepchild, legal
ward of a service worker, or a child of a service worker standing in loco
parentis, who is (A) under eighteen years of age; or (B) eighteen years
of age or older and incapable of self-care because of a mental or physical
disability;

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

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

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

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

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

(7) "Service worker" means an employee primarily engaged in an occupation with one of the following broad or detailed occupation code numbers and titles, as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system or any successor system:

(A) 11-9050 Food Service Managers; (B) 11-9110 Medical and Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093 Social and Human Service Assistants; (E) 21-1094 Community Health Workers; (F) 21-1099 Community and Social Service Specialists, All Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives; (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050 Health Practitioner Support Technologists and Technicians; (R) 29-2060 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants; (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ) 35-9090
Miscellaneous Food Preparation and Serving Related Workers; (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping Cleaners;
(LL) 37-2019 Building Cleaning Workers, All Other; (MM) 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010 Barbers,
Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care Workers;
QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-3070 Tellers;
(WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX) 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers and Messengers; (ZZ) 43-6010 Secretaries and Administrative Assistants;
(AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data Entry and Information Processing Workers; (CCC) 43-9030 Desktop Publishers;
(DDD) 43-9040 Insurance Claims and Policy Processing Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except Postal Service;
(FFF) 43-9060 Office Clerks, General; (GGG) 43-9070 Office Machine Operators, Except Computer; (HHH) 43-9080 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ) 43-9190 Miscellaneous Office and Administrative Support Workers; (KKK) 51-3010 Bakers;
(LLL) 51-3020 Butchers and Other Meat, Poultry and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food Processing Workers;
(NNN) 53-3010 Ambulance Drivers and Attendants, Except Emergency Medical Technicians; (OOO) 53-3020 Bus Drivers; (PPP) 53-3040 Taxi Drivers and Chauffeurs; or (QQQ) 29-2034 Radiologic Technologists,
and is (i) paid on an hourly basis, or (ii) not exempt from the minimum wage and overtime compensation requirements of the Fair Labor Standards Act of 1938 and the regulations promulgated thereunder, as amended from time to time. "Service worker" does not include day or temporary workers;

(8) "Sexual assault" means any act that constitutes a violation of section 53a-70b of the general statutes, revision of 1958, revised to January 1, 2019, or section 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a;
(9) "Spouse" means a husband or wife, as the case may be; and

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

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

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

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

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

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

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

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

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

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

(b) Each hospital shall calculate for each nursing unit, on a per shift basis, the total number of nurses and nurse's aides providing direct patient care to patients of the hospital. Each hospital shall post in each nursing unit, at the beginning of each shift, a clear and conspicuous notice readily accessible to and clearly visible by patients, employees and visitors of the hospital, including, but not limited to, persons in a
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) registered nurses, (C) licensed practical nurses, and (D) nurse's aides, who will be responsible for direct patient care during the shift, and the total number of hours each such nurse or nurse's aide is scheduled to 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 this section, each hospital shall post at the beginning of each shift a clear and conspicuous notice readily accessible to and clearly visible by patients, employees and visitors of the hospital, including, but not limited to, persons in a wheelchair, containing the following 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, employee or visitor of the hospital may use to report a suspected violation by the hospital of a regulatory requirement concerning staffing levels and direct patient care.

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

1690 (e) No hospital shall discharge or in any manner discriminate or retaliate against any employee of any hospital or against any other person because such employee or person reported a suspected violation by the hospital of a regulatory requirement concerning staffing levels
and direct patient care. Notwithstanding any other provision of the
general statutes, any hospital that violates any provision of this
subsection shall (1) be liable to such employee or person for treble
damages, and (2) reinstate the employee, if the employee was
terminated from employment. For purposes of this subsection,
"discriminate or retaliate" includes, but is not limited to, the discharge,
demotion, suspension or any other detrimental change in terms or
conditions of employment or the threat of any such action.

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

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

(2) Notwithstanding the provisions of subdivision (1) of this
subsection, if any employee is paid by his or her employer less than the
minimum fair wage or overtime wage to which he or she is entitled
under section 31-62-E4 of the regulations of Connecticut state agencies,
such employee shall recover, in a civil action, (A) twice the full amount
of such minimum wage or overtime wage less any amount actually paid
to such employee by the employer, with costs and such reasonable
attorney's fees as may be allowed by the court, or (B) if the employer
establishes that the employer had a good faith belief that the underpayment of such wages was in compliance with the law, the full amount of such minimum wage or overtime wage less any amount actually paid to such employee by the employer, with costs as may be allowed by the court. A good faith belief includes, but is not limited to, reasonable reliance on written guidance from the Labor Department.

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

(4) Any agreement between an employee and his or her employer to work for less than such minimum fair wage or overtime wage or for less than the amount of additional compensation owned to the employee pursuant to sections 12 to 16, inclusive, of this act shall be no defense to such action as described in this section. The commissioner may collect the full amount of unpaid minimum fair wages, unpaid overtime wages or unpaid additional compensation to which an employee is entitled under said sections or order, as well as interest calculated in accordance with the provisions of section 31-265 from the date the wages or additional compensation should have been received, had they been paid in a timely manner. In addition, the commissioner may bring any legal action necessary to recover twice the full amount of the unpaid minimum fair wages, unpaid overtime wages or unpaid additional compensation to which the employee is entitled under said sections or under an order, and the employer shall be required to pay the costs and
such reasonable attorney's fees as may be allowed by the court. The
commissioner shall distribute any wages, additional compensation or
interest collected pursuant to this section to the employee or in
accordance with the provisions of subsection (b) of this section.

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

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

[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.]