



General Assembly

Substitute Bill No. 5356

February Session, 2022



AN ACT CONCERNING PANDEMIC PAY FOR ESSENTIAL WORKERS.

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

1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

2 (1) "Essential worker" means any person who (A) (i) worked during
3 the period of the public health and civil preparedness emergency
4 declared by the Governor on March 10, 2020, or any extension of such
5 declaration, or (ii) worked during any new public health and civil
6 preparedness emergency declared by the Governor as a result of a
7 COVID-19 outbreak in this state, and (iii) was in a category
8 recommended by the Centers for Disease Control and Prevention's
9 Advisory Committee on Immunization Practices, as of February 20,
10 2021, to receive a COVID-19 vaccination in phase 1a, 1b or 1c of the
11 COVID-19 vaccination program, (B) is included in the Cybersecurity
12 and Infrastructure Security Agency's Guidance on the Essential Critical
13 Infrastructure Workforce: Ensuring Community and National
14 Resilience in COVID-19 Response, issued on March 19, 2020, or any
15 subsequent version of such guidance, or (C) was covered by the
16 Governor's Executive Order No. 7H, issued on March 10, 2020. All
17 workers who fall into this category, regardless of immigration status,
18 shall be deemed eligible for payment from the Connecticut Essential
19 Workers' Pandemic Pay program established pursuant to subsection (b)

20 of this section;

21 (2) "Administrator" means an employee of the office of the
22 Comptroller, or a third-party administrator;

23 (3) "Full-time" means any essential worker who worked thirty hours
24 or more per week for not less than three weeks;

25 (4) "Part-time" means any essential worker who worked less than
26 thirty hours per week for not less than three weeks; and

27 (5) "Pandemic pay" means moneys payable by the Comptroller from
28 the Connecticut Essential Workers' Pandemic Pay program, established
29 pursuant to subsection (b) of this section, to recognize and compensate
30 essential workers for their service pursuant to this section.

31 (b) (1) There is established the Connecticut Essential Workers
32 Pandemic Pay program. The program shall provide two thousand
33 dollars to each full-time essential worker and one thousand dollars to
34 each part-time essential worker, within available funds, on a first-come,
35 first-served basis, pending verification of eligibility, except no assistance
36 shall be paid to any essential worker after June 30, 2024. The program
37 shall be administered by the office of the Comptroller, or a third party
38 under contract with said office to act as an administrator.

39 (2) The administrator shall accept applications for assistance on and
40 after the effective date of this section. For the purposes of this section,
41 the administrator shall be authorized to: (A) Determine whether an
42 essential worker meets the requirements for eligibility for compensation
43 under this section; (B) summon and examine under oath such witnesses
44 who may provide information relevant to the eligibility of an essential
45 worker; (C) direct the production of, and examine or cause to be
46 produced or examined, such books, records, vouchers, memoranda,
47 documents, letters, contracts or other papers in relation to any matter at
48 issue as the administrator may find proper; and (D) take or cause to be
49 taken affidavits or depositions within or without the state.

50 (c) There is established an account to be known as the "Connecticut
51 essential worker pandemic pay account" which shall be a separate,
52 nonlapsing account within the General Fund. The account shall contain
53 any moneys required by law to be deposited in the account. Moneys in
54 the account shall be expended by the Comptroller at the direction of the
55 administrator for purposes of: (1) Compensation provided under the
56 Connecticut Essential Workers Pandemic Pay program; and (2) costs
57 and expenses of operating the program, including hiring of necessary
58 employees and the expense of public outreach and education regarding
59 the program and account. Not more than five per cent of the total
60 moneys received by the account shall be used for any administrative
61 costs, including hiring of temporary or durational staff or contracting
62 with a third-party administrator, or other costs and expenses incurred
63 by the administrator or Comptroller in connection with carrying out the
64 provisions of this section. The administrator shall make all reasonable
65 efforts to limit the costs and expenses of operating the program without
66 compromising essential workers' access to the program.

67 (d) To apply for compensation from the Connecticut Essential
68 Workers Pandemic Pay program, an essential worker shall submit a
69 claim to the administrator, in such form and manner as required by the
70 administrator, not later than January 1, 2023. Any such claim shall
71 include: (1) Proof of employment as an essential worker from March 10,
72 2020, to the effective date of this section, as determined by an essential
73 worker's proof of earnings; and (2) any additional information as
74 requested or required by the administrator. An essential worker may
75 submit, as proof of employment, official payroll records or another form
76 of proof including, but not limited to, a letter from an employer stating
77 the essential worker's dates of work, or a declaration from an individual
78 with personal knowledge of the essential worker's employment.

79 (e) The administrator shall promptly review all applications for
80 compensation submitted pursuant to this section. The administrator
81 shall evaluate each application and determine, on the basis of the
82 information provided by the essential worker, or additional information

83 provided at the request of the administrator, whether or not such
84 application shall be approved. The administrator shall provide such
85 determination, in writing, to each applicant not later than sixty business
86 days after the date the application is submitted, or, if the administrator
87 requested additional information, not later than ten business days after
88 the administrator receives such additional information from the
89 applicant. If such claim is approved, the administrator shall direct the
90 Comptroller to pay two thousand dollars to a full-time essential worker
91 or one thousand dollars to a part-time essential worker not later than
92 ten business days after such approval. For those who are deemed part-
93 time, the rate will be prorated down from twenty-nine to one hour per
94 week at a rate of thirty-three dollars per hour, with twenty-nine hours
95 per week receiving the maximum amount of one thousand dollars.

96 (f) An essential worker may request that a determination made
97 pursuant to subsection (e) of this section be reconsidered by filing a
98 request with the administrator, on a form prescribed by the
99 administrator, not later than twenty business days after the mailing of
100 the notice of such determination. The administrator shall, not later than
101 three business days after receipt of such request for reconsideration,
102 designate an individual to conduct such reconsideration and shall
103 submit to such designated individual all documents relating to such
104 essential worker's application and request for reconsideration. The
105 administrator's designee shall reconsider each determination requested
106 by an essential worker pursuant to this subsection. Such review shall
107 consist of a de novo review of all relevant evidence and shall be
108 completed not later than twenty business days after such individual's
109 request for reconsideration. Such designee shall issue a decision
110 affirming, modifying or reversing the decision of the administrator not
111 later than twenty business days after the designee's reconsideration of
112 the determination and shall submit such decision, in writing, to the
113 administrator and the applicant. The decision shall include a short
114 statement of findings that shall specify if pandemic pay shall be paid to
115 the applicant in accordance with subsection (e) of this section.

116 (g) Any statement, document, information or matter may be
117 considered by the administrator or, on reconsideration, by the
118 administrator's designee, if, in the opinion of the administrator or
119 designee, it contributes to a determination of the claim, whether or not
120 the same would be admissible in a court of law.

121 (h) Notwithstanding sections 4-183 and 51-197b of the general
122 statutes, there shall be no right of appeal by any applicant following the
123 final decision of the administrator's designee issued pursuant to
124 subsection (f) of this section.

125 (i) (1) To the extent properly includable in gross income for federal
126 income tax purposes, for the taxable year commencing on or after
127 January 1, 2023, but prior to January 1, 2025, any payments received by
128 an individual under subsections (d) to (f), inclusive, of this section
129 during the applicable taxable year shall be subtracted from adjusted
130 gross income under chapter 229 of the general statutes.

131 (2) Any such payments shall not be considered income for the
132 purposes of determining an individual's eligibility for any program
133 administered by the state.

134 (j) If a payment is made to a program applicant erroneously, or as a
135 result of wilful misrepresentation by such applicant, the administrator
136 may seek repayment of benefits from the applicant having received such
137 payment and may also, in the case of wilful misrepresentation, seek
138 payment of a penalty in the amount of fifty per cent of the benefits paid
139 as a result of such misrepresentation.

140 (k) On or before September 1, 2022, and monthly thereafter, and any
141 other time at the request of the administrator, the Comptroller shall
142 submit a report to the administrator indicating the value of the
143 Connecticut essential workers pandemic pay account at the time of the
144 report.

145 (l) On or before September 1, 2022, and at least quarterly thereafter,
146 the administrator shall submit a report, in accordance with the

147 provisions of section 11-4a of the general statutes, to the joint standing
148 committee of the General Assembly having cognizance of matters
149 relating to labor on the financial condition of the Connecticut essential
150 workers pandemic pay account. Such report shall include: (1) An
151 estimate of the account's value as of the date of the report; (2) the effect
152 of scheduled payments on the account's value; (3) an estimate of the
153 monthly administrative costs necessary to operate the program and the
154 account; and (4) any recommendations for legislation to improve the
155 operation or administration of the program and the account.

156 Sec. 2. (NEW) (*Effective from passage*) (a) No employer shall: (1)
157 Discharge, or cause to be discharged, or in any manner discipline or
158 discriminate against any employee because the employee has filed an
159 application for pandemic pay pursuant to section 1 of this act, or (2)
160 deliberately misinform or deliberately dissuade an employee from filing
161 an application for payment from the Connecticut Essential Workers
162 Pandemic Pay program.

163 (b) Any employee who is so discharged, disciplined or discriminated
164 against or who has been deliberately misinformed or deliberately
165 dissuaded from filing an application for payment from the Connecticut
166 Essential Workers Pandemic Pay program may bring a civil action in the
167 superior court for the judicial district where the employer has its
168 principal office for the reinstatement to the employee's position of
169 employment, payment of back wages, reestablishment of employee
170 benefits to which the employee would have otherwise been entitled if
171 the employee had not been discriminated against or discharged and any
172 other damages caused by such discrimination or discharge. The
173 superior court may also award punitive damages. Any employee who
174 prevails in such a civil action shall be awarded reasonable attorney's fees
175 and costs.

176 Sec. 3. (*Effective from passage*) The sum of seven hundred fifty million
177 dollars is appropriated to the office of the Comptroller from the General
178 Fund, for the fiscal year ending June 30, 2023, to fund the Connecticut
179 essential workers pandemic pay account. When applicable, allotted

180 funds from the American Rescue Plan Act of 2021, P.L. 117-2, as
181 amended from time to time, or any future federal COVID-19 relief
182 moneys received by the state may be used to fund such account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In Section 1(a)(1), "for payment from the Connecticut Essential Workers' Pandemic Pay program established pursuant to subsection (b) of this section" was added for clarity; in Section 1(b)(2), a subparagraph designator was added for clarity; in Section 1(c)(2), the clause was divided into two sentences for clarity and proper grammar; and in Section 1(h), "Notwithstanding sections 4-183 and 51-197b of the general statutes," was added for accuracy.

LAB *Joint Favorable Subst.*