AN ACT CONCERNING WAGE THEFT.

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

Section 1. Subsections (a) and (b) of section 31-53 of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2022):

(a) Each contract for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project by the state or any of its agents, or by any political subdivision of the state or any of its agents, shall contain the following provision: "The wages paid on an hourly basis to any person performing the work of any mechanic, laborer or worker on the work herein contracted to be done and the amount of payment or contribution paid or payable on behalf of each such person to any employee welfare fund, as defined in subsection (i) of this section, shall be at a rate equal to the rate customary or prevailing for the same work in the same trade or occupation in the town in which such public works project is being constructed. Any contractor who is not obligated by agreement to make payment or contribution on behalf of such persons to any such employee welfare
fund shall pay to each mechanic, laborer or worker as part of such person's wages the amount of payment or contribution for such person's classification on each pay day."

(b) [Any] If the commissioner, upon inspection or investigation of a complaint, believes that a contractor or subcontractor [who] has knowingly or willfully [employs] employed any mechanic, laborer or worker in the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project for or on behalf of the state or any of its agents, or any political subdivision of the state or any of its agents, at a rate of wage on an hourly basis that is less than the rate customary or prevailing for the same work in the same trade or occupation in the town in which such public works project is being constructed, remodeled, refinished, refurbished, rehabilitated, altered or repaired, or who [fails] has failed to pay the amount of payment or contributions paid or payable on behalf of each such person to any employee welfare fund, or in lieu thereof to the person, as provided by subsection (a) of this section, such contractor or subcontractor shall be issued a citation and fined [not less than two thousand five hundred dollars but not more than] five thousand dollars for each offense and (1) for the first violation, shall be disqualified from bidding on contracts with the state or any political subdivision (A) until the contractor or subcontractor has made full restitution of the back wages owed to such persons, and (B) for an additional six months thereafter, [and] (2) for any subsequent [violations] violation, shall be disqualified from bidding on contracts with the state or any political subdivision (A) until the contractor or subcontractor has made full restitution of the back wages owed to such persons, and (B) for not less than an additional two years thereafter, and (3) for more than one violation within a five-year period, the commissioner shall refer the matter to the Attorney General, who may institute a civil action to recover any unpaid wages, plus interest. The Attorney General may file an action to enjoin such conduct and debar the contractor for up to five years from the date on which the action is filed. Each citation issued by the commissioner pursuant to this subsection shall be in writing and
shall specifically describe the nature of the violation. Any contractor or subcontractor issued a citation pursuant to this subsection may request a hearing before the commissioner. Such request shall be made in writing to the commissioner not later than ten days after the issuance of the citation. The commissioner shall grant such request for a hearing if such request includes a dispute of the material facts that resulted in the issuance of the citation. Such hearing shall be conducted in accordance with the provisions of chapter 54. In addition, if it is found by the contracting officer representing the state or political subdivision of the state that any mechanic, laborer or worker employed by the contractor or any subcontractor directly on the site for the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as required by this section, the state or contracting political subdivision of the state may (A) by written or electronic notice to the contractor, terminate such contractor's right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and the contractor's sureties shall be liable to the state or the contracting political subdivision for any excess costs occasioned the state or the contracting political subdivision thereby, or (B) withhold payment of money to the contractor or subcontractor. The contracting department of the state or the political subdivision of the state shall, not later than two days after taking such action, notify the Labor Commissioner, in writing or electronically, of the name of the contractor or subcontractor, the project involved, the location of the work, the violations involved, the date the contract was terminated, and steps taken to collect the required wages.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | October 1, 2022 | 31-53(a) and (b) |

**Statement of Purpose:**
To: (1) Allow the Labor Commissioner to issue fines and citations to contractors and subcontractors who violate the state's prevailing wage laws; and (2) permit the Attorney General to commence a civil action...
against a contractor or subcontractor who repeatedly violates the state's prevailing wage laws.

[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.]