



General Assembly

February Session, 2022

**Raised Bill No. 418**

LCO No. 2941



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING WAGE THEFT.**

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

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2 supplement to the general statutes are repealed and the following is  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

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

17 fund shall pay to each mechanic, laborer or worker as part of such  
18 person's wages the amount of payment or contribution for such person's  
19 classification on each pay day."

20 (b) [Any] If the commissioner, upon inspection or investigation of a  
21 complaint, believes that a contractor or subcontractor [who] has  
22 knowingly or wilfully [employs] employed any mechanic, laborer or  
23 worker in the construction, remodeling, refinishing, refurbishing,  
24 rehabilitation, alteration or repair of any public works project for or on  
25 behalf of the state or any of its agents, or any political subdivision of the  
26 state or any of its agents, at a rate of wage on an hourly basis that is less  
27 than the rate customary or prevailing for the same work in the same  
28 trade or occupation in the town in which such public works project is  
29 being constructed, remodeled, refinished, refurbished, rehabilitated,  
30 altered or repaired, or who [fails] has failed to pay the amount of  
31 payment or contributions paid or payable on behalf of each such person  
32 to any employee welfare fund, or in lieu thereof to the person, as  
33 provided by subsection (a) of this section, such contractor or  
34 subcontractor shall be issued a citation and fined [not less than two  
35 thousand five hundred dollars but not more than] five thousand dollars  
36 for each offense and (1) for the first violation, shall be disqualified from  
37 bidding on contracts with the state or any political subdivision (A) until  
38 the contractor or subcontractor has made full restitution of the back  
39 wages owed to such persons, and (B) for an additional six months  
40 thereafter, [and] (2) for any subsequent [violations] violation, shall be  
41 disqualified from bidding on contracts with the state or any political  
42 subdivision (A) until the contractor or subcontractor has made full  
43 restitution of the back wages owed to such persons, and (B) for not less  
44 than an additional two years thereafter, and (3) for more than one  
45 violation within a five-year period, the commissioner shall refer the  
46 matter to the Attorney General, who may institute a civil action to  
47 recover any unpaid wages, plus interest. The Attorney General may file  
48 an action to enjoin such conduct and debar the contractor for up to five  
49 years from the date on which the action is filed. Each citation issued by  
50 the commissioner pursuant to this subsection shall be in writing and

51 shall specifically describe the nature of the violation. Any contractor or  
52 subcontractor issued a citation pursuant to this subsection may request  
53 a hearing before the commissioner. Such request shall be made in  
54 writing to the commissioner not later than ten days after the issuance of  
55 the citation. The commissioner shall grant such request for a hearing if  
56 such request includes a dispute of the material facts that resulted in the  
57 issuance of the citation. Such hearing shall be conducted in accordance  
58 with the provisions of chapter 54. In addition, if it is found by the  
59 contracting officer representing the state or political subdivision of the  
60 state that any mechanic, laborer or worker employed by the contractor  
61 or any subcontractor directly on the site for the work covered by the  
62 contract has been or is being paid a rate of wages less than the rate of  
63 wages required by the contract to be paid as required by this section, the  
64 state or contracting political subdivision of the state may (A) by written  
65 or electronic notice to the contractor, terminate such contractor's right to  
66 proceed with the work or such part of the work as to which there has  
67 been a failure to pay said required wages and to prosecute the work to  
68 completion by contract or otherwise, and the contractor and the  
69 contractor's sureties shall be liable to the state or the contracting political  
70 subdivision for any excess costs occasioned the state or the contracting  
71 political subdivision thereby, or (B) withhold payment of money to the  
72 contractor or subcontractor. The contracting department of the state or  
73 the political subdivision of the state shall, not later than two days after  
74 taking such action, notify the Labor Commissioner, in writing or  
75 electronically, of the name of the contractor or subcontractor, the project  
76 involved, the location of the work, the violations involved, the date the  
77 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.]*