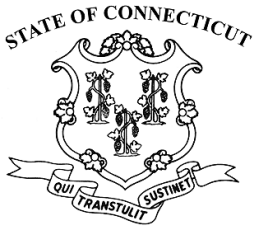


***Substitute Senate Bill No. 210***

# *Public Act No. 22-67*

## *AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.*

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

Section 1. Subsection (a) of section 31-2 of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The Labor Commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women and the means of promoting their material, social, intellectual and moral prosperity, and may summon and examine under oath such witnesses, and may direct the production of, and examine or cause to be produced and examined, such books, records, vouchers, memoranda, documents, letters, contracts or other papers in relation thereto as he deems necessary, and shall have the same powers in relation thereto as are vested in magistrates in taking depositions, but for this purpose persons shall not be required to leave the vicinity of their residences or places of business. **[**Said commissioner shall collect and collate (1) population and employment data to project who is working, who is not working and who will be entering the job market, and (2) data concerning present job requirements and potential needs of new industry.**]**

Sec. 2. Subsection (f) of section 31-3pp of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) **[**Not later than July 15, 2012, and annually thereafter, and January 15, 2013, and annually thereafter**]** In each fiscal year that eligible small businesses and manufacturers are awarded subsidized employment and training program grants pursuant to this section, the Labor Commissioner shall provide a report not later than October first of such fiscal year, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce and labor. Said report shall include available data, for the **[**six-month period ending on the last day of the calendar month**]** fiscal year preceding such report, on (1) the number of small businesses that participated in the Subsidized Training and Employment program established pursuant to subsections (c) and (e) of this section, and the general categories of such businesses, (2) the number of small manufacturers that participated in the Subsidized Training and Employment program established pursuant to subsections (d) and (e) of this section, and the general categories of such manufacturers, (3) the number of individuals that received employment, and (4) the most recent estimate of the number of jobs created or maintained.

Sec. 3. Subsection (d) of section 31-3uu of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) **[**Not later than July 15, 2013, and annually thereafter, and January 15, 2014, and annually thereafter**]** In every fiscal year that eligible businesses are awarded unemployed armed forces member subsidized training and employment program grants pursuant to this section, the Labor Commissioner shall provide a report not later than October first of such fiscal year, in accordance with the provisions of section 11-4a, to

the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce, veterans and labor. Said report shall include available data, for the **[**six-month period ending on the last day of the calendar month**]** fiscal year preceding such report, on (1) the number of businesses that participated in the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to subsection (b) of this section, and the general categories of such businesses, and (2) the number of individuals that received employment under said program.

Sec. 4. Subsection (c) of section 31-51ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Labor Commissioner shall exempt any employer from the requirements of this section if he finds that (1) requiring compliance would be adverse to public safety, (2) the duties of a position may only be performed by one employee, (3) the employer employs less than five employees on a shift at a single place of business provided the exemption shall only apply to the employees on such shift, or (4) the continuous nature of an employer's operations, such as chemical production or research experiments, requires that employees be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods. **[**The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedures and requirements for the granting of such exemptions.**]**

Sec. 5. Subsections (a) to (e), inclusive, of section 31-225a of the 2022 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this chapter:

(1) "Qualified employer" means each employer subject to this chapter whose experience record has been chargeable with benefits for at least one full experience year, with the exception of employers subject to a flat entry rate of contributions as provided under subsection **[**(e)**]** (d) of this section, employers subject to the maximum contribution rate under subsection (c) of section 31-273, and reimbursing employers;

(2) "Contributing employer" means an employer who is assigned a percentage rate of contribution under the provisions of this section;

(3) "Reimbursing employer" means an employer liable for payments in lieu of contributions as provided under section 31-225;

(4) "Benefit charges" means the amount of benefit payments charged to an employer's experience account under this section;

(5) "Computation date" means June thirtieth of the year preceding the tax year for which the contribution rates are computed;

(6) "Tax year" means the calendar year immediately following the computation date;

(7) "Experience year" means the twelve consecutive months ending on June thirtieth;

(8) "Experience period" means the three consecutive experience years ending on the computation date, except that (A) if the employer's account has been chargeable with benefits for less than three years, the experience period shall consist of the greater of one or two consecutive experience years ending on the computation date, and (B) to the extent allowed by federal law and as necessary to respond to the spread of COVID-19, for any taxable year commencing on or after January 1, 2022, the experience period shall be calculated without regard to benefit charges and taxable wages for the experience years ending June 30, 2020, and June 30, 2021, when applicable; **[**, and (C) for tax year 2026,

"experience period" means one experience year ending on the computation date and for tax year 2027, "experience period" means two consecutive experience years ending on the computation date;**]** and

(9) "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) (1) The administrator shall maintain for each employer, except reimbursing employers, an experience account in accordance with the provisions of this section.

(2) With respect to each benefit year commencing on or after July 1, 1978, regular and additional benefits paid to an individual shall be allocated and charged to the accounts of the employers who paid the individual wages in his or her base period in accordance with the following provisions: The initial determination establishing a claimant's weekly benefit rate and maximum total benefits for his or her benefit year shall include, with respect to such claimant and such benefit year, a determination of the maximum liability for such benefits of each employer who paid wages to the claimant in his or her base period. An employer's maximum total liability for such benefits with respect to a claimant's benefit year shall bear the same ratio to the maximum total benefits payable to the claimant as the total wages paid by the employer to the claimant within his or her base period bears to the total wages paid by all employers to the claimant within his or her base period. This ratio shall also be applied to each benefit payment. The amount thus determined, rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward, shall be charged to the employer's account.

(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 that 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 that 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 that 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 (1) 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 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.

(L) On and after January 1, 2024, (i) no base period employer's account shall be charged with respect to benefits paid to a claimant through the voluntary shared work unemployment compensation program established pursuant to section 31-274j, if a claim for benefits is filed in a week in which the average rate of total unemployment in the state equals or exceeds six and one-half per cent based on the most recent three months of data published by the Labor Commissioner, and (ii) the Labor Commissioner may determine that no base period employer's account shall be charged with respect to benefits paid to a claimant through the voluntary shared work unemployment compensation program established pursuant to section 31-274j, if a claim for benefits is filed in a week in which the average rate of total unemployment in the state equals or exceeds eight per cent in the most recent one month of data published by the Labor Commissioner.

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

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

(d) The standard rate of contributions shall be five and four-tenths per cent. Each employer who has not been chargeable with benefits, for a sufficient period of time to have his or her rate computed under this

section shall pay contributions at a rate that is the higher of (1) one per cent, or (2) the state's five-year benefit cost rate. For purposes of this subsection, the state's five-year benefit cost rate shall be computed annually on or before June thirtieth and shall be derived by dividing the total dollar amount of benefits paid to claimants under this chapter during the five consecutive calendar years immediately preceding the computation date by the five-year payroll during the same period, except that, to the extent allowed by federal law and as necessary to respond to the spread of COVID-19, for any taxable year commencing on or after January 1, 2022, the state's five-year benefit cost rate shall be calculated without regard to benefit payments and taxable wages for calendar years 2020 and 2021, when applicable. If the resulting quotient is not an exact multiple of one-tenth of one per cent, the five-year benefit cost rate shall be the next higher such multiple.

(e) (1) (A) As of each June thirtieth, the administrator shall determine the charged tax rate for each qualified employer. Such rate shall be obtained by calculating a benefit ratio for each qualified employer. The employer's benefit ratio shall be the quotient obtained by dividing the total amount chargeable to the employer's experience account during the experience period by the total of his or her taxable wages during such experience period that have been reported by the employer to the administrator on or before the following September thirtieth. The resulting quotient, expressed as a per cent, shall constitute the employer's charged rate, except that each employer's charged rate for calendar years 2024**,** **[**and**]** 2025, 2026 and 2027 shall be divided by 1.471**,** **[**and**]** 1.269, 1.125 and 1.053, respectively.

(i) For calendar years commencing prior to January 1, 2024, if the resulting quotient is not an exact multiple of one-tenth of one per cent, the charged rate shall be the next higher such multiple, except that if the resulting quotient is less than five-tenths of one per cent, the charged rate shall be five-tenths of one per cent and if the resulting quotient is

greater than five and four-tenths per cent, the charged rate shall be five and four-tenths per cent.

(ii) For calendar years commencing on or after January 1, 2024, if the resulting quotient is not an exact multiple of one-tenth of one per cent, the charged rate shall be the next higher such multiple, except that if the resulting quotient is less than one-tenth of one per cent, the charged rate shall be one-tenth of one per cent and if the resulting quotient is greater than ten per cent, the charged rate shall be ten per cent.

(B) **[**If**]** For calendar years commencing on and after January 1, 2024, if the benefit ratios calculated pursuant to subparagraph (A) of this subdivision would result in the average benefit ratio of all employers within a sector of the North American Industry Classification System increasing over the prior calendar year's such average by an amount equal to or greater than .01, the benefit ratio of each employer within such sector shall be adjusted downward by an amount equal to one-half of the increase in the average benefit ratio of all employers within such sector. Sectors 21 and 23 of said system shall be considered one sector for the purposes of this subparagraph.

(2) (A) Each contributing employer subject to this chapter shall pay an assessment to the administrator at a rate established by the administrator sufficient to pay interest due on advances from the federal unemployment account under Title XII of the Social Security Act (42 U.S. Code Sections 1321 to 1324). The administrator shall establish the necessary procedures for payment of such assessments. The amounts received by the administrator based on such assessments shall be paid over to the State Treasurer and credited to the General Fund. Any amount remaining from such assessments, after all such federal interest charges have been paid, shall be transferred to the Employment Security Administration Fund or to the Unemployment Compensation Advance Fund established under section 31-264a, (i) to the extent that any federal interest charges have been paid from the Unemployment Compensation

Advance Fund, (ii) to the extent that the administrator determines that reimbursement is appropriate, or (iii) otherwise to the extent that reimbursement of the advance fund is the appropriate accounting principle governing the use of the assessments. Sections 31-265 to 31-274, inclusive, shall apply to the collection of such assessments.

(B) On and after January 1, 1994, and conditioned upon the issuance of any revenue bonds pursuant to section 31-264b, each contributing employer shall also pay an assessment to the administrator at a rate established by the administrator sufficient to pay the interest due on advances from the Unemployment Compensation Advance Fund and reimbursements required for advances from the Unemployment Compensation Advance Fund, computed in accordance with subsection (h) of section 31-264a. The administrator shall establish the assessments as a percentage of the charged tax rate for each employer pursuant to subdivision (1) of this subsection. The administrator shall establish the necessary procedures for billing, payment and collection of the assessments. Sections 31-265 to 31-274, inclusive, shall apply to the collection of such assessments by the administrator. The payments received by the administrator based on the assessments, excluding interest and penalties on past due assessments, are hereby pledged and shall be paid over to the State Treasurer for credit to the Unemployment Compensation Advance Fund.

Sec. 6. Subsection (a) of section 31-231a of the 2022 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) For a construction worker identified pursuant to regulations adopted in accordance with subsection (c) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after April 1, 1996, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of the individual's total wages paid during that quarter of the individual's current benefit year's

base period in which wages were the highest but not less than fifteen dollars.

(2) The total unemployment benefit rate for the individual's benefit year commencing on January 1, 2024, shall be not less than forty dollars, except that when the federal government provides a fully federally-funded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(3) **[**The**]** Except for the application of the individual's base period wages in the calculation of the total unemployment benefit rate pursuant to section 31-230 or a reduction in the maximum benefit rate pursuant to subdivision (4) of subsection (b) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after January 1, 2025, shall be not less than the total unemployment benefit rate for the **[**prior**]** immediately preceding benefit year (A) adjusted by the percentage change in the employment cost index or its successor index, for wages and salaries for all civilian workers, as calculated by the United States Department of Labor, over the twelve-month period ending on June thirtieth of the preceding year, and (B) rounded to the nearest dollar, except that when the federal government provides a fully federally-funded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(4) **[**The**]** Except for the application of the individual's base period wages in the calculation of the total unemployment benefit rate pursuant to section 31-230 or a reduction in the maximum benefit rate pursuant to subdivision (4) of subsection (b) of this section, the maximum weekly benefit rate under this subsection shall be not more than the maximum benefit rate as provided in subdivision (4) of subsection (b) of this section.

Sec. 7. Subsection (a) of section 31-237c of the general statutes is

repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The board shall consist of three members appointed by the Governor, one of whom shall be designated by the Governor as **[**chairman**]** chairperson of the board of review. Notwithstanding the provisions of subdivision (4) of section 5-198, such **[**chairman**]** chairperson shall be in the classified service and shall devote full time to the duties of **[**his**]** the office. Such **[**chairman**]** chairperson shall be chosen by the Governor from a list of names submitted to **[**him**]** the Governor by the Commissioner of Administrative Services pursuant to the provisions of subsection (d) of section 5-228. The other two members appointed to serve during the appointing Governor's term of office shall be a representative of employers and a representative of employees and shall devote full time to the duties of their offices. The members of the board representing employers and employees shall be selected as such representatives based upon previous vocation, employment or affiliation. A member of the board may be removed by the Governor for cause.

Sec. 8. Subsection (a) of section 31-237d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The **[**chairman**]** chairperson of the board shall be the executive head of the appeals division. **[**He**]** The chairperson may delegate to any person employed in the appeals division such authority as **[**he**]** the chairperson deems reasonable and proper for the effective administration of the division's responsibilities.

Sec. 9. Subsections (a) and (b) of section 31-237e of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The members of the board, the chief referee and the referees of the state shall each be paid from the Employment Security Administration Fund a salary to be determined by the Commissioner of Administrative Services pursuant to section 4-40, provided the chief referee shall receive a salary greater than the salary paid to a referee and the **[**chairman**]** chairperson of the board shall receive a salary greater than the salary paid to the chief referee. Expenses incurred in the discharge of their duties of office by the **[**chairman**]** chairperson and members of the board, the chief referee, and the referees shall be reimbursed in accordance with regulations established for state employees by the Commissioner of Administrative Services.

(b) Subject to the provisions of chapter 67, the board may appoint such employees in the appeals division as it deems necessary to carry out its responsibilities under this chapter, provided the board shall appoint a staff assistant. The staff assistant shall be qualified, by reason of **[**his**]** training, education and experience, to carry out the duties of the position, which include, but are not limited to, performing legal research for the board, advising referees on legal matters relating to procedural and substantive problems of hearings and appeals, assisting the board **[**chairman**]** chairperson in preparing legislative amendments to unemployment compensation law pertaining to appellate matters, serving as acting **[**chairman**]** chairperson of the board in the **[**chairman's**]** chairperson's absence, and other related duties as required.

Sec. 10. Section 31-237f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No member of the board shall participate in the hearing or disposition of any appeal in which such member has any direct or indirect interest. Challenge to the interest of any member of the board may be made by any party to the proceeding and claimed for short calendar, and such challenge shall be decided by the Superior Court. If the challenge is upheld, the administrator shall so advise the Governor.

In such a case, the Governor shall assign an alternate member appointed pursuant to section 31-237c, as amended by this act, except that the staff assistant shall automatically become acting **[**chairman**]** chairperson of the board in the **[**chairman's**]** chairperson's absence. If a replacement for any member of the board is required, the Governor shall appoint a substitute who represents affiliations similar to that of the member being replaced to fill such unexpired term.

Sec. 11. Section 31-237i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The referee section shall consist of such referees as the board deems necessary for the prompt processing of appeals hearings and decisions and for the performance of the duties imposed by this chapter. Each such referee shall be appointed by the board and shall be in the classified service of the state.

(b) The **[**chairman**]** chairperson of the board shall designate from among the referees a chief referee. The chief referee shall be the administrative head of the referee section and may delegate to any referee or any person employed in the referee section such authority as **[**he**]** the chief referee deems reasonable and proper for the effective administration of his or her duties.

(c) The first appointments under this section shall be made no later than March 1, 1975. Any vacancy in the office of referee shall be filled by appointment by the board.

Sec. 12. Section 31-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

**[**With the approval of the Commissioner of Administrative Services, the**]** The administrator shall **[**cause to be printed for distribution**]** make available to the public, on its Internet web site, the text of this chapter, the administrator's general regulations and his annual reports to the

Governor and any other material the administrator deems relevant and suitable, together with such decisions of the referees as the board considers of general interest, and shall furnish the same to any person upon application therefor.

Sec. 13. Subsection (b) of section 31-362g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Each defense contractor which (1) performs one or more defense contracts in this state, the combined value of which exceeds one million dollars in any one year, and (2) after October 1, 1994, is the recipient of state assistance or other funds from the Department of Economic and Community Development shall establish an alternative use committee. The committee shall consist of representatives of employees and employers. The employees of such contractor who are represented by a collective bargaining organization shall be represented on such committee by a representative of such organization. The employees of such contractor who are not represented by a collective bargaining organization shall designate a person to serve as their representative. The committee may invite representatives of the community to participate in committee meetings. The committee shall prepare a plan to reduce or eliminate the dependence of the contractor on defense contracts. The plan shall include: (A) Alternative products that are feasible to produce and marketable; and (B) retraining resources needed to produce such products in order to avoid dislocation of the current workforce. **[**The Labor Commissioner shall adopt regulations pursuant to chapter 54 to administer the establishment and composition of alternate use committees and the committee's duty to establish plans pursuant to this subsection.**]**

Sec. 14. Subsections (f) to (h), inclusive, of section 31-374 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective from passage*):

**[**(f) (1) Any employee or representative of employees who believes that there is a violation of an occupational safety or health standard or that there is an imminent danger of physical harm may request an inspection by giving notice to the commissioner or his authorized representative of such violation or danger. Any such notice shall be reduced to writing and shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or the representative of employees. A copy of such notice shall be provided the employer or the employer's agent no later than the time of the inspection, provided, upon the request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released or made available pursuant to subsection (g) of this section. Upon the request of an individual employee whose name is not included in such notice, but who at any time provides information to the commissioner concerning the violation or danger alleged in such notice, the name of such individual employee shall not appear on any record published, released or made available pursuant to subsection (g) of this section. If upon receipt of such notification the commissioner determines there are reasonable grounds to believe that such violation or danger exists, he shall make an inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. Such inspection may be limited to the alleged violation or danger. If the commissioner determines there are no reasonable grounds to believe that such violation or danger exists, he shall notify the employer, employee or representative of employees in writing of such determination. Such notification shall not preclude future enforcement action if conditions change.

(2) Prior to or during any inspection of a work place, any employees or representative of employees employed in such work place may notify the commissioner or any representative of the commissioner responsible for conducting the inspection in writing of any violation of this chapter

which they have reason to believe exists in such work place. The commissioner shall by regulation establish procedures for informal review of any refusal by a representative of the commissioner to issue a citation with respect to any such alleged violation and shall furnish the employer and the employees or representative of employees requesting such review a written statement of the reasons for the commissioner's final disposition of the case. Such notification shall not preclude future enforcement action if conditions change.**]**

**[**(g)**]** (f) (1) The commissioner may compile, analyze and publish in either summary or detail form all reports or information obtained under this section.

(2) The commissioner shall adopt such regulations in accordance with chapter 54 and this chapter as he may deem necessary to carry out his responsibilities under this chapter, including regulations dealing with the inspection of an employer's or owner's establishment.

**[**(h)**]** (g) (1) In accordance with the provisions of section 4-38d, the duty of the Department of Public Health to license and to establish standards for health facilities operated by a commercial or industrial establishment for the care of its employees shall be transferred to the Division of Occupational Safety and Health of the Labor Department. No commercial or industrial establishment within the state shall establish, conduct, operate or maintain a health facility for its employees without a license as required by this subsection.

(2) Application for such license shall be made to the Labor Department upon forms provided by it and shall contain such information as the department requires, which may include affirmative evidence of ability to comply with reasonable standards and regulations adopted pursuant to the provisions of this subsection. Upon receipt of an application for a license, the Labor Department shall issue such license if, upon inspection and investigation by the Division of

Occupational Safety and Health, it finds that the applicant and facilities meet the requirements established by regulation. Such license shall be valid for one year or fraction thereof and shall terminate on March thirty-first, June thirtieth, September thirtieth or December thirty-first of each year. A license, unless sooner suspended or revoked, shall be renewable annually, without charge, upon the filing by the licensee, and approval by the Labor Department, of an annual report upon such date and containing such information in such form as the department prescribes and satisfactory evidence of continuing compliance with requirements. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

(3) The Labor Department shall adopt, in accordance with chapter 54 and this chapter, and enforce regulations for health facilities licensed under the provisions of this subsection in order to provide for reasonable standards of health, safety and comfort for the employees utilizing such facilities. The regulations adopted by the Labor Department shall conform to the standards established by this chapter.

(4) The Labor Department, after reasonable notice and a hearing, may suspend, revoke or refuse to renew a license in any case in which it finds there has been a substantial failure to comply with the requirements established under this subsection. The requirements of reasonable notice and hearing, as provided for in this subsection, and appeals from the decisions of said department, shall comply with the requirements of chapter 54.

Sec. 15. Section 29-244 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

In the examination and inspection of premises provided for in **[**sections**]** section 29-305**,** **[**and 31-9,**]** the officer making the inspection

shall ascertain whether there is a valid operating certificate displayed as required in section 29-238 and, if there is no such certificate displayed, he shall at once inform the Commissioner of Administrative Services.

Sec. 16. Section 31-348a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On or before July 1, 1993, each insurer writing workers' compensation insurance in this state, either individually or through a rating organization licensed pursuant to section 38a-672 of which the insurer is a member or subscriber, shall file new voluntary pure premium and assigned risk rates effective for the period July 1, 1993, to June 30, 1994, containing a nineteen per cent benefit level reduction and allowing due consideration for changes in loss costs based upon experience updated through the end of 1992.

(b) Upon receipt of any rate filing made under this section by a rating organization licensed pursuant to section 38a-672, the Insurance Commissioner shall conduct a public hearing regarding the filing and consult with an independent actuary engaged for the purpose of certifying the accuracy of the benefit level reduction set forth in subsection (a) of this section and determining whether the filed rates are excessive, inadequate or unfairly discriminatory as determined by the provisions of section 38a-665. The rates approved for the period July 1, 1993, to June 30, 1994, shall reflect (i) the actual loss costs experience through the end of 1992 and (ii) the savings from benefit level reductions effective July 1, 1993, as achieved by this section and sections **[**31-40u,**]** 31-40v, 31-275, 31-276, 31-279, 31-280, 31-284a, 31-288, 31-289b, 31-293, 31-294c, 31-295, 31-297a, 31-298, 31-299a, 31-300, 31-303, 31-306, 31-307 to 31-307b, inclusive, 31-308, 31-308a, 31-309, 31-310, 31-310c, 31-349, 31-349a and 31-354.

(c) Within thirty days of the Insurance Commissioner's final decision regarding a filing by a rating organization made pursuant to this section,

each insurer writing workers' compensation insurance in this state shall file revised rates for the voluntary market in accordance with the provisions of section 38a-676. Such revised rates shall be applicable to all new and renewal workers' compensation insurance policies effective on or after July 1, 1993. For any policy in effect as of June 30, 1993, during the period from July 1, 1993, through the end of the policy period, the premium shall be reduced by a percentage which equals the benefit level reduction certified pursuant to subsection (b) of this section. With respect to new and renewal policies effective on or after July 1, 1993, and before the final approval of the rates filed pursuant to this subsection, each workers' compensation insurance carrier shall, not later than forty-five days after the rates approved pursuant to this section become final, adjust the premium of such new or renewal policy for the period after July 1, 1993, to reflect the difference between the premium on the policy as issued and the premium which reflects the rates as finally approved, which rates shall reflect the specific savings achieved by this section and sections **[**31-40u,**]** 31-40v, 31-275, 31-276, 31-279, 31-280, 31-284a, 31-288, 31-289b, 31-293, 31-294c, 31-295, 31-297a, 31-298, 31-299a, 31-300, 31-303, 31-306, 31-307 to 31-307b, inclusive, 31-308, 31-308a, 31-309, 31-310, 31-310c, 31-349, 31-349a and 31-354.

Sec. 17. Sections 31-3y, 31-3z, 31-9, 31-11*ll*, 31-40a, 31-40b and 31-40u of the general statutes are repealed. (*Effective from passage*)

Approved May 23, 2022