



General Assembly

Amendment

February Session, 2022

LCO No. 5008



Offered by:

SEN. KUSHNER, 24th Dist.

REP. PORTER, 94th Dist.

To: Senate Bill No. 418

File No. 253

Cal. No. 204

"AN ACT CONCERNING WAGE THEFT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 31-53 of the 2022 supplement to
4 the general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective July 1, 2023*):

6 (b) [Any] If the commissioner, upon inspection or investigation of a
7 complaint, believes that a contractor or subcontractor [who] has
8 knowingly or wilfully [employs] employed any mechanic, laborer or
9 worker in the construction, remodeling, refinishing, refurbishing,
10 rehabilitation, alteration or repair of any public works project for or on
11 behalf of the state or any of its agents, or any political subdivision of the
12 state or any of its agents, at a rate of wage on an hourly basis that is less
13 than the rate customary or prevailing for the same work in the same
14 trade or occupation in the town in which such public works project is
15 being constructed, remodeled, refinished, refurbished, rehabilitated,

16 altered or repaired, or who [~~fails~~] has failed to pay the amount of
17 payment or contributions paid or payable on behalf of each such person
18 to any employee welfare fund, or in lieu thereof to the person, as
19 provided by subsection (a) of this section, such contractor or
20 subcontractor shall be issued a citation and may be fined [not less than
21 two thousand five hundred dollars but not more than] five thousand
22 dollars for each offense. [and (1) for the first violation, shall be
23 disqualified from bidding on contracts with the state or any political
24 subdivision until the contractor or subcontractor has made full
25 restitution of the back wages owed to such persons and for an additional
26 six months thereafter, and (2) for subsequent violations, shall be
27 disqualified from bidding on contracts with the state or any political
28 subdivision until the contractor or subcontractor has made full
29 restitution of the back wages owed to such persons and for not less than
30 an additional two years thereafter.] The commissioner shall maintain a
31 list of any contractor or subcontractor that, during the three preceding
32 calendar years, violates this section or enters into a settlement with the
33 commissioner to resolve any claim brought by the commissioner
34 pursuant to this section. For each contractor or subcontractor placed on
35 such list, the commissioner shall record the following information: (1)
36 The nature of the violation; (2) the total amount of wages and fringe
37 benefits making up the violation or agreed upon in any settlement with
38 the commissioner; and (3) the total amount of civil penalties and fines
39 agreed upon by the commissioner. The commissioner shall review the
40 list on the first day of May each year for the preceding rolling three-year
41 period and may refer for debarment any contractor or subcontractor that
42 committed a violation of this section during the rolling three-year
43 period. The commissioner shall refer for debarment any contractor or
44 subcontractor that entered into one or more settlement agreements with
45 the commissioner where the sum total of all settlements within such
46 period exceeds fifty thousand dollars in back wages or fringe benefits,
47 or entered into one or more settlement agreements with the
48 commissioner where the sum total of all settlements within such period
49 exceeds fifty thousand dollars in civil penalties or fines agreed upon by
50 the commissioner. Any contractor or subcontractor the commissioner

51 refers for debarment may request a hearing before the commissioner.
 52 Such hearing shall be conducted in accordance with the provisions of
 53 chapter 54. In addition, if it is found by the contracting officer
 54 representing the state or political subdivision of the state that any
 55 mechanic, laborer or worker employed by the contractor or any
 56 subcontractor directly on the site for the work covered by the contract
 57 has been or is being paid a rate of wages less than the rate of wages
 58 required by the contract to be paid as required by this section, the state
 59 or contracting political subdivision of the state may (A) by written or
 60 electronic notice to the contractor, terminate such contractor's right to
 61 proceed with the work or such part of the work as to which there has
 62 been a failure to pay said required wages and to prosecute the work to
 63 completion by contract or otherwise, and the contractor and the
 64 contractor's sureties shall be liable to the state or the contracting political
 65 subdivision for any excess costs occasioned the state or the contracting
 66 political subdivision thereby, or (B) withhold payment of money to the
 67 contractor or subcontractor. The contracting department of the state or
 68 the political subdivision of the state shall, not later than two days after
 69 taking such action, notify the Labor Commissioner, in writing or
 70 electronically, of the name of the contractor or subcontractor, the project
 71 involved, the location of the work, the violations involved, the date the
 72 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	July 1, 2023	31-53(b)