



PA 23-162—SB 1035

Labor and Public Employees Committee

Judiciary Committee

AN ACT CONCERNING STOP WORK ORDERS

SUMMARY: This act broadens the labor commissioner’s authority to issue stop work orders to include instances when a contractor or subcontractor knowingly or willfully pays an employee less than the prevailing wage required on a public works project. It also increases the civil penalty for violating a stop work order from \$1,000 to \$5,000 for each day that an order is violated.

The act correspondingly broadens the State Department of Labor’s (DOL) investigative authority to cover complaints that a contractor or subcontractor violated the prevailing wage requirement. It also applies the penalty for hindering an investigation of complaints about wage non-payment or failing to provide workers’ compensation insurance coverage to hindering an investigation of prevailing wage complaints and increases the applicable penalty, from a fine of \$100 to \$250, to a fine of at least \$1,000.

EFFECTIVE DATE: October 1, 2023

STOP WORK ORDERS

Prior law allowed the labor commissioner to issue stop work orders only for violations of the requirement to provide workers’ compensation insurance coverage for employees. The act expands this authority to also include knowing or willful violations of the requirement to pay employees the prevailing wage on public works projects.

As with workers’ compensation stop work orders, the act’s prevailing wage stop work orders:

1. must be issued within 72 hours after investigating and determining that a violation occurred;
2. only apply to the violating employer and the specific place of business or employment where the violation exists;
3. are effective when served on the employer or at that place of business or employment;
4. may be served by posting a copy of the order in a conspicuous location at the place of business or employment;
5. remain in effect until the commissioner either finds that the employer complies with the prevailing wage requirement or holds a hearing at the employer’s request; and
6. are effective against the employer’s successor entity if it has at least one of the same principals or officers as the entity subject to the original order and they are engaged in the same or equivalent trade or activity.

OLR PUBLIC ACT SUMMARY

INVESTIGATIONS AND FINES

When DOL receives a complaint for nonpayment of wages or a failure to provide workers' compensation coverage, the law allows the commissioner and certain other labor officials to enter an employer's business to determine compliance and take other investigatory actions (e.g., examine records, take depositions). The act allows the commissioner and these officials to also do this after receiving a prevailing wage violation complaint.

The law imposes a fine on an employer who, during these investigations, (1) willfully fails to furnish time and wage records as required, (2) refuses to admit the commissioner or labor officials to the place of employment, or (3) hinders or delays the commissioner or officials from performing their duties. The act requires this fine to be at least \$1,000, instead of prior law's \$100 to \$250 fine.