



General Assembly

January Session, 2023

Raised Bill No. 1035

LCO No. 4397



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING STOP WORK ORDERS.

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

1 Section 1. Section 31-76a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2023*):

3 (a) On receipt of a complaint for nonpayment of wages, [or] a
4 violation of the provisions of subsection (g) of section 31-288 or a
5 violation of the provisions of subsection (b) of section 31-53, the Labor
6 Commissioner, the director of Wage and Workplace Standards or the
7 director's designee, shall have power to enter, during usual business
8 hours, the place of business or employment of any employer to
9 determine compliance with the wage payment laws, [or] subsection (g)
10 of section 31-288 or subsection (b) of section 31-53, and for such purpose
11 may examine payroll and other records and interview employees, call
12 hearings, administer oaths, take testimony under oath and take
13 depositions in the manner provided by sections 52-148a to 52-148e,
14 inclusive.

15 (b) The commissioner or the director, for such purpose, may issue

16 subpoenas for the attendance of witnesses and the production of books
17 and records. Any employer or any officer or agent of any employer,
18 corporation, firm or partnership who wilfully fails to furnish time and
19 wage records as required by law to the commissioner, the director of
20 minimum wage or any wage enforcement agent upon request, or who
21 refuses to admit the commissioner, the director or such agent to the
22 place of employment of such employer, corporation, firm or
23 partnership, or who hinders or delays the commissioner, the director or
24 such agent in the performance of the commissioner's, the director's or
25 such agent's duties in the enforcement of this section shall be fined not
26 less than [one hundred dollars nor more than two hundred fifty dollars]
27 one thousand dollars. Each day of such failure to furnish the time and
28 wage records to the commissioner, the director or such agent shall
29 constitute a separate offense, and each day of refusal to admit, of
30 hindering or of delaying the commissioner, the director or such agent
31 shall constitute a separate offense.

32 (c) (1) If the commissioner determines, after an investigation
33 pursuant to subsection (a) of this section, that an employer is in violation
34 of (A) subsection (g) of section 31-288, or (B) subsection (b) of section 31-
35 53, the commissioner shall issue, not later than seventy-two hours after
36 making such determination, a stop work order against the employer
37 requiring the cessation of all business operations of such employer. Such
38 stop work order shall be issued only against the employer found to be
39 in violation of subsection (g) of section 31-288 or in violation of
40 subsection (b) of section 31-53 and only as to the specific place of
41 business or employment for which the violation exists. Such order shall
42 be effective when served upon the employer or at the place of business
43 or employment. A stop work order may be served at a place of business
44 or employment by posting a copy of the stop work order in a
45 conspicuous location at the place of business or employment. Such order
46 shall remain in effect until the commissioner issues an order releasing
47 the stop work order upon a finding by the commissioner that the
48 employer has come into compliance with the requirements of subsection
49 (b) of section 31-284 or subsection (b) of section 31-53, or after a hearing

50 held pursuant to subdivision (2) of this subsection.

51 (2) Any employer against which a stop work order is issued pursuant
52 to subdivision (1) of this subsection may request a hearing before the
53 commissioner. Such request shall be made in writing to the
54 commissioner not more than ten days after the issuance of such order.
55 Such hearing shall be conducted in accordance with the provisions of
56 chapter 54.

57 (3) Stop work orders and any penalties imposed under section 31-288
58 or 31-69a, as amended by this act, against a corporation, partnership or
59 sole proprietorship for a violation of subsection (g) of section 31-288 or
60 for a violation of subsection (b) of section 31-53 shall be effective against
61 any successor entity that has one or more of the same principals or
62 officers as the corporation, partnership or sole proprietorship against
63 which the stop work order was issued and are engaged in the same or
64 equivalent trade or activity.

65 (4) The commissioner shall adopt regulations, in accordance with the
66 provisions of chapter 54, necessary to carry out this subsection.

67 Sec. 2. Subsection (a) of section 31-69a of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective October*
69 *1, 2023*):

70 (a) In addition to the penalties provided in this chapter and chapter
71 568, any employer, officer, agent or other person who violates any
72 provision of this chapter, chapter 557 or subsection (g) of section 31-288
73 shall be liable to the Labor Department for a civil penalty of three
74 hundred dollars for each violation of said chapters and for each
75 violation of subsection (g) of section 31-288, except that (1) any person
76 who violates (A) a stop work order issued pursuant to subsection (c) of
77 section 31-76a, as amended by this act, shall be liable to the Labor
78 Department for a civil penalty of [one thousand dollars] five thousand
79 dollars and each day of such violation shall constitute a separate offense,
80 and (B) any provision of section 31-12, 31-13 or 31-14, subsection (a) of
81 section 31-15 or section 31-18, 31-23 or 31-24 shall be liable to the Labor

82 Department for a civil penalty of six hundred dollars for each violation
83 of said sections, and (2) a violation of subsection (g) of section 31-288
84 shall constitute a separate offense for each day of such violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-76a
Sec. 2	<i>October 1, 2023</i>	31-69a(a)

Statement of Purpose:

To (1) expand the applicability of the issuance of a stop work order to include violations of the prevailing wage, and (2) increase fines for violations of stop work orders.

[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.]