



Senate Bill No. 1035

Public Act No. 23-162

AN ACT CONCERNING STOP WORK ORDERS.

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

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 Section 31-76a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2023*):

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

(b) The commissioner or the director, for such purpose, may issue subpoenas for the attendance of witnesses and the production of books and records. Any employer or any officer or agent of any employer, corporation, firm or partnership who wilfully fails to furnish time and

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wage records as required by law to the commissioner, the director of minimum wage or any wage enforcement agent upon request, or who refuses to admit the commissioner, the director or such agent to the place of employment of such employer, corporation, firm or partnership, or who hinders or delays the commissioner, the director or such agent in the performance of the commissioner's, the director's or such agent's duties in the enforcement of this section shall be fined not less than [one hundred dollars nor more than two hundred fifty dollars] one thousand dollars. Each day of such failure to furnish the time and wage records to the commissioner, the director or such agent shall constitute a separate offense, and each day of refusal to admit, of hindering or of delaying the commissioner, the director or such agent shall constitute a separate offense.

(c) (1) If the commissioner determines, after an investigation pursuant to subsection (a) of this section, that an employer is in violation of (A) subsection (g) of section 31-288, or (B) subsection (b) of section 31-53, the commissioner shall issue, not later than seventy-two hours after making such determination, a stop work order against the employer requiring the cessation of all business operations of such employer. Such stop work order shall be issued only against the employer found to be in violation of subsection (g) of section 31-288 or in violation of subsection (b) of section 31-53 and only as to the specific place of business or employment for which the violation exists. Such order shall be effective when served upon the employer or at the place of business or employment. A stop work order may be served at a place of business or employment by posting a copy of the stop work order in a conspicuous location at the place of business or employment. Such order shall remain in effect until the commissioner issues an order releasing the stop work order upon a finding by the commissioner that the employer has come into compliance with the requirements of subsection (b) of section 31-284 or subsection (b) of section 31-53, or after a hearing held pursuant to subdivision (2) of this subsection.

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

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

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

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

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

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section 31-15 or section 31-18, 31-23 or 31-24 shall be liable to the Labor Department for a civil penalty of six hundred dollars for each violation of said sections, and (2) a violation of subsection (g) of section 31-288 shall constitute a separate offense for each day of such violation.

Approved June 27, 2023