



House Bill No. 5267

Public Act No. 24-147

AN ACT MAKING CHANGES TO AND REPEALING OBSOLETE PROVISIONS OF STATUTES RELEVANT TO THE LABOR DEPARTMENT.

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

Section 1. Section 31-2 of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):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, the hours of labor, the earnings of laboring individuals and the means of promoting their material, social and intellectual 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.

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, for all programs within the jurisdiction of the

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Labor Department, including, but not limited to, employment and training programs in the state.

(c) The commissioner may request the Attorney General to bring an action in Superior Court for injunctive relief requiring compliance with any statute, regulation, order or permit administered, adopted or issued by the commissioner.

(d) The commissioner shall assist state agencies, boards and commissions that issue occupational certificates or licenses in (1) determining when to recognize and accept military training and experience in lieu of all or part of the training and experience required for a specific professional or occupational license, and (2) reviewing and revising policies and procedures to ensure that relevant military education, skills and training are given appropriate recognition in the certification and licensing process.

(e) The commissioner may enter into contractual agreements, as may be necessary, for all programs, activities, services and grants within the jurisdiction of the Labor Department, including, but not limited to, employment and training programs in the state and the application for and use, administration or repayments of any federal funds made available or allotted under any federal law.

(f) (1) The powers and duties enumerated in this section shall be in addition to any other powers and duties conferred to the Labor Commissioner in any other provision of the general statutes.

(2) Nothing in this section shall limit any other powers or duties conferred to the Labor Commissioner in any other provisions of the general statutes.

Sec. 2. Subdivision (1) of subsection (j) of section 31-225a of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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(j) (1) (A) Each employer subject to this chapter shall submit quarterly, on forms supplied by the administrator, a listing of wage information, including the name of each employee receiving wages in employment subject to this chapter, such employee's Social Security account number and the amount of wages paid to such employee during such calendar quarter.

(B) Commencing with the third calendar quarter of 2026, any employer subject to this chapter may include in the quarterly filing submitted pursuant to subparagraph (A) of this subdivision, the following data for each employee receiving wages in employment subject to this chapter: (i) Such employee's occupation, (ii) such employee's hours worked, and (iii) the [business mailing address zip code of the employer of such employee] zip code of such employee's primary worksite.

Sec. 3. Section 31-402 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

There is hereby established an Occupational Health Clinics Advisory Committee. [Said committee shall report to the Governor and the General Assembly no later than September 15, 1990, and annually thereafter, their recommendations as to: (1) Methods for the coordination of activities among occupational health clinics, auxiliary occupational health clinics, the state and any other entities; (2) methods and the nature of disclosure of research and data collection results and related educational information; (3) the appropriate methods of funding, including sources of funding for, occupational health clinics and related state activities, particularly regarding surveillance, and (4) delineation of new goals in occupational disease detection and prevention.] The advisory committee shall consist of fifteen persons as follows: The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters concerning occupational health and safety or their designees, two

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persons appointed by the Governor, one person appointed by the chairman of the Workers' Compensation Commission, one person appointed by the Labor Commissioner, one person appointed by the Commissioner of Public Health, one person appointed by the president pro tempore of the Senate to represent the insurance industry, one person appointed by the majority leader of the Senate to represent the business community, one person appointed by the minority leader of the Senate to represent the labor community, one person appointed by the speaker of the House of Representatives to represent the medical community, one person appointed by the majority leader of the House of Representatives to represent the labor community and one person appointed by the minority leader of the House of Representatives to represent the business community.

Sec. 4. Subsection (c) of section 31-76a of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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

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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.

(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 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. 5. Section 31-223b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For purposes of this section:

(1) "Knowingly" means having actual knowledge of or acting with deliberate ignorance of or reckless disregard for a prohibition or requirement under this section;

(2) "Person" means an individual, corporation, limited liability company, company, trust, estate, partnership or association;

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(3) "Trade or business" includes an employer's employees; and

(4) "Violates or attempts to violate" includes, but is not limited to, the evasion of or attempt to evade any provision of this section, or any misrepresentation or wilful nondisclosure of information required to be given under this section.

(b) No person who acquires the assets, organization, trade or business of an employer solely or primarily for the purpose of obtaining a lower contribution rate to the Unemployment Compensation Fund shall acquire the unemployment experience of such employer, and such acquisition shall be deemed a violation under this subsection. If the administrator determines that a person has acquired such assets solely or primarily for the purpose of obtaining a lower contribution rate, the administrator shall require such person to pay contributions at the rate provided in subsection (d) of section 31-225a for an employer who has not been chargeable with benefits for a sufficient period of time to have such employer's rate otherwise computed under section 31-225a or, where applicable, the person's charged tax rate, as provided in subsection (e) of section 31-225a, whichever is greater. In determining whether the assets, organization, trade or business of an employer was acquired solely or primarily for the purpose of obtaining a lower contribution rate, the factors the administrator shall consider shall include, but not be limited to, the cost of acquiring the business, whether the person continued the business activity of the acquired business, how long the business was continued and whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted by the business prior to its acquisition.

(c) Notwithstanding any other provision of this chapter relating to the transfer of unemployment experience, if an employer transfers its assets, organization, trade or business, or a portion of its assets, organization, trade or business, to another employer with whom, at the time of such transfer, the transferring employer shares substantially

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common ownership, management or control, the unemployment experience of the transferring employer shall be transferred to the receiving employer. The administrator shall recalculate the contribution rates of both employers and make such recalculated rates effective upon the date of the transfer. The administrator may require from any employer, whether or not otherwise subject to this chapter, any sworn or unsworn reports that are necessary for the effective administration of this section.

(d) In addition to the penalty imposed pursuant to subsection (e) of this section and any applicable penalties under this chapter, if a person knowingly violates or attempts to violate any provision of subsection (b) or (c) of this section, or any other provision of this chapter relating to determining the assignment of a contribution rate, or knowingly advises another person in the violation of subsection (b) or (c) of this section, such person shall be subject to the following penalties:

(1) If the person is an employer, such person shall be assigned a penalty rate of contributions of two per cent of taxable wages for the year during which such violation or attempted violation occurred and for the following three years.

(2) If the person is not an employer, such person shall be subject to a civil penalty of not less than five hundred dollars or more than five thousand dollars. Any such penalty shall be deposited into the Employment Security Special Administration Fund established under subsection (d) of section 31-259.

(e) Any person who violates this section shall be fined not more than two thousand dollars or imprisoned not more than one year, or both.

[(f) The administrator shall adopt regulations, in accordance with the provisions of chapter 54, to establish procedures and guidelines necessary to implement the provisions of this section, including

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procedures to identify the transfer or acquisition of a business for purposes of this section.]

[(g)] (f) This section shall be interpreted and applied in such a manner as to meet the minimum requirements of Public Law 108-295 as interpreted by the federal Department of Labor.

[(h)] (g) This section shall apply to unemployment compensation tax years beginning on and after January 1, 2006.

Sec. 6. Section 38a-513e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In the event (1) an employer, as defined in section 31-58, terminates an employee for any reason other than layoff or relocation or closing of a covered establishment, [as defined in section 31-51n,] or (2) an employee voluntarily terminates employment with an employer, such employer may elect not to pay the premium for such employee and any such employee's dependents under a group health insurance policy after the date of such employee's termination. In the event such employer makes such election, any insurer, health care center, hospital service corporation, medical service corporation or fraternal benefit society that issues such group health insurance policy shall credit such employer the amount of any premium paid by such employer with respect to such policy for such employee and such employee's dependents attributable to the period after the date of such employee's termination, provided the employer notifies the insurer, health care center, hospital service corporation, medical service corporation or fraternal benefit society that issued such policy and the terminated employee not later than seventy-two hours after the termination. Upon the issuance or renewal of such policy, such insurer, health care center, hospital service corporation, medical service corporation or fraternal benefit society shall provide such employer with relevant information related to such employer's election, including a notice that it is the

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employer's responsibility to remit to the terminated employee such employee's portion of the credited premium. Any such credit shall be applied to the employer's next month's premium. In the event of nonrenewal of such policy, the insurer, health care center, hospital service corporation, medical service corporation or fraternal benefit society shall refund such credit to the employer. As used in this section, "covered establishment" means any industrial, commercial or business facility which employs, or has employed at any time in the preceding twelve-month period, one hundred or more persons.

(b) Notwithstanding the provisions of subsection (a) of this section, (1) any contractual agreement entered into through collective bargaining that requires the employer to pay the premium for an employee under a group health insurance policy after the date of such employee's termination shall supersede the provisions of subsection (a) of this section, and (2) no credit shall be available to an employer for any employee's and employee's dependents' coverage for the seventy-two hours immediately following the termination of such employee.

(c) Any right of an employee and his dependents to continuation of coverage following the relocation or closing of a covered establishment [, as set forth in section 31-51o,] shall not be affected by the provisions of this section.

Sec. 7. Subsection (a) of section 31-69a of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

(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

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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 five thousand dollars and each day of such violation shall constitute a separate offense, and (B) any provision of [section] sections 31-12 [, 31-13 or] to 31-14, inclusive, subsection (a) of 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, and (3) any employer that violates the provisions of sections 31-57s to 31-57u, inclusive, or section 31-57w shall be liable to the Labor Department in accordance with the provisions of sections 31-57v and 31-57w.

Sec. 8. Sections 31-51n, 31-51o and 31-76l of the general statutes are repealed. (*Effective from passage*)

Approved June 6, 2024