Agency Legislative Proposal - 2022 Session

Document Name: 102121_CTDOL_CONNOSHA

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Labor

Liaison: Marisa Morello
Phone: 860-263-2665
E-mail: marisa.morello@ct.gov

Lead agency division requesting this proposal: CONN-OSHA

Agency Analyst/Drafter of Proposal: Anne Rugens

Title of Proposal: AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT

Statutory Reference: CGS § 31-367

Proposal Summary: This proposal incorporates the Department's long-standing position and modifies the definition of "employer" in the Department of Labor's Connecticut Occupational Safety and Health Act to specifically include "volunteer fire departments" and "volunteer ambulance companies." This proposal is technical in nature and clarifies the Connecticut Department of Labor's jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011).

Click here to enter text.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **No**

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year?

(3) Have certain constituencies called for this action?

(4) What would happen if this was not enacted in law this session? **CONN-OSHA would not be able to protect certain volunteer fire departments and volunteer ambulance companies.**

Click here to enter text.

◊ **Origin of Proposal** ☐ **New Proposal** ☒ **Resubmission**

If this is a resubmission, please share:

1) ***What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*** DOL first introduced this proposal in 2012. The Goshen First Selectman is opposed to this proposal and Goshen's legislative delegation worked against it. However, a series of bi-partisan negotiations with that delegation over the years achieved a compromise in 2015 which is represented in this proposed language.

2) ***Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*** This proposal has not been proposed by CT DOL since it died on the Senate Calendar in 2015.

3) ***Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*** At the time Representative (now Senator) Craig Miner, Roberta Willis and Vince Candelora assisted in drafting a bi-partisan compromise. Senators Clark Chapin and Andrew Roraback were strongly opposed to this proposal but have since left the legislature. To this day, the Town of Goshen still remains opposed to this proposal.

4) ***What was the last action taken during the past legislative session?*** *HB* 6477 (File 388): AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer Under the State Occupational Safety and Health Act passed the Labor Committee (12-1) and House (107-40) with bi-partisan support during the 2021 legislative session. HB 6477 died on the Senate Calendar. Senator Craig Miner stated that he opposed the proposal despite having worked to draft this proposed compromise. CT DOL feels that that the concerning level of unchecked safety issues and injuries/deaths faced by CT's volunteer firefighters warrants further legislative pursuit of this proposal.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: N/A
Agency Contact (*name, title, phone*): Click here to enter text.
Date Contacted: Click here to enter text.

Approve of Proposal ☐ **YES** ☐ **NO** ☐ **Talks Ongoing**

Summary of Affected Agency's Comments
Click here to enter text.

Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)*
No impact if OSHA statutes and regulations are followed.

State
None

Federal None
Additional notes on fiscal impact

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

CONN-OSHA enforces state occupational safety and health regulations as they apply to state and municipal employees. This proposal incorporates the Department's long-standing position and modifies the definition of "employer" in the Department of Labor's Connecticut Occupational Safety and Health Act to specifically include "volunteer fire departments" and "volunteer ambulance companies." Although this proposal is technical in nature in that it clarifies the Connecticut Department of Labor's jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011), it does have a major policy impact. Specifically, Federal OSHA has determined that it does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of the volunteer departments' affiliation with municipalities. Federal OSHA only has jurisdiction over private entities and does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of its determination that there is no employer/employee relationship. Without passage of this legislation, certain volunteer fire departments and volunteer ambulance companies would not be protected under either state or federal law. Therefore, leaving the safety and health of many volunteer firefighters and ambulance workers unprotected.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

N/A

Insert fully drafted bill here

AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT

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

Section 1. Subsection (d) of section 31-367 of the general statutes is repealed and the following is substituted in lieu thereof. (*effective upon passage*)

(d) "Employer" means the state and any political subdivision thereof**, and, except as provided in section 31-369, as amended by this act, any volunteer fire department and any volunteer ambulance company**;

Sec. 2. Section 31-369 of the general statutes is repealed and the following is substituted in lieu thereof. (*effective upon passage*)

(a) This chapter applies to all employers, employees and places of employment in the state except the following: (1) Employees of the United States government; **[**and**]** (2) working conditions of employees over which federal agencies other than the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health**; and (3) any volunteer fire department or volunteer ambulance company that can demonstrate such department or company is regulated by the Occupational Safety and Health Act of 1970, 29 USC 651 et seq., as amended from time to time**.

(b) Nothing in this chapter shall be construed to supersede or in any manner affect any workers' compensation law or to enlarge, diminish or affect in any manner common law or statutory rights, duties or liabilities of employers or employees, under any law with respect to injuries, diseases or death of employees arising out of and in the course of employment.

Sec. 3. Subsection (c) of section 31-382 of the general statutes is repealed and the following is substituted in lieu thereof. (*effective upon passage*)

(c) Any employer who has received a citation for a violation of the requirements of sections 31-369**, as amended by this act,** and 31-370, of any standard or order promulgated pursuant to section 31-372, or of regulations adopted pursuant to this chapter, which violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to one thousand dollars for each such violation**, except that any volunteer fire department and any volunteer ambulance company shall, for the first such violation, only be issued a written warning.**

Agency Legislative Proposal - 2022 Session

Document Name: 02022022_CTDOL_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal – 092621_SDE_TechRevisions)

State Agency: CT Department of Labor

Liaison: Marisa Morello
Phone: 860-263-6502
E-mail: marisa.morello@ct.gov

Lead agency division requesting this proposal: Unemployment Insurance Tax Division; Workforce Innovation and Opportunity Act unit; Board of Review, Unemployment Appeals Division; CONN-OSHA.

Agency Analyst/Drafter of Proposal: Jennifer Devine

Title of Proposal: An Act Concerning Technical and Other Changes to the Labor Department Statutes.

Statutory Reference: 31-2; 31-3y; 31-3z; 31-3pp(f); 31-3uu(d); 31-9; 31-11ll; 31-40b; 31-40u; 31-51ii; 31-77; 31-225a (as amended by section 2 of PA 21-200); 31-231a (as amended by section 4 of PA 21-200); 31-237c; 31-237d; 31-237e; 31-237f; 31-237i; 31-252; 31-262g; 31-374

Proposal Summary:

31-2. Amend statute to delete language requiring collection of population and employment data as such information is already provided on DOL's website, which is both more detailed and provided in a more timely manner than the mandate in this statute.

31-3y. Repeal statute as obsolete. The statute requires DOL to establish a self-employment assistance program. Such program does not exist and would not be in conformity with federal unemployment compensation law.

31-3z. Repeal statute as obsolete. As a self-employment assistance program does not exist and would not be in conformity with federal unemployment compensation law, no regulations can be promulgated.

31-3pp(f). Amend reporting requirements in STEP-UP statute in order to streamline legislative submission process. Amendment would require annual reports to be submitted only for years when the program operates, to be completed and submitted on a fiscal year basis, and to be based on data from most recent fiscal year.

31-3uu(d). Amend reporting requirements in veterans' STEP-UP statute in order to streamline legislative submission process. Amendment would require annual reports to

be submitted only for years when the program operates, to be completed and submitted on a fiscal year basis, and to be based on data from most recent fiscal year.

31-9. Repeal statute as obsolete. The Department of Factory Inspection no longer exists under the management of the Labor Commissioner.

31-11ll. Repeal statute as obsolete. The statute requires the use of a universal intake form to be filled out by all customers that access an American Job Center. DOL is also required to report on various data points collected via the intake form. DOL is unable to create a universal intake form because DOL partners with various other entities in the Workforce Development Boards and the data collected is not universal to all partners.

31-40b. Repeal statute as obsolete. The statute gives DOL the authority to require employers to provide lung function tests to employees who come into contact with certain substances and those who work in foundries. However, as the statute requires DOL to issue regulations in concert with pulmonologists and it lacks any expertise in this area, DOL has been unable to comply and should be relieved of this mandate.

31-40u. Repeal statute requiring DOL to promulgate regulations establishing guidelines for state employees' use of "video display terminals" as obsolete. Issuing guidelines around maximum time limits and the use of safety devices and protection screens is outdated.

31-51ii. Amend statute to delete the requirement for DOL to adopt regulations to establish procedures and requirements for granting exemptions to the meal period requirement. Regulations are unnecessary as the exemption criteria are already well delineated in the statute itself.

31-77. Repeal as obsolete. Statute requires the filing of a labor union's annual report with DOL. DOL has no authority with regard to these reports and filing them with the agency lacks a statutory purpose.

31-225a (as amended by public act 21-200). Amend statute to bring into conformity with federal law. Rather than limiting the number of years in the definition of "experience period," which was deemed to be out of conformity with federal law, instead amends the law to use factors that will reduce each employer's charged rate for calendar years 2026 and 2027 in a manner similar to the language contained in PA 21-200 for calendar years 2024 and 2025. In addition, add date that changes are to begin as January 1, 2024, which was the intent.

31-231a (as amended by public act 21-200). Amend language that provides that the claimant's benefit rate cannot be lower than the prior year which contravenes state and federal law. If a claimant qualifies for a new benefit but has lower wages in the base period, the weekly benefit rate must be reduced from the previous year as the benefit rate has to be tied to his or her base period wages.

31-237c, 31-237d, 31-237e, 31-237f, 31-237i. Amend statutes to update to gender-neutral language wherever the Unemployment Compensation Act refers to the board chair, the chief referee and counsel.

31-252. Amend statute that provides for the Unemployment Compensation Act and any regulations, annual reports and related materials to be printed and distributed to the public by mail. Amendment would allow for electronic distribution of these materials in addition to distribution by mail.

31-362g. Amend statute which requires defense contractors that are the recipient of state funds from the Department of Economic and Community Development to establish an "alternative use committee." Repeal provision requiring DOL to promulgate regulations to administer the establishment and composition of alternate use committees as DOL is not involved in issuing funding to these entities or evaluating defense contractors for this purpose.

31-374. Delete subsections (f)(1) and (f)(2) as these were copied from the federal OSHA law when Connecticut adopted its own state plan. The USDOL/OSHA Field Operations Manual covers procedures regarding complaint inspections and the Connecticut Public-Sector Only State Plan has adopted the USDOL/OSHA procedures. As such, the regulatory mandate prescribed in subsections (f)(1) and (f)(2) has been met and it is unnecessary for DOL to issue redundant regulations.

PROPOSAL BACKGROUND

◊ **Reason for Proposal**

Please consider the following, if applicable:

(1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? **To make technical changes to DOL statutes.**

(2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? Are other states considering something similar this year? **No, except other states have shorter time frames for cancelling non-fraud overpayments that are uncollectible.**

(3) Have certain constituencies called for this action? **No**

(4) What would happen if this was not enacted in law this session? **For some of the changes to the unemployment statutes DOL, would be out of conformity with federal law, risking federal funding.**

Click here to enter text.

◊ **Origin of Proposal** ☒ **New Proposal** ☐ **Resubmission**

If this is a resubmission, please share:

(1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?

(2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?

(3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?

(4) What was the last action taken during the past legislative session?

Click here to enter text.

PROPOSAL IMPACT

◊ **AGENCIES AFFECTED** (*please list for each affected agency*)

Agency Name: Department of Economic and Community Development **Agency Contact (*name, title, phone*):** Kyle Abercrombie **Date Contacted:** 10/19/2021 Approve of Proposal ☐ **YES** ☐ **NO** ☒ **Talks Ongoing**
Summary of Affected Agency's Comments Awaiting DECD feedback about technical change
Will there need to be further negotiation? ☐ **YES** ☐**NO**

◊ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

Municipal *(please include any municipal mandate that can be found within legislation)* None
State
Federal There is no additional impact to the federal government.
Additional notes on fiscal impact None

◊ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

Click here to enter text. This technical bill seeks to amend several statutes including the repeal of several obsolete provisions. Specifically, the proposed bill would amend the reporting requirements in the STEP-UP and veteran STEP-UP programs in order to streamline the legislative submission process by requiring annual reports only for years when the program operates, that reports be completed and submitted on a fiscal year basis, and that the reports be based on data from the most recent fiscal year. It would also allow for electronic publication of the Unemployment Compensation Act and any regulations, annual reports and related materials. The bill further updates references to the board

chair, the chief referee and counsel in the Unemployment Compensation Act to gender-neutral language.

The technical bill also seeks to repeal various obsolete statutes and subsections, including the establishment of a self-employment assistance program and issuance of regulations, as the program does not exist and would be out of conformity with federal unemployment compensation law; the requirement to collect population and employment data, which the agency already provides in a more detailed and timely manner; the requirement to develop and impose lung function tests on certain employers; the requirement to develop guidelines for the use of video display terminals by state employees; the requirement for labor unions to file annual reports with DOL as the agency has no authority with regard to these reports and to do so lacks a statutory purpose; and the statute referencing a Department of Factory Inspection as it no longer exists under the management of the Labor Commissioner. In addition, the bill repeals the statute requiring DOL to develop a universal intake form to be filled out by all customers accessing an American Job Center and to report on various data points that are collected via the intake form. DOL is unable to create a universal intake form because DOL partners with various other entities in the Workforce Development Boards and the data collected is not universal to all partners. The regulatory requirements in the meal period law and the defense contractor alternative use committee statutes should also be repealed. The meal period statute itself clearly delineates the criteria for exceptions to have a meal period and regulations are unnecessary. Moreover, DOL should not be required to promulgate regulations to administer the establishment and composition of alternate use committees as it is not involved in issuing funding to or evaluating defense contractors for this purpose. Furthermore, the regulatory requirements in the state OSHA law should be repealed as the USDOL/OSHA Field Operations Manual covers procedures regarding complaint inspections and the Connecticut Public-Sector Only State Plan has adopted those procedures, which satisfies any regulatory mandate.

Finally, amendments to certain provisions of PA 21-200 are required. One of the legislative changes enacted through PA 21-200 regarding a provision in the Unemployment Compensation Act that was found to be out of conformity with federal law and, as such, it needs to be changed. Rather than limiting the number of years in the definition of "experience period," which was deemed to be out of conformity with federal law, the bill proposes to use factors that will reduce each employer's charged rate for calendar years 2026 and 2027 in a manner similar to the language contained in PA 21-200 for calendar years 2024 and 2025. Making this technical change will ensure that the state's unemployment insurance program is in conformity and in compliance with federal law. Failure to be in conformity and in compliance with federal law subjects Connecticut employers to the potential loss of federal tax credits and DOL to the potential loss of federal administrative funding. In addition, using factors to reduce each employer's charged rate for calendar years 2026 and 2027 will have a positive impact on employer tax rates for those years. Other technical changes were made to ensure that subsections in PA 21-200 tracked other subsections with similar language. There is also one date that is not in keeping with the intent of the law. Changes were to start January

1, 2024 and not before. But one subsection is not clear. This change will align with the intent of the law which was to hold all changes until January 1, 2024.

The other change that needs to be made to PA 21-200 is regarding the language that provides that the claimant's benefit rate cannot be lower than the prior year. This change is needed because it could lead to an interpretation that a claimant's weekly benefit rate could never be reduced. However, such an interpretation contravenes state and federal UI law. If a claimant qualifies for a new benefit but has lower wages in the base period, the weekly benefit rate must be reduced from the previous year. A claimant's benefit rate has to be tied to his or her base period wages. The language from PA 21-200 was only meant to address the nonreduction of the weekly benefit rate that is tied to the indexing requirement.

◊ **EVIDENCE BASE**

What data will be used to track the impact of this proposal over time, and what measurable outcome do you anticipate? Is that data currently available or must it be developed? Please provide information on the measurement and evaluation plan. Where possible, those plans should include process and outcome components. Pew MacArthur Results First evidence definitions can help you to establish the evidence-base for your program and their Clearinghouse allows for easy access to information about the evidence base for a variety of programs.

Click here to enter text.

Insert fully drafted bill here

AN ACT CONCERNING TECHNICAL AND OTHER CHANGES TO THE LABOR DEPARTMENT STATUTES.

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

Sec. 1. Section 31-2 of 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, its relation to capital, the hours of labor, the earnings of laboring men and women and the means of promoting their material, social, intellectual and moral 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. **[**Said commissioner shall collect and collate (1) population and employment data to project who is working, who is not working and who will be entering the job market, and (2) data concerning present job requirements and potential needs of new industry.**]**

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

Sec. 2. Section 31-3pp(f) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(f) **[**Not later than July 15, 2012, and annually thereafter, and January 15, 2013,and annually thereafter**]** **In every fiscal year that eligible small businesses and manufacturers are awarded Subsidized Employment and Training program grants pursuant to this section,** the Labor Commissioner shall provide a report **by October 1**, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce and labor. Said report shall include available data, for the **[**six-month period ending on the last day of the calendar month**]** **fiscal year** preceding such report, on (1) the number of small businesses that participated in the Subsidized Training and Employment program established pursuant to subsections (c) and (e) of this section, and the general categories of such businesses, (2) the number of small manufacturers that participated in the Subsidized Training and Employment program established pursuant to subsections (d)

and (e) of this section, and the general categories of such manufacturers, (3) the number of individuals that received employment, and (4) the most recent estimate of the number of jobs created or maintained.

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

(d) **[**Not later than July 15, 2013, and annually thereafter, and January 15, 2014, and annually thereafter,**]** **In every fiscal year that eligible businesses are awarded Unemployed Armed Forces Member Subsidized Training and Employment program grants pursuant to this section,** the Labor Commissioner shall provide a report **by October 1**, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to finance, revenue and bonding, appropriations, commerce, veterans and labor. Said report shall include available data, for the **[**six-month period ending on the last day of the calendar month**]** **fiscal year** preceding such report, on (1) the number of businesses that participated in the Unemployed Armed Forces Member Subsidized Training and Employment program established pursuant to subsection (b) of this section, and the general categories of such businesses, and (2) the number of individuals that received employment under said program

Sec. 4. Section 31-51ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal. Such period shall be given at some time after the first two hours of work and before the last two hours.

(b) The provisions of this section shall not be construed to alter or impair the provisions of any collective bargaining agreement in effect on July 1, 1990.

(c) The Labor Commissioner shall exempt any employer from the requirements of this section if he finds that (1) requiring compliance would be adverse to public safety, (2) the duties of a position may only be performed by one employee, (3) the employer employs less than five employees on a shift at a single place of business provided the exemption shall only apply to the employees on such shift or (4) the continuous nature of an employer's operations, such as chemical production or research experiments, requires that employees be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods. **[**The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedures and requirements for the granting of such exemptions.**]**

(d) The provisions of this section shall not apply to any professional employee certified by the State Board of Education and employed by a local or regional board of education of any town or regional school district to work directly with children.

(e) The provisions of this section shall not prevent any employer and employee from entering into a written agreement providing for a different schedule of meal periods than the schedule required by subsection (a) of this section.

(f) The provisions of this section shall not apply to any employer who provides thirty or more total minutes of paid rest or meal periods to employees within each seven and one-half hour work period.

(g) Any employer who violates the provisions of this section may be subject to civil penalties in accordance with section 31-69a.

Sec. 5. Section 31-225a of the general statutes as amended by public act 21-200 (as amended by section 26 of public act 19-25, section 235 of public act 19-117 and section 1 of public act 21-5), is repealed and the following is substituted in lieu thereof (*Effective January 1, 2022*):

(a) As used in this chapter:

(1) "Qualified employer" means each employer subject to this chapter whose experience record has been chargeable with benefits for at least one full experience year, with the exception of employers subject to a flat entry rate of contributions as provided under subsection [(d)] **[**(e)**]** (d) of this section, employers subject to the maximum contribution rate under subsection (c) of section 31-273, and reimbursing employers;

(2) "Contributing employer" means an employer who is assigned a percentage rate of contribution under the provisions of this section;

(3) "Reimbursing employer" means an employer liable for payments in lieu of contributions as provided under section 31-225;

(4) "Benefit charges" means the amount of benefit payments charged to an employer's experience account under this section;

(5) "Computation date" means June thirtieth of the year preceding the tax year for which the contribution rates are computed;

(6) "Tax year" means the calendar year immediately following the computation date;

(7) "Experience year" means the twelve consecutive months ending on June thirtieth;

(8) "Experience period" means the three consecutive experience years ending on the computation date, except that (A) if the employer's account has been chargeable with benefits for less than three years, the experience period shall consist of the greater of one or two consecutive experience years ending on the computation date, **[**and**]** (B) to the extent allowed by federal law and as necessary to respond to the spread of COVID-19, for any taxable year commencing on or after January 1, 2022, the experience period shall be calculated without regard to benefit charges and taxable wages for the experience years ending June 30, 2020, and June 30, 2021, when applicable **[, and (C) for tax year 2026, "experience period" means one experience year ending on the computation date and for tax year 2027, "experience period" means two consecutive experience years ending on the computation date;]** and

(9) "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by the World Health Organization as a communicable respiratory disease.

(b) (1) The administrator shall maintain for each employer, except reimbursing employers, an experience account in accordance with the provisions of this section.

(2) With respect to each benefit year commencing on or after July 1, 1978, regular and additional benefits paid to an individual shall be allocated and charged to the accounts of the employers who paid the individual wages in his or her base period in accordance with the following provisions: The initial determination establishing a claimant's weekly benefit rate and maximum total benefits for his or her benefit year shall include, with respect to such claimant and such benefit year, a determination of the maximum liability for such benefits of each employer who paid wages to the claimant in his or her base period. An employer's maximum total liability for such benefits with respect to a claimant's benefit year shall bear the same ratio to the maximum total benefits payable to the claimant as the total wages paid by the employer to the claimant within his or her base period bears to the total wages paid by all employers to the claimant within his or her base period. This ratio shall also be applied to each benefit payment. The amount thus determined, rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward, shall be charged to the employer's account.

(c) (1) (A) Any week for which the employer has compensated the claimant in the form of wages in lieu of notice, dismissal payments or any similar payment for loss of wages shall be considered a week of employment for the purpose of determining employer chargeability.

(B) No benefits shall be charged to any employer who paid wages of five hundred dollars or less to the claimant in his or her base period.

(C) No dependency allowance paid to a claimant shall be charged to any employer.

(D) In the event of a natural disaster declared by the President of the United States, no benefits paid on the basis of total or partial unemployment **[**which**]** that is the result of physical damage to a place of employment caused by severe weather conditions including, but not limited to, hurricanes, snow storms, ice storms or flooding, or fire except where caused by the employer, shall be charged to any employer.

(E) If the administrator finds that (i) an individual's most recent separation from a base period employer occurred under conditions **[**which**]** that would result in disqualification by reason of subdivision (2), (6) or (9) of subsection (a) of section 31-236, as amended by this act, or (ii) an individual was discharged for violating an employer's drug testing policy, provided the policy has been adopted and applied consistent with sections 31-51t to 31-51aa, inclusive, section 14-261b and any applicable federal law, no benefits paid thereafter to such individual with respect to any week of unemployment **[**which**]** that is based upon wages paid by such employer with respect to employment prior to such separation shall be charged to such employer's account, provided such employer shall have filed a notice with the administrator within the time allowed for appeal in section 31-241.

(F) No base period employer's account shall be charged with respect to benefits paid to a claimant if such employer continues to employ such claimant at the time the employer's account would otherwise have been charged to the same extent that he or she employed him or her during the individual's base period, provided the employer shall notify the administrator within the time allowed for appeal in section 31-241.

(G) If a claimant has failed to accept suitable employment under the provisions of subdivision (1) of subsection (a) of section 31-236, as amended by this act, and the disqualification has been imposed, the account of the employer who makes an offer of employment to a claimant who was a former employee shall not be charged with any benefit payments made to such claimant after such initial offer of reemployment until such time as such claimant resumes employment with such employer, provided such employer shall make application therefor in a form acceptable to the administrator. The administrator shall notify such employer whether or not his or her application is granted. Any decision of the administrator denying suspension of charges as herein provided may be appealed within the time allowed for appeal in section 31-241.

(H) Fifty per cent of benefits paid to a claimant under the federal-state extended duration unemployment benefits program established by the federal Employment Security Act shall be charged to the experience accounts of the claimant's base period employers in the same manner as the regular benefits paid for such benefit year.

(I) No base period employer's account shall be charged with respect to benefits paid to a claimant who voluntarily left suitable work with such employer (i) to care for a seriously ill spouse, parent or child, or (ii) due to the discontinuance of the transportation used by the claimant to get to and from work, as provided in subparagraphs (A)(ii) and (A)(iii) of subdivision (2) of subsection (a) of section 31-236, as amended by this act.

(J) No base period employer's account shall be charged with respect to benefits paid to a claimant who has been discharged or suspended because the claimant has been disqualified from performing the work for which he or she was hired due to the loss of such claimant's operator license as a result of a drug or alcohol test or testing program conducted in accordance with section 14-44k, 14-227a or 14-227b while the claimant was off duty.

(K) No base period employer's account shall be charged with respect to benefits paid to a claimant whose separation from employment is attributable to the return of an individual who was absent from work due to a bona fide leave taken pursuant to sections 31-49f to 31-49t, inclusive, or 31-51kk to 31-51qq, inclusive.

(L) On and after January 1, 2024, (i) no base period employer's account shall be charged with respect to benefits paid to a claimant through the voluntary shared work unemployment compensation program established pursuant to section 31-274j, if a claim for benefits is filed in a week in which the average rate of total unemployment in the state equals or exceeds six and one-half per cent based on the most recent three months of data published by the Labor Commissioner, and (ii) the Labor Commissioner may determine that no base period employer's account shall be charged with respect to benefits paid to a claimant through the voluntary shared work unemployment compensation program established pursuant to section 31-274j, if a claim for benefits is filed in a week in which the average rate of total unemployment in the state equals or exceeds eight per cent in the most recent one month of data published by the Labor Commissioner.

(2) All benefits paid **[**which**]** that are not charged to any employer shall be pooled.

(3) The noncharging provisions of this chapter, except subparagraphs (D), (F) and (K) of subdivision (1) of this subsection, shall not apply to reimbursing employers.

(d) The standard rate of contributions shall be five and four-tenths per cent. Each employer who has not been chargeable with benefits, for a sufficient period of time to have his or her rate computed under this section shall pay contributions at a rate that is the higher of (1) one per cent, or (2) the state's five-year benefit cost rate. For purposes of this subsection, the state's five-year benefit cost rate shall be computed annually on or before June thirtieth and shall be derived by dividing the total dollar amount of benefits paid to claimants under this chapter during the five consecutive calendar years immediately preceding the computation date by the five-year payroll during the same period. If the resulting quotient is not an exact multiple of one-tenth of one per cent, the five-year benefit cost rate shall be the next higher such multiple.

(e) (1) (A) As of each June thirtieth, the administrator shall determine the charged tax rate for each qualified employer. **[**Said**]** Such rate shall be obtained by calculating a benefit ratio for each qualified employer. The employer's benefit ratio shall be the quotient obtained by dividing the total amount chargeable to the employer's experience account during the experience period by the total of his or her taxable wages during such experience period **[**which**]** that have been reported by the employer to the administrator on or before the following September thirtieth. The resulting quotient, expressed as a per cent, shall constitute the employer's charged **[**tax**]** rate, **[**. If**}** except that each employer's charged rate for calendar years 2024, 2025, **2026 and 2027** shall be divided by 1.471, 1.269, **1.125 and 1.053,** respectively.

(i) For calendar years commencing prior to January 1, 2024, if the resulting quotient is not an exact multiple of one-tenth of one per cent, the charged rate shall be the next higher such multiple, except that if the resulting quotient is less than five-tenths of one per cent, the charged rate shall be five-tenths of one per cent and if the resulting quotient is greater than five and four-tenths per cent, the charged rate shall be five and four-tenths per cent. **[**The employer's charged tax rate will be in accordance with the following table:

Employer's Charged Tax Rate Table

Employer's Benefit Ratio	Employer's Charged Tax Rate
.005 or less	.5% minimum subject
.006	.6% to fund
.007	.7% solvency
.008	.8% adjustment

.009	.9%
.010	1.0%
.011	1.1%
.012	1.2%
.013	1.3%
.014	1.4%
.015	1.5%
.016	1.6%
.017	1.7%
.018	1.8%
.019	1.9%
.020	2.0%
.021	2.1%
.022	2.2%
.023	2.3%

.024	2.4%
.025	2.5%
.026	2.6%
.027	2.7%
.028	2.8%
.029	2.9%
.030	3.0%
.031	3.1%
.032	3.2%
.033	3.3%
.034	3.4%
.035	3.5%
.036	3.6%
.037	3.7%
.038	3.8%
.039	3.9%
.040	4.0%
.041	4.1%
.042	4.2%
.043	4.3%
.044	4.4%
.045	4.5%
.046	4.6%
.047	4.7%
.048	4.8%
.049	4.9%
.050	5.0%
.051	5.1%
.052	5.2%
.053	5.3%
.054 & higher	5.4% maximum subject to fund solvency adjustment**]**

(ii) For calendar years commencing on or after January 1, 2024, **if the resulting quotient is not an exact multiple of one-tenth of one per cent, the charged rate shall be the next higher such multiple, except that** if the resulting quotient is less than one-tenth of one per cent, the charged rate shall be one-tenth of one per cent and if the resulting quotient is greater than ten per cent, the charged rate shall be ten per cent.

(B) **For calendar years commencing on or after January 1, 2024, [If] if** the benefit ratios calculated pursuant to subparagraph (A) of this subdivision would result in the average benefit ratio of all employers within a sector of the North American Industry Classification System increasing over the prior calendar year's such average by an amount equal to or greater than .01, the benefit ratio of each employer within such sector shall be adjusted downward by an amount equal to one-half of the increase in the average benefit ratio of all employers within such sector. Sectors 21 and 23 of said system shall be considered one sector for the purposes of this subparagraph.

Sec. 6. Section 31-231a of the general statutes as amended by public act 21-200 is repealed and the following is substituted in lieu thereof (e*ffective immediately*):

(a) **(1)** For a construction worker identified pursuant to regulations adopted in accordance with subsection (c) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after April 1, 1996, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of [his] **the individual's** total wages paid during that quarter of [his] **the individual's** current benefit year's base period in which wages were the highest but not less than fifteen dollars**.** [nor]

(2) The total unemployment benefit rate for the individual's benefit year commencing on January 1, 2024, shall be not less than forty dollars, except that when the federal government provides a fully federallyfunded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(3) [The] But for the application of the individual's base period wages in the calculation of the total unemployment benefit rate pursuant to section 31-230 of the Connecticut General Statutes or a reduction in the maximum benefit rate pursuant to subdivision (4) of subsection (b) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after January 1, 2025, shall be not less than the total unemployment benefit rate for the [prior] immediately preceding benefit year (A) adjusted by the percentage change in the employment cost index or its successor index, for wages and salaries for all civilian workers, as calculated by the United States Department of Labor, over the twelve-month period ending on June thirtieth of the preceding

year, and (B) rounded to the nearest dollar, except that when the federal government provides a fully federally-funded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(4) [**The**] **But for the application of the individual's base period wages in the calculation of the total unemployment benefit rate pursuant to section 31-230 of the Connecticut General Statutes or a reduction in the maximum benefit rate pursuant to subdivision (4) of subsection (b) of this section, the maximum weekly benefit rate under this subsection shall be not** more than the maximum benefit rate as provided in **subdivision (4) of** subsection (b) of this section.

(b) **(1)** For an individual not included in subsection (a) of this section, the individual's total unemployment benefit rate for [his] **the individual's** benefit year commencing after September 30, 1967, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of the average of [his] **the individual's** total wages, as defined in subdivision (1) of subsection (b) of section 31-222, **as amended by this act,** paid during the two quarters of [his] **the individual's** current benefit year's base period in which such wages were highest but not less than fifteen dollars**.** [nor]

(2) The total unemployment benefit rate for the individual's benefit year commencing on January 1, 2024, shall be not less than forty dollars, except that when the federal government provides a fully federallyfunded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(3) The total unemployment benefit rate for the individual's benefit year commencing on or after January 1, 2025, shall be not less than the total unemployment benefit rate for the prior year (A) adjusted by the percentage change in the employment cost index or its successor index, for wages and salaries for all civilian workers, as calculated by the United States Department of Labor, over the twelve-month period ending on June thirtieth of the preceding year, and (B) rounded to the nearest dollar, except that when the federal government provides a fully federally-funded supplement to the individual's weekly benefit amount, the total unemployment benefit rate shall be not less than fifteen dollars.

(4) (A) The maximum weekly benefit rate shall not be more than one hundred fifty-six dollars in any benefit year commencing on or after the first Sunday in July, 1982, nor more than [(1)] **(i)** sixty per cent rounded to the next lower dollar of the average wage of production and related workers in the state in any benefit year commencing on or after the first Sunday in October, 1983, and [(2)] **(ii)** fifty per cent rounded to the next lower dollar of the average wage of all workers in the state in any benefit year commencing on or after the first Sunday in October, 2018**.** [, and provided the] **The** maximum benefit rate in any benefit year commencing on or after the first Sunday in October, 1988, shall not increase more than eighteen dollars in any benefit year, such increase to be effective as of the first Sunday in October of such year, except that the maximum benefit rate shall not increase in the benefit years commencing on or after the first Sunday in October of 2024 and prior to the first Sunday in October of

2028. **(B)** The average wage of all workers in the state shall be determined by [(A)] **(i)** the administrator, on or before August fifteenth annually, as of the year ended the previous March thirty-first to be effective during the benefit year commencing on or after the first Sunday of the following October, and [(B)] **(ii)** the Connecticut Quarterly Census of Employment and Wages or by such other method, as determined by the administrator, that accurately reflects the average wage of all workers in the state.

(c) The administrator shall adopt regulations pursuant to the provisions of chapter 54 to implement the provisions of this section. Such regulations shall specify the National Council on Compensation Insurance employee classification codes [which] **that** identify construction workers covered by subsection (a) of this section and specify the manner and format in which employers shall report the identification of such workers to the administrator.

Sec. 7. Section 31-237c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The board shall consist of three members appointed by the Governor, one of whom shall be designated by the Governor as **[**chairman**]** **chairperson** of the board of review. Notwithstanding the provisions of subdivision (4) of section 5-198, such **[**chairman**]** **chairperson** shall be in the classified service and shall devote full time to the duties of his **or her** office. Such chairman shall be chosen by the Governor from a list of names submitted to him by the Commissioner of Administrative Services pursuant to the provisions of subsection (d) of section 5-228. The other two members appointed to serve during the appointing Governor's term of office shall be a representative of employers and a representative of employees and shall devote full time to the duties of their offices. The members of the board representing employers and employees shall be selected as such representatives based upon previous vocation, employment or affiliation. A member of the board may be removed by the Governor for cause.

Sec. 8. Section 31-237d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The **[**chairman**]** **chairperson** of the board shall be the executive head of the appeals division. **[**He**]** **The chairperson** may delegate to any person employed in the appeals division such authority as he **or she** deems reasonable and proper for the effective administration of the division's responsibilities.

Sec. 9. Section 31-237e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The members of the board, the chief referee and the referees of the state shall each be paid from the Employment Security Administration Fund a salary to be determined by the Commissioner of Administrative Services pursuant to section 4-40, provided the chief referee shall receive a salary greater than the salary paid to a referee and the **[**chairman**]** **chairperson** of the board shall receive a salary greater than the salary paid to the chief referee. Expenses incurred in the discharge of their duties of office by the **[**chairman**]** **chairperson** and members of the board, the chief referee, and the referees shall be reimbursed in accordance with regulations established for state employees by the Commissioner of Administrative Services.

(b) Subject to the provisions of chapter 67, the board may appoint such employees in the appeals division as it deems necessary to carry out its responsibilities under this chapter, provided the board shall appoint a staff assistant. The staff assistant shall be qualified, by reason of his **or her** training, education and experience, to carry out the duties of the position, which include, but are not limited to, performing legal research for the board, advising referees on legal matters relating to procedural and substantive problems of hearings and appeals, assisting the board **[**chairman**]** **chairperson** in preparing legislative amendments to unemployment compensation law pertaining to appellate matters, serving as acting **[**chairman**]** **chairperson** of the board in the **[**chairman's**]** **chairperson's** absence, and other related duties as required.

Sec. 10. Section 31-237f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

No member of the board shall participate in the hearing or disposition of any appeal in which such member has any direct or indirect interest. Challenge to the interest of any member of the board may be made by any party to the proceeding and claimed for short calendar, and such challenge shall be decided by the Superior Court. If the challenge is upheld, the administrator shall so advise the Governor. In such a case, the Governor shall assign an alternate member appointed pursuant to section 31-237c, except that the staff assistant shall automatically become acting **[**chairman**]** **chairperson** of the board in the **[**chairman's**]** **chairperson's** absence. If a replacement for any member of the board is required, the Governor shall appoint a substitute who represents affiliations similar to that of the member being replaced to fill such unexpired term.

Sec. 11. Section 31-237i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) The referee section shall consist of such referees as the board deems necessary for the prompt processing of appeals hearings and decisions and for the performance of the duties imposed by this

chapter. Each such referee shall be appointed by the board and shall be in the classified service of the state.

(b) The **[**chairman**]** **chairperson** of the board shall designate from among the referees a chief referee. The chief referee shall be the administrative head of the referee section and may delegate to any referee or any person employed in the referee section such authority as he **or she** deems reasonable and proper for the effective administration of his duties.

Sec. 12. Section 31-252 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[With the approval of the Commissioner of Administrative Services, the] **The** administrator shall **make available** [cause to be printed for distribution] to the public **on its website** the text of this chapter, the administrator's general regulations and his annual reports to the Governor and any other material the administrator deems relevant and suitable, together with such decisions of the referees as the board considers of general interest, and shall furnish the same to any person upon application therefor.

Sec. 13. Section 31-362g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section, “defense contract” includes any contract for the production or manufacture of weapons or other defense equipment to be used by the military or naval forces of this state or the United States, “defense contractor” means any contractor, subcontractor, manufacturer or service company which is a party to a defense contract and has agreed to produce or manufacture weapons or defense equipment under such contract and “value” means gross value.

(b) Each defense contractor which (1) performs one or more defense contracts in this state, the combined value of which exceeds one million dollars in any one year, and (2) after October 1, 1994, is the recipient of state assistance or other funds from the Department of Economic and Community Development shall establish an alternative use committee. The committee shall consist of representatives of employees and employers. The employees of such contractor who are represented by a collective bargaining organization shall be represented on such committee by a representative of such organization. The employees of such contractor who are not represented by a collective bargaining organization shall designate a person to serve as their representative. The committee may invite representatives of the community to participate in committee meetings. The committee shall

prepare a plan to reduce or eliminate the dependence of the contractor on defense contracts. The plan shall include: (A) Alternative products that are feasible to produce and marketable; and (B) retraining resources needed to produce such products in order to avoid dislocation of the current workforce. **[**The Labor Commissioner shall adopt regulations pursuant to chapter 54 to administer the establishment and composition of alternate use committees and the committee's duty to establish plans pursuant to this subsection.**]**

Sec. 14. Section 31-374 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) In order to carry out the purposes of this chapter the commissioner, upon presenting appropriate credentials to the employer, is authorized (1) to enter without advance notice, except as provided in regulations adopted in accordance with chapter 54 and this chapter, and at reasonable times any factory, plant, establishment, construction site, or other area, work place or environment where work is performed by an employee of an employer, and (2) to inspect and investigate, during regular working hours and at other reasonable times and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment and the materials therein and to question, privately, any such employer or employee. Whenever the commissioner, proceeding pursuant to this section, is denied admission to any such place of employment, he shall obtain a warrant to make an inspection or investigation of such place of employment from any judge of the Superior Court. Any judge of the Superior Court within the state is authorized to issue a warrant pursuant to this section and shall issue such warrant whenever he is satisfied that the following conditions are met: That the individual seeking the warrant is a duly authorized agent of the department; and that such individual has established under oath or affirmation that the place of employment to be investigated in accordance with this section is to be inspected to determine compliance or noncompliance with a standard, regulation or order, or that there is probable cause to believe that there is a condition in or about such place of employment constituting a hazard to safety or health.

(b) In making his inspections and investigations under this chapter, the commissioner may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of this state. In case of contumacy or failure or refusal of any person to obey such an order, the superior court for the judicial district wherein such person resides, is found or transacts business shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if asked, and when so ordered,

and to give testimony relating to the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(c) (1) Each employer shall make, keep and preserve and make available to the commissioner and the United States Secretary of Labor such records regarding his activities relating to this chapter as the commissioner may prescribe in regulations adopted in accordance with chapter 54 and this chapter as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this subdivision such regulations may include provisions requiring employers to conduct periodic inspections. The commissioner shall also adopt regulations in accordance with chapter 54 and this chapter requiring that employers through posting of notices or other appropriate means keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable standards. (2) The commissioner shall adopt regulations in accordance with chapter 54 and this chapter requiring employers to maintain accurate records of and to make periodic reports on work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. (3) The commissioner shall adopt regulations in accordance with chapter 54 and this chapter requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any occupational safety and health standard adopted under this chapter. Such regulations shall provide employees or their representatives an opportunity to observe such monitoring or measuring and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated in regulations adopted in accordance with chapter 54 and this chapter and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Any information obtained by the commissioner under this chapter shall be obtained with a minimum burden upon employers. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) Subject to regulations adopted by the commissioner in accordance with chapter 54 and this chapter, a representative of the employer and a representative authorized by the employees of the employer shall be given an opportunity to accompany the commissioner or his authorized representative during the physical inspection of any work place for the purpose of aiding such inspection. Where there is no

authorized employee representative, the commissioner or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the work place.

(f) **[**(1) Any employee or representative of employees who believes that there is a violation of an occupational safety or health standard or that there is an imminent danger of physical harm may request an inspection by giving notice to the commissioner or his authorized representative of such violation or danger. Any such notice shall be reduced to writing and shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or the representative of employees. A copy of such notice shall be provided the employer or the employer's agent no later than the time of the inspection, provided, upon the request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released or made available pursuant to subsection (g) of this section. Upon the request of an individual employee whose name is not included in such notice, but who at any time provides information to the commissioner concerning the violation or danger alleged in such notice, the name of such individual employee shall not appear on any record published, released or made available pursuant to subsection (g) of this section. If upon receipt of such notification the commissioner determines there are reasonable grounds to believe that such violation or danger exists, he shall make an inspection in accordance with the provisions of this section as soon as practicable to determine if such violation or danger exists. Such inspection may be limited to the alleged violation or danger. If the commissioner determines there are no reasonable grounds to believe that such violation or danger exists, he shall notify the employer, employee or representative of employees in writing of such determination. Such notification shall not preclude future enforcement action if conditions change. (2) Prior to or during any inspection of a work place, any employees or representative of employees employed in such work place may notify the commissioner or any representative of the commissioner responsible for conducting the inspection in writing of any violation of this chapter which they have reason to believe exists in such work place. The commissioner shall by regulation establish procedures for informal review of any refusal by a representative of the commissioner to issue a citation with respect to any such alleged violation and shall furnish the employer and the employees or representative of employees requesting such review a written statement of the reasons for the commissioner's final disposition of the case. Such notification shall not preclude future enforcement action if conditions change.**]**

[(g)**]** (1) The commissioner may compile, analyze and publish in either summary or detail form all reports or information obtained under this section. (2) The commissioner shall adopt such regulations in accordance with chapter 54 and this chapter as he may deem necessary to carry out his

responsibilities under this chapter, including regulations dealing with the inspection of an employer's or owner's establishment.

[(h)**]** **(g)** (1) In accordance with the provisions of section 4-38d, the duty of the Department of Public Health to license and to establish standards for health facilities operated by a commercial or industrial establishment for the care of its employees shall be transferred to the Division of Occupational Safety and Health of the Labor Department. No commercial or industrial establishment within the state shall establish, conduct, operate or maintain a health facility for its employees without a license as required by this subsection. (2) Application for such license shall be made to the Labor Department upon forms provided by it and shall contain such information as the department requires, which may include affirmative evidence of ability to comply with reasonable standards and regulations adopted pursuant to the provisions of this subsection. Upon receipt of an application for a license, the Labor Department shall issue such license if, upon inspection and investigation by the Division of Occupational Safety and Health, it finds that the applicant and facilities meet the requirements established by regulation. Such license shall be valid for one year or fraction thereof and shall terminate on March thirty-first, June thirtieth, September thirtieth or December thirty-first of each year. A license, unless sooner suspended or revoked, shall be renewable annually, without charge, upon the filing by the licensee, and approval by the Labor Department, of an annual report upon such date and containing such information in such form as the department prescribes and satisfactory evidence of continuing compliance with requirements. Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. (3) The Labor Department shall adopt, in accordance with chapter 54 and this chapter, and enforce regulations for health facilities licensed under the provisions of this subsection in order to provide for reasonable standards of health, safety and comfort for the employees utilizing such facilities. The regulations adopted by the Labor Department shall conform to the standards established by this chapter. (4) The Labor Department, after reasonable notice and a hearing, may suspend, revoke or refuse to renew a license in any case in which it finds there has been a substantial failure to comply with the requirements established under this subsection. The requirements of reasonable notice and hearing, as provided for in this subsection, and appeals from the decisions of said department, shall comply with the requirements of chapter 54.

Sec. 15. Sections 31-3y, 31-3z, 31-9, 31-11ll, 31-40b, 31-40u, 31-77 of the general statutes are repealed.


STATE OF CONNECTICUT
QUI TRANSTULIT SUSTINET