Agency Legislative Proposal – 2024 Session
Document Name:

Document Name	DOL-Tech Bill [1 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	Marisa Morello Marisa.morello@ct.gov Billy Taylor William.B.Taylor@ct.gov
Division Requesting This Proposal	Legal Employment Security Division, Board of Review Rapid Response WIOA CONN-OSHA Office of Research
Drafter	Jennifer Devine Jennifer.devine@ct.gov

Title of Proposal	**AN ACT MAKING TECHNICAL CHANGES TO STATUTES AND REPEALING OBSOLETE PROVISIONS AND STATUTES RELEVANT TO THE LABOR DEPARTMENT.**
Statutory Reference, if any	**31-2, 31-225a(j), 31-51n, 31-51o, 31-76a, 31-76l, 31-223b, 31-402**
Brief Summary and Statement of Purpose	This proposed technical bill seeks to make technical changes to Labor statutes, and addition to repealing statutes that are enforced through other, more appropriate federal statutes and regulations.

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Sec. 1 – 31-2 – Clarifies that the Labor commissioner may enter into contractual agreements 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 and repayment of, any federal funds made available or allotted under any federal law.

Sec. 2 - 31-225a(j) - Revises Enhanced Wage Records to include the zip code of the employee's primary workplace.

Sec. 3 – 31-402 – Eliminates the Occupational Health Clinics Advisory Committee's annual report.

Sec. 4 – 31-76a – Repeals the requirement in 31-76a that the CTDOL Commissioner adopt regulations.

Sec. 5 – 31-223b – Repeals the requirement in 31-223b that the CTDOL Commissioner adopt regulations.

Sec. 6 - 31-51n, 31-51o, 31-76l – Repeals 31-51n, 31-51o, and 31-76l. For 31-51n and 31-51o, repeal is necessary as these statutes are preempted by federal law, specifically the Employee Retirement Income Security Act of 1974 (ERISA), and CTDOL has no authority to enforce these sections. For 31-76l, repeal is appropriate as the governing statute sufficiently addresses the legal requirements associated with the statute and additional regulations would be unnecessary and duplicative. Moreover, the agency had already partially adopted regulations pursuant to 31-76l regarding employees exempt from overtime and no additional regulations are necessary.

BACKGROUND

Origin of Proposal **[X] New Proposal** **[ ] Resubmission**

Section 1 – Originated from the Legal Division, after talks with the Office of the Attorney General. Contracts submitted to OAG for approval must list CTDOL's statutory authority to enter into such contracts. CTDOL's statutes do not have a specific state provision to which the agency can refer for its statutory authority when entering into contracts using federal funds. For many years, CTDOL has been referring to the actual federal law as our statutory authority to enter into contracts that use federal funds. OAG suggested that, for clarity, CTDOL should amend the statute.

Section 2 – Originated from the Office of Research. The technical change would be to replace "business mailing address zip code of the employer" with "zip code of the employee's primary workplace". The employer's business zip code is already collected for UI Tax

purposes. There are many reasons that knowing the location of employees' work would be of benefit to the state, such as:

- Municipal leaders having an interest in knowing how many jobs are in their town.
- A more accurate count of work by location could be useful for transportation planning.
- Location of work on the wage records would also provide more complete information regarding the outcomes of workforce development programs – to geographic location of the jobs.

Section 3 – Came from talks held between the Commissioner's office, CONN-OSHA, and Legal. CTDOL views the Occupational Health Clinics Advisory Committee's annual report as unnecessary as all the information contained in the report is public and available upon request, and is also discussed by the Committee, which includes the leadership of the Labor Committee, along with other appointments by the Governor and legislative leadership. The current statute also says that the Committee shall submit the report, but in practice it has been CTDOL staff that have written and submitted past reports. Over the years, this has proven to be a burdensome undertaking for CTDOL, and staff time would be better utilized elsewhere.

Section 4 – Originated from the Legal Division. It is CTDOL's position that regulations are unnecessary and duplicative as statute is adequate to speak to the requirements of the law.

Section 5 – Originated from the Legal Division. 31-223b says, "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 procedures to identify the transfer or acquisition of a business for purposes of this section".
CTDOL's position is that interpretations regarding implementation of the law are adequately provided in agency policy and Board of Review precedent; any regulations would be unnecessary and duplicative. CTDOL already conducts the required activities of the statute without regulations.

Section 6 – Originated from the Legal Division. As previously stated, for 31-51n and 31-51o repeal is necessary as these statutes are preempted by federal law, specifically the Employee Retirement Income Security Act of 1974 (ERISA), and CTDOL has no authority to enforce these sections. Repealing 31-76l is preferred due to CTDOL already partially adopting regulations regarding employees exempt from overtime and no additional regulations are necessary.

Please consider the following, if applicable:

How does this proposal connect	The mission of the Connecticut Department of Labor (CTDOL) is to protect Connecticut's workers from labor law violations and promote

to the 10-year vision for the agency's mission?	global economic competitiveness through strengthening the state's workforce. While CTDOL considers this bill to be a technical changes bill, we do believe that these changes will help the agency in its mission. While Sections 1 and 3 are very minor in nature, Section 2 will serve the agency and the state well into the future as it would lead to more information being available to elected officials, planning agencies, businesses, workers, and job seekers. We believe having this additional information will help strengthen the state's workforce. In Sections 4, 5, and 6, repealing unnecessary regulations will cut down on the staff time and level of effort it takes to go through the Regulations Review process. With CTDOL's current staffing levels, it is important for the agency to prioritize the regulations that are necessary for us to conduct our business. While the regulations referenced in Sections 4,5, and 6 are unnecessary, CTDOL hasn't been able to get to them. Yet, given the statutory mandate, the agency ends up with audit findings as a result.
How will we measure if the proposal successfully accomplishes its goals?	Regarding Section 2, we should quickly be able to measure the amount of additional information that the CTDOL Office of Research will be able to collect.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	**No**
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	**No**
Have certain constituencies	**No**

called for this proposal?	

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	

Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

N/A

INSERT FULLY DRAFTED BILL HERE

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.

(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.

(e) The commissioner may enter into contractual agreements 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 and repayment of, any federal funds made available or allotted under any federal law.

(f) The powers and duties enumerated in this section shall be in addition to and shall not limit any other powers or duties of the Labor Commissioner contained in any other law.

Sec. 2. Section 31-225a(j) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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: Such employee's occupation, such employee's hours worked and the **[**business mailing address zip code of the employer of such employee**]** **zip code of such employee's primary worksite**.

(2) Each employer subject to this chapter that reports wages for employees receiving wages in employment subject to this chapter, and each person or organization that, as an agent, reports wages for employees receiving wages in employment subject to this chapter on behalf of one or more employers subject to this chapter shall submit quarterly the information required by subdivision (1) of this subsection electronically, in a format and manner prescribed by the administrator, unless such employer or agent receives a waiver pursuant to subdivision (5) of this subsection.

(3) Any employer that fails to submit the information required by subparagraph (A) of subdivision (1) of this subsection in a timely manner, as determined by the administrator, shall be liable to the administrator for a late filing fee of twenty-five dollars. Any employer that fails to submit the information required by subparagraph (A) of subdivision (1) of this subsection under a proper state unemployment compensation registration number shall be liable to the administrator for a fee of twenty-five dollars. All fees collected by the administrator under this subdivision shall be deposited in the Employment Security Administration Fund.

(4) Each employer subject to this chapter that makes contributions or payments in lieu of contributions for employees receiving wages in employment subject to this chapter, and each person or organization that, as an agent, makes contributions or payments in lieu of contributions for employees receiving wages in employment subject to this chapter on behalf of one or more employers subject to this chapter shall make such contributions or payments in lieu of contributions electronically.

(5) Any employer or any person or organization that, as an agent, is required to submit information pursuant to subdivision (2) of this subsection or make contributions or payments in lieu of contributions pursuant to subdivision (4) of this subsection may request in writing, not later than thirty days prior to the date a submission of information or a contribution or payment in lieu of contribution is due, that the administrator waive such requirement. The administrator shall grant such request if, on the basis of information provided by such employer or person or organization and on a form prescribed by the administrator, the administrator finds that there would be undue hardship for such employer or person or organization. The administrator shall promptly inform such employer or person or organization of the granting or rejection of the requested waiver. The decision of the administrator shall be final and not subject to further review or appeal. Such waiver shall be effective for twelve months from the date such waiver is granted.

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 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. Section 31-76a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) On receipt of a complaint for nonpayment of wages, 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, 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 willfully fails to furnish time and 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 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.

(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 54.1

(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;

(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 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 54,1 to establish procedures and guidelines necessary to implement the provisions of this section, including procedures to identify the transfer or acquisition of a business for purposes of this section.**]**

[(g)**]** 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. Sections 31-51n, 31-51o and 31-76l of the general statutes are repealed.

Agency Legislative Proposal – 2024 Session
Document Name:

Document Name	DOL-Vol FF [2 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	**Marisa Morello** Marisa.morello@ct.gov **Billy Taylor** William.b.taylor@ct.gov
Division Requesting This Proposal	**CT Department of Labor** **Connecticut Occupational Safety and Health Division (CONN-OSHA)**
Drafter	**Jennifer Devine** Jennifer.devine@ct.gov

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, if any	**CGS 31-367(d) and 31-369**
Brief Summary and Statement of Purpose	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).

SECTION-BY-SECTION SUMMARY

Summarize sections in groups where appropriate

Section One:
31-367(d) – Amend definition of "employer" to include any volunteer fire department and volunteer ambulance company such that CONN-OSHA would have jurisdiction over those employers.

Section Two:
31-369 – Amend statute to include that the CONN-OSHA would not have jurisdiction over any volunteer fire department or volunteer ambulance company that can demonstrate that is it covered by federal OSHA.

BACKGROUND

Origin of Proposal **[ ] New Proposal** **[X] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

2023
HB 6553 (File 749): AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT

- removes the provision that a volunteer fire department or volunteer ambulance company would only receive a written warning for the first offense from 2022 proposal
- Feb 16 - JF'd Labor Committee 9-2
- HB 6553 as passed by the House moved **effective date** to October 1st from "Effective upon Passage" as JF'd by Labor to give volunteer fire departments and volunteer ambulance companies more time to become educated that they would now fall under CONN-OSHA's jurisdiction
- April 12 - House Labor Chair/House Labor Ranking Joint Amendment **filed** (LCO 6675) (CTDOL supported the amendment)
- May 4 - House Adopted JA voice vote
- May 4 - Bill passed 140-1
- Rep Ben McGorty, Rep Jay Case and other legislators who previously opposed legislation spoke in support that led to near unanimous vote -off-session research/conversations
- Obstacles remain in Senate
- Six (6) Rep Amendments filed, CTDOL opposed all amendments
- Died on Senate Calendar

In 2022, HB 5247 (File 76): AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer Under the State Occupational Safety and Health Act represents

compromise language negotiated by Senator Craig Miner that 1) a volunteer fire department or volunteer ambulance company would only receive a written warning for the first offense and 2) Requires a volunteer fire department or volunteer ambulance company to comply with Conn-OSHA unless it can demonstrate that it falls under fed-OSHA. Despite initially stating support, the Goshen delegation and other small towns representing volunteer fire departments continued their opposition. HB 5247 died on the House Calendar

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	The mission of the Connecticut Department of Labor (CTDOL) is to protect and promote the interests of Connecticut's workers and assist workers and employers to be competitive in the global economy. The department accomplishes its mission by providing a variety of services that benefit the workplace. Among other things, these services include protection on the job through statutes covering safety regulations, working conditions, and on-site health and safety consultations. Connecticut Occupational Safety and Health Division (CONN-OSHA) enforces safety and health standards in public sector workplaces by conducting compliance inspections, responding to complaints or requests, and investigating fatalities and serious accidents. Citations are issued where violations are discovered. Training, education, and onsite safety and health consultations are provided to both private and public sector employers upon request, and the division offers no-cost technical assistance and information on workplace hazards. Passage of this legislative proposal is critical to the safety and health of our first responders because it will allow CONN-OSHA to protect all of Connecticut's volunteer firefighters and ambulance workers just as we do our career men and women.
How will we measure if the proposal successfully accomplishes its goals?	The total amount of penalties paid to CONN-OSHA from Volunteer Fire Departments from 1/1/2015 to 9/18/2023 was $26,356. CTDOL will measure if this proposal successfully accomplishes its goals as CONN-OSHA sees a decrease in complaints/penalties.

Have there been changes in federal/state laws or regulations that make this legislation necessary?	NO
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	**Jim Krueger-Minnesota** Typically, they received retirement benefits, and, in our citations, we will describe how they use the equipment while they are getting paid. Therefore, we consider them employee(s). **Chuck Stribling-Kentucky** They are covered if there is an employer-employee relationship. We see that often there is at least one (1) individual that receives compensation. And in cases where no one receives compensation, experience establishes that it is rarely (if ever) truly "volunteer". The degree of control and chain of command generally establishes an employer-employee relationship. **John Usher-Program Manager-New York** They are covered. There was a court case in Saratoga County many years ago that affirmed coverage. **Steve Greeley-Maine** We usually look to see who is paying for their workers' comp which is usually (always) the town. Also, they are providing a benefit to the town, so they are ours by our rules.
Have certain constituencies called for this proposal?	Most volunteer firefighters themselves welcome the extra protections that CONN-OSHA provides for their safety.

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	**NONE**
Municipal (Include any municipal mandate that can be found within legislation)	No impact if OSHA statutes and regulations are followed.
Federal	**NONE**
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

In the past eight years regarding volunteer fire departments, CONN-OSHA received approximately 32 complaints (formal complaints lodged by employees, employee representatives or former employees) of which 24 were inspected resulting in 64 violations found. In two instances, multiple complaints were received for the same issue and were handled by one inspection. The others were dismissed due to lack of jurisdiction or handled with a formal letter to the employer. While most complaints were made to prevent harm from happening, some were due to injuries (burns, smoke inhalation, carbon monoxide poisoning, etc.). CONN-OSHA also receives referrals reported by representatives of law enforcement, emergency management services or the media. CONN-OSHA received 8 referrals of which all 8 were inspected. Seven resulted in no violations and the last had one violation. Additionally, CONN-OSHA conducted two inspections due to fatal occupational injuries. One of these resulted in 3 violations and the other had none. Without this legislation, certain volunteer fire departments and volunteer ambulance companies will not be held accountable under either state or federal law.

ANYTHING ELSE WE SHOULD KNOW?

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 October 1, 2024):

(d) "Employer" means the state and any political subdivision thereof**, and, except as provided in section 31-369, 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 October 1, 2024):

(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 (15 USC 651 et seq.)**.

(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."

Agency Legislative Proposal – 2024 Session
Document Name:

Document Name	**DOL4-CTPL Appeals** [3 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	**Marisa Morello** Marisa.morello@ct.gov **Billy Taylor** William.b.taylor@ct.gov
Division Requesting This Proposal	**Employment Security Appeals Division, Board of Review**
Drafter	**Danielle Angliss** danielle.angliss@ct.gov **Rebecca Malinguaggio** rebecca.malinguaggio@ct.gov

Title of Proposal	**AA Clarifying the Appeals Process under CGS 31-49h**
Statutory Reference, if any	**CGS 31-49p**
Brief Summary and Statement of Purpose	The statute does not adequately explain the process of appealing a CT Paid Leave determination to Superior Court and additional information and direction is required.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Recently, the CT Department of Labor (CTDOL) received an CT Paid Leave appeal. After discussions with the Office of the Attorney General, we realized that the CT Paid Leave statute needed to include more information and procedures so that any appeal to Superior Court from a CT Paid Leave determination would be considered an appeal on the record, similar to an unemployment insurance appeal to court.

BACKGROUND

Origin of Proposal **[X] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	**N/A**
How will we measure if the proposal successfully accomplishes its goals?	**N/A**
Have there been changes in federal/state laws or regulations that make this	**No**

legislation necessary?	
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	No
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT

List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	CT Paid Leave Authority, Quasi-Public
Agency Contact (name, title)	Erin Choquette, CEO
Date Contacted	September 11, 2023
Status	[X] Approved [ ] Talks Ongoing
Open Issues, if any	None

FISCAL IMPACT

Include the section number(s) responsible for the fiscal impact and the anticipated impact

[X] Check here if this proposal does NOT have a fiscal impact

State	
Municipal (Include any municipal mandate that can be found within legislation)	
Federal	
Additional notes	

MONITORING & EVALUATION PLAN

If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[X] Check here if this proposal does NOT lead to any measurable outcomes

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

Sec. 31-49p. Covered employees. Denial of compensation. Penalty. Appeals filed with Labor Commissioner. Court appeals. (a) Any covered employee aggrieved by a denial of compensation under the Family and Medical Leave Insurance Program or any person aggrieved by the imposition of a penalty imposed pursuant to section 31-49r may file an appeal with the Labor Commissioner not more than twenty-one calendar days after issuance of the denial or penalty decision, unless good cause exists for the late filing.

(b) Upon receipt of any such appeal, the commissioner, or the commissioner's designee, shall decide the appeal based upon the file record, except that the commissioner or designee may do one or both of the following: (1) Supplement the file record, or (2) conduct a hearing. For purposes of this section, "file record" means any documents submitted to the Paid Family and Medical Leave Insurance Authority or to the private plan administrator, any documents relied upon by the authority or the private plan administrator in making its determination, and any other documents the commissioner or designee deems necessary to dispose of the appeal. The commissioner or designee may require the attendance of witnesses and the production of documents in connection with the appeal, and may issue subpoenas. The Labor Department shall adopt regulations, in accordance with the provisions of chapter 54, concerning the rules of procedure for the disposition of appeals filed under the provisions of this section.

(c) After determination of the appeal, the commissioner or designee shall send each party a written copy of the decision. The commissioner or designee may award the covered employee or person all appropriate relief, including any compensation or benefits to which the employee otherwise would have been eligible if such denial had not occurred. [Any party aggrieved by the decision of the commissioner or designee may appeal the decision to the superior court for the judicial district of Hartford or for the judicial district in which the appellant resides, not later than thirty days after issuance of the decision.]

(d) The decision of the commissioner or designee shall become final on the thirty first calendar day after the date on which a copy of the decision is issued to both parties. At any time before the decision of the commissioner or designee becomes final, any party aggrieved by the determination may appeal such decision to the superior court for the judicial district of Hartford or for the judicial district wherein the appealing party resides. The original appeal shall be filed with the office of the commissioner and shall state the grounds on which a review is sought.

(1) The commissioner or designee shall, on or before the fourteenth calendar day thereafter, cause the original appeal to be mailed to the clerk of the superior court and a copy sent to each

party listed in the decision being appealed by mail or electronically through the Connecticut Labor Department Leave Complaint and Appeal Portal. The clerk shall docket such appeal as returned to the next return day after the receipt of such appeal.

(2) In all cases, the commissioner or designee shall certify the record to the court. The record shall consist of the notice of appeal to the commissioner or designee, the file record as defined in subsection (b) of this section, the findings of fact and any decision of the commissioner or designee, and any documents submitted to the commissioner or designee prior to the filing of the appeal to court. Upon request of the court, the commissioner or designee shall in cases in which a hearing was conducted, prepare and verify to the court a transcript of such hearing before the commissioner or designee.

(3) Such appeals shall be claimed for the short calendar unless the court shall order the appeal placed on the trial list. It shall not be necessary in any judicial proceeding under this section that exceptions to the rulings of the commissioner or designee shall have been made or entered and no bond shall be required for entering an appeal to the superior court. In any appeal in which one of the parties is not represented by counsel and in which the party taking the appeal does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may of its own motion dismiss the appeal, or the party ready to proceed may move for nonsuit or default as appropriate.

(4) Such appeals are heard by the court upon the certified copy of the record filed by the commissioner or designee. The court does not retry the facts or hear evidence. It considers no evidence other than that certified to it by the commissioner or designee, and then for the limited purpose of determining whether the finding should be corrected, or whether there was any evidence to support in law the conclusions reached. It cannot review the conclusions of the commissioner or designee when these depend upon the weight of the evidence and the credibility of witnesses. The court can only decide whether the decision incorrectly applies the law to the facts found or could not have reasonably or logically have followed from such facts.

(5) In any appeal, corrections by the court of the commissioner or designee's findings will only be made upon the refusal to find a material fact which was an admitted or undisputed fact, upon the finding of a fact in language of doubtful meaning so that its real significance may not clearly appear, or upon the finding of a material fact without evidence.

(i) If the appealing party desires to have the finding of the commissioner or designee corrected, he or she must, within fourteen calendar days after the record has been filed in the superior court, unless the time is extended for cause by the commissioner or designee, file with the commissioner or designee a motion for the correction of the finding and with it such portions of the evidence as he or she deems relevant and material to the corrections asked for.

(ii) The commissioner or designee shall file with the court, within a reasonable time, such motion to correct together with its decision thereon. If the motion is denied in whole or in part and such denial is made a ground of appeal to the court, the commissioner or designee shall, within a reasonable time thereafter, file in the court copies of evidence filed by the appealing party, together with such additional evidence as may have been taken before the commissioner or designee.

(6) Unless the court shall otherwise order after motion and hearing, the final decision of the court shall be the decision as to all parties to the original proceeding before the commissioner or designee. When an appeal is taken to the superior court, the clerk thereof shall by writing notify the commissioner or designee of any action of the court thereon and of the disposition of such appeal whether by judgment, remand, withdrawal or otherwise and shall, upon the decision on the appeal, furnish the commissioner or designee with a copy of such decision.

(7) The court may remand the case to the commissioner or designee for proceedings de novo, or for further proceedings on the record, or for such limited purposes as the court may prescribe. The court may retain jurisdiction by ordering a return to the court of the proceedings conducted in accordance with the order of the court or the court may order final disposition. A party aggrieved by a final disposition made in compliance with an order of the superior court, by the filing of an appropriate motion, may request the court to review the disposition of the case.

(8) An appeal may be taken from the decision of the superior court to the Appellate Court in the same manner as is provided in section 51-197b of the General Statutes.

Agency Legislative Proposal – 2024 Session
Document Name:

Document Name	DOL6-Merit Rating Unit [4 of 4]

Naming Format: AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

Please insert a copy of the fully drafted bill at the end of this document (required for review)

Legislative Liaison	**Marisa Morello** Marisa.morello@ct.gov **Billy Taylor** William.b.taylor@ct.gov
Division Requesting This Proposal	**CT Department of Labor** **Merit Rating Unit (MRU)**
Drafter	**Jennifer Devine** Jennifer.devine@ct.gov

Title of Proposal	**AN ACT CONCERNING THE STREAMLINING OF THE CONNECTICUT DEPARTMENT OF LABOR'S EMPLOYER QUARTERLY STATEMENT UNEMPLOYMENT INSURANCE TAX PROTEST TIMELINE**
Statutory Reference, if any	**CGS 31-225a(3)(h)**
Brief Summary and Statement of Purpose	This proposal would amend Section 31-225a(3)(h) of the General Statutes to shorten the timeline from sixty days to forty days for an employer to protest if they contend that UI benefits have been improperly charged to their experience record due to fraud or error when they receive their employer UI quarterly statements from the CT Department of Labor's (CTDOL) Merit Rating Unit (MRU). The primary purpose of the MRU is to charge or non-charge employer accounts for UI benefits paid, produce employer quarterly charge notices, and to annually produce employer UI tax rate notices for each taxable employer.

SECTION-BY-SECTION SUMMARY
Summarize sections in groups where appropriate

Section One

Section 31-225a(3)(h) of the General Statutes shortens the timeline from sixty days to forty days for an employer to protest a charge when they receive their employer UI tax quarterly statements from the CT Department of Labor's (CTDOL) Merit Rating Unit (MRU).

BACKGROUND

Origin of Proposal **[X] New Proposal** **[ ] Resubmission**

If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:

Please consider the following, if applicable:

How does this proposal connect to the 10-year vision for the agency's mission?	The mission of the Connecticut Department of Labor (CTDOL) is to protect and promote the interests of Connecticut's workers and assist workers and employers to be competitive in the global economy. The department accomplishes its mission, by among other things, ensuring that the employer tax rates are using the most accurate UI benefit charge information. This legislative proposal would connect to the 10-year vision for the agency's mission because it would improve the internal processing and avoid duplication of employer quarterly statement UI tax protests. Additionally, the proposal would reduce the possible negative impact to employer UI Tax Rates.
How will we measure if the proposal	The measurement if the proposal accomplishes its goal can be determined when Connecticut's employers recognize the benefit to

successfully accomplishes its goals?	shorten the timeline from sixty days to forty days for an employer to protest a charge to their UI tax rate. Specifically, employers receive their quarterly statement which outlines their UI benefit charges for each claimant (former or current employee) and UI benefit weeks they are responsible for. CTDOL needs to resolve the employer protest before the quarter ends. By moving up the deadline date, it gives MRU a window to resolve these protests before the end of the quarter. Additionally, it provides MRU staff sufficient time to complete the employer protests before the quarter ends. MRU normally generates quarterly statements within one month after the previous quarter is completed. For example, for quarter ending 6/30/2023, MRU generates all quarterly statements by 7/30/2023. By moving the deadline to 40 days, it gives MRU the ability to review/resolve quarterly protests before the next quarter begins. Ultimately, this legislative proposal will help streamline the protesting process because it resolves the protests prior to the end of the quarter and avoids duplication.
Have there been changes in federal/state laws or regulations that make this legislation necessary?	No
Has this proposal or a similar proposal been implemented in other states? If yes, to what result?	Unknown
Have certain constituencies called for this proposal?	No

INTERAGENCY IMPACT
List each affected agency. Copy the table as needed.

[X] Check here if this proposal does NOT impact other agencies

1. Agency Name	
Agency Contact (name, title)	
Date Contacted	
Status	**[ ] Approved [ ] Talks Ongoing**
Open Issues, if any	

FISCAL IMPACT
Include the section number(s) responsible for the fiscal impact and the anticipated impact

[ ] Check here if this proposal does NOT have a fiscal impact

State	Minimal to no cost
Municipal (Include any municipal mandate that can be found within legislation)	Minimal to no cost
Federal	Minimal to no cost
Additional notes	

MONITORING & EVALUATION PLAN
If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes

[ ] Check here if this proposal does NOT lead to any measurable outcomes

The measurable outcome of this legislative proposal is that it is a benefit to both employers and CTDOL alike because the protests are completed timely. Additionally, the proposal prevents the employer from having to protest a duplicate issue. Specifically, if MRU doesn't resolve the employer's charge before a quarter ends, then the next quarterly statement may have charges for a particular individual that they already protested the previous quarter. The employer will then not have to refute the same protest twice due to the reduced time frame. Also, this proposal ensures that the UI benefit charge information in CT-DOL's ReEmploy-CT technology for the UI Tax rates is as accurate as possible by resolving the UI tax charges prior to the end of the quarter. This will reduce questions and calls from employers to the CTDOL's UI Tax Division about their UI tax rate.

Finally, under CTDOL's Re-EmployCT technology, employers now immediately receive electronic quarterly statements on the date of issue vs. under the previous UI Legacy system where employers had to wait for the United States Postal Service to deliver those statements. One of the many employer benefits under CTDOL's Re-EmployCT technology, employers can elect to have email notification for all their correspondence rather than regular postal mail. This includes all UI documents including the quarterly statement. Employers will default to email communication but will have to opt out if they wish to receive by regular mail instead.

ANYTHING ELSE WE SHOULD KNOW?

INSERT FULLY DRAFTED BILL HERE

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

Sec. 1. Section 31-225a(3)(h) of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

(1) With respect to each benefit year commencing on or after July 1, 1978, notice of determination of the claimant's benefit entitlement for such benefit year shall include notice of the allocation of benefit charges of the claimant's base period employers and each such employer shall be provided a copy of such notice of determination and shall be an interested party thereto. Such determination shall be final unless the claimant or any of such employers files an appeal from such decision in accordance with the provisions of section 31-241.

(2) The administrator shall, not less frequently than once each calendar quarter, provide a statement of charges to each employer to whose experience record any charges have been made since the last previous such statement. Such statement shall show, with respect to each week for which benefits have been paid and charged, the name and Social Security account number of the claimant who was paid the benefit, the amount of the benefits charged for such week and the total amount charged in the quarter.

(3) The statement of charges provided for in subdivision (2) of this subsection shall constitute notice to the employer that it has been determined that the benefits reported in such statement were properly payable under this chapter to the claimants for the weeks and in the amounts shown in such statements. If the employer contends that benefits have been improperly charged due to fraud or error, a written protest setting forth reasons therefor shall be filed with the administrator within [sixty] **forty** days of the date the quarterly statement was provided. An eligibility issue shall not be reopened on the basis of such quarterly statement if notification of such eligibility issue had previously been given to the employer under the provisions of section 31-241, and he or she failed to file a timely appeal therefrom or had the issue finally resolved against him or her.

(4) The provisions of subdivisions (2) and (3) of this subsection shall not apply to combined wage claims paid under subsection (b) of section 31-255. For such combined wage claims paid under the unemployment law of other states, the administrator shall, each calendar quarter, provide a statement of charges to each employer whose experience record has been charged since the previous such statement. Such statement shall show the name and Social Security number of the claimant who was paid the benefits and the total amount of the benefits charged in the quarter.