

Latest Developments From The Connecticut General Assembly: The Labor and Public Employees Committee Speaks

Working Together

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Before the deadline for committee action, the General Assembly's Labor and Public Employees Committee voted favorably on a plethora of bills and advanced them out of committee. Among the most noteworthy were: 1) a bill increasing the minimum wage, which has already been passed by both houses of the General Assembly and signed into law by the Governor, 2) a bill concerning "employee privacy" that would prohibit employers from requiring access to employee social media passwords, and 3) a bill expanding Connecticut's Connecticut Family and Medical Leave Act to permit eligible employees to take such leave to care for certain extended family members that have a "serious health condition." Of course, any bill that affects your workplace is important. The 2014 session of the General Assembly is scheduled to adjourn on May 7, 2014, so stay tuned as the action at the legislature kicks it up a notch.

The following is list of pertinent bills voted out of committee:

S.B. No. 32/PUBLIC 14-1 AN ACT CONCERNING WORKING FAMILIES' WAGES. This bill increases the minimum wage from the current \$8.75/hour to \$9.15/hour on January 1, 2015, \$9.65/hour on January 1, 2016 and \$10.10/per hour on January 1, 2017. The Governor has already signed this bill.

S.B. No. 56 (RAISED) AN ACT CONCERNING SEVERE MENTAL OR EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE. This bill would expand workers' compensation coverage to individuals suffering from post-traumatic stress disorder as a direct result of witnessing the death or maiming of another human being whose death or maiming was caused by an intentional act of violence of another person.

S.B. No. 57 (RAISED) AN ACT CONCERNING THE DIRECT DEPOSIT OF WAGES. This bill will require employers to arrange with payroll providers that any "wages" that are directly deposited into an employee's account be electronically tagged as "wages". If tagged, these wages become "readily identifiable", and a portion will still be available to the employee if the account is frozen by a creditor.

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S.B. No. 58 (RAISED) AN ACT CONCERNING AN INCREASE IN PENALTIES DUE TO FALSE OR MISLEADING DECLARATIONS, STATEMENTS OR REPRESENTATIONS. This bill increases the penalties on employers that willfully fail to declare wages on payroll records.

S.B. No. 60 (RAISED) AN ACT CONCERNING EMPLOYEE WORKING CONDITIONS. This bill would require the Labor Commissioner, in consultation with the Commissioner of Economic and Community Development to establish a program to evaluate employee working conditions throughout the state. This bill would also change the tip credit percentage for wage hour law purposes and prevent an employer from reducing a gratuity through a credit card transaction

S.B. No. 61 (RAISED) AN ACT CONCERNING WORKERS' COMPENSATION AND LIABILITY FOR HOSPITAL SERVICES. This bill would make certain changes regarding employer liability under the workers compensation act for hospital services

S.B. No. 62 (RAISED) AN ACT CONCERNING THE RETENTION OF PROMOTIONAL EXAM RESULTS. This bill would require the Department of Administrative Services to retain promotional examination results so that classified state employees who have passed such exams do not need to sit for the exams each time a job vacancy occurs.

S.B. No. 63 AN ACT CONCERNING TIMELINES FOR ARBITRATION AWARDS. This bill would establish firm timelines for the issuance of awards in cases before the State Board of Mediation and Arbitration and the State Board of Labor Relations.

S.B. No. 64 (RAISED) AN ACT CONCERNING AMENDMENTS TO THE DEPARTMENT OF LABOR STATUTES. This bill would makes technical changes to obsolete Department of Labor statutes and repeal outdated reporting requirements.

S.B. No. 219 (RAISED), AN ACT CONCERNING THE MUNICIPAL EMPLOYEE RETIREMENT SYSTEM CONTRIBUTION RATE. This bill would increase the contribution rate for members of the Municipal Employee Retirement System.

S.B. No. 220 (RAISED), AN ACT CONCERNING THE INCLUSION OF LABOR HISTORY IN THE PUBLIC SCHOOL CURRICULUM. This bill would include labor history, labor law and free market capitalism and “entrepreneurialism” in the prescribed courses of study in the public school curriculum.

S.B. No. 221 (RAISED), AN ACT CONCERNING CREDIT CHECKS AND FINANCIAL INSTITUTIONS. This bill would add mortgage brokers and other mortgage servicers to the definition of "financial institution" for the purposes of employer inquiries about employee (and prospective employee) credit ratings.

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S.B. No. 222 (RAISED) AN ACT CONCERNING THE DEFINITION OF MANAGERIAL EMPLOYEE. This bill would classify fewer state employees as managers ineligible for purposes for certain benefits and protections, particularly as to those employed in the higher education system

S.B. No. 242 (RAISED) AN ACT CONCERNING SICK LEAVE FOR TEACHER ASSISTANTS AND RADIOLOGIC TECHNOLOGISTS. This bill would add school “teacher assistants” and “radiologic technologists” to the list of service workers covered by Connecticut’s paid sick leave law.

S.B. No. 243 (RAISED) AN ACT CONCERNING ELIGIBILITY FOR UNEMPLOYMENT BENEFITS. This bill would increase the minimum base period wages needed to qualify for unemployment compensation, disqualify any commercial driver from collecting unemployment benefits if he or she loses an operator license pursuant to a drug or alcohol testing program (in response to a recent Connecticut Supreme Court case), redefine “unexcused absence” to mean a single day of absence and to establish a task force to develop a more reliable method of verifying whether individuals receiving unemployment benefits are making reasonable efforts to obtain work.

S.B. No. 249 (RAISED) AN ACT PROMOTING RETIREMENT SAVINGS. This bill would create a state-administered retirement savings plan for low-income private sector workers

S.B. No. 317 (RAISED) AN ACT CONCERNING EMPLOYEE PRIVACY. This bill would bar employers or potential employers from requesting or requiring employees or potential employees to provide passwords or user names to their personal online accounts (e.g., social media, e-mail) as a condition of employment.

S.B. No. 318 (RAISED) AN ACT CONCERNING ELECTRONIC PREVAILING WAGE NOTICES, INFORMATION AND RECORDS. This bill would permit certain “prevailing wage” notices, information and records to be provided or maintained electronically.

S.B. No. 371 (RAISED) AN ACT CONCERNING RETALIATION AGAINST IMMIGRANT WORKERS. The bill would prohibit employers from engaging in “unfair immigration-related practices” as retribution for an individual exercising his or her rights under Title 31 of the general statutes (which set forth general rights for employees).

H.B. No. 5054 (RAISED) AN ACT CONCERNING UNEMPLOYED JOB SEEKERS. The bill will make it unlawful for employers or agents of employers when advertising job openings to disqualify any applicant because of their current unemployment status.

H.B. No. 5064 (RAISED) AN ACT CONCERNING THE LABOR DEPARTMENT. This bill would require the Labor Department to initiate a study to determine whether policy and procedural changes within the Department may increase the productivity of workers within the state.

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H.B. No. 5065 (RAISED) AN ACT CONCERNING UNEMPLOYMENT COMPENSATION. This bill would require the Labor Department to conduct a study to evaluate the effectiveness of the current unemployment compensation system within the state.

H.B. No. 5066 (RAISED) AN ACT CONCERNING CERTAIN WORKERS' RIGHTS TO COLLECTIVELY BARGAIN. This bill would clarify the procedures for how state charter school certified employees (e.g., teachers) and certain probate court employees may collectively bargain.

H.B. No. 5069 (RAISED) AN ACT CONCERNING LOW WAGE EMPLOYERS. This bill imposes a fine of \$1 per hour per employee on employers and franchisees with 500 or more employees that do not pay their employees the standard rate of wages. The standard rate of wages is the wage paid to certain unionized food service, maintenance and janitorial employees.

H.B. No. 5070 (RAISED) AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT. This bill would add volunteer fire departments and ambulance companies to the definition of "employer" under the state Occupational Safety and Health Act.

H.B. No. 5071 (RAISED) AN ACT CONCERNING CIVIL ACTIONS AGAINST AN EMPLOYER FOR FAILURE TO PAY WAGES OR COMPENSATION. This bill would clarify that employees or labor organizations are to recover twice the full amount of damages associated with an employer's failure to pay wages suit except where the employer can demonstrate a good faith belief that it was complying with the law.

H.B. No. 5256 (RAISED), AN ACT CONCERNING THE COMPENSATION OF WORKERS ON FAMILY HOLIDAYS. This bill would compensate certain "retail" employees who are required by their employers to work on "family holidays" (Thanksgiving Day and Christmas Day) via the payment of specified overtime rates and/or the provision of future paid leave.

H.B. No. 5257 (RAISED), AN ACT CONCERNING HOSPITAL EMPLOYEES AND HOSPITAL CONVERSIONS. This bill would protect hospital workers and community members who may be subject to a hospital "conversion" or transfer of assets by requiring a series of public hearings and requiring any group seeking to acquire a nonprofit hospital to commit to maintaining certain staffing levels, wage rates, and collective bargaining requirements prior to initiating the acquisition.

H.B. No. 5280 (RAISED), AN ACT CONCERNING EXECUTIVE EMPLOYEE COMPENSATION. This bill would make any employer that compensates an officer, director, or employee at a rate greater than (or equal to) 50 times the average annual compensation for the employer's employees ineligible for tax credits, exemptions, abatements or financial assistance from the State.

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H.B. No. 5281 (RAISED), AN ACT CONCERNING MEMBERS OF THE DISABILITY RETIREMENT BOARD.

This bill would include a physician experienced in the fields of respiratory or pulmonary medicine on the State's disability retirement board

H.B. No. 5283 (RAISED), AN ACT CONCERNING EXPANSION OF FAMILY AND MEDICAL LEAVE. This bill would allow employees eligible for leave under the Connecticut Family and Medical Leave Act to take such leave to care for certain extended family members (parents-in-law, siblings, grandparents or grandchildren) that have a serious health condition.

H.B. No. 5314 (COMMITTEE) AN ACT CONCERNING PAYMENTS ON ADVANCES FROM THE FEDERAL UNEMPLOYMENT ACCOUNT. This bill would authorize the Comptroller to transfer an amount from the surplus sufficient to repay any interest due on advances made to the State from the federal unemployment account.

H.B. No. 5315 (RAISED) AN ACT ALLOWING EMPLOYERS TO PAY WAGES USING PAYROLL CARDS. This bill would allow employers to pay employee wages using payroll cards, and to allow certain wage and hour information provided by an employer to employees be delivered electronically under certain conditions.

H.B. No. 5345 (RAISED) AN ACT CONCERNING COOPERATIVE HEALTH CARE ARRANGEMENTS. This bill would allow health care providers to enter into cooperative arrangements and negotiate with health plans.

H.B. No. 5346 (RAISED) AN ACT CONCERNING WORKFORCE INVESTMENT BOARDS. The bill would authorize the Connecticut Labor Department, in collaboration with Workforce Investment Boards within the state, to conduct a study of programs offered to individuals seeking employment within the state.

H.B. No. 5451 (RAISED) AN ACT CONCERNING HEALTH CARE POOLING. This bill would require each municipality that sponsors a group health policy or plan for its active employees, early retirees and retirees to submit information regarding any such policy or plan to the State Comptroller; the bill would further allow the Comptroller to enter into cooperative health care agreements that may allow individuals to acquire low-cost, high-quality health care

H.B. No. 5453 (RAISED) AN ACT CONCERNING EMPLOYERS AND HOME CARE WORKERS. This bill would allow employers and individuals employed in domestic service to agree to exclude an eight hour regularly-scheduled sleeping period from the calculation of regular pay under certain circumstances.

H.B. No. 5527 (RAISED) AN ACT CONCERNING A DOMESTIC WORKERS BILL OF RIGHTS. This bill would establish certain requirements for (and protections regarding) the employment of domestic workers in the state.

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