



General Assembly

Amendment

January Session, 2025

LCO No. 7813



Offered by:

SEN. SAMPSON, 16th Dist.

SEN. BERTHEL, 32nd Dist.

To: Subst. Senate Bill No. 1370

File No. 335

Cal. No. 209

**"AN ACT REQUIRING WORKERS PERFORMING OFF-SITE
CUSTOM FABRICATION FOR A PUBLIC WORKS PROJECT TO BE
PAID PREVAILING WAGE RATES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 31-53 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2025*):

5 (a) Each contract for the construction, remodeling, refinishing,
6 refurbishing, rehabilitation, alteration or repair of any public works
7 project by the state or any of its agents [, or by any political subdivision
8 of the state or any of its agents,] shall contain the following provision:
9 "The wages paid on an hourly basis to any person performing the work
10 of any mechanic, laborer or worker on the work herein contracted to be
11 done and the amount of payment or contribution paid or payable on
12 behalf of each such person to any employee welfare fund, as defined in
13 subsection (i) of this section, shall be at a rate equal to the rate customary

14 or prevailing for the same work in the same trade or occupation in the
15 town in which such public works project is being constructed. Any
16 contractor who is not obligated by agreement to make payment or
17 contribution on behalf of such persons to any such employee welfare
18 fund shall pay to each mechanic, laborer or worker as part of such
19 person's wages the amount of payment or contribution for such person's
20 classification on each pay day."

21 (b) If the commissioner, upon inspection or investigation of a
22 complaint, believes that a contractor or subcontractor has knowingly or
23 wilfully employed any mechanic, laborer or worker in the construction,
24 remodeling, refinishing, refurbishing, rehabilitation, alteration or repair
25 of any public works project for or on behalf of the state or any of its
26 agents [, or any political subdivision of the state or any of its agents,] at
27 a rate of wage on an hourly basis that is less than the rate customary or
28 prevailing for the same work in the same trade or occupation in the town
29 in which such public works project is being constructed, remodeled,
30 refinished, refurbished, rehabilitated, altered or repaired, or who has
31 failed to pay the amount of payment or contributions paid or payable
32 on behalf of each such person to any employee welfare fund, or in lieu
33 thereof to the person, as provided by subsection (a) of this section, such
34 contractor or subcontractor shall be issued a citation and may be fined
35 five thousand dollars for each offense. The commissioner shall maintain
36 a list of any contractor or subcontractor that, during the three preceding
37 calendar years, violates this section or enters into a settlement with the
38 commissioner to resolve any claim brought by the commissioner
39 pursuant to this section. For each contractor or subcontractor placed on
40 such list, the commissioner shall record the following information: (1)
41 The nature of the violation; (2) the total amount of wages and fringe
42 benefits making up the violation or agreed upon in any settlement with
43 the commissioner; and (3) the total amount of civil penalties and fines
44 agreed upon by the commissioner. The commissioner shall review the
45 list on the first day of May each year for the preceding rolling three-year
46 period and may refer for debarment any contractor or subcontractor that
47 committed a violation of this section during the rolling three-year

48 period. The commissioner shall refer for debarment any contractor or
49 subcontractor that entered into one or more settlement agreements with
50 the commissioner where the sum total of all settlements within such
51 period exceeds fifty thousand dollars in back wages or fringe benefits,
52 or entered into one or more settlement agreements with the
53 commissioner where the sum total of all settlements within such period
54 exceeds fifty thousand dollars in civil penalties or fines agreed upon by
55 the commissioner. Any contractor or subcontractor the commissioner
56 refers for debarment may request a hearing before the commissioner.
57 Such hearing shall be conducted in accordance with the provisions of
58 chapter 54. In addition, if it is found by the contracting officer
59 representing the state [or political subdivision of the state] that any
60 mechanic, laborer or worker employed by the contractor or any
61 subcontractor directly on the site for the work covered by the contract
62 has been or is being paid a rate of wages less than the rate of wages
63 required by the contract to be paid as required by this section, the state
64 [or contracting political subdivision of the state] may (A) by written or
65 electronic notice to the contractor, terminate such contractor's right to
66 proceed with the work or such part of the work as to which there has
67 been a failure to pay said required wages and to prosecute the work to
68 completion by contract or otherwise, and the contractor and the
69 contractor's sureties shall be liable to the state [or the contracting
70 political subdivision] for any excess costs occasioned the state [or the
71 contracting political subdivision] thereby, or (B) withhold payment of
72 money to the contractor or subcontractor. The contracting department
73 of the state [or the political subdivision of the state] shall, not later than
74 two days after taking such action, notify the Labor Commissioner, in
75 writing or electronically, of the name of the contractor or subcontractor,
76 the project involved, the location of the work, the violations involved,
77 the date the contract was terminated, and steps taken to collect the
78 required wages.

79 (c) The Labor Commissioner may make complaint to the proper
80 prosecuting authorities for the violation of any provision of subsection
81 (b) of this section.

82 (d) For the purpose of predetermining the prevailing rate of wage on
83 an hourly basis and the amount of payment, contributions and member
84 benefits paid or payable on behalf of each person to any employee
85 welfare fund, as defined in subsection (i) of this section, in each town
86 where such contract is to be performed, the Labor Commissioner shall
87 adopt the rate of wages on an hourly basis in accordance with the
88 provisions of this section and section 31-76c and the amount of payment,
89 contributions and member benefits, including health, pension, annuity
90 and apprenticeship funds, as recognized by the United States
91 Department of Labor and the Labor Commissioner paid or payable on
92 behalf of each person to any employee welfare fund, as defined in
93 subsection (i) of this section, as established in the collective bargaining
94 agreements or understandings between employers or employer
95 associations and bona fide labor organizations for the same work in the
96 same trade or occupation in the town in which the applicable public
97 works project, as defined in section 31-56a, is being constructed. For
98 each trade or occupation for which more than one collective bargaining
99 agreement is in effect for the town in which such project is being
100 constructed, the collective bargaining agreement of historical
101 jurisdiction shall prevail. For each trade or occupation for which there
102 is no collective bargaining agreement in effect for the town in which the
103 public works project is being constructed, the Labor Commissioner shall
104 adopt and use such appropriate and applicable prevailing wage rate
105 determinations as have been made by the Secretary of Labor of the
106 United States under the provisions of the Davis-Bacon Act, as amended.

107 (e) The Labor Commissioner shall determine the prevailing rate of
108 wages on an hourly basis and the amount of payment or contributions
109 paid or payable on behalf of such person to any employee welfare fund,
110 as defined in subsection (i) of this section, in each locality where any
111 such public work is to be constructed, and the agent empowered to let
112 such contract shall contact the Labor Commissioner, at least ten but not
113 more than twenty days prior to the date such contracts will be
114 advertised for bid, to ascertain the proper rate of wages and amount of
115 employee welfare fund payments or contributions and shall include

116 such rate of wage on an hourly basis and the amount of payment or
117 contributions paid or payable on behalf of each person to any employee
118 welfare fund, as defined in subsection (i) of this section, or in lieu thereof
119 the amount to be paid directly to each person for such payment or
120 contributions as provided in subsection (a) of this section for all
121 classifications of labor in the proposal for the contract. The rate of wage
122 on an hourly basis and the amount of payment or contributions to any
123 employee welfare fund, as defined in subsection (i) of this section, or
124 cash in lieu thereof, as provided in subsection (a) of this section, shall, at
125 all times, be considered as the minimum rate for the classification for
126 which it was established. Prior to the award of any contract, purchase
127 order, bid package or other designation subject to the provisions of this
128 section, such agent shall certify to the Labor Commissioner, either in
129 writing or electronically, the total dollar amount of work to be done in
130 connection with such public works project, regardless of whether such
131 project consists of one or more contracts. Upon the award of any
132 contract subject to the provisions of this section, the contractor to whom
133 such contract is awarded shall certify, under oath, to the Labor
134 Commissioner the pay scale to be used by such contractor and any of
135 the contractor's subcontractors for work to be performed under such
136 contract.

137 (f) Each employer subject to the provisions of this section, section 31-
138 53c, subsection (f) of section 31-53d or section 31-54 shall (1) keep,
139 maintain and preserve such records relating to the wages and hours
140 worked by each person performing the work of any mechanic, laborer
141 and worker and a schedule of the occupation or work classification at
142 which each person performing the work of any mechanic, laborer or
143 worker on the project is employed during each work day and week in
144 such manner and form as the Labor Commissioner establishes to assure
145 the proper payments due to such persons or employee welfare funds
146 under this section, section 31-53c, subsection (f) of section 31-53d or
147 section 31-54, regardless of any contractual relationship alleged to exist
148 between the contractor and such person, provided such employer shall
149 have the option of keeping, maintaining and preserving such records in

150 an electronic format, and (2) submit monthly to the contracting agency
151 or the Department of Economic and Community Development
152 pursuant to section 31-53c or to the developer of a covered project, as
153 defined in section 31-53d, as applicable, by mail, electronic mail or other
154 method accepted by such agency, the Department of Economic and
155 Community Development or such developer, a certified payroll that
156 shall consist of a complete copy of such records accompanied by a
157 statement signed by the employer that indicates (A) such records are
158 correct; (B) the rate of wages paid to each person performing the work
159 of any mechanic, laborer or worker and the amount of payment or
160 contributions paid or payable on behalf of each such person to any
161 employee welfare fund, as defined in subsection (i) of this section, are
162 not less than the prevailing rate of wages and the amount of payment or
163 contributions paid or payable on behalf of each such person to any
164 employee welfare fund, as determined by the Labor Commissioner
165 pursuant to subsection (d) of this section, and not less than those
166 required by the contract to be paid; (C) the employer has complied with
167 the applicable provisions of this section, section 31-53c, subsection (f) of
168 section 31-53d and section 31-54; (D) each such person is covered by a
169 workers' compensation insurance policy for the duration of such
170 person's employment, which shall be demonstrated by submitting to the
171 contracting agency the name of the workers' compensation insurance
172 carrier covering each such person, the effective and expiration dates of
173 each policy and each policy number; (E) the employer does not receive
174 kickbacks, as defined in 41 USC 52, from any employee or employee
175 welfare fund; and (F) pursuant to the provisions of section 53a-157a, the
176 employer is aware that filing a certified payroll which the employer
177 knows to be false is a class D felony for which the employer may be fined
178 up to five thousand dollars, imprisoned for up to five years, or both.
179 This subsection shall not be construed to prohibit a general contractor
180 from relying on the certification of a lower tier subcontractor, provided
181 the general contractor shall not be exempted from the provisions of
182 section 53a-157a if the general contractor knowingly relies upon a
183 subcontractor's false certification. Notwithstanding the provisions of
184 section 1-210, the certified payroll shall be considered a public record

185 and every person shall have the right to inspect and copy such records
186 in accordance with the provisions of section 1-212. The provisions of
187 subsections (a) and (b) of section 31-59 and sections 31-66 and 31-69 that
188 are not inconsistent with the provisions of this section, section 31-53c or
189 31-54 apply to this section. Failing to file a certified payroll pursuant to
190 subdivision (2) of this subsection is a class D felony for which the
191 employer may be fined up to five thousand dollars, imprisoned for up
192 to five years, or both.

193 (g) Any contractor who is required by the Labor Department to make
194 any payment as a result of a subcontractor's failure to pay wages or
195 benefits, or any subcontractor who is required by the Labor Department
196 to make any payment as a result of a lower tier subcontractor's failure
197 to pay wages or benefits, may bring a civil action in the Superior Court
198 to recover no more than the damages sustained by reason of making
199 such payment, together with costs and a reasonable attorney's fee.

200 (h) (1) The provisions of this section shall not apply where (A) the
201 combined total cost or total bond authorization for all work to be
202 performed by all contractors and subcontractors in connection with new
203 construction of any public works project is less than one million dollars,
204 or (B) the combined total cost of all work to be performed by all
205 contractors and subcontractors in connection with any remodeling,
206 refinishing, refurbishing, rehabilitation, alteration or repair of any
207 public works project is less than one hundred thousand dollars.

208 (2) On and after October 31, 2017, and prior to July 1, 2019, the
209 provisions of this subdivision shall not apply where the work to be
210 performed by any contractor or subcontractor in connection with new
211 construction, remodeling, refinishing, refurbishing, rehabilitation,
212 alteration or repair of any public works project funded in whole or in
213 part by any private bequest that is greater than nine million dollars but
214 less than twelve million dollars for a municipality in New Haven
215 County with a population of not less than twelve thousand and not
216 more than thirteen thousand, as determined by the most recent
217 population estimate by the Department of Public Health.

218 (3) On and after July 1, 2019, and prior to January 1, 2020, the
219 provisions of this subdivision shall not apply where the work to be
220 performed by any contractor or subcontractor in connection with new
221 construction, remodeling, refinishing, refurbishing, rehabilitation,
222 alteration or repair of any public works project funded in whole or in
223 part by any private bequest that is greater than nine million dollars but
224 less than twenty-two million dollars for a municipality in New Haven
225 County with a population of not less than twelve thousand and not
226 more than thirteen thousand, as determined by the most recent
227 population estimate by the Department of Public Health.

228 (i) As used in this section and sections 31-53c and 31-54, "employee
229 welfare fund" means any trust fund established by one or more
230 employers and one or more labor organizations or one or more other
231 third parties not affiliated with the employers to provide from moneys
232 in the fund, whether through the purchase of insurance or annuity
233 contracts or otherwise, benefits under an employee welfare plan;
234 provided such term shall not include any such fund where the trustee,
235 or all of the trustees, are subject to supervision by the Banking
236 Commissioner of this state or any other state or the Comptroller of the
237 Currency of the United States or the Board of Governors of the Federal
238 Reserve System, and "benefits under an employee welfare plan" means
239 one or more benefits or services under any plan established or
240 maintained for persons performing the work of any mechanics, laborers
241 or workers or their families or dependents, or for both, including, but
242 not limited to, medical, surgical or hospital care benefits; benefits in the
243 event of sickness, accident, disability or death; benefits in the event of
244 unemployment, or retirement benefits.

245 Sec. 2. Section 7-112 of the general statutes is repealed and the
246 following is substituted in lieu thereof (*Effective July 1, 2025*):

247 The provisions of [sections 31-52, 31-53 and 31-54] section 31-52 shall
248 apply to the construction, remodeling or repair of any public building
249 by any political subdivision of this state or any of its agents.

250 Sec. 3. Section 7-502 of the general statutes is repealed and the
251 following is substituted in lieu thereof (*Effective July 1, 2025*):

252 [(a) The provisions of section 31-53 shall apply to contractual
253 arrangements for the construction, reconstruction or rehabilitation of
254 development property.]

255 [(b)] (a) The provisions of sections 49-41 to 49-43, inclusive, shall
256 apply to any construction, reconstruction or rehabilitation of
257 development property undertaken by a municipality or a governmental
258 unit or nonprofit corporation to which a municipality has delegated
259 powers pursuant to section 7-486.

260 [(c)] (b) The provisions of sections 7-467 to 7-473c, inclusive, 7-474 to
261 7-477, inclusive, and of chapter 561 and any provisions of any special
262 act, municipal charter or ordinance granting to employees rights of
263 organization, representation and collective bargaining shall apply to
264 any powers exercised or actions undertaken pursuant to this chapter by
265 a municipality or a governmental unit or nonprofit corporation to which
266 a municipality has delegated powers pursuant to section 7-486."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2025</i>	31-53
Sec. 2	<i>July 1, 2025</i>	7-112
Sec. 3	<i>July 1, 2025</i>	7-502