



General Assembly

Amendment

January Session, 2025

LCO No. 10506



Offered by:

SEN. SAMPSON, 16th Dist.

SEN. BERTHEL, 32nd Dist.

To: House Bill No. **7287**

File No.

Cal. No.

(As Amended)

***"AN ACT CONCERNING THE STATE BUDGET FOR THE BIENNIUM
ENDING JUNE 30, 2027, AND MAKING APPROPRIATIONS
THEREFOR, AND PROVISIONS RELATED TO REVENUE AND
OTHER ITEMS IMPLEMENTING THE STATE BUDGET."***

1 Strike section 162 in its entirety and renumber the remaining sections
2 and internal references accordingly

3 After the last section, add the following and renumber sections and
4 internal references accordingly:

5 "Sec. 501. Section 31-53 of the general statutes is repealed and the
6 following is substituted in lieu thereof (*Effective July 1, 2025*):

7 (a) Each contract for the construction, remodeling, refinishing,
8 refurbishing, rehabilitation, alteration or repair of any public works
9 project by the state or any of its agents [, or by any political subdivision
10 of the state or any of its agents,] shall contain the following provision:

11 "The wages paid on an hourly basis to any person performing the work
12 of any mechanic, laborer or worker on the work herein contracted to be
13 done and the amount of payment or contribution paid or payable on
14 behalf of each such person to any employee welfare fund, as defined in
15 subsection (i) of this section, shall be at a rate equal to the rate customary
16 or prevailing for the same work in the same trade or occupation in the
17 town in which such public works project is being constructed. Any
18 contractor who is not obligated by agreement to make payment or
19 contribution on behalf of such persons to any such employee welfare
20 fund shall pay to each mechanic, laborer or worker as part of such
21 person's wages the amount of payment or contribution for such person's
22 classification on each pay day."

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

45 the commissioner; and (3) the total amount of civil penalties and fines
46 agreed upon by the commissioner. The commissioner shall review the
47 list on the first day of May each year for the preceding rolling three-year
48 period and may refer for debarment any contractor or subcontractor that
49 committed a violation of this section during the rolling three-year
50 period. The commissioner shall refer for debarment any contractor or
51 subcontractor that entered into one or more settlement agreements with
52 the commissioner where the sum total of all settlements within such
53 period exceeds fifty thousand dollars in back wages or fringe benefits,
54 or entered into one or more settlement agreements with the
55 commissioner where the sum total of all settlements within such period
56 exceeds fifty thousand dollars in civil penalties or fines agreed upon by
57 the commissioner. Any contractor or subcontractor the commissioner
58 refers for debarment may request a hearing before the commissioner.
59 Such hearing shall be conducted in accordance with the provisions of
60 chapter 54. In addition, if it is found by the contracting officer
61 representing the state [or political subdivision of the state] that any
62 mechanic, laborer or worker employed by the contractor or any
63 subcontractor directly on the site for the work covered by the contract
64 has been or is being paid a rate of wages less than the rate of wages
65 required by the contract to be paid as required by this section, the state
66 [or contracting political subdivision of the state] may (A) by written or
67 electronic notice to the contractor, terminate such contractor's right to
68 proceed with the work or such part of the work as to which there has
69 been a failure to pay said required wages and to prosecute the work to
70 completion by contract or otherwise, and the contractor and the
71 contractor's sureties shall be liable to the state [or the contracting
72 political subdivision] for any excess costs occasioned the state [or the
73 contracting political subdivision] thereby, or (B) withhold payment of
74 money to the contractor or subcontractor. The contracting department
75 of the state [or the political subdivision of the state] shall, not later than
76 two days after taking such action, notify the Labor Commissioner, in
77 writing or electronically, of the name of the contractor or subcontractor,
78 the project involved, the location of the work, the violations involved,
79 the date the contract was terminated, and steps taken to collect the

80 required wages.

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

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

109 (e) The Labor Commissioner shall determine the prevailing rate of
110 wages on an hourly basis and the amount of payment or contributions
111 paid or payable on behalf of such person to any employee welfare fund,
112 as defined in subsection (i) of this section, in each locality where any

113 such public work is to be constructed, and the agent empowered to let
114 such contract shall contact the Labor Commissioner, at least ten but not
115 more than twenty days prior to the date such contracts will be
116 advertised for bid, to ascertain the proper rate of wages and amount of
117 employee welfare fund payments or contributions and shall include
118 such rate of wage on an hourly basis and the amount of payment or
119 contributions paid or payable on behalf of each person to any employee
120 welfare fund, as defined in subsection (i) of this section, or in lieu thereof
121 the amount to be paid directly to each person for such payment or
122 contributions as provided in subsection (a) of this section for all
123 classifications of labor in the proposal for the contract. The rate of wage
124 on an hourly basis and the amount of payment or contributions to any
125 employee welfare fund, as defined in subsection (i) of this section, or
126 cash in lieu thereof, as provided in subsection (a) of this section, shall, at
127 all times, be considered as the minimum rate for the classification for
128 which it was established. Prior to the award of any contract, purchase
129 order, bid package or other designation subject to the provisions of this
130 section, such agent shall certify to the Labor Commissioner, either in
131 writing or electronically, the total dollar amount of work to be done in
132 connection with such public works project, regardless of whether such
133 project consists of one or more contracts. Upon the award of any
134 contract subject to the provisions of this section, the contractor to whom
135 such contract is awarded shall certify, under oath, to the Labor
136 Commissioner the pay scale to be used by such contractor and any of
137 the contractor's subcontractors for work to be performed under such
138 contract.

139 (f) Each employer subject to the provisions of this section, section 31-
140 53c, subsection (f) of section 31-53d or section 31-54 shall (1) keep,
141 maintain and preserve such records relating to the wages and hours
142 worked by each person performing the work of any mechanic, laborer
143 and worker and a schedule of the occupation or work classification at
144 which each person performing the work of any mechanic, laborer or
145 worker on the project is employed during each work day and week in
146 such manner and form as the Labor Commissioner establishes to assure

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

182 from relying on the certification of a lower tier subcontractor, provided
183 the general contractor shall not be exempted from the provisions of
184 section 53a-157a if the general contractor knowingly relies upon a
185 subcontractor's false certification. Notwithstanding the provisions of
186 section 1-210, the certified payroll shall be considered a public record
187 and every person shall have the right to inspect and copy such records
188 in accordance with the provisions of section 1-212. The provisions of
189 subsections (a) and (b) of section 31-59 and sections 31-66 and 31-69 that
190 are not inconsistent with the provisions of this section, section 31-53c or
191 31-54 apply to this section. Failing to file a certified payroll pursuant to
192 subdivision (2) of this subsection is a class D felony for which the
193 employer may be fined up to five thousand dollars, imprisoned for up
194 to five years, or both.

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

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

210 (2) On and after October 31, 2017, and prior to July 1, 2019, the
211 provisions of this subdivision shall not apply where the work to be
212 performed by any contractor or subcontractor in connection with new
213 construction, remodeling, refinishing, refurbishing, rehabilitation,
214 alteration or repair of any public works project funded in whole or in

215 part by any private bequest that is greater than nine million dollars but
216 less than twelve million dollars for a municipality in New Haven
217 County with a population of not less than twelve thousand and not
218 more than thirteen thousand, as determined by the most recent
219 population estimate by the Department of Public Health.

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

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

247 Sec. 502. Section 7-112 of the general statutes is repealed and the

248 following is substituted in lieu thereof (*Effective July 1, 2025*):

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

252 Sec. 503. Section 7-502 of the general statutes is repealed and the
 253 following is substituted in lieu thereof (*Effective July 1, 2025*):

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>July 1, 2025</i>	31-53
Sec. 502	<i>July 1, 2025</i>	7-112
Sec. 503	<i>July 1, 2025</i>	7-502