



Substitute House Bill No. 5478

Public Act No. 18-126

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

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

Section 1. Subsection (b) of section 3-123 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) Whenever a firefighter, under the provisions of the constitution and bylaws of the Connecticut State Firefighters Association, is entitled to wage replacement benefits from said association pursuant to the firefighters cancer relief program established pursuant to section 7-313j, the State Treasurer shall, upon the delivery to the State Treasurer of proper proof from said association of the right of such firefighter to wage replacement benefits as aforesaid, process payment for such firefighter entitled to such wage replacement benefits, or [their] his or her legal representative, for the amount to which such firefighter is entitled as wage replacement benefits as aforesaid, provided such orders shall be limited to available funds contained in the firefighters cancer relief account established pursuant to section 7-313h.

Sec. 2. Subsection (b) of section 7-479a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective*

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October 1, 2018):

(b) "Interlocal risk management program" means a plan and activities carried out under such plan by an interlocal risk management agency to reduce risk of loss on account of one or more of the following: Public liability, [worker's] workers' compensation liability, automobile risks, or property perils and losses in excess of retentions, including safety engineering and other loss prevention and control techniques and to administer one or more interlocal risk management pools, including the processing and defense of claims brought against members of the agency.

Sec. 3. Subsection (c) of section 7-479g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(c) An interlocal risk management pool shall not function as a means of sharing among members of an interlocal risk management agency risks of loss for or from public liability, [worker's] workers' compensation, automobile risks, property perils or losses in excess of retentions until the agency's bylaws have been filed with and approved by the Insurance Commissioner.

Sec. 4. Subdivision (2) of subsection (d) of section 8-265ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(2) Lump-sum additions to family assets such as inheritances, capital gains, insurance payments included under health, accident, hazard or [worker's] workers' compensation policies and settlements, verdicts or awards for personal or property losses or transfer of assets without consideration within one year of the time of application. Pending claims for such items must be identified by the homeowner as contingent assets.

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Sec. 5. Subdivision (2) of subsection (f) of section 8-265ss of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(2) Lump-sum additions to family assets such as inheritances, capital gains, insurance payments included under health, accident, hazard or [worker's] workers' compensation policies and settlements, verdicts or awards for personal or property losses or transfer of assets without consideration within one year of the time of application. Pending claims for such items must be identified by the borrower as contingent assets.

Sec. 6. Section 31-3h of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) There is created, within the Labor Department, the Connecticut Employment and Training Commission.

(b) The duties and responsibilities of the commission shall include:

(1) Carrying out the duties and responsibilities of a state job training coordinating council pursuant to the federal Job Training Partnership Act, 29 USC 1532, as amended from time to time, a state human resource investment council pursuant to 29 USC 1501 et seq., as amended from time to time, and such other related entities as the Governor may direct;

(2) Reviewing all employment and training programs in the state to determine their success in leading to and obtaining the goal of economic self-sufficiency and to determine if such programs are serving the needs of Connecticut's workers, employers and economy;

[(3) Developing a plan for the coordination of all employment and training programs in the state to avoid duplication and to promote the

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delivery of comprehensive, individualized employment and training services and the reemployment of workers fifty years of age or older. The plan shall contain the commission's recommendations for policies and procedures to enhance the coordination and collaboration of all such programs;]

[(4)] (3) Reviewing and commenting on all employment and training programs enacted by the General Assembly;

[(5)] (4) Implementing the federal Workforce Innovation and Opportunity Act of 2014, P.L. 113-128, as amended from time to time. Such implementation shall include (A) developing, in consultation with the regional workforce development boards, a single Connecticut workforce development plan that (i) complies with the provisions of said act and section 31-11p, and (ii) includes comprehensive state performance measures for workforce development activities specified in Title I of the federal Workforce Innovation and Opportunity Act of 2014, P.L. 113-128, as amended from time to time, which performance measures comply with the requirements of 20 CFR Part 666.100, (B) making recommendations to the General Assembly concerning the allocation of funds received by the state under said act and making recommendations to the regional workforce development boards concerning the use of formulas in allocating such funds to adult employment and job training activities and youth activities, as specified in said act, (C) providing oversight and coordination of the state-wide employment statistics system required by said act, (D) as appropriate, recommending to the Governor that the Governor apply for workforce flexibility plans and waiver authority under said act, after consultation with the regional workforce development boards, (E) developing performance criteria for regional workforce development boards to utilize in creating a list of eligible providers, and (F) on or before December 31, 1999, developing a uniform individual training accounts voucher system that shall be used by the regional workforce

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development boards to pay for training of eligible workers by eligible providers, as required under said act;

[(6)] (5) Developing and overseeing a plan for the continuous improvement of the regional workforce development boards established pursuant to section 31-3k;

[(7)] (6) Developing incumbent worker, and vocational and manpower training programs, including customized job training programs to enhance the productivity of Connecticut businesses and to increase the skills and earnings of underemployed and at-risk workers, and other programs administered by the regional workforce development boards. The Labor Department, in collaboration with the regional workforce development boards, shall implement any incumbent worker and customized job training programs developed by the commission pursuant to this subdivision;

[(8)] (7) Developing a strategy for providing comprehensive services to eligible youths, which strategy shall include developing youth preapprentice and apprentice programs through, but not limited to, technical education and career schools, and improving linkages between academic and occupational learning and other youth development activities; and

[(9)] (8) Coordinating an electronic state hiring campaign to encourage the reemployment of workers fifty years of age or older to be administered through the Labor Department's Internet web site, which shall include testimony from various employers that demonstrates the value of hiring and retaining workers fifty years of age or older. Not later than January 1, 2015, the commission shall submit a report, in accordance with section 11-4a, to the joint standing committee of the General Assembly having cognizance of matters relating to labor on the status of such campaign.

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Sec. 7. Section 31-11ff of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) For purposes of this section:

(1) "Early college high school" means a school in which persons who are underrepresented in higher education, including, but not limited to, low-income youth, first-generation college students, English language learners and minority students, may simultaneously earn, tuition free, a high school diploma and an associate degree or up to two years of credit toward a bachelor's degree;

(2) "Middle college program" means a collaboration between a school district's high schools and a regional-community technical college or a four-year college or university where a student may (A) take core high school courses or courses for which college or university-level credit may be given, and (B) attribute all such credits earned toward a program of higher learning at an institution of higher education in which such student enrolls upon graduation from the middle college program; and

(3) "Connecticut Early College Opportunity program" or "CT-ECO" means a collaboration between a school district's high schools, a local community college and a company or business entity where a student may earn an industry-recognized, two-year postsecondary degree in addition to a high school diploma.

(b) The Connecticut Employment and Training Commission shall develop, in collaboration with the Connecticut state colleges and universities, Department of Education, and regional work force development boards established pursuant to section 31-3j, a state-wide plan for implementing, expanding or improving upon career certificate programs established under section 10-20a, middle college programs,

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early college high school programs and Connecticut Early College Opportunity programs to provide education, training and placement in jobs available in the manufacturing, health care, construction, green, science, technology, engineering and mathematics industries and other emerging sectors of the state's economy. Such plan shall include a proposal to fund such programs.

[(c) (1) Not later than January 1, 2018, the Connecticut Employment and Training Commission shall report, in accordance with the provisions of section 11-4a, on the plan developed under subsection (b) of this section, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement.

(2) Not later than September 1, 2018, and annually thereafter, said commission shall report, in accordance with the provisions of section 11-4a, on the status of programs included in the plan developed under subsection (b) of this section to the joint standing committee of the General Assembly having cognizance of matters relating to higher education and employment advancement.]

Sec. 8. Subsection (c) of section 31-23 of the 2018 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(c) No minor under the age of eighteen years shall be employed or permitted to work in any occupation which has been or shall be pronounced hazardous to health by the Department of Public Health or pronounced hazardous in other respects by the Labor Department. This section shall not apply to (1) the employment or enrollment of minors sixteen years of age and over as registered apprentices or registered preapprentices in a bona fide registered apprenticeship [courses] program or registered preapprenticeship program in manufacturing or mechanical establishments, technical education and

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career schools or public schools, (2) the employment of such minors who have graduated from a public or private secondary or technical education and career school in any manufacturing or mechanical establishment, (3) the employment of such minors who are participating in a manufacturing or mechanical internship, registered apprenticeship or registered preapprenticeship in any manufacturing or mechanical establishment, or (4) the enrollment of such minors in a cooperative work-study program approved by the Commissioner of Education and the Labor Commissioner or in a program established pursuant to section 10-20a. No provision of this section shall apply to agricultural employment, domestic service, street trades or the distribution of newspapers. For purposes of this subsection, (A) "internship" means supervised practical training of a high school student or recent high school graduate that is comprised of curriculum and workplace standards approved by the Department of Education and the Labor Department, [and] (B) "cooperative work-study program" means a program of vocational education, approved by the Commissioner of Education and the Labor Commissioner, for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, provided these two experiences are planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half days, full days, weeks or other periods of time in fulfilling the cooperative work-study program, (C) "apprentice" means a person (i) employed under a written agreement to work at and learn a specific trade, and (ii) registered with the Labor Department, and (D) "preapprentice" means a person, student or minor (i) employed under a written agreement with an apprenticeship sponsor for a term of training and employment not exceeding two thousand hours or twenty-four months in duration, and (ii) registered with the Labor Department.

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Sec. 9. Subsection (a) of section 31-76a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(a) On receipt of a complaint for nonpayment of wages or a violation of the provisions of subsection (g) of section 31-288, the Labor Commissioner, [the director of minimum wage and wage enforcement agents of the Labor Department] 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 or subsection (g) of section 31-288, 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.

Sec. 10. Subsection (b) of section 31-231a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

(b) For an individual not included in subsection (a) of this section, the individual's total unemployment benefit rate for his benefit year commencing after September 30, 1967, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of the average of his total wages, as defined in subdivision (1) of subsection (b) of section 31-222, paid during the two quarters of his current benefit year's base period in which such wages were highest but not less than fifteen dollars nor more than one hundred fifty-six dollars in any benefit year commencing on or after the first Sunday in July, 1982, nor more than (1) sixty per cent rounded to the next lower dollar of the average wage of production and related workers in the state in any benefit year commencing on or after the first Sunday in October, 1983, and (2) fifty per cent rounded to the next lower dollar of the average wage of all workers in the state in any benefit year commencing on or after the

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first Sunday in October, 2018, and provided the maximum benefit rate in any benefit year commencing on or after the first Sunday in October, 1988, shall not increase more than eighteen dollars in any benefit year, such increase to be effective as of the first Sunday in October of such year. The average wage of [production and related] all workers in the state shall be determined by (A) the administrator, on or before August fifteenth annually, as of the year ended the previous [June thirtieth] March thirty-first to be effective during the benefit year commencing on or after the first Sunday of the following October, and [shall be so determined in accordance with the standards for the determination of average production wages established by the United States Department of Labor, Bureau of Labor Statistics] (B) the Connecticut Quarterly Census of Employment and Wages or by such other method, as determined by the administrator, that accurately reflects the average wage of all workers in the state.

Sec. 11. Section 17b-733 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

The Office of Early Childhood shall be the lead agency for child care services, as described in section 19a-77, in Connecticut. The office shall: (1) Identify, annually, existing child care services and maintain an inventory of all available services; (2) provide technical assistance to corporations and private agencies in the development and expansion of child care services for families at all income levels, including families of their employees and clients; (3) study and identify funding sources available for child care services including federal funds and tax benefits; (4) study the cost and availability of liability insurance for providers of child care services; (5) encourage providers of child care services to obtain accreditation; (6) develop a range of financing options for child care services, including the use of a tax-exempt bond program, a loan guarantee program and the establishment of a direct revolving loan program; (7) promote the colocation of child care

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services and school readiness programs pursuant to section 4b-31; (8) establish a performance-based evaluation system; (9) develop for recommendation to the Governor and the General Assembly measures to provide incentives for the private sector to develop and support expanded child care services; (10) provide, within available funds and in conjunction with the temporary family assistance program, as defined in section 17b-680, and administered by the Department of Social Services, child care services to public assistance recipients; (11) develop and implement, with the assistance of the Early Childhood Cabinet, established pursuant to section 10-16z, a coordinated and comprehensive state-wide early childhood care and education system of professional development for providers and staff of early childhood care and education programs, including child care centers, group child care homes and family child care homes that provide child care services, that makes available to such providers and their staff, within available appropriations, scholarship assistance, career counseling and training and advancement in career ladders; [as defined in section 4-124bb;] (12) plan and implement a unit cost reimbursement system for state-funded child care services such that, on and after January 1, 2008, any increase in reimbursement shall be based on a requirement that such centers meet the staff qualifications, as defined in subsection (b) of section 10-16p; (13) develop, within available funds, initiatives to increase compensation paid to providers of child care services for educational opportunities, including, but not limited to, (A) incentives for educational advancement paid to persons employed by child care centers receiving state or federal funds, and (B) support for the establishment and implementation by the Labor Commissioner of apprenticeship programs for child care center workers pursuant to sections 31-22m to 31-22q, inclusive, which programs shall be jointly administered by labor and management trustees; (14) evaluate the effectiveness of any initiatives developed pursuant to subdivision (13) of this section in improving staff retention rates and the quality of education and care provided to children; and (15) report annually to

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the Governor and the General Assembly, in accordance with the provisions of section 11-4a, on the status of child care services in Connecticut. Such report shall include (A) an itemization of the allocation of state and federal funds for programs providing child care services; (B) the number of children served under each program so funded; (C) the number and type of such programs, providers and support personnel; (D) state activities to encourage partnership between the public and private sectors; (E) average payments issued by the state for both part-time and full-time child care; (F) the range of family income and percentages served within each range by such programs; and (G) the age range of children served.

Sec. 12. Section 31-2d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

Any order or regulation of the Office of Workforce Competitiveness affecting the functions, powers, duties and obligations set forth in this section and sections 4-124w, 4-124z, [4-124bb,] 4-124ff, 4-124gg, 4-124hh, 4-124tt and 4-124vv which is in force on July 1, 2011, shall continue in force and effect as an order or regulation of the Labor Department until amended, repealed or superseded pursuant to law. Where any orders or regulations of said office and said department conflict, the Labor Commissioner may implement policies and procedures consistent with the provisions of this section and sections 4-124w, 4-124z, [4-124bb,] 4-124ff, 4-124gg, 4-124hh, 4-124tt, 4-124vv, 10-95h, 10a-11b, 10a-19d, 31-3h and 31-3k while in the process of adopting the policy or procedure in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. The policy or procedure shall be valid until the time final regulations are effective.

Sec. 13. Sections 4-124bb and 4-124dd of the general statutes are repealed. (*Effective October 1, 2018*)

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Approved June 11, 2018