



General Assembly

February Session, 2022

**Raised Bill No. 5356**

LCO No. 2354



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING PANDEMIC PAY FOR ESSENTIAL WORKERS.***

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

- 1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:
- 2 (1) "Essential worker" means any person who (A) (i) worked during
- 3 the period of the public health and civil preparedness emergency
- 4 declared by the Governor on March 10, 2020, or any extension of such
- 5 declaration, or (ii) worked during any new public health and civil
- 6 preparedness emergency declared by the Governor as a result of a
- 7 COVID-19 outbreak in this state, and (iii) was in a category
- 8 recommended by the Centers for Disease Control and Prevention's
- 9 Advisory Committee on Immunization Practices, as of February 20,
- 10 2021, to receive a COVID-19 vaccination in phase 1a or 1b of the COVID-
- 11 19 vaccination program, (B) is included in the Cybersecurity and
- 12 Infrastructure Security Agency's Guidance on the Essential Critical
- 13 Infrastructure Workforce: Ensuring Community and National
- 14 Resilience in COVID-19 Response, issued on March 19, 2020, or any
- 15 subsequent version of such guidance, or (C) was covered by the
- 16 Governor's Executive Order No. 7H, issued on March 10, 2020. All

17 workers who fall into this category, regardless of immigration status,  
18 shall be deemed eligible;

19 (2) "Administrator" means an employee of the Office of the  
20 Comptroller, or a third-party administrator;

21 (3) "Full-time" means any essential worker who worked more than  
22 thirty hours per week for not less than three weeks;

23 (4) "Part-time" means any essential worker who worked less than  
24 thirty hours per week for not less than three weeks; and

25 (5) "Pandemic pay" means moneys payable by the Comptroller from  
26 the Connecticut Essential Workers' Pandemic Pay program, established  
27 pursuant to subsection (b) of this section, to recognize and compensate  
28 essential workers for their service pursuant to this section.

29 (b) (1) There is established the Connecticut Essential Workers  
30 Pandemic Pay program. The program shall provide two thousand  
31 dollars to each full-time essential worker and one thousand dollars to  
32 each part-time essential worker, within available funds on a first-come,  
33 first-served basis, pending verification of eligibility, except no assistance  
34 shall be paid to any essential workers after June 30, 2024. The program  
35 shall be administered by the office of the Comptroller or a third party  
36 under contract with said office to act as an administrator.

37 (2) The administrator shall accept applications for assistance on and  
38 after the effective date of this section. For the purposes of this section,  
39 the administrator shall be authorized to: (1) Determine whether an  
40 essential worker meets the requirements for eligibility for compensation  
41 under this section, (2) summon and examine under oath such witnesses  
42 who may provide information relevant to the eligibility of an essential  
43 worker, and direct the production of, and examine or cause to be  
44 produced or examined, such books, records, vouchers, memoranda,  
45 documents, letters, contracts or other papers in relation to any matter at  
46 issue as the administrator may find proper, and (3) take or cause to be  
47 taken affidavits or depositions within or without the state.

48 (c) There is established an account to be known as the "Connecticut  
49 essential worker pandemic pay account which shall be a separate,  
50 nonlapsing account within the General Fund. The account shall contain  
51 any moneys required by law to be deposited in the account. Moneys in  
52 the account shall be expended by the Comptroller at the direction of the  
53 administrator for purposes of: (1) Compensation provided under the  
54 Connecticut Essential Workers Pandemic Pay program, and (2) costs  
55 and expenses of operating the program, including hiring of necessary  
56 employees and the expense of public outreach and education regarding  
57 the program and account, except that not more than five per cent of the  
58 total moneys received by the account shall be used for any  
59 administrative costs, including hiring of temporary or durational staff  
60 or contracting with a third-party administrator, or other costs and  
61 expenses incurred by the administrator or Comptroller in connection  
62 with carrying out the provisions of this section. The administrator shall  
63 make all reasonable efforts to limit the costs and expenses of operating  
64 the program without compromising essential workers' access to the  
65 program.

66 (d) To apply for compensation from the Connecticut Essential  
67 Workers Pandemic Pay program, an essential worker shall submit a  
68 claim to the administrator, in such form and manner as required by the  
69 administrator not later than January 1, 2023. Any such claim shall  
70 include: (1) Proof of employment as an essential worker from March 10,  
71 2020, to the effective date of this act, as determined by an essential  
72 worker's proof of earnings; and (2) any additional information as  
73 requested or required by the administrator. An essential worker may  
74 submit as proof of employment official payroll records or another form  
75 of proof including, but not limited to, a letter from an employer stating  
76 the essential worker's dates of work, or a declaration from an individual  
77 with personal knowledge of the essential worker's employment.

78 (e) The administrator shall promptly review all applications for  
79 compensation submitted pursuant to this section. The administrator  
80 shall evaluate each application and determine, on the basis of the  
81 information provided by the essential worker, or additional information

82 provided at the request of the administrator, whether or not such  
83 application shall be approved. The administrator shall provide such  
84 determination, in writing, to each applicant not later than sixty business  
85 days after the date the application is submitted, or, if the administrator  
86 requested additional information, not later than ten business days after  
87 the administrator receives such additional information from the  
88 applicant. If such claim is approved, the administrator shall direct the  
89 Comptroller to pay two thousand dollars to a full-time essential worker  
90 or one thousand dollars to a part-time essential worker not later than  
91 ten business days after such approval. For those who are deemed part-  
92 time, the rate will be prorated down from twenty-nine to one hour per  
93 week at a rate of thirty-three dollars per hour, with twenty-nine hours  
94 per week receiving the maximum amount of one thousand dollars.

95 (f) An essential worker may request that a determination made  
96 pursuant to subsection (e) of this section be reconsidered by filing a  
97 request with the administrator, on a form prescribed by the  
98 administrator, not later than twenty business days after the mailing of  
99 the notice of such determination. The administrator, not later than three  
100 business days after receipt of such request for reconsideration, shall  
101 designate an individual to conduct such reconsideration and shall  
102 submit to such designated individual all documents relating to such  
103 essential worker's application and request for reconsideration. The  
104 administrator's designee shall reconsider each determination requested  
105 by an essential worker pursuant to this subsection. Such review shall  
106 consist of a de novo review of all relevant evidence and shall be  
107 completed not later than twenty business days after such individual's  
108 request for reconsideration. Such designee shall issue a decision  
109 affirming, modifying or reversing the decision of the administrator not  
110 later than twenty business days after the designee's reconsideration of  
111 the determination and shall submit such decision, in writing, to the  
112 administrator and the applicant. The decision shall include a short  
113 statement of findings that shall specify if pandemic pay shall be paid to  
114 the applicant in accordance with subsection (e) of this section.

115 (g) Any statement, document, information or matter may be

116 considered by the administrator or, on reconsideration, by the  
117 administrator's designee, if, in the opinion of the administrator or  
118 designee, it contributes to a determination of the claim, whether or not  
119 the same would be admissible in a court of law.

120 (h) There shall be no right of appeal by any applicant following the  
121 final decision of the administrator's designee issued pursuant to  
122 subsection (f) of this section.

123 (i) Any payment provided to an essential worker under this section  
124 shall not be considered income for the purpose of the state's personal  
125 income tax law, corporation tax or any other tax laws.

126 (j) If a payment is made to a program applicant erroneously, or as a  
127 result of wilful misrepresentation by such applicant, the administrator  
128 may seek repayment of benefits from the applicant having received such  
129 payment and may also, in the case of wilful misrepresentation, seek  
130 payment of a penalty in the amount of fifty per cent of the benefits paid  
131 as a result of such misrepresentation.

132 (k) On or before September 1, 2022, and monthly thereafter, and any  
133 other time at the request of the administrator, the Comptroller shall  
134 submit a report to the administrator indicating the value of the  
135 Connecticut essential workers pandemic pay account at the time of the  
136 report.

137 (l) On or before September 1, 2022, and at least quarterly thereafter,  
138 the administrator shall submit a report, in accordance with the  
139 provisions of section 11-4a of the general statutes, to the joint standing  
140 committee of the General Assembly having cognizance of matters  
141 relating to labor on the financial condition of the Connecticut essential  
142 workers pandemic pay account. Such report shall include: (1) An  
143 estimate of the account's value as of the date of the report, (2) the effect  
144 of scheduled payments on the account's value, (3) an estimate of the  
145 monthly administrative costs necessary to operate the program and the  
146 account, and (4) any recommendations for legislation to improve the  
147 operation or administration of the program and the account.

148 (m) Employers of fifty or more essential workers shall submit batch  
149 files verified to meet the requirements pursuant to subsections (g) to (l),  
150 inclusive, of this section. These payments shall have the option of the  
151 American Rescue Plan Act of 2021, P.L. 117-2, as amended from time to  
152 time, funds if they meet such requirements.

153 Sec. 2. (NEW) (*Effective from passage*) (a) No employer shall: (1)  
154 Discharge, or cause to be discharged, or in any manner discipline or  
155 discriminate against any employee because the employee has filed an  
156 application for pandemic pay pursuant to section 1 of this act, or (2)  
157 deliberately misinform or deliberately dissuade an employee from filing  
158 an application for payment from the Connecticut Essential Workers  
159 Pandemic Pay program.

160 (b) Any employee who is so discharged, disciplined or discriminated  
161 against or who has been deliberately misinformed or deliberately  
162 dissuaded from filing an application for payment from the Connecticut  
163 Essential Workers Pandemic Pay program may bring a civil action in the  
164 Superior Court for the judicial district where the employer has its  
165 principal office for the reinstatement to the employee's position of  
166 employment, payment of back wages, reestablishment of employee  
167 benefits to which the employee would have otherwise been entitled if  
168 the employee had not been discriminated against or discharged and any  
169 other damages caused by such discrimination or discharge. The court  
170 may also award punitive damages. Any employee who prevails in such  
171 a civil action shall be awarded reasonable attorney's fees and costs.

172 Sec. 3. (NEW) (*Effective from passage*) The sum of seven hundred fifty  
173 million dollars is appropriated to the Office of the Comptroller from the  
174 General Fund, for the fiscal year ending June 30, 2023, to fund the  
175 Connecticut essential workers pandemic pay account. When applicable,  
176 allotted funds from the American Rescue Plan Act of 2021, P.L. 117-2, as  
177 amended from time to time, or any future federal COVID-19 relief  
178 moneys received by the state may be used to fund such account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

**Statement of Purpose:**

To provide essential workers with pandemic pay for their service during the COVID-19 pandemic.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*