

# Criteria for “Connecticut-Based” Employers and Employees in the State’s Labor Statutes

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## Issue

Do the state’s labor statutes use “Connecticut-based” or similar terminology as a criteria (1) for an employer or employee’s eligibility for any programs or benefits, or (2) to impose any legal obligations on an employer or employee?

## Summary

Connecticut’s labor statutes ([Title 31](#) of the General Statutes) do not explicitly use the term “Connecticut-based” as a criteria (1) for an employer or employee’s eligibility for any programs or benefits or (2) to impose any legal obligations on an employer or employee. However, many of these statutes require that an employer or employee be “in Connecticut,” “in the state,” or “in this state,” in order to qualify for a particular program or to be covered by a particular law.

[Chapter 814c](#) of the General Statutes, which covers various employment discrimination provisions, among other things, does not explicitly require that an employer or employee be “Connecticut-based,” “in Connecticut,” “in the state,” or “in this state,” in order to be covered by it.

Presumably, in instances where a statute does not explicitly require an in-state location for an employer or employee, the administering agency (e.g., the Department of Labor or the Commission on Human Rights and Opportunities) has greater leeway to interpret the law on that issue, particularly by adopting implementing regulations (see *Velez v. Commissioner of Labor*, [306 Conn. 475](#) (2012)).

## “In Connecticut,” “In the State,” and “In this State,” in the Labor Statutes

Although no labor statutes use the term “Connecticut-based,” many of them require that an employer or employee be “in Connecticut,” “in the state,” or “in this state,” to qualify for a particular program or to be covered by a particular law. The table below shows these laws, with a brief description of how they apply the applicable terms.

**Table 1: “In Connecticut,” “In the State,” and “In this State,” in Title 31**

<i>Chapter 556 – Labor Department</i>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-3pp</a>	Defines the “eligible small business” that may participate in the Subsidized Training and Employment Program: requires that an eligible small business have <i>operations in Connecticut</i> , among other criteria
<a href="#">31-3uu</a>	Defines the “eligible business” that may participate in the Unemployed Armed Forces Member Subsidized Training and Employment Program: requires that an eligible business have <i>operations in Connecticut</i> , among other criteria
<i>Chapter 556A – Workforce Development</i>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-11jj(b)</a>	Specifies the allowed uses of the Workforce Training Authority Fund: requires that training assistance from the fund be awarded to train and retrain <i>persons in the state</i> to achieve certain workforce goals
<a href="#">31-11jj(e)</a>	Specifies Workforce Training Authority responsibilities: requires the authority to establish guidelines that include a requirement that any training assistance applicant <i>operate in the state or propose to relocate operations to the state</i> , in whole or in part, as a condition for receiving assistance
<a href="#">31-11rr</a>	Establishes the Apprenticeship Connecticut Initiative: makes it the initiative’s goal to develop work force pipeline programs for <i>job placement with manufacturers and employers in other industry sectors in the state</i> that are experiencing sustained work force shortages
<a href="#">31-11ss</a>	Defines the “eligible business” that may participate in the Military to Machinists Program: requires that an eligible business have <i>operations in Connecticut</i> , among other criteria
<i>Chapter 557 – Employment Regulation</i>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-30</a>	Regulates home workers: generally allows people to use their residences to manufacture products on their own behalf, or on behalf of other <i>manufacturing or mechanical establishments located within the state</i> , under certain conditions
<a href="#">31-31</a>	Regulates home workers: generally allows manufacturing and mechanical establishments to furnish materials to be manufactured by home workers, if the establishments are <i>located within the state</i> and subject to certain inspection and record keeping requirements
<a href="#">31-40v</a>	Requires certain employers to administer a safety and health committee: applies to employers that employ at least <i>25 employees in this state</i>
<a href="#">31-40y</a>	Prohibits employer harassment of and discrimination against interns: covered employers are any person <i>engaged in business in the state</i> that provides a position for an intern

**Table 1 (continued)**

<b>Chapter 557 – Employment Regulation</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#"><u>31-40z</u></a>	Prohibits employers from penalizing employees for discussing or disclosing their wage information: covered employers include any individual, corporation, limited liability company, firm, partnership, voluntary association, joint stock association, the state and any of its political subdivisions, and any public corporation <i>within the state</i> using the services of one or more employees for pay
<a href="#"><u>PA 21-189</u></a> , codified as 31-40aa	Requires certain employers to meet requirements related to recalling certain employees laid off between March 10, 2020, and May 1, 2022: “food service contractors” covered by the law include anyone who enters into a <i>food service contract to provide food service at any commercial, industrial, institutional, or mixed-use business facility in the state</i>
<a href="#"><u>31-49e</u></a>	Defines the “covered employees” under the Paid Family and Medical Leave (PFML) law: “covered employees” include <i>sole proprietors or self-employed people who are a Connecticut resident</i> and opt to join the program  Defines the “employees” under the PFML law as <i>anyone engaged in service to an employer in this state</i>
<a href="#"><u>31-50b</u></a>	Prohibits certain broadcast industry employers from using noncompete agreements in their employment contracts: generally exempts cable stations or cable networks that distribute, produce, or transmit programming to <i>cable systems operating in the state</i>
<a href="#"><u>31-51s</u></a>	Requires certain employers to give their retired employees advance notice about the sale of the business and its effect on retirement benefits: applies to <i>any business in this state</i> that has at least 25 employees and retirees that are receiving health or life insurance benefits from the employer
<a href="#"><u>31-51kk</u></a>	Defines “employers” and “employees” subject to the state Family and Medical Leave Act: includes employers who employ at least one employee, an “employee” is <i>anyone engaged in service to an employer in this state</i> in the business of the employer
<a href="#"><u>31-51ww</u></a>	Individual Development Account (IDA) Program: limits the “entrepreneurial activities” for which IDA funds may be used to purchasing or investing in a <i>small business in Connecticut</i>
<a href="#"><u>31-57r</u></a>	Defines “employers” subject to the state’s paid sick day law: covers employers that <i>employ at least 50 people in the state</i>
<a href="#"><u>PA 21-2</u></a> , June Special Sess., § 260, codified as 31-57z	Temporarily requires certain employers to notify certain employees about their education assistance programs: applies to <i>employers in the state</i> that have at least 100 employees; notification must be sent to <i>employees who are residents of the state</i>
<b>Chapter 558 – Wages</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#"><u>31-58</u></a>	Defines the “minimum fair wage” under the state minimum wage law: applies the “minimum fair wage” to <i>any industry or occupation in this state</i>
<a href="#"><u>31-59</u></a>	Authorizes Department of Labor (DOL) wage investigations: allows the DOL commissioner or her representatives to investigate and ascertain the wages of anyone <i>employed in any occupation in the state</i>

**Table 1 (continued)**

<b>Chapter 559 – Labor Organizations</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-77</a>	Establishes reporting requirements for certain labor organizations: applies to certain labor organizations that exist to deal with employers over grievances, labor disputes, wages, pay rates, hours of employment or conditions of work, or any federation or council <i>located in this state</i> that represents any group of these labor organizations
<b>Chapter 560 – Board of Mediation and Arbitration</b>	
None	
<b>Chapter 561 – Labor Relations Act</b>	
None	
<b>Chapter 562 – Labor Disputes</b>	
None	
<b>Chapter 563 – Fair Employment Practices (see Chapter 814c)</b>	
None	
<b>Chapter 563a – Personnel Files</b>	
None	
<b>Chapter 564 – Private Employment and Information Agencies</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-134a</a>	Regulates procurement of out-of-state domestic employees: requires employment agencies to meet certain requirements if they procure or offer to procure employment for <i>people who reside outside of the state</i> but within the continental United States as a domestic or household employee
<b>Chapter 565 – Employment of Persons with Disabilities</b>	
None	
<b>Chapter 566 – Workmen’s Compensation Act (repealed)</b>	
None	
<b>Chapter 566a – Professional Employer Organizations</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-221c</a>	Requires registration as a professional employer organization: establishes registration requirements for <i>providing or advertising professional employer services in this state</i> ; allows limited registration for an organization that, among other things, <i>does not maintain an office in this state and does not have more than 50 covered employees employed or domiciled in this state</i> at any particular time

Table 1 (continued)

Chapter 567 – Unemployment Compensation	
CGS §	Brief Description
<a href="#">31-222</a>	<p>Defines “employment” covered by the unemployment law to include, among other things:</p> <ul style="list-style-type: none"> <li>• service by a U.S. citizen performed outside of the U.S. (except in Canada or the Virgin Islands) for an American employer if:               <ol style="list-style-type: none"> <li>(1) the employer’s principal place of business in the U.S. <i>is located in this state</i>;</li> <li>(2) the employer has no place of business in the U.S., but the employer is (a) a <i>resident of this state</i>, (b) a <i>corporation organized under the laws of this state</i>, or (c) a partnership or a trust and the number of the partners or trustees who are <i>residents of this state</i> is greater than the number who are residents of any one other state; or</li> <li>(3) none of the above, but the employer (a) elected coverage <i>in this state</i>, or (b) failed to elect coverage in any state, and a claimant filed a claim for benefits, based on such service, under the law of this state</li> </ol> </li> <li>• an individual’s entire <i>service performed within, or both within and without, this state</i>, if               <ol style="list-style-type: none"> <li>(1) the service is <i>localized in this state</i> or</li> <li>(2) the service is not localized in any state but some of the <i>service is performed in this state</i>, and (a) either the base of operations, or, if there is no base of operations, then the place from which the service is directed or controlled, <i>is in this state</i>, or (b) neither the base of operations nor the place from which the service is directed or controlled is in any state in which some part of the service is performed but the <i>individual’s residence is in this state</i></li> </ol> </li> </ul> <p>Exempts from “employment” service performed <i>in this state</i> or elsewhere if employer contributions are required for it and paid under another state’s unemployment compensation law</p>
<a href="#">31-223</a>	<p>Specifies employers subject to the unemployment law: applies unemployment law to employers who (1) are subject to federal unemployment tax and (2) employed <i>at least one employee in the state of Connecticut</i></p>
<a href="#">31-225</a>	<p>Sets requirements for employer unemployment contributions (i.e., state unemployment taxes): requires an employer that engages in any <i>contract construction activity in this state</i>, but has its base of operations and is incorporated in another state, to provide a surety bond to DOL before starting construction</p>
<a href="#">31-254</a>	<p>Establishes certain reporting requirements for employers: requires each employer <i>maintaining an office or transacting business in this state</i> to report the name, address, and Social Security number of each <i>new employee employed in this state</i> within 20 days after hire</p>

**Table 1 (continued)**

<b>Chapter 568 – Workers’ Compensation Act</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-275(9)</a>	<p>Defines the “employees” covered by the workers’ compensation law to:</p> <ul style="list-style-type: none"> <li>include anyone who has entered into or works under any contract of service or apprenticeship with an employer, whether the contract contemplated the <i>performance of duties within or without the state</i></li> <li>exempt anyone who is <i>not a resident of this state but is injured in this state</i> during the course of his employment, unless the person works for an employer (1) who has a <i>place of employment or a business facility located in this state</i> at which the person spends at least 50% of his or her employment time, or (2) under an <i>employment contract to be performed primarily in this state</i></li> </ul>
<a href="#">31-275(10)</a>	<p>Defines the “employers” covered by the workers’ compensation law: includes any person, corporation, limited liability company, firm, partnership, voluntary association, joint stock association, the state, and any public corporation <i>within the state</i> using the services of one or more employees for pay, or the legal representative of any such employer</p>
<a href="#">31-308a</a>	<p>Allows for awarding of additional benefits for a permanent partial disability: limits availability of the additional benefits to only <i>employees who are willing and able to perform work in this state</i></p>
<b>Chapter 569 – Full Employment Act</b>	
None	
<b>Chapter 569a – Department of Economic and Community Development: Job Innovation and Development. Mini jobs</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-62g</a>	<p>Requires certain defense contractors to establish an alternative use committee: applies to contractors that perform one or more <i>defense contracts in this state</i>, with a combined value that exceeds \$1 million in any one year, among other criteria</p>
<b>Chapter 570 – Committee of Concern for Connecticut Jobs (repealed)</b>	
None	
<b>Chapter 571 – Occupational Safety and Health Act</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#">31-369</a>	<p>Specifies the entities subject to the state’s Occupational Safety and Health Act: applies to all <i>employers, employees, and places of employment in the state</i> (however, the law only covers the state and its political subdivisions as “employers” and their employees)</p>
<b>Chapter 572 – Emergency Municipal Public Works Employment</b>	
None	
<b>Chapter 573 – Occupational Health Clinics</b>	
None	

**Table 1 (continued)**

<b>Chapter 574 – Connecticut Retirement Security Authority. Connecticut Retirement Security Exchange</b>	
<b>CGS §</b>	<b>Brief Description</b>
<a href="#"><u>31-416</u></a>	<p>Defines “covered employees” under the retirement security law to include someone who, among other criteria, performs <i>services within the state</i> under the unemployment law</p> <p>Defines “qualified employers” under the retirement security law to generally include, subject to certain exceptions, any person, corporation, limited liability company, firm, partnership, voluntary association, joint stock association or other entity <i>doing business in the state</i> that <i>employed at least five or more individuals in the state</i> and has paid them a certain amount of wages</p>

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