



## Agency Legislative Proposal - 2016 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 11515\_DOL\_MaxWeeklyBenRate

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Labor
<b>Liaison:</b> Marisa Morello <b>Phone:</b> 860-263-6502 <b>E-mail:</b> Marisa.morello@ct.gov
Lead agency division requesting this proposal: Research
Agency Analyst/Drafter of Proposal: Jennifer Devine

<b>Title of Proposal:</b> AAC an Adjustment to the Method for Determining the Maximum Weekly Benefit Rate
<b>Statutory Reference:</b> 31-231a
<b>Proposal Summary:</b> To utilize a method of computation of the maximum weekly benefit rate that more accurately reflects the average wages paid in CT.  Click here to enter text.

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

<i>Please consider the following, if applicable:</i> (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? <b>No</b> (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? <b>Most states who index benefit rates, calculate their maximum weekly benefit rate by this method.</b> (3) Have certain constituencies called for this action? <b>No</b> (4) What would happen if this was not enacted in law this session? <b>A highly variable / inaccurate computation of the maximum weekly benefit rate would continue.</b> Click here to enter text.
--

#### ◇ Origin of Proposal      New Proposal      Resubmission

<i>If this is a resubmission, please share:</i> (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package? <b>Senator Osten did not support because of minor fluctuations in the rate.</b> (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? <b>No</b> (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation? <b>None</b> “ What was the last action taken during the past legislative session? <b>Governor’s office approved</b> Click here to enter text.
---



## **PROPOSAL IMPACT**

### ◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

<b>Agency Name:</b> N/A <b>Agency Contact (name, title, phone):</b> Click here to enter text. <b>Date Contacted:</b> Click here to enter text.
Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments</b> Click here to enter text.
Will there need to be further negotiation? <input type="checkbox"/> YES <input type="checkbox"/> NO

### ◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

<b>Municipal</b> <i>(please include any municipal mandate that can be found within legislation)</i> None
<b>State</b> None
<b>Federal</b> None
<b>Additional notes on fiscal impact</b> Click here to enter text.

### ◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

To utilize a method of computation of the maximum weekly benefit rate that more accurately reflects the average wages paid in CT because it derives from administrative records. Currently CT uses the sample-based BLS production worker manufacturing wage (and may be the only state in the country to do so), which is highly variable and no longer reflects the average wage due to growth in the service sectors in CT. This series is becoming obsolete at BLS and they provide minimal support to maintain quality. Further, if certain large manufacturers do not participate in the voluntary survey, the results become unnecessarily variable and unrepresentative of the manufacturing industry.
--



[Empty rectangular box for drafting]

**Insert fully drafted bill here**

**Sec. 31-231a. Total unemployment benefit rate.** (a) For a construction worker identified pursuant to regulations adopted in accordance with subsection (c) of this section, the total unemployment benefit rate for the individual's benefit year commencing on or after April 1, 1996, shall be an amount equal to one twenty-sixth, rounded to the next lower dollar, of his total wages paid during that quarter of his current benefit year's base period in which wages were the highest but not less than fifteen dollars nor more than the maximum benefit rate as provided in subsection (b) of this section.

(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 sixty per cent rounded to the next lower dollar of the average wage of [production and related] **all** workers in the state in any benefit year commencing on or after the first Sunday in October, 1983, 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 workers in the state shall be determined by 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 **as the mean wage of all workers in Connecticut calculated from the Connecticut Quarterly Census of Employment and Wages or such other method as determined by the Administrator that accurately reflects the mean wage of all workers in Connecticut.** [in accordance with the standards for the determination of average production wages established by the United States Department of Labor, Bureau of Labor Statistics.]

(c) The administrator shall adopt regulations pursuant to the provisions of chapter 54 to implement the provisions of this section. Such regulations shall specify the National Council on Compensation Insurance employee classification codes which identify construction workers covered by subsection (a) of this section and specify the manner and format in which employers shall report the identification of such workers to the administrator.



## Agency Legislative Proposal - 2016 Session

**Document Name** (e.g. OPM1015Budget.doc; OTG1015Policy.doc): 12215\_DOL\_OSHA

(If submitting electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

State Agency: Labor
<b>Liaison:</b> Marisa Morello <b>Phone:</b> 860-263-6502 <b>E-mail:</b> Marisa.morello@ct.gov
Lead agency division requesting this proposal: CONN-OSHA
Agency Analyst/Drafter of Proposal: Jennifer Devine

<b>Title of Proposal:</b> AAC Volunteer Fire Departments and Ambulance Companies and the Definition of Employer Under the Connecticut Occupational Safety and Health Act
<b>Statutory Reference:</b> 31-367
<b>Proposal Summary:</b> This proposal incorporates the agency’s long-standing position and modifies the definition of “employer” in the DOL’s Connecticut Occupational Safety and Health Act to specifically include “volunteer fire departments” and “volunteer ambulance companies.” This proposal is technical in nature and clarifies DOL’s jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011).

### PROPOSAL BACKGROUND

#### ◇ Reason for Proposal

<i>Please consider the following, if applicable:</i> (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? <b>No</b> (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? (3) Have certain constituencies called for this action? (4) What would happen if this was not enacted in law this session? <b>CONN-OSHA would not be able to protect certain volunteer fire departments and volunteer ambulance companies.</b>
Click here to enter text.

- ◇ **Origin of Proposal**       **New Proposal**       **Resubmission**



If this is a resubmission, please share:

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration’s package?  
**We originally proposed this bill in 2012, and for various reasons it has not passed both chambers. In 2015, the proposed bill (H.B.# 6792) was unanimously JFS’d out of Labor with new language that limits the penalty for non-serious violations of Conn-OSHA laws that weakened our proposed bill. However, we only supported this addition last session in order to win bi-partisan support of the bill. H.B.# 6792 passed the House by a near unanimous vote, but time ran out before the Senate could vote on it. The current 2016 proposal removes the language that was added in the Labor Committee in the 2015 session regarding the penalty limitation, as DOL does not agree with the inclusion of that language.**
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal? **No**
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?  
**Representative Craig Miner assisted in House compromise language and also worked with Senator Clark Chapin in Senate.**
- “ What was the last action taken during the past legislative session? **Passed House. PT’d Senate Floor.**

Click here to enter text.

**PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** (please list for each affected agency)

**Agency Name:** N/A  
**Agency Contact (name, title, phone):** Click here to enter text.  
**Date Contacted:** Click here to enter text.

Approve of Proposal     YES     NO     Talks Ongoing

**Summary of Affected Agency’s Comments**

Click here to enter text.

Will there need to be further negotiation?     YES     NO

◇ **FISCAL IMPACT** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal** (please include any municipal mandate that can be found within legislation)  
 No impact if OSHA statutes and regulations are followed.

**State**  
None

**Federal**  
None

**Additional notes on fiscal impact**



Click here to enter text.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

CONN-OSHA enforces state occupational safety and health regulations as they apply to state and municipal employees. This proposal incorporates the Department’s long-standing position and modifies the definition of “employer” in the DOL’s Connecticut Occupational Safety and Health Act to specifically include “volunteer fire departments” and “volunteer ambulance companies.” Although this proposal is technical in nature in that it clarifies DOL’s jurisdiction over volunteer fire departments and volunteer ambulance companies in the wake of Mayfield v. Goshen Volunteer Fire Company, Inc., 301 Conn. 739 (2011), it does have a major policy impact. Specifically, Federal OSHA has determined that it does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of the volunteer departments’ affiliation with municipalities. Federal OSHA only has jurisdiction over private entities and does not have jurisdiction over volunteer fire departments or volunteer ambulance companies because of its determination that there is no employer/employee relationship. Without passage of this legislation, certain volunteer fire departments and volunteer ambulance companies would not be protected under either state or federal law, thus leaving the safety and health of many volunteer firefighters and ambulance workers unprotected.

**Insert fully drafted bill here**

***AN ACT CONCERNING VOLUNTEER FIRE DEPARTMENTS AND AMBULANCE COMPANIES AND THE DEFINITION OF EMPLOYER UNDER THE STATE OCCUPATIONAL SAFETY AND HEALTH ACT.***

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

Section 1. Subsection (d) of section 31-367 of the general statutes is repealed and the following is substituted in lieu thereof:

(d) "Employer" means the state and any political subdivision thereof, and any volunteer fire department and any volunteer ambulance company;

Sec. 2. Section 31-369 of the general statutes is repealed and the following is substituted in lieu thereof:



(a) This chapter applies to all employers, employees and places of employment in the state except the following: (1) Employees of the United States government; [and] (2) working conditions of employees over which federal agencies other than the United States Department of Labor exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health; and (3) any volunteer fire department or volunteer ambulance company that can demonstrate such department or company is regulated by the Occupational Safety and Health Act of 1970 (15 USC 651 et seq.).

(b) Nothing in this chapter shall be construed to supersede or in any manner affect any workers' compensation law or to enlarge, diminish or affect in any manner common law or statutory rights, duties or liabilities of employers or employees, under any law with respect to injuries, diseases or death of employees arising out of and in the course of employment.



## Agency Legislative Proposal - 2016 Session

**Document Name** 112015\_DOL\_TechRevisions

(If submitting electronically, please label with date, agency, and title of proposal –  
092611\_SDE\_TechRevisions)

State Agency: Department of Labor

**Liaison:** Marisa Morello  
**Phone:** 8602636502, Cell 8604622665  
**E-mail:** marisa.morello@ct.gov

Lead agency division requesting this proposal: Executive Administration

Agency Analyst/Drafter of Proposal: Heidi Lane

**Title of Proposal:** AAC Technical and Other Changes to the Labor Department Statutes

**Statutory Reference:** 31-225a, 31-227(i)(1), 31-232, 31-232a, 31-237(a), 31-237(h), 31-240, 31-241, 31-242, 31-244, 31-244(a), 31-248, 31-249(b), 31-249(e), 31-249a(b), 31-249a(3), 31-254, 31-268, 31-273

**Proposal Summary:**  
See attached.

### PROPOSAL BACKGROUND



◇ **Reason for Proposal**

*Please consider the following, if applicable:*

- (1) Have there been changes in federal/state/local laws and regulations that make this legislation necessary? No*
- (2) Has this proposal or something similar been implemented in other states? If yes, what is the outcome(s)? No*
- (3) Have certain constituencies called for this action? No*
- (4) What would happen if this was not enacted in law this session? These are only technical changes*

[Click here to enter text.](#)

◇ **Origin of Proposal**       **New Proposal**       **Resubmission**

*If this is a resubmission, please share:*

- (1) What was the reason this proposal did not pass, or if applicable, was not included in the Administration's package?*
- (2) Have there been negotiations/discussions during or after the previous legislative session to improve this proposal?*
- (3) Who were the major stakeholders/advocates/legislators involved in the previous work on this legislation?*
- (4) What was the last action taken during the past legislative session?*

[Click here to enter text.](#)

**PROPOSAL IMPACT**

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*



<p><b>Agency Name:</b> NA</p> <p><b>Agency Contact (<i>name, title, phone</i>):</b> <a href="#">Click here to enter text.</a></p> <p><b>Date Contacted:</b> <a href="#">Click here to enter text.</a></p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments</b></p> <p><a href="#">Click here to enter text.</a></p>
<p>Will there need to be further negotiation?    <input type="checkbox"/> YES    <input type="checkbox"/> NO</p>

◇ **FISCAL IMPACT** (*please include the proposal section that causes the fiscal impact and the anticipated impact*)

<p><b>Municipal</b> (<i>please include any municipal mandate that can be found within legislation</i>)</p> <p>none</p>
<p><b>State</b></p> <p>none</p>
<p><b>Federal</b></p> <p>none</p>
<p><b>Additional notes on fiscal impact</b></p> <p><a href="#">Click here to enter text.</a></p>

◇ **POLICY and PROGRAMMATIC IMPACTS** (*Please specify the proposal section associated with the impact*)

<p><a href="#">Click here to enter text.</a></p>
--



**Insert fully drafted bill here**

**Sec. 1. Subsection (h) of section 31-225a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):**

(h) (1) With respect to each benefit year commencing on or after July 1, 1978, notice of determination of the claimant's benefit entitlement for such benefit year shall include notice of the allocation of benefit charges of the claimant's base period employers and each such employer shall be [mailed] provided with a copy of such notice of determination and shall be an interested party thereto. Such determination shall be final unless the claimant or any of such employers files an appeal from such decision in accordance with the provisions of section 31-241, as amended by this act. (2) The administrator shall, not less frequently than once each calendar quarter, [mail] provide a statement of charges to each employer to whose experience record any charges have been made since the last previous such statement. Such statement shall show, with respect to each week for which benefits have been paid and charged, the name and Social Security account number of the claimant who was paid the benefit, the amount of the benefits charged for such week and the total amount charged in the quarter. (3) The statement of charges provided for in subdivision (2) of this subsection shall constitute notice to the employer that it has been determined that the benefits reported in such statement were properly payable under this chapter to the claimants for the weeks and in the amounts shown in such statements. If the employer contends that benefits have been improperly charged due to fraud or error, a written protest setting forth reasons therefor shall be filed with the administrator within sixty days of the [mailing] date of the quarterly statement. An eligibility issue shall not be reopened on the basis of such quarterly statement if notification of such eligibility issue had previously been given to the employer under the provisions of section 31-241, as amended by this act, and he failed to file a timely appeal therefrom or had the issue finally resolved against him. (4) The provisions of subdivisions (2) and (3) of this subsection shall not apply to combined wage claims paid under subsection (b) of section 31-255. For such combined wage claims paid under the unemployment law of other states, the administrator shall, each calendar quarter, [mail] provide a statement of charges to each employer whose experience record has been charged since the previous such statement. Such statement shall show the name and Social Security number of the claimant who was paid the benefits and the total amount of the benefits charged in the quarter.

**Sec. 2. Subsection (i) of section 31-227 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):**

(i) (1) An individual filing a new claim for unemployment compensation shall at the time of filing such claim be advised that: (A) Unemployment compensation is subject to federal, state and local income tax; (B) requirements exist pertaining to estimated tax payments; (C) the individual may elect



to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code; (D) the individual may elect to have state income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of three per cent; **[(E) the individual shall be permitted to change a previously elected withholding status one time in a benefit year;] and [(F)] (E)** an individual who elects deductions pursuant to subparagraph (C) or (D) of this subdivision shall be subject to deductions pursuant to subparagraphs (C) and (D) of this subdivision. (2) Amounts deducted and withheld from unemployment compensation shall remain in the Unemployment Compensation Fund until transferred to the federal or state taxing authority as a payment of income tax. (3) The commissioner shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of federal and state income taxes. (4) Amounts shall be deducted and withheld in accordance with any regulations adopted by the commissioner to implement the provisions of this subsection. (5) For purposes of this subsection, "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the administrator pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

**Section Sec. 31-237a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):**

As used in this chapter, unless the context clearly indicates otherwise:

(a) "Board" means the Employment Security Board of Review;

(b) "Appeals division" means the Employment Security Appeals Division consisting of the board members, the referees employed in the referee section and all other supporting staff members employed in that division for discharge of its responsibilities as set forth in this chapter;

(c) "Referee" means an employment security appeals referee;

(d) "Chief referee" means the chief referee of the referee section;

(e) "Referee section" means the organizational unit consisting of the employment security appeals referees employed in the appeals division and all other supporting staff members employed in that division for discharge of the responsibilities assigned to referees in accordance with this chapter; and

(f) "Staff assistant" means the staff assistant to the Employment Security Board of Review.



**(g) "Records" means all documents and evidence received by the Appeals Division in the manner prescribed by the Appeals Division.**

**Section Sec. 31-237h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

The appeals division shall have access to all records of the Employment Security Division necessary to the performance of the duties assigned to the board and the referees under this chapter[.] **in the manner prescribed by the Appeals Division.**

**Sec. Section 31-240 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):**

**Sec. 31-240. Claim procedure. Filing.** Claims for benefits shall be made[, in accordance with such regulations as the administrator may prescribe, at the public employment bureau or branch most easily accessible either from the individual's place of residence or from the place of his most recent employment,] **by methods prescribed [as designated]** by the administrator.

**Section Sec. 31-241 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

(a) The administrator, or a deputy or representative designated by him and hereinafter referred to as an examiner, shall promptly examine the initiating claim and, on the basis of the facts found by him, shall determine whether or not such claim is valid and, if valid, the weekly amount of benefits payable and the maximum possible duration thereof. He shall promptly notify the claimant of the decision and the reasons therefor, which notification shall set forth the provision of this section for appeal. The administrator or an examiner shall promptly examine each claim for a benefit payment for a week of unemployment and, on the basis of the facts found by him, shall determine whether or not the claimant is eligible to receive such benefit payment for such week and the amount of benefits payable for such week. The determination of eligibility by the administrator or an examiner shall be based upon evidence or testimony presented in such a manner as the administrator shall prescribe, including in writing, by telephone or by other electronic means **[at a hearing called for such purpose]**. The administrator or an examiner may prescribe **[an] a telephonic or** in person hearing at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator or an examiner, as the case may be. Notice of the decision and the reasons therefor shall be given to the claimant. The employers against whose accounts charges may be made due to any benefits awarded by the decision shall be notified of the initial determination of the claimant's benefit entitlement at the time notice is given to the claimant, which notification shall set forth the provisions of this section for appeal, provided any employer who claims



that the claimant is ineligible for benefits because his unemployment is due to the existence of a labor dispute at such employer's factory, establishment or other premises, shall be notified of the decision and the reasons therefor, whether or not benefits awarded by the decision might be charged against such employer's account. The employer's appeal rights shall be limited to the first notice he is given in connection with a claim which sets forth his appeal rights, and no issue may be appealed if notice of such issue and the right to appeal such issue had previously been given. For any determination of an overpayment made prior to October 1, 2013, notwithstanding any provisions of this chapter to the contrary, whenever the employer, after receiving notice of such hearing, fails to appear at the hearing or fails to timely submit a written response in a manner prescribed by the administrator, such employer's proportionate share of benefits paid to the claimant prior to the issuance of a decision by a referee under section 31-242 for any week beginning prior to the forty-second day after the end of the calendar week in which the employer's appeal was filed shall be charged against such employer's account and the claimant shall not be charged with an overpayment with respect to such benefits pursuant to subsection (a) of section 31-273. For any determination of an overpayment made on or after October 1, 2013, notwithstanding any provisions of this chapter to the contrary, whenever the employer, after receiving notice of such hearing, fails to appear at the hearing or fails to submit a timely and adequate written response in a manner prescribed by the administrator, such employer's proportionate share of benefits paid to the claimant prior to the issuance of a decision by a referee under section 31-242 or the Employment Security Board of Review under section 31-249a shall be charged against such employer's account. The decision of the administrator shall be final and benefits shall be paid or denied in accordance therewith unless the claimant or any of such employers, within twenty-one calendar days after such notification was The decision of the administrator shall be final and benefits shall be paid or denied in accordance therewith unless the claimant or any of such employers, within twenty-one calendar days after such notification was **[mailed to his last-known address] provided to such party**, files an appeal from such decision to his last-known address, files an appeal from such decision and applies for a hearing, provided (1) any such appeal which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, [and] (3) if any such appeal is filed by mail, such appeal shall be considered timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period it was placed in the possession of such postal authorities for delivery to the appropriate office, **[P]osting** dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail. **and, (4) if any such appeal is filed electronically, such appeal will be considered to be timely filed if it is received by the administrator within such twenty-one-day period.** Where the administrator or examiner has determined that the claimant is eligible for benefits, benefits shall be paid promptly in accordance with the determination regardless of the pendency of the period to file an appeal or the pendency of such appeal. No examiner shall



participate in any case in which he is an interested party. Any person who has filed a claim for benefits pursuant to an agreement entered into by the administrator with the proper agency under the laws of the United States, whereby the administrator makes payment of unemployment compensation out of funds supplied by the United States, may in like manner file an appeal from the decision of such claim and apply for a hearing, and the United States or the agency thereof which had employed such person may in like manner appeal from the decision on such claim and apply for a hearing.

**Section Sec. 31-242 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

Unless such appeal is withdrawn, a referee shall promptly hear the claim, de novo, and render a decision thereon. Unless **[he] the party** has waived the notice or agreed to a shorter period of time, notice, by mail or otherwise, of the time and place of such hearing shall be given each interested party not less than five days prior to the date appointed therefor. The parties, including the administrator, shall be notified of the referee's decision, which notification shall be accompanied by a finding of the facts and the conclusions of law upon which the decision is based. The referee may, for good cause, issue a decision which remands the case to the administrator for such further proceedings as the referee may reasonably direct. Such hearing shall be held by the referee designated by the chief referee. No referee shall hear an appeal if he has any interest in the proceeding or in the business of any party to the proceeding. A challenge to the interest of a referee may be made by any party to the proceeding. The decision on said challenge shall be made by the chairman of the board, after proceedings held in accordance with such rules of procedures as the board may establish.

**Section Sec. 31-244 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

**Sec. 31-244. Procedure.** The manner in which disputed claims shall be presented and the reports thereon required from the claimant and from employers shall be in accordance with regulations prescribed by the administrator. Neither the administrator nor the examiners shall be bound by the ordinary common law or statutory rules of evidence or procedure, but may make inquiry in such manner, through oral testimony or written, **[and]** printed and **electronic** records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A complete record shall be kept of all proceedings in connection with a disputed claim.



**Section Sec. 31-244a of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):**

The conduct of hearings and appeals, including notice thereof, shall be in accordance with rules of procedure prescribed by the board in regulations adopted pursuant to section 31-237g. No formal pleadings shall be required, beyond such notices as the board provides for by its rules of procedure. The referees and the board shall not be bound by the ordinary common law or statutory rules of evidence or procedure. They shall make inquiry in such manner, through oral testimony, **[and] written [and],** printed **and electronic** records, as is best calculated to ascertain the substantial rights of the parties and carry out justly the provisions of this chapter. A record shall be prepared of all testimony and proceedings at any hearing before a referee and before the board but need not be transcribed unless an appeal is taken from the referee's or board's decision, as the case may be.

**Section Sec 31-248 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):**

- (a) Any decision of a referee, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the twenty-second calendar day after the date on which a copy of the decision is **[mailed] issued** to the party, provided (1) any such appeal or motion which is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, **[and]** (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such twenty-one-day period or bears a legible United States postal service postmark which indicates that within such twenty-one-day period, it was placed in the possession of such postal authorities for delivery to the appropriate office, [P] posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail, **and (4) If any appeal or motion is filed electronically, such appeal will be considered to be timely filed if received by the Appeals Division within such twenty-one-day appeal period.** (b) Any decision of a referee may be reopened, set aside, vacated or modified on the timely filed motion of a party aggrieved by such decision, or on the referee's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the **[mailing] issuance** of a copy of the decision entered after any such reopening, setting aside, vacation or modification, or a decision denying such motion, as the case may be, provided no such motion from any party



may be accepted with regard to a decision denying a preceding motion to reopen, vacate, set aside or modify filed by the same party. An appeal to the board from a referee's decision may be processed by the referee as a motion for purposes of reopening, vacating, setting aside or modifying such decision, solely in order to grant the relief requested.

(c) Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his remedy before the board, as provided in this chapter. The administrator shall be deemed to be a party to any judicial proceeding involving any such decision and shall be represented in such proceeding by the Attorney General.

**Section Sec. 31-249 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

At any time before the referee's decision has become final within the periods of limitation prescribed in section 31-248, any party including the administrator, may appeal therefrom to the board. Such appeal shall be filed **in the manner prescribed by the Appeals Division** and may be heard in any local office of the employment security division or, in the case of an interstate claim, in the office in which the claim was filed, or in the office of the appeals referee or the board of review. Such appeal to the board may be heard on the record of the hearing before the referee or the board may hear additional evidence or testimony, provided the board shall determine what evidence shall be heard in the appeal established in accordance with the standards and criteria in regulations adopted pursuant to section 31-237g. The board may remand the case to a referee for such further proceedings as it may direct. Upon the final determination of the appeal by the board, it shall issue its decision, affirming, modifying or reversing the decision of the referee. The board shall state in each decision whether or not it was based on the record of the hearing before the referees, the reasons for the decision and the citations of any precedents used to support it. In any case in which the board modifies the referee's findings of fact or conclusions of law, the board's decision shall include its findings of fact and conclusions of law.

**Section Sec. 31-249a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

(a) Any decision of the board, in the absence of a timely filed appeal from a party aggrieved thereby or a timely filed motion to reopen, vacate, set aside or modify such decision from a party aggrieved thereby, shall become final on the thirty-first calendar day after the date on which a copy of the decision is **[mailed] issued** to the party, provided (1) any such appeal or motion which is filed after such thirty-day period may be considered to be timely filed if the filing party shows good cause,



as defined in regulations adopted pursuant to section 31-249h, for the late filing, (2) if the last day for filing an appeal or motion falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day and (3) if any such appeal or motion is filed by mail, such appeal or motion shall be considered to be timely filed if it was received within such thirty-day period or bears a legible United States postal service postmark which indicates that within such thirty-day period it was placed in the possession of such postal authorities for delivery to the appropriate office, [P]osting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals or motions filed by mail, **and (4) If any appeal or motion is filed electronically, such appeal will be considered timely filed if received by the Appeals Division within such thirty-day appeal period.**

(b) Any decision of the board may be reopened, vacated, set aside, or modified on the timely filed motion of a party aggrieved by such decision, or on the board's own timely filed motion, on grounds of new evidence or if the ends of justice so require upon good cause shown. The appeal period shall run from the **[mailing] issuing** of a copy of the decision entered after any such reopening, vacating, setting aside or modification, or the decision denying such motion, as the case may be, provided no such motion from any party may be accepted with regard to a decision denying a preceding motion to reopen, vacate, set aside or modify filed by the same party. An appeal to Superior Court from a board decision may be processed by the board as a motion for purposes of reopening, vacating, setting aside or modifying such decision solely in order to grant the relief requested.

(c) Benefits shall be paid or denied in accordance with the decision of the board. Where the board has determined that the claimant is eligible for benefits and an appeal has been initiated under section 31-249b, benefits shall be paid during the pendency of an appeal before the court. Judicial review of any decision shall be permitted only after a party aggrieved thereby has exhausted his remedies before the board, as provided in this chapter.

**Section Sec. 31-249b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

At any time before the board's decision has become final, any party, including the administrator, may appeal such decision, including any claim that the decision violates statutory or constitutional provisions, to the superior court for the judicial district of Hartford or for the judicial district wherein the appellant resides. Any or all parties similarly situated may join in one appeal. In such judicial proceeding the original and five copies of a petition, which shall state the grounds on which a review is sought, shall be filed, **in the manner prescribed by the Appeals Division,** in the office of the board. The chairman of the board shall, within the third business day thereafter, cause the original petition or petitions to be mailed to the clerk of the Superior Court and copy or copies thereof to the administrator and to each other party to the proceeding in which such appeal was taken; and said



clerk shall docket such appeal as returned to the next return day after the receipt of such petition or petitions. In all cases, the board shall certify the record to the court. The record shall consist of the notice of appeal to the referee and the board, the notices of hearing before them, the referee's findings of fact and decision, the findings and decision of the board, all documents admitted into evidence before the referee and the board or both and all other evidentiary material accepted by them. Upon request of the court, the board shall (1) in cases in which its decision was rendered on the record of such hearing before the referee, prepare and verify to the court a transcript of such hearing before the referee; and (2) in cases in which its decision was rendered on the record of its own evidentiary hearing, provide and verify to the court a transcript of such hearing of the board. In any appeal, any finding of the referee or the board shall be subject to correction only to the extent provided by section 22-9 of the Connecticut Practice Book. Such appeals shall be claimed for the short calendar unless the court shall order the appeal placed on the trial list. An appeal may be taken from the decision of the Superior Court to the Appellate Court in the same manner as is provided in section 51-197b. It shall not be necessary in any judicial proceeding under this section that exceptions to the rulings of the board shall have been made or entered and no bond shall be required for entering an appeal to the Superior Court. Unless the court shall otherwise order after motion and hearing, the final decision of the court shall be the decision as to all parties to the original proceeding. In any appeal in which one of the parties is not represented by counsel and in which the party taking the appeal does not claim the case for the short calendar or trial within a reasonable time after the return day, the court may of its own motion dismiss the appeal, or the party ready to proceed may move for nonsuit or default as appropriate. When an appeal is taken to the Superior Court, the clerk thereof shall by writing notify the board of any action of the court thereon and of the disposition of such appeal whether by judgment, remand, withdrawal or otherwise and shall, upon the decision on the appeal, furnish the board with a copy of such decision. The court may remand the case to the board for proceedings de novo, or for further proceedings on the record, or for such limited purposes as the court may prescribe. The court also may order the board to remand the case to a referee for any further proceedings deemed necessary by the court. The court may retain jurisdiction by ordering a return to the court of the proceedings conducted in accordance with the order of the court or the court may order final disposition. A party aggrieved by a final disposition made in compliance with an order of the Superior Court, by the filing of an appropriate motion, may request the court to review the disposition of the case.

**Section Sec. 31-249e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):**

Every decision of a referee, or the board shall be **issued in the manner prescribed by the Appeals Division, which may include, but not be limited to,** in writing, **[and]** delivered in person, **[or]** by mail, **or electronically** to the parties concerned immediately following its rendition. The decision shall contain a notice setting forth the appellate rights of parties.



**Section Sec. 31-254 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):**

(g) (1) Notwithstanding any of the information disclosure provisions of this section, the administrator shall disclose information obtained pursuant to subsection (a) of this section to: (A) A regional workforce development board, established pursuant to section 31-3k, to the extent necessary for the effective administration of the federal Trade Adjustment Assistance Program of the Trade Act of 1974, as amended from time to time, the federal **[Workforce Investment Act, Workforce Innovation and Opportunities Act (WIOA)]**, as amended from time to time, and the state employment services program established pursuant to section 17b-688c for recipients of temporary family assistance, provided a regional workforce development board, enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; (B) a nonpublic entity that is under contract with the administrator or with another state agency where necessary for the effective administration of this chapter or with the United States Department of Labor to administer grants which are beneficial to the interests of the administrator, provided such nonpublic entity enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; (C) the president of the Board of Regents for Higher Education, appointed under section 10a-1a, for use in the performance of such president's official duties to the extent necessary for evaluating programs at institutions of higher education governed by said board pursuant to section 10a-1a, provided such president enters into a written agreement with the administrator, pursuant to subdivision (2) of this subsection, concerning protection of the confidentiality of such information prior to the receipt of any such information; or (D) a third party pursuant to written, informed consent of the individual or employer to whom the information pertains.

(2) Any written agreement shall contain safeguards as are necessary to protect the confidentiality of the information being disclosed, including, but not limited to a:

(A) Statement from the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, of the purposes for the requested information and the specific use intended for the information;

(B) Statement from the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, that the disclosed information shall only be used for such purposes as are permitted by this subsection and consistent with the written agreement;

(C) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, store the disclosed information in a location that is physically secure from access by unauthorized persons;



(D) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, store and process the disclosed information maintained in an electronic format in such a way that ensures that unauthorized persons cannot obtain the information by any means;

(E) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, establish safeguards to ensure that only authorized persons, including any authorized agent of the board, nonpublic entity, or president of the Board of Regents for Higher Education, are permitted access to disclosed information stored in computer systems;

(F) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, enter into a written agreement, that has been approved by the administrator, with any authorized agent of the board, nonpublic entity, or president of the Board of Regents for Higher Education, which agreement shall contain the requisite safeguards contained in the written agreement between the board, nonpublic entity, or president of the Board of Regents for Higher Education and the administrator;

(G) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, instruct all persons having access to the disclosed information about the sanctions specified in this section, and further require each employee of such board, nonpublic entity, or president of the Board of Regents for Higher Education, and any agent of such board, nonpublic entity, or president of the Board of Regents for Higher Education, authorized to review such information, to sign an acknowledgment that such employee or such agent has been advised of such sanctions;

(H) Statement that redisclosure of confidential information is prohibited, except with the written approval of the administrator;

(I) Requirement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, dispose of information disclosed or obtained under this subsection, including any copies of such information made by the board, nonpublic entity, or president of the Board of Regents for Higher Education, after the purpose for which the information is disclosed has been served, either by returning the information to the administrator, or by verifying to the administrator that the information has been destroyed;

(J) Statement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, shall permit representatives of the administrator to conduct periodic audits, including on-site inspections, for the purpose of reviewing such board's, nonpublic entity's, or president of the Board of Regents for Higher Education's adherence to the confidentiality and security provisions of the written agreement; and



(K) Statement that the regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, shall reimburse the administrator for all costs incurred by the administrator in making the requested information available and in conducting periodic audits of the board's, nonpublic entity's, or president of the Board of Regents for Higher Education's procedures in safeguarding the information.

(3) Any employee or agent of a regional workforce development board, nonpublic entity, or president of the Board of Regents for Higher Education, as appropriate, who discloses any confidential information in violation of this section and the written agreement, entered into pursuant to subdivision (2) of this subsection, shall be fined not more than two hundred dollars or imprisoned not more than six months, or both, and shall be prohibited from any further access to confidential information.

**Section 5. Section 31-273 of the general statutes is repealed and the following is substituted in lieu thereof:**

(a) (1) Any person who, through error, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in his case, or has received a greater amount of benefits than was due him under this chapter, shall be charged with an overpayment of a sum equal to the amount so overpaid to him, provided such error has been discovered and brought to his attention within one year of the date of receipt of such benefits. A person whose receipt of such a sum was not due to fraud, wilful misrepresentation or wilful nondisclosure by himself or another shall be entitled to a **[hearing before an examiner designated by the administrator.] determination of such individual's eligibility by an examiner designated by the administrator which shall be based upon evidence or testimony presented in such a manner as the administrator shall prescribe, including in writing, by telephone or by other electronic means. The examiner may prescribe a telephonic or in person hearing at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator or an examiner, as the case may be. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such hearing.** Such examiner shall determine whether: (A) Such person shall repay such sum to the administrator for the Unemployment Compensation Fund, (B) such sum shall be recouped by offset from such person's unemployment benefits, or (C) repayment or recoupment of such sum would defeat the purpose of the benefits or be against equity and good conscience and should be waived. In any case where the examiner determines that such sum shall be recouped by offset from a person's unemployment benefits, the deduction from benefits shall not exceed fifty per cent of the person's weekly benefit amount. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount in accordance with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the



administrator may recover such overpayment through a wage execution against the claimant's earnings upon his return to work in accordance with the provisions of section 52-361a, and the administrator may request the Commissioner of Administrative Services to seek reimbursement for such amount pursuant to section 12-742. Any person with respect to whom a determination of overpayment has been made, according to the provisions of this subsection, shall be given notice of such determination and the provisions for repayment or recoupment of the amount overpaid. No repayment shall be required and no deduction from benefits shall be made until the determination of overpayment has become final.

(2) The determination of overpayment shall be final unless the claimant, within twenty-one days after notice of such determination was **[mailed to him at his last-known address]** provided to the claimant, files an appeal from such determination to a referee, except that any such appeal that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing. If the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day. If any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the possession of postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail.

(3) The appeal shall be heard in the same manner provided in section 31-242 for an appeal from the decision of an examiner on a claim for benefits. Any party aggrieved by the decision of the referee, including the administrator, may appeal to the Employment Security Board of Review in the manner provided in section 31-249. Decisions of the board may be appealed to the Superior Court in the manner provided in section 31-249b. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in his opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year. Any determination of overpayment made under this section which becomes final may be enforced by a wage execution in the same manner as a judgment of the Superior Court when the claimant fails to pay according to his repayment schedule. The court may issue a wage execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court, and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.



(b) (1) Any person who, by reason of fraud, wilful misrepresentation or wilful nondisclosure by such person or by another of a material fact, has received any sum as benefits under this chapter while any condition for the receipt of benefits imposed by this chapter was not fulfilled in such person's case, or has received a greater amount of benefits than was due such person under this chapter, shall be charged with an overpayment and shall be liable to repay to the administrator for the Unemployment Compensation Fund a sum equal to the amount so overpaid to such person. If such person does not make repayment in full of the sum overpaid, the administrator shall recoup such sum by offset from such person's unemployment benefits. The deduction from benefits shall be one hundred per cent of the person's weekly benefit entitlement until the full amount of the overpayment has been recouped. Where such offset is insufficient to recoup the full amount of the overpayment, the claimant shall repay the remaining amount plus, for any determination of an overpayment made on or after July 1, 2005, interest at the rate of one per cent of the amount so overpaid per month, in accordance with a repayment schedule as determined by the examiner. If the claimant fails to repay according to the schedule, the administrator may recover such overpayment plus interest through a wage execution against the claimant's earnings upon the claimant's return to work in accordance with the provisions of section 52-361a. In addition, the administrator may request the Commissioner of Administrative Services to seek reimbursement for such amount pursuant to section 12-742. If the administrator's actions are insufficient to recover such overpayment, the administrator may submit the outstanding balance to the Internal Revenue Service for the purpose of offsetting the claimant's federal tax refund pursuant to 26 USC **[6402(d)] 6402(f)**, 31 USC 3720A or other applicable federal laws. The administrator is authorized, eight years after the payment of any benefits described in this subsection, to cancel any claim for such repayment or recoupment which in the administrator's opinion is uncollectible. Effective January 1, 1996, and annually thereafter, the administrator shall report to the joint standing committee of the General Assembly having cognizance of matters relating to finance, revenue and bonding and the joint standing committee of the General Assembly having cognizance of matters relating to labor and public employees, the aggregate number and value of all such claims deemed uncollectible and therefore cancelled during the previous calendar year.

(2) (A) For any determination of an overpayment made prior to October 1, 2013, any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose a material fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall forfeit benefits for not less than one or more than thirty-nine compensable weeks following determination of such offense or offenses, during which weeks such person would otherwise have been eligible to receive benefits. For the purposes of section 31-231b, such person shall be deemed to have received benefits for such forfeited weeks. This penalty shall be in addition to any other applicable penalty under this section and in addition to the liability to repay any moneys so received by such person and shall not be confined to a single benefit year. (B) For any determination of an overpayment made on or after October 1, 2013, any person who has made a claim for benefits under this chapter and has knowingly made a false statement or representation or has knowingly failed to disclose a material



fact in order to obtain benefits or to increase the amount of benefits to which such person may be entitled under this chapter shall be subject to a penalty of fifty per cent of the amount of overpayment for the first offense and a penalty of one hundred per cent of the amount of overpayment for any subsequent offense. This penalty shall be in addition to the liability to repay the full amount of overpayment and shall not be confined to a single benefit year. Thirty-five per cent of any such penalty shall be paid into the Unemployment Compensation Trust Fund and sixty-five per cent of such penalty shall be paid into the Employment Security Administration Fund. The penalty amounts computed in this subparagraph shall be rounded to the nearest dollar with fractions of a dollar of exactly fifty cents rounded upward.

(3) Any person charged with the fraudulent receipt of benefits or the making of a fraudulent claim, as provided in this subsection, shall be entitled to a **[hearing before the administrator, or a deputy or representative designated by the administrator. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such hearing.]** determination of such individual's eligibility by an examiner designated by the administrator which shall be based upon evidence or testimony presented in such a manner as the administrator shall prescribe, including in writing, by telephone or by other electronic means. The administrator may prescribe a telephonic or in person hearing at his or her discretion, provided if an in person hearing is requested, the request may not be unreasonably denied by the administrator or an examiner, as the case may be. Notice of the time and place of such hearing, and the reasons for such hearing, shall be given to the person not less than five days prior to the date appointed for such hearing. The administrator shall determine, on the basis of facts found by the administrator, whether or not a fraudulent act subject to the penalties of this subsection has been committed and, upon such finding, shall fix the penalty for any such offense according to the provisions of this subsection. Any person determined by the administrator to have committed fraud under the provisions of this section shall be liable for repayment to the administrator of the Unemployment Compensation Fund for any benefits determined by the administrator to have been collected fraudulently, as well as any other penalties assessed by the administrator in accordance with the provisions of this subsection. Until such liabilities have been met to the satisfaction of the administrator, such person shall forfeit any right to receive benefits under the provisions of this chapter. Notification of such decision and penalty shall **be [mailed to such person's last known address] provided to such person** and shall be final unless such person files an appeal not later than twenty-one days after the **[mailing]** date of such notification, except that (A) any such appeal that is filed after such twenty-one-day period may be considered to be timely filed if the filing party shows good cause, as defined in regulations adopted pursuant to section 31-249h, for the late filing, (B) if the last day for filing an appeal falls on any day when the offices of the Employment Security Division are not open for business, such last day shall be extended to the next business day, and (C) if any such appeal is filed by mail, the appeal shall be considered timely filed if the appeal was received within such twenty-one-day period or bears a legible United States postal service postmark that indicates that within such twenty-one-day period the appeal was placed in the



possession of postal authorities for delivery to the appropriate office. Posting dates attributable to private postage meters shall not be considered in determining the timeliness of appeals filed by mail. Such appeal shall be heard by a referee in the same manner provided in section 31-242 for an appeal from the decision of an examiner on a claim for benefits. The manner in which such appeals shall be heard and appeals taken therefrom to the board of review and then to the Superior Court, either by the administrator or the claimant, shall be in accordance with the provisions set forth in section 31-249 or 31-249b, as the case may be. Any determination of overpayment made under this subsection which becomes final on or after October 1, 1995, may be enforced in the same manner as a judgment of the Superior Court when the claimant fails to pay according to the claimant's repayment schedule. The court may issue execution upon any final determination of overpayment in the same manner as in cases of judgments rendered in the Superior Court; and upon the filing of an application to the court for an execution, the administrator shall send to the clerk of the court a certified copy of such determination.

(c) Any person, firm or corporation who knowingly employs a person and pays such employee without declaring such payment in the payroll records shall be guilty of a class A misdemeanor.

(d) If, after investigation, the administrator determines that there is probable cause to believe that the person, firm or corporation has wilfully failed to declare payment of wages in the payroll record, the administrator shall provide an opportunity for a hearing on the matter. If a hearing is requested, it shall be conducted by the administrator, or a deputy or representative designated by him. Notice of the time and place of such hearing, and the reasons therefor, shall be given to the person, firm, or corporation not less than five days prior to the date appointed for such hearing. If the administrator determines, on the basis of the facts found by him, that such nondeclaration occurred and was wilful, the administrator shall fix the payments and penalties in accordance with the provisions of subsection (e) of this section. Such person, firm or corporation may appeal to the superior court for the judicial district of Hartford or for the judicial district in which the employer's principal place of business is located. Such court shall give notice of a time and place of hearing to the administrator. At such hearing the court may confirm or correct the administrator's determination. If the administrator's determination is confirmed, the cost of such proceedings, as in civil actions, shall be assessed against such person, firm or corporation. No costs shall be assessed against the state on such appeal.

(e) If the administrator determines that any person, firm or corporation has wilfully failed to declare the payment of wages on payroll records, the administrator may impose a penalty of ten per cent of the total contributions past due to the administrator, as determined pursuant to section 31-270. Such penalty shall be in addition to any other applicable penalty and interest under section 31-266. In addition, the administrator may require the person, firm or corporation to make contributions at the maximum rate provided in section 31-225a, as amended by this act, for a period of one year following the determination by the administrator concerning the wilful nondeclaration. If the person, firm or corporation is paying or should have been paying, the maximum rate at the time of the



determination, the administrator may require that such maximum rate continue for a period of three years following the determination.

(f) Any person who knowingly makes a false statement or representation or fails to disclose a material fact in order to obtain, increase, prevent or decrease any benefit, contribution or other payment under this chapter, or under any similar law of another state or of the United States in regard to which this state acted as agent pursuant to an agreement authorized by section 31-225, whether to be made to or by himself or any other person, and who receives any such benefit, pays any such contribution or alters any such payment to his advantage by such fraudulent means (1) shall be guilty of a class A misdemeanor if such benefit, contribution or payment amounts to five hundred dollars or less or (2) shall be guilty of a class D felony if such benefit, contribution or payment amounts to more than five hundred dollars. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1977, except within five years next after such violation has been committed.

(g) Any person, firm or corporation who knowingly fails to pay contributions or other payments due under this chapter shall be guilty of a class A misdemeanor. Notwithstanding the provisions of section 54-193, no person shall be prosecuted for a violation of the provisions of this subsection committed on or after October 1, 1987, except within five years after such violation has been committed.

(h) Any person who knowingly violates any provision of this chapter for which no other penalty is provided by law shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

(i) Any person who wilfully violates any regulation made by the administrator or the board under the authority of this chapter, for which no penalty is specifically provided, shall be fined not more than two hundred dollars.

(j) All interest payments collected by the administrator under subsection (b) of this section shall be deposited in the Employment Security Administration Fund.

(k) For any determination of an overpayment made on or after October 1, 2013, if the administrator determines that an overpayment was caused by an employer's failure to timely or adequately respond to the administrator's request for information relating to a claim in a manner prescribed by the administrator, such employer shall not be relieved of its proportionate share of charges for each week determined to be overpaid.

**Sec. Sections 31-232a and 268 of the general statutes are repealed. (Effective upon passage)**