



General Assembly

February Session, 2022

**Raised Bill No. 366**

LCO No. 2932



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING CIVIL PENALTIES FOR FAILURE TO COMPLY WITH PREVAILING WAGE LAWS.***

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

1 Section 1. Subsection (b) of section 31-53 of the 2022 supplement to  
2 the general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2022*):

4 (b) [Any] If the commissioner, upon inspection or investigation of a  
5 complaint, believes that a contractor or subcontractor [who] has  
6 knowingly or wilfully [employs] employed any mechanic, laborer or  
7 worker in the construction, remodeling, refinishing, refurbishing,  
8 rehabilitation, alteration or repair of any public works project for or on  
9 behalf of the state or any of its agents, or any political subdivision of the  
10 state or any of its agents, at a rate of wage on an hourly basis that is less  
11 than the rate customary or prevailing for the same work in the same  
12 trade or occupation in the town in which such public works project is  
13 being constructed, remodeled, refinished, refurbished, rehabilitated,  
14 altered or repaired, or who [fails] has failed to pay the amount of  
15 payment or contributions paid or payable on behalf of each such person

16 to any employee welfare fund, or in lieu thereof to the person, as  
17 provided by subsection (a) of this section, such contractor or  
18 subcontractor shall be issued a citation and fined [not less than two  
19 thousand five hundred dollars but not more than] five thousand dollars  
20 for each offense and (1) for the first violation, shall be disqualified from  
21 bidding on contracts with the state or any political subdivision (A) until  
22 the contractor or subcontractor has made full restitution of the back  
23 wages owed to such persons, and (B) for an additional six months  
24 thereafter, [and] (2) for any subsequent [violations] violation, shall be  
25 disqualified from bidding on contracts with the state or any political  
26 subdivision (A) until the contractor or subcontractor has made full  
27 restitution of the back wages owed to such persons, and (B) for not less  
28 than an additional two years thereafter, and (3) for more than one  
29 violation within a five-year period, the commissioner shall refer the  
30 matter to the Attorney General, who may institute a civil action to  
31 recover any unpaid fines and wages, plus interest. The Attorney General  
32 may file an action to enjoin such conduct and debar the contractor for  
33 up to five years from the date on which the action is filed. Each citation  
34 issued by the commissioner pursuant to this subsection shall be in  
35 writing and shall specifically describe the nature of the violation. Any  
36 contractor or subcontractor issued a citation pursuant to this subsection  
37 may request a hearing before the commissioner. Such request shall be  
38 made in writing to the commissioner not later than ten days after the  
39 issuance of the citation. The commissioner shall grant such request for a  
40 hearing if such request includes a dispute of the material facts that  
41 resulted in the issuance of the citation. Such hearing shall be conducted  
42 in accordance with the provisions of chapter 54. In addition, if it is found  
43 by the contracting officer representing the state or political subdivision  
44 of the state that any mechanic, laborer or worker employed by the  
45 contractor or any subcontractor directly on the site for the work covered  
46 by the contract has been or is being paid a rate of wages less than the  
47 rate of wages required by the contract to be paid as required by this  
48 section, the state or contracting political subdivision of the state may (A)  
49 by written or electronic notice to the contractor, terminate such  
50 contractor's right to proceed with the work or such part of the work as

51 to which there has been a failure to pay said required wages and to  
52 prosecute the work to completion by contract or otherwise, and the  
53 contractor and the contractor's sureties shall be liable to the state or the  
54 contracting political subdivision for any excess costs occasioned the  
55 state or the contracting political subdivision thereby, or (B) withhold  
56 payment of money to the contractor or subcontractor. The contracting  
57 department of the state or the political subdivision of the state shall, not  
58 later than two days after taking such action, notify the Labor  
59 Commissioner, in writing or electronically, of the name of the contractor  
60 or subcontractor, the project involved, the location of the work, the  
61 violations involved, the date the contract was terminated, and steps  
62 taken to collect the required wages.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	31-53(b)

**Statement of Purpose:**

To: (1) Allow the Labor Commissioner to issue fines and citations to contractors and subcontractors who violate the state's prevailing wage laws; and (2) permit the Attorney General to commence a civil action against a contractor or subcontractor who repeatedly violates the state's prevailing wage laws.

*[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.]*