



General Assembly

February Session, 2020

Raised Bill No. 472

LCO No. 3013



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

**AN ACT CONCERNING CONTRACTING FOR CERTAIN PAYROLL
SERVICES.**

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

1 Section 1. (NEW) (*Effective July 1, 2020*) (a) As used in this subsection,
2 "personal care attendant" and "consumer" have the same meanings as
3 provided in section 17b-706 of the general statutes.

4 (b) On and after July 1, 2020, no person submitting a response to a
5 request for proposals for the provision of payroll services for the
6 employment of personal care attendants, as defined in section 17b-706
7 of the general statutes, shall be deemed qualified to submit a response
8 unless such person, either during the prequalification process or in the
9 submitted response, demonstrates an ability to provide payroll services
10 in a manner that meet or exceeds both of the following requirements:

11 (1) Provision of clear and timely communication to the personal care
12 attendant directly about pay discrepancies, payment confirmation or a
13 change in consumer status, including providing (A) sufficient notice
14 prior to the date of payment with specific information about any

15 problem with the submitted time records which would impact the
16 amount of pay the personal care attendant will receive on the date of
17 payment, and (B) the personal care attendants with a specific and
18 accessible method to address any problems in sufficient time to correct
19 the problem and receive the correct amount on the payment date. As
20 used in this subdivision, "sufficient notice" means a period of time that
21 permits the personal care attendant to respond and correct any
22 problems in time to receive the correct payment on the date of payment.

23 (2) Provision of a timely method for personal care attendants to
24 receive pay between payroll cycles when a pay discrepancy has been
25 resolved at least twenty-four hours after the date of payment. As used
26 in this subdivision, "timely method" means payment not later than
27 forty-eight hours after the resolution of the pay discrepancy.

28 (c) The Commissioner of Administrative Services may adopt
29 regulations in accordance with the provisions of chapter 54 of the
30 general statutes to implement the provisions of this section.

31 Sec. 2. Section 31-71a of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2020*):

33 Whenever used in sections 31-71a to 31-71i, inclusive:

34 (1) "Employer" includes (A) any individual, partnership, association,
35 joint stock company, trust, corporation, the administrator or executor of
36 the estate of a deceased person, the conservator of the estate of an
37 incompetent, or the receiver, trustee, successor or assignee of any of the
38 same, employing any person, including the state and any political
39 subdivision thereof, and (B) any fiscal intermediary;

40 (2) "Employee" includes any person suffered or permitted to work by
41 an employer;

42 (3) "Wages" means compensation for labor or services rendered by an
43 employee, whether the amount is determined on a time, task, piece,
44 commission or other basis of calculation;

45 (4) "Commissioner" means the Labor Commissioner; [.] and

46 (5) "Fiscal intermediary" means an entity that provides payroll
47 services for the employment of personal care attendants, as defined in
48 section 17b-706.

49 Sec. 3. Section 31-71d of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective July 1, 2020*):

51 (a) [In] Except as provided in subsection (c) of this section, in case of
52 a dispute over the amount of wages, the employer shall pay, without
53 condition and within the time set by sections 31-71a to 31-71i, inclusive,
54 as amended by this act, all wages, or parts thereof, conceded by him to
55 be due, and the employee shall have all remedies provided by law,
56 including those under said sections as to recovery of any balance
57 claimed.

58 (b) The acceptance by any employee of a payment under this section
59 shall not constitute a release as to the balance of his claim and any
60 release required by an employer as a condition to payment shall be void.

61 (c) Any fiscal intermediary that fails to meet the standards set forth
62 in subdivisions (1) and (2) of this subsection shall be deemed to have
63 failed to timely pay wages under this chapter:

64 (1) Each fiscal intermediary shall provide clear and timely
65 communication to the personal care attendant directly about pay
66 discrepancies, payment confirmation or a change in consumer status,
67 including providing (A) sufficient notice prior to the date of payment
68 with specific information about any problem with the submitted time
69 records which would impact the amount of pay the personal care
70 attendant will receive on the date of payment, and (B) the personal care
71 attendant with a specific and accessible method to address any
72 problems in sufficient time to correct the problem and receive the correct
73 amount on the payment date. As used in this subdivision, "consumer"
74 has the same meaning as provided in section 17b-706 and "sufficient
75 notice" means a period of time that permits the personal care attendant

76 to respond and correct any problems in time to receive the correct
77 payment on the date of payment.

78 (2) Each fiscal intermediary shall provide a timely method for
79 personal care attendants to receive pay between payroll cycles when a
80 pay dispute has been resolved at least twenty-four hours after the date
81 of payment. As used in this subdivision, "timely method" means
82 payment not later than forty-eight hours after the resolution of the pay
83 dispute.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	New section
Sec. 2	<i>July 1, 2020</i>	31-71a
Sec. 3	<i>July 1, 2020</i>	31-71d

Statement of Purpose:

To enact additional requirements concerning the payment of wages of personal care attendants.

[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.]