

**Proposed Substitute  
Bill No. 6595**

LCO No. 6006

**AN ACT CONCERNING LABOR MATTERS RELATED TO COVID-19,  
PERSONAL PROTECTIVE EQUIPMENT AND OTHER STAFFING  
ISSUES.**

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

1 Section 1. Section 31-290a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No employer who is subject to the provisions of this chapter shall:  
4 [discharge,] (1) Discharge or cause to be discharged, or in any manner  
5 discipline or discriminate against any employee because the employee  
6 has filed a claim for workers' compensation benefits or otherwise  
7 exercised the rights afforded to him pursuant to the provisions of this  
8 chapter, or (2) deliberately misinform or otherwise deliberately  
9 dissuade an employee from filing a claim for workers' compensation  
10 benefits.

11 (b) Any employee who is so discharged, disciplined or discriminated  
12 against or who has been deliberately misinformed or dissuaded from  
13 filing a claim for workers' compensation benefits may either: (1) Bring a  
14 civil action in the superior court for the judicial district where the  
15 employer has its principal office for the reinstatement of his previous  
16 job, payment of back wages and reestablishment of employee benefits

17 to which he would have otherwise been entitled if he had not been  
18 discriminated against or discharged and any other damages caused by  
19 such discrimination or discharge. The court may also award punitive  
20 damages. Any employee who prevails in such a civil action shall be  
21 awarded reasonable attorney's fees and costs to be taxed by the court;  
22 or (2) file a complaint with the chairman of the Workers' Compensation  
23 Commission alleging violation of the provisions of subsection (a) of this  
24 section. Upon receipt of any such complaint, the chairman shall select a  
25 commissioner to hear the complaint, provided any commissioner who  
26 has previously rendered any decision concerning the claim shall be  
27 excluded. The hearing shall be held in the workers' compensation  
28 district where the employer has its principal office. After the hearing,  
29 the commissioner shall send each party a written copy of his decision.  
30 The commissioner may award the employee the reinstatement of his  
31 previous job, payment of back wages and reestablishment of employee  
32 benefits to which he otherwise would have been eligible if he had not  
33 been discriminated against or discharged. Any employee who prevails  
34 in such a complaint shall be awarded reasonable attorney's fees. Any  
35 party aggrieved by the decision of the commissioner may appeal the  
36 decision to the Appellate Court.

37 Sec. 2. (NEW) (*Effective from passage*) (a) For the purposes of  
38 adjudication of claims for payment of benefits under the provisions of  
39 chapter 568 of the general statutes, when there is a dispute regarding  
40 whether a request for medical and surgical aid or hospital and nursing  
41 services, including mechanical aids and prescription drugs, is  
42 reasonable or necessary, the employer or insurer shall file a notice of  
43 controversy. A copy of the notice of controversy shall be sent to the  
44 originator of the request. A health care provider, employee or other  
45 interested party may request a hearing regarding payment of medical  
46 and related services for determination of any such dispute.

47 (b) Payment of a medical bill by an employer or insurer shall not be  
48 considered an admission by the employer or the insurer as to the  
49 reasonableness of subsequent medical bills. The provisions of this

50 section shall not affect the applicability of any notice provision of section  
51 31-294c of the general statutes.

52       Sec. 3. (NEW) (*Effective from passage*) (a) For the purpose of  
53 adjudication of claims for payment of benefits under the provisions of  
54 chapter 568 of the general statutes, an employee who died or was unable  
55 to work as a result of contracting COVID-19, or due to symptoms that  
56 were later diagnosed as COVID-19, at any time during (1) the public  
57 health and civil preparedness emergencies declared by the Governor on  
58 March 10, 2020, or any extension of such declarations, or (2) any new  
59 public health and civil preparedness emergencies declared by the  
60 Governor as a result of a COVID-19 outbreak in this state, shall be  
61 presumed to have contracted COVID-19 as an occupational disease  
62 arising out of and in the course of employment, provided (A) the  
63 contraction of COVID-19 by such employee shall be confirmed by a  
64 positive laboratory test or, if a laboratory test was not available for the  
65 employee, as diagnosed and documented by the employee's licensed  
66 physician, licensed physician assistant or licensed advanced practice  
67 registered nurse, based on the employee's symptoms; and (B) a copy of  
68 the positive laboratory test or the written documentation of the  
69 physician's, physician assistant's or advanced practice registered nurse's  
70 diagnosis is provided to the employer or insurer. For the purposes of  
71 this section, "COVID-19" means the respiratory disease designated by  
72 the World Health Organization on February 11, 2020, as coronavirus  
73 2019, and any related mutation thereof recognized by the World Health  
74 Organization as a communicable respiratory disease.

75       (b) The provisions of subsection (a) of this section shall not apply to  
76 an employee who, during the fourteen consecutive days immediately  
77 preceding the date the employee died or was unable to work due to  
78 contracting COVID-19 or due to symptoms that were later diagnosed as  
79 COVID-19: (1) Was employed in a capacity where he or she worked  
80 solely from home and did not have physical interaction with other  
81 employees, or (2) was the recipient of an individualized written offer or  
82 directive from his or her employer to work solely from home, but

83 otherwise chose to work at a work site of the employer.

84 (c) Notwithstanding the definition of "occupational disease" under  
85 section 31-396 of the general statutes, COVID-19 shall be considered an  
86 occupational disease for any employee who was diagnosed with  
87 COVID-19 in accordance with subsection (a) of this section.

88 (d) The presumption under subsection (a) of this section shall only be  
89 rebutted if the employer or insurer clearly demonstrates by a  
90 preponderance of the evidence that the employment of the individual  
91 was not a direct cause of the occupational disease. The employer or the  
92 insurer, within ten days of filing a notice to contest an employee's rights  
93 to compensation benefits pursuant to section 31-294c of the general  
94 statutes, shall provide evidence to rebut the presumption under  
95 subsection (a) of this section. If a compensation commissioner finds that  
96 such presumption has been rebutted, such commissioner shall decide  
97 the claim on its merits, in accordance with established practices of  
98 causation. For purposes of this section, an employee's preexisting  
99 condition shall have no bearing on the merits of a claim, both with  
100 regard to approving a claim and continuing benefits once they have  
101 been awarded. It is further understood that the reapportioning of the  
102 levels of the burden of proofs between the parties is a procedural change  
103 intended to apply to all existing and future COVID-19 claims.

104 (e) An employee who has contracted COVID-19 but who is not  
105 entitled to the presumption under subsection (a) of this section shall not  
106 be precluded from making a claim as provided in chapter 568 of the  
107 general statutes.

108 (f) Beginning on July 1, 2021, and ending on January 1, 2023, the  
109 Workers' Compensation Commission shall provide a detailed report on  
110 the first business day of each month on COVID-19 workers'  
111 compensation claims and shall provide such reports to the joint  
112 standing committees of the General Assembly having cognizance of  
113 matters relating to labor and insurance. Such monthly reports shall  
114 contain: (1) The number of total COVID-19 workers' compensation

115 claims filed since May 10, 2020; (2) the number of record-only claims  
116 filed by hospitals, nursing homes, municipalities and other employers,  
117 listed by employer name; (3) the number of COVID-19 workers'  
118 compensation cases filed by state employees in each agency; (4) the  
119 number of such claims contested by each individual employer,  
120 including state agencies, third-party administrators and insurers, by  
121 client; (5) the reasons cited by each employer, including state agencies,  
122 third-party administrators or insurers, by client, for contesting such  
123 claims; (6) the number of claims that have received a hearing by the  
124 Workers' Compensation Commission; (7) the number of: (A) Rulings by  
125 the Workers' Compensation Commission regarding such claims that  
126 have been appealed, (B) approved voluntary agreements, (C) findings  
127 and awards, (D) findings and dismissals, (E) petitions for review, and  
128 (F) stipulations; (8) the average time it took to schedule an initial hearing  
129 once it has been requested; and (9) the average time it took to adjudicate  
130 contested COVID-19 workers' compensation claims. Employers,  
131 including state agencies, third-party administrators and insurers shall  
132 comply with all requests from the Workers' Compensation Commission  
133 for information required to compile the reports.

134 Sec. 4. Subsection (a) of section 31-306 of the general statutes is  
135 repealed and the following is substituted in lieu thereof (*Effective from*  
136 *passage*):

137 (a) Compensation shall be paid to dependents on account of death  
138 resulting from an accident arising out of and in the course of  
139 employment or from an occupational disease as follows:

140 (1) Four thousand dollars shall be paid for burial expenses in any case  
141 in which the employee died on or after October 1, 1988, and before the  
142 effective date of this act, and twenty thousand dollars shall be paid for  
143 burial expenses in any case in which the employee died on or after the  
144 effective date of this act. On January 1, 2022, and not later than each  
145 January first thereafter, the compensation for burial benefits shall be  
146 adjusted by the percentage increase between the last complete calendar

147 year and the previous calendar year in the consumer price index for  
148 urban wage earners and clerical workers in the northeast, with no  
149 seasonal adjustment, as calculated by the United States Department of  
150 Labor's Bureau of Labor Statistics. If there is no one wholly or partially  
151 dependent upon the deceased employee, the burial expenses [of four  
152 thousand dollars] shall be paid to the person who assumes the  
153 responsibility of paying the funeral expenses.

154 (2) Twenty thousand dollars shall be paid for burial expenses in any  
155 case in which an employee died due to contracting COVID-19 during  
156 (A) the public health and civil preparedness emergencies declared by  
157 the Governor on March 10, 2020, or any extension of such declarations,  
158 or (B) any new public health and civil preparedness emergencies  
159 declared by the Governor as a result of a COVID-19 outbreak in this  
160 state. For the purposes of this subdivision, "COVID-19" means the  
161 respiratory disease designated by the World Health Organization on  
162 February 11, 2020, as coronavirus 2019, and any related mutation thereof  
163 recognized by the World Health Organization as a communicable  
164 respiratory disease.

165 ~~[(2)]~~ (3) To those wholly dependent upon the deceased employee at  
166 the date of the deceased employee's injury, a weekly compensation  
167 equal to seventy-five per cent of the average weekly earnings of the  
168 deceased calculated pursuant to section 31-310, after such earnings have  
169 been reduced by any deduction for federal or state taxes, or both, and  
170 for the federal Insurance Contributions Act made from such employee's  
171 total wages received during the period of calculation of the employee's  
172 average weekly wage pursuant to said section 31-310, as of the date of  
173 the injury but not more than the maximum weekly compensation rate  
174 set forth in section 31-309 for the year in which the injury occurred or  
175 less than twenty dollars weekly. (A) The weekly compensation rate of  
176 each dependent entitled to receive compensation under this section as a  
177 result of death arising from a compensable injury occurring on or after  
178 October 1, 1977, shall be adjusted annually as provided in this  
179 subdivision as of the following October first, and each subsequent

180 October first, to provide the dependent with a cost-of-living adjustment  
181 in the dependent's weekly compensation rate as determined as of the  
182 date of the injury under section 31-309. If the maximum weekly  
183 compensation rate, as determined under the provisions of said section  
184 31-309, to be effective as of any October first following the date of the  
185 injury, is greater than the maximum weekly compensation rate  
186 prevailing at the date of the injury, the weekly compensation rate which  
187 the injured employee was entitled to receive at the date of the injury or  
188 October 1, 1990, whichever is later, shall be increased by the percentage  
189 of the increase in the maximum weekly compensation rate required by  
190 the provisions of said section 31-309 from the date of the injury or  
191 October 1, 1990, whichever is later, to such October first. The cost-of-  
192 living increases provided under this subdivision shall be paid by the  
193 employer without any order or award from the commissioner. The  
194 adjustments shall apply to each payment made in the next succeeding  
195 twelve-month period commencing with the October first next  
196 succeeding the date of the injury. With respect to any dependent  
197 receiving benefits on October 1, 1997, with respect to any injury  
198 occurring on or after July 1, 1993, and before October 1, 1997, such  
199 benefit shall be recalculated to October 1, 1997, as if such benefits had  
200 been subject to recalculation annually under this subparagraph. The  
201 difference between the amount of any benefits that would have been  
202 paid to such dependent if such benefits had been subject to such  
203 recalculation and the actual amount of benefits paid during the period  
204 between such injury and such recalculation shall be paid to the  
205 dependent not later than December 1, 1997, in a lump-sum payment.  
206 The employer or its insurer shall be reimbursed by the Second Injury  
207 Fund, as provided in section 31-354, for adjustments, including lump-  
208 sum payments, payable under this subparagraph for deaths from  
209 compensable injuries occurring on or after July 1, 1993, and before  
210 October 1, 1997, upon presentation of any vouchers and information  
211 that the Treasurer shall require. No claim for payment of retroactive  
212 benefits may be made to the Second Injury Fund more than two years  
213 after the date on which the employer or its insurer paid such benefits in

214 accordance with this subparagraph. (B) The weekly compensation rate  
215 of each dependent entitled to receive compensation under this section  
216 as a result of death arising from a compensable injury occurring on or  
217 before September 30, 1977, shall be adjusted as of October 1, 1977, and  
218 October 1, 1980, and thereafter, as provided in this subdivision to  
219 provide the dependent with partial cost-of-living adjustments in the  
220 dependent's weekly compensation rate. As of October 1, 1977, the  
221 weekly compensation rate paid prior to October 1, 1977, to the  
222 dependent shall be increased by twenty-five per cent. The partial cost-  
223 of-living adjustment provided under this subdivision shall be paid by  
224 the employer without any order or award from the commissioner. In  
225 addition, on each October first, the weekly compensation rate of each  
226 dependent as of October 1, 1990, shall be increased by the percentage of  
227 the increase in the maximum compensation rate over the maximum  
228 compensation rate of October 1, 1990, as determined under the  
229 provisions of section 31-309 existing on October 1, 1977. The cost of the  
230 adjustments shall be paid by the employer or its insurance carrier who  
231 shall be reimbursed for such cost from the Second Injury Fund as  
232 provided in section 31-354 upon presentation of any vouchers and  
233 information that the Treasurer shall require. No claim for payment of  
234 retroactive benefits may be made to the Second Injury Fund more than  
235 two years after the date on which the employer or its insurance carrier  
236 paid such benefits in accordance with this subparagraph.

237       [(3)] (4) If the surviving spouse is the sole presumptive dependent,  
238 compensation shall be paid until death or remarriage.

239       [(4)] (5) If there is a presumptive dependent spouse surviving and  
240 also one or more presumptive dependent children, all of which children  
241 are either children of the surviving spouse or are living with the  
242 surviving spouse, the entire compensation shall be paid to the surviving  
243 spouse in the same manner and for the same period as if the surviving  
244 spouse were the sole dependent. If, however, any of the presumptive  
245 dependent children are neither children of the surviving spouse nor  
246 living with the surviving spouse, the compensation shall be divided into

247 as many parts as there are presumptive dependents. The shares of any  
248 children having a presumptive dependent parent shall be added to the  
249 share of the parent and shall be paid to the parent. The share of any  
250 dependent child not having a surviving dependent parent shall be paid  
251 to the father or mother of the child with whom the child may be living,  
252 or to the legal guardian of the child, or to any other person, for the  
253 benefit of the child, as the commissioner may direct.

254 ~~[(5)]~~ (6) If the compensation being paid to the surviving presumptive  
255 dependent spouse terminates for any reason, or if there is no surviving  
256 presumptive dependent spouse at the time of the death of the employee,  
257 but there is at either time one or more presumptive dependent children,  
258 the compensation shall be paid to the children as a class, each child  
259 sharing equally with the others. Each child shall receive compensation  
260 until the child reaches the age of eighteen or dies before reaching age  
261 eighteen, provided the child shall continue to receive compensation up  
262 to the attainment of the age of twenty-two if unmarried and a full-time  
263 student, except any child who has attained the age of twenty-two while  
264 a full-time student but has not completed the requirements for, or  
265 received, a degree from a postsecondary educational institution shall be  
266 deemed not to have attained age twenty-two until the first day of the  
267 first month following the end of the quarter or semester in which the  
268 child is enrolled at the time, or if the child is not enrolled in a quarter or  
269 semester system, until the first day of the first month following the  
270 completion of the course in which the child is enrolled or until the first  
271 day of the third month beginning after such time, whichever occurs first.  
272 When a child's participation ceases, such child's share shall be divided  
273 among the remaining eligible dependent children, provided if any child,  
274 when the child reaches the age of eighteen years, is physically or  
275 mentally incapacitated from earning, the child's right to compensation  
276 shall not terminate but shall continue for the full period of incapacity.

277 ~~[(6)]~~ (7) In all cases where there are no presumptive dependents, but  
278 where there are one or more persons wholly dependent in fact, the  
279 compensation in case of death shall be divided according to the relative

280 degree of their dependence. Compensation payable under this  
281 subdivision shall be paid for not more than three hundred and twelve  
282 weeks from the date of the death of the employee. The compensation, if  
283 paid to those wholly dependent in fact, shall be paid at the full  
284 compensation rate. The compensation, if paid to those partially  
285 dependent in fact upon the deceased employee as of the date of the  
286 injury, shall not, in total, be more than the full compensation rate nor  
287 less than twenty dollars weekly, nor, if the average weekly sum  
288 contributed by the deceased at the date of the injury to those partially  
289 dependent in fact is more than twenty dollars weekly, not more than the  
290 sum so contributed.

291 ~~[(7)]~~ (8) When the sole presumptive dependents are, at the time of the  
292 injury, nonresident aliens and the deceased has in this state some person  
293 or persons who are dependent in fact, the commissioner may in the  
294 commissioner's discretion equitably apportion the sums payable as  
295 compensation to the dependents.

296 Sec. 5. Subdivision (16) of section 31-275 of the general statutes is  
297 repealed and the following is substituted in lieu thereof (*Effective from*  
298 *passage*):

299 (16) (A) "Personal injury" or "injury" includes, in addition to  
300 accidental injury that may be definitely located as to the time when and  
301 the place where the accident occurred, an injury to an employee that is  
302 causally connected with the employee's employment and is the direct  
303 result of repetitive trauma or repetitive acts incident to such  
304 employment, and occupational disease.

305 (B) "Personal injury" or "injury" shall not be construed to include:

306 (i) An injury to an employee that results from the employee's  
307 voluntary participation in any activity the major purpose of which is  
308 social or recreational, including, but not limited to, athletic events,  
309 parties and picnics, whether or not the employer pays some or all of the  
310 cost of such activity;

311 (ii) A mental or emotional impairment, unless such impairment (I)  
312 arises from a physical injury or occupational disease, (II) in the case of a  
313 police officer of the Division of State Police within the Department of  
314 Emergency Services and Public Protection, an organized local police  
315 department or a municipal constabulary, arises from such police  
316 officer's use of deadly force or subjection to deadly force in the line of  
317 duty, regardless of whether such police officer is physically injured,  
318 provided such police officer is the subject of an attempt by another  
319 person to cause such police officer serious physical injury or death  
320 through the use of deadly force, and such police officer reasonably  
321 believes such police officer to be the subject of such an attempt, or (III)  
322 in the case of [a police officer, parole officer or firefighter] an eligible  
323 individual as defined in section 31-294k, as amended by this act, is a  
324 diagnosis of post-traumatic stress [disorder] injury as defined in section  
325 31-294k, as amended by this act, that meets all the requirements of  
326 section 31-294k, as amended by this act. As used in this clause, "in the  
327 line of duty" means any action that a police officer is obligated or  
328 authorized by law, rule, regulation or written condition of employment  
329 service to perform, or for which the police officer or firefighter is  
330 compensated by the public entity such officer serves;

331 (iii) A mental or emotional impairment that results from a personnel  
332 action, including, but not limited to, a transfer, promotion, demotion or  
333 termination; or

334 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this  
335 subdivision, "personal injury" or "injury" includes injuries to employees  
336 of local or regional boards of education resulting from participation in a  
337 school-sponsored activity but does not include any injury incurred  
338 while going to or from such activity. As used in this clause, "school-  
339 sponsored activity" means any activity sponsored, recognized or  
340 authorized by a board of education and includes activities conducted on  
341 or off school property and "participation" means acting as a chaperone,  
342 advisor, supervisor or instructor at the request of an administrator with  
343 supervisory authority over the employee.

344 Sec. 6. Section 31-294k of the general statutes is repealed and the  
345 following is substituted in lieu thereof (*Effective from passage*):

346 (a) As used in this section:

347 (1) "COVID-19" means the respiratory disease designated by the  
348 World Health Organization on February 11, 2020, as coronavirus 2019,  
349 and any related mutation thereof recognized by the World Health  
350 Organization as a communicable respiratory disease;

351 (2) "Eligible individual" means a police officer, firefighter, emergency  
352 medical services personnel, Department of Correction employee,  
353 telecommunicator or health care provider;

354 (3) "Emergency medical services personnel" has the same meaning as  
355 provided in section 20-206jj;

356 ~~[(1)]~~ (4) "Firefighter" has the same meaning as provided in section 7-  
357 313g;

358 (5) "Health care provider" means a person employed at a doctor's  
359 office, hospital, health care center, clinic, medical school, local health  
360 department or agency, nursing facility, retirement facility, nursing  
361 home, group home, home health care provider, any facility that  
362 performs laboratory or medical testing, pharmacy or any similar  
363 institution, and a person employed to provide personal care assistance,  
364 as defined in section 17b-706;

365 ~~[(2)]~~ (6) "In the line of duty" means any action that [a police officer,  
366 parole officer or firefighter] an eligible individual is obligated or  
367 authorized by law, rule, regulation or written condition of employment  
368 service to perform, or for which the [officer or firefighter] eligible  
369 individual is compensated by the public entity such [officer or  
370 firefighter] individual serves, except that, in the case of a volunteer  
371 firefighter, such action or service constitutes fire duties, as defined in  
372 subsection (b) of section 7-314b;

373 [(3)] (7) "Mental health professional" means a board-certified  
374 psychiatrist or a psychologist licensed pursuant to chapter 383, who has  
375 experience diagnosing and treating post-traumatic stress [disorder]  
376 injury;

377 [(4)] (8) "Parole officer" means an employee of the Department of  
378 Correction who supervises inmates in the community after their release  
379 from prison on parole or under another prison release program;

380 [(5)] (9) "Police officer" has the same meaning as provided in section  
381 7-294a, except that "police officer" does not include an officer of a law  
382 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan  
383 Tribe of Indians of Connecticut;

384 [(6) "Post-traumatic stress disorder"] (10) "Post-traumatic stress  
385 injury" means [a disorder] an injury that meets the diagnostic criteria for  
386 post-traumatic stress disorder as specified in the most recent edition of  
387 the American Psychiatric Association's "Diagnostic and Statistical  
388 Manual of Mental Disorders"; [and]

389 [(7)] (11) "Qualifying event" means: [an]

390 (A) An event occurring in the line of duty on or after July 1, 2019, in  
391 which a police officer, parole officer, [or] firefighter, emergency medical  
392 services personnel, Department of Correction employee or  
393 telecommunicator;

394 [(A)] (i) Views a deceased minor;

395 [(B)] (ii) Witnesses the death of a person or an incident involving the  
396 death of a person;

397 [(C)] (iii) Witnesses an injury to a person who subsequently dies  
398 before or upon admission at a hospital as a result of the injury and not  
399 as a result of any other intervening cause;

400 [(D)] (iv) Has physical contact with and treats an injured person who

401 subsequently dies before or upon admission at a hospital as a result of  
402 the injury and not as a result of any other intervening cause;

403 [(E)] (v) Carries an injured person who subsequently dies before or  
404 upon admission at a hospital as a result of the injury and not as a result  
405 of any other intervening cause; or

406 [(F)] (vi) Witnesses a traumatic physical injury that results in the loss  
407 of a vital body part or a vital body function that results in permanent  
408 disfigurement of the victim; [.] or

409 (B) An event arising out of and in the course of employment on or  
410 after March 10, 2020, in which an eligible individual who is a health care  
411 provider is engaged in activities substantially dedicated to mitigating or  
412 responding to the public health and civil preparedness emergencies  
413 declared by the Governor on March 10, 2020, or any extension of such  
414 emergency declarations; and

415 (i) Witnesses the death of a person due to COVID-19 or due to  
416 symptoms that were later diagnosed as COVID-19;

417 (ii) Witnesses an injury to a person who subsequently dies as a result  
418 of COVID-19 or due to symptoms that were later diagnosed as COVID-  
419 19;

420 (iii) Has physical contact with and treats or provides care for a person  
421 who subsequently dies as a result of COVID-19 or due to symptoms that  
422 were later diagnosed as COVID-19; or

423 (iv) Witnesses a traumatic physical injury that results in the loss of a  
424 vital body function of a person due to COVID-19 or due to symptoms  
425 that were later diagnosed as COVID-19;

426 (12) "Telecommunicator" has the same meaning as provided in  
427 section 28-30; and

428 (13) "Witnesses" means, for an eligible individual who is a

429 telecommunicator, hears by telephone or radio.

430 (b) A diagnosis of post-traumatic stress [disorder] injury is  
431 compensable as a personal injury as described in subparagraph  
432 (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act,  
433 if a mental health professional examines [a police officer, parole officer  
434 or firefighter] the eligible individual and diagnoses the [officer or  
435 firefighter] individual with a post-traumatic stress [disorder] injury as a  
436 direct result of a qualifying event, provided (1) the post-traumatic stress  
437 [disorder] injury resulted from [the officer or firefighter] (A) the eligible  
438 individual acting in the line of duty if such individual is a police officer,  
439 firefighter, emergency medical services personnel, Department of  
440 Correction employee or telecommunicator and, in the case of a  
441 firefighter, such firefighter complied with Federal Occupational Safety  
442 and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29  
443 CFR 1910.156, or (B) the eligible individual acting the course of  
444 employment if such individual is a health care provider, (2) a qualifying  
445 event was a substantial factor in causing the [disorder, (3) such  
446 qualifying event, and not another event or source of stress, was the  
447 primary cause of the post-traumatic stress disorder] injury, and [(4)] (3)  
448 the post-traumatic stress [disorder] injury did not result from any  
449 disciplinary action, work evaluation, job transfer, layoff, demotion,  
450 promotion, termination, retirement or similar action of the [officer or  
451 firefighter] eligible individual. Any such mental health professional  
452 shall comply with any workers' compensation guidelines for approved  
453 medical providers, including, but not limited to, guidelines on release  
454 of past or contemporaneous medical records.

455 (c) Whenever liability to pay compensation is contested by the  
456 employer, the employer shall file with the commissioner, on or before  
457 the twenty-eighth day after the employer has received a written notice  
458 of claim, a notice in accordance with a form prescribed by the  
459 chairperson of the Workers' Compensation Commission stating that the  
460 right to compensation is contested, the name of the claimant, the name  
461 of the employer, the date of the alleged injury and the specific grounds

462 on which the right to compensation is contested. The employer shall  
463 send a copy of the notice to the employee in accordance with section 31-  
464 321. If the employer or the employer's legal representative fails to file  
465 the notice contesting liability on or before the twenty-eighth day after  
466 receiving the written notice of claim, the employer shall commence  
467 payment of compensation for such injury on or before the twenty-eighth  
468 day after receiving the written notice of claim, but the employer may  
469 contest the employee's right to receive compensation on any grounds or  
470 the extent of the employee's disability within one hundred eighty days  
471 from the receipt of the written notice of claim and any benefits paid  
472 during the one hundred eighty days shall be considered payments  
473 without prejudice, provided the employer shall not be required to  
474 commence payment of compensation when the written notice of claim  
475 has not been properly served in accordance with section 31-321 or when  
476 the written notice of claim fails to include a warning that the employer  
477 (1) if the employer has commenced payment for the alleged injury on or  
478 before the twenty-eighth day after receiving a written notice of claim,  
479 shall be precluded from contesting liability unless a notice contesting  
480 liability is filed within one hundred eighty days from the receipt of the  
481 written notice of claim, and (2) shall be conclusively presumed to have  
482 accepted the compensability of the alleged injury unless the employer  
483 either files a notice contesting liability on or before the twenty-eighth  
484 day after receiving a written notice of claim or commences payment for  
485 the alleged injury on or before such twenty-eighth day. An employer  
486 shall be entitled, if the employer prevails, to reimbursement from the  
487 claimant of any compensation paid by the employer on and after the  
488 date the commissioner receives written notice from the employer or the  
489 employer's legal representative, in accordance with the form prescribed  
490 by the chairperson of the Workers' Compensation Commission, stating  
491 that the right to compensation is contested. Notwithstanding the  
492 provisions of this subsection, an employer who fails to contest liability  
493 for an alleged injury on or before the twenty-eighth day after receiving  
494 a written notice of claim and who fails to commence payment for the  
495 alleged injury on or before such twenty-eighth day, shall be conclusively

496 presumed to have accepted the compensability of the alleged injury. If  
497 an employer has opted to post an address of where notice of a claim for  
498 compensation by an employee shall be sent, as described in subsection  
499 (a) of section 31-294c, the twenty-eight-day period set forth in this  
500 subsection shall begin on the date when such employer receives written  
501 notice of a claim for compensation at such posted address.

502 (d) Notwithstanding any provision of this chapter, workers'  
503 compensation benefits for any [police officer, parole officer or  
504 firefighter] eligible individual for a personal injury described in  
505 subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as  
506 amended by this act, shall (1) include any combination of medical  
507 treatment prescribed by a board-certified psychiatrist or a licensed  
508 psychologist, temporary total incapacity benefits under section 31-307  
509 and temporary partial incapacity benefits under subsection (a) of section  
510 31-308, and (2) be provided for a maximum of fifty-two weeks from the  
511 date of diagnosis. No medical treatment, temporary total incapacity  
512 benefits under section 31-307 or temporary partial incapacity benefits  
513 under subsection (a) of section 31-308 shall be awarded beyond four  
514 years from the date of the qualifying event that formed the basis for the  
515 personal injury. The weekly benefits received by an [officer or a  
516 firefighter] eligible individual pursuant to section 31-307 or subsection  
517 (a) of section 31-308, when combined with other benefits including, but  
518 not limited to, contributory and noncontributory retirement benefits,  
519 Social Security benefits, benefits under a long-term or short-term  
520 disability plan, but not including payments for medical care, shall not  
521 exceed the average weekly wage paid to such [officer or firefighter]  
522 eligible individual. An [officer or firefighter] eligible individual  
523 receiving benefits pursuant to this subsection shall not be entitled to  
524 benefits pursuant to subsection (b) of section 31-308 or section 31-308a.

525 Sec. 7. (NEW) (*Effective from passage*) (a) As used in this section:

526 (1) "Compensation" means an employee's average weekly earnings  
527 for the twelve-month period immediately preceding the date of the

528 employee's last day of active employment with an employer, including  
529 wages or salary, payments to an employee while on vacation or on  
530 leave, allocated or declared tip income, bonuses or commissions,  
531 contributions or premiums paid by the employer for fringe benefits,  
532 overtime or other premium payments, and allowances for expenses,  
533 uniforms, travel or education;

534 (2) "COVID-19" means the respiratory disease designated by the  
535 World Health Organization on February 11, 2020, as coronavirus 2019,  
536 and any related mutation thereof recognized by the World Health  
537 Organization as a communicable respiratory disease;

538 (3) "Customary seasonal work" means work performed by an  
539 employee for approximately the same portion of each calendar year;

540 (4) "Employer" means any person, including a corporate officer or  
541 executive, who directly or indirectly or through an agent or any other  
542 person, including through the services of a temporary service or staffing  
543 agency or similar entity, conducts an enterprise and employs or  
544 exercises control over the wages, hours or working conditions of any  
545 employee;

546 (5) "Employment site" means the principal physical place where a  
547 laid-off employee performed the predominance of the employee's duties  
548 prior to being laid off, or, in the case of a laid-off employee in  
549 construction, transportation, building services or other industries where  
550 work is performed at locations other than the employer's administrative  
551 headquarters from which such assignments were made, any location  
552 served by such headquarters;

553 (6) "Enterprise" means any income-producing economic activity  
554 carried on in this state that employs five or more employees;

555 (7) "Laid-off employee" means any employee who was employed by  
556 the employer for six months or more in the twelve months preceding  
557 March 10, 2020, and whose most recent separation from active service

558 or whose failure to be scheduled for customary seasonal work by that  
559 employer occurred after March 10, 2020, and before December 31, 2024,  
560 and was due to government shutdown orders, lack of business, or a  
561 reduction or furlough of the employer's workforce; and

562 (8) "Length of service" means the total of all periods of time during  
563 which an employee has been in active service, including periods of time  
564 when the employee was on leave or on vacation.

565 (b) Each employer shall send to each of its laid-off employees, in  
566 writing to their last known physical address and electronic mail address,  
567 and in a text message to their mobile phone, all job positions that become  
568 available at the employer for which the laid-off employee is qualified. A  
569 laid-off employee is qualified for a position if the employee: (1) Held the  
570 same or similar position at the enterprise at the time of the employee's  
571 most recent separation from active service with the employer; or (2) is  
572 or can be qualified for the position with the same training that would be  
573 provided to a new employee hired for such position. The employer shall  
574 offer such positions to laid-off employees in the order of preference set  
575 forth under subdivisions (1) and (2) of this subsection. Where more than  
576 one employee is entitled to preference for a position, the employer shall  
577 offer the position to the employee with the greatest length of service at  
578 the employment site. An employer may make offers of employment for  
579 a position to more than one laid-off employee with the final offer of  
580 employment for such position conditioned upon the order of preference  
581 described in this subsection.

582 (c) An offer of employment to a laid-off employee pursuant to this  
583 section shall be in the same classification or job title at substantially the  
584 same employment site, subject to relocation as provided in subsection  
585 (g) of this section, and with substantially the same duties, compensation,  
586 benefits and working conditions as applied to the laid-off employee  
587 immediately prior to March 10, 2020.

588 (d) Any laid-off employee who is offered a position pursuant to this  
589 section shall be given not less than ten days in which to accept or decline

590 the offer. A laid-off employee who declines an offer due to his or her  
591 age, underlying health conditions of himself or herself or of a family  
592 member or other person living in his or her household shall retain his  
593 or her right to accept the position and shall retain all other rights under  
594 this section until both (1) the expiration of the public health and civil  
595 preparedness emergencies declared by the Governor on March 10, 2020,  
596 and any extension of such emergency declarations, and (2) the laid-off  
597 employee is reoffered the position.

598 (e) Each employer that declines to rehire a laid-off employee on the  
599 grounds of lack of qualifications and instead hires a person other than a  
600 laid-off employee shall provide to the laid-off employee a written notice  
601 not later than thirty days after the date such person is hired. Such notice  
602 shall identify the person hired in lieu of rehiring the laid-off employee,  
603 the reasons for such decision and all demographic data the employer  
604 has regarding such new hire and the laid-off employee who was not  
605 rehired.

606 (f) Laid-off employees rehired pursuant to this section shall be  
607 permitted to work for not less than thirty work days, unless there is just  
608 cause for their termination.

609 (g) The requirements of this section shall apply under any of the  
610 following circumstances:

611 (1) The ownership of the employer changed after a laid-off employee  
612 was laid off, but the enterprise continues to conduct the same or similar  
613 operations it did prior to March 10, 2020;

614 (2) The form of organization of the employer changed after March 10,  
615 2020;

616 (3) Substantially all of the assets of the employer were acquired by  
617 another entity that conducts the same or similar operations using  
618 substantially the same assets; or

619 (4) The employer relocates the operations at which a laid-off

620 employee was employed prior to March 10, 2020, to a different  
621 employment site not greater than twenty-five miles away from the  
622 original employment site.

623 (h) No employer shall terminate, refuse to reemploy, reduce  
624 compensation, or otherwise take any adverse action against any person  
625 seeking to enforce his or her rights under this section or for participating  
626 in proceedings related to this section, opposing the violation of any  
627 provision of this section or otherwise asserting rights under this section.

628 (i) An employer that terminates, refuses to reemploy or takes any  
629 other adverse action against any laid-off employee shall provide to the  
630 employee at or before the time of the termination, refusal to reemploy  
631 or other adverse action a detailed written statement of the reason or  
632 reasons for the termination, refusal to reemploy or other adverse action,  
633 including all the facts substantiating the reason or reasons and all facts  
634 known to the employer that contradict the substantiating facts.

635 (j) (1) A laid-off employee aggrieved by a violation of any provision  
636 of this section may bring a civil in the Superior Court or may designate  
637 an agent or representative to maintain the action on behalf of the  
638 employee.

639 (2) If the court finds that the employer has violated any provision of  
640 this section, the court may enjoin the employer from engaging in such  
641 violation and may order such affirmative action as may be appropriate,  
642 which may include, but need not be limited to, the reinstatement or  
643 rehiring of the laid-off employee, with or without back pay, including  
644 fringe benefits or any other equitable relief as the court deems  
645 appropriate. Interim earnings or amounts earnable with reasonable  
646 diligence by the laid-off employee who was subject to the violation shall  
647 be deducted from the back pay otherwise allowable, and any reasonable  
648 amounts expended by the laid-off employee in searching for, obtaining  
649 or relocating to new employment shall be deducted from the interim  
650 earnings before such earnings are deducted from such back pay. The  
651 court may order compensatory and punitive damages if the court finds

652 that the employer committed the violation with malice or with reckless  
653 indifference to the requirements of this section and treble damages on  
654 behalf of a laid-off employee terminated in violation of any provision of  
655 subsection (h) of this section. Any laid-off employee who prevails in  
656 such civil action shall be awarded reasonable attorney's fees and costs  
657 to be taxed by the court.

658 (k) The provisions of this section shall apply to each laid-off  
659 employee, whether or not such laid-off employee is represented for  
660 purposes of collective bargaining or is covered by a collective  
661 bargaining agreement, and may be waived in a bona fide collective  
662 bargaining agreement, but only if the waiver is explicitly set forth in the  
663 agreement in clear and unambiguous terms. Unilateral implementation  
664 of terms and conditions of employment by either party to a collective  
665 bargaining relationship shall not constitute or be permitted as a waiver  
666 of all or any part of the provisions of this section. Nothing in this section  
667 shall be construed to invalidate or limit the rights, remedies and  
668 procedures of any contract or agreement that provides equal or greater  
669 protection for laid-off employees than provided by this section, and it  
670 shall not be a violation of this section for an employer to follow an order  
671 of preference for recall required by a collective bargaining agreement  
672 that is different from the order of preference required by this section.

673 Sec. 8. (NEW) (*Effective from passage*) (a) As used in this section and  
674 section 9 of this act, "personal protective equipment" means specialized  
675 clothing or equipment worn by an employee for protection against  
676 infectious disease and materials, including, but not limited to, protective  
677 equipment for the eyes, face, head and extremities, protective clothing  
678 and protective shields and barriers.

679 (b) Not later than six months after the end of the public health and  
680 civil preparedness emergencies declared by the Governor on March 10,  
681 2020, or the effective date of this section, whichever is later, the  
682 Commissioner of Public Health, in consultation with the Department of  
683 Administrative Services and the Division of Emergency Management

684 and Homeland Security, shall award a contract or contracts for the  
685 procurement of personal protective equipment to create two stockpiles  
686 of such equipment pursuant to this section. The commissioner may  
687 make awards to multiple bidders and shall, to the maximum extent  
688 feasible, pay for the personal protective equipment with federal public  
689 health emergency funds. Each stockpile shall be gradually filled to a  
690 capacity determined by the commissioner, provided at least one third of  
691 the capacity of the stockpile shall be filled each year until capacity is  
692 met. If personal protective equipment from a stockpile is used, the  
693 stockpile shall be refilled in a manner similar to how the initial stockpile  
694 was filled.

695 (c) One stockpile shall consist of personal protective equipment  
696 approved for use by a federal agency and one stockpile shall consist of  
697 personal protective equipment approved for use by the Department of  
698 Public Health, in consultation with the Department of Administrative  
699 Services and the Division of Emergency Management and Homeland  
700 Security. Fifty per cent of the personal protective equipment in each  
701 stockpile shall, to the maximum extent feasible, be manufactured in this  
702 state, and thirty per cent of the personal protective equipment in each  
703 stockpile shall, to the maximum extent feasible, be manufactured in the  
704 United States.

705 (d) (1) During a declaration of a public health emergency, the  
706 Commissioner of Public Health shall make personal protective  
707 equipment in such stockpiles available without charge to state agencies,  
708 political subdivisions of the state, nursing homes, hospitals, nonprofit  
709 organizations and public schools. If the commissioner determines, after  
710 making such personal protective equipment available, that there is an  
711 excess supply of personal protective equipment, the commissioner shall  
712 make such excess supply available for purchase by other private entities  
713 at fair market value. The commissioner shall establish orders of priority  
714 for the entities that may gain access to the state's personal protective  
715 equipment stockpiles.

716 (2) When any personal protective equipment in a stockpile is within  
717 one year of its expiration date, the commissioner shall make such  
718 personal protective equipment available for sale at no more than fair  
719 market value to the following entities, in order of priority: (A) Private  
720 nursing homes in this state, (B) federally qualified healthcare centers in  
721 this state, (C) hospitals, (D) nonprofit hospitals and entities that provide  
722 direct medical care in this state, (E) public school districts in this state,  
723 and (F) private schools and nonpublic charter schools in this state. To  
724 the extent feasible, expired personal protective equipment shall be  
725 disposed of in an environmentally sound manner.

726 (e) The Division of Emergency Management and Homeland Security,  
727 in consultation with the Department of Public Health and the  
728 Department of Administrative Services, shall submit a report annually  
729 to the Governor and the General Assembly, in accordance with the  
730 provisions of section 11-4a of the general statutes, on the status of the  
731 stockpiles. The report shall include data on the price paid by the state  
732 for the personal protective equipment and data on any personal  
733 protective equipment sold by the state. The reports shall be made  
734 available to the public on the Internet web site of the Division of  
735 Emergency Management and Homeland Security.

736 Sec. 9. (NEW) (*Effective from passage*) The Division of Emergency  
737 Management and Homeland Security, in consultation with the  
738 Department of Public Health, shall establish a process to evaluate,  
739 distribute and approve personal protective equipment for use during  
740 public health emergencies. The process shall be designed to assist the  
741 production of personal protective equipment by businesses not  
742 otherwise engaged in the production of such equipment and not  
743 approved by a federal agency to produce such equipment, and shall  
744 prioritize businesses that manufacture personal protective equipment in  
745 this state. The process shall require the Department of Administrative  
746 Services to assist the Division of Emergency Management and  
747 Homeland Security and the Department of Public Health in the review  
748 of such businesses to ensure such businesses are legitimate and do not

749 have any unresolved safety or health citations.

750 Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section:

751 (1) "Department" means the Department of Public Health;

752 (2) "Health care provider" has the same meaning as provided in  
753 section 19a-17b of the general statutes, except that "health care provider"  
754 does not include an independent medical practice that is owned and  
755 operated, or maintained as a clinic or office, by one or more licensed  
756 physicians and used as an office for the practice of their profession,  
757 within the scope of their license, regardless of the name used publicly to  
758 identify the place or establishment unless the medical practice is  
759 operated or maintained exclusively as part of an integrated health  
760 system or health facility;

761 (3) "Long-term care provider" means a home health care agency,  
762 home health aide agency, behavioral health facility, alcohol or drug  
763 treatment facility, assisted living services agency, or nursing home, each  
764 as defined in section 19a-490 of the general statutes;

765 (4) "Covered provider" means a health care provider or long-term  
766 care provider;

767 (5) "Health care worker" means an individual employed by a health  
768 care provider;

769 (6) "Long-term care worker" means an individual employed by a  
770 long-term care provider; and

771 (7) "Personal protective equipment" or "PPE" means specialized  
772 clothing or equipment worn by an employee for protection against  
773 infectious disease and materials, including, but not limited to, protective  
774 equipment for the eyes, face, head and extremities, protective clothing  
775 and protective shields and barriers.

776 (b) On and after January 1, 2023, or one year after regulations are

777 adopted pursuant to subsection (g) of this section, whichever is later,  
778 each covered provider shall maintain an unexpired inventory of PPE  
779 deemed sufficient by the Commissioner of Public Health for ninety days  
780 of surge consumption in the event of a state of emergency declaration  
781 by the Governor, or a local emergency for a pandemic or other health  
782 emergency. Personal protective equipment in the inventory shall be new  
783 and not previously worn or used. Each covered provider shall provide  
784 an inventory of its PPE to the department upon request from the  
785 department. Except as provided in subsections (d) and (e) of this section,  
786 a covered provider that violates this subsection shall be subject to a civil  
787 penalty in the amount of twenty-five thousand dollars.

788 (c) If a covered provider provides services in a facility or other setting  
789 controlled or owned by another covered provider that is obligated to  
790 maintain a PPE inventory pursuant to this section, the covered provider  
791 that controls or owns the facility or other setting shall be required to  
792 maintain the required PPE for the covered provider providing services  
793 in such facility or setting.

794 (d) Any covered provider may apply to the department, in writing,  
795 for a waiver of some or all of the PPE inventory requirements described  
796 in subsection (a) of this section. The department may approve the  
797 waiver if the covered provider has twenty-five or fewer employees and  
798 the covered provider agrees to close in-person operations during any  
799 public health emergency in which increased use of PPE is recommended  
800 by the department until sufficient PPE becomes available to the covered  
801 provider to return to in-person operations.

802 (e) (1) The department may exempt a covered provider from the civil  
803 penalty under subsection (a) of this section if the department determines  
804 that supply chain limitations make meeting the required supply level  
805 infeasible, and (A) a covered provider has made a reasonable attempt,  
806 as determined by the department, to obtain PPE, or (B) the covered  
807 provider shows that meeting the required supply level is not possible  
808 due to issues beyond the covered providers control, such as the covered

809 provider ordered the PPE but such order was not fulfilled by the  
810 manufacturer or distributor, or the PPE was damaged in transit or  
811 stolen.

812 (2) A covered provider shall not be assessed a civil penalty under  
813 subsection (a) of this section if the covered provider's PPE inventory  
814 falls below the required supply level as a result of the covered provider's  
815 distribution of PPE to its health care workers or long-term care workers,  
816 or to another covered provider's workers, during a state of emergency  
817 declared by the Governor or a declared local emergency for a pandemic  
818 or other health emergency, provided the covered provider replenishes  
819 its inventory to the required supply level not later than thirty days after  
820 the date the inventory falls below the required supply level if the  
821 department has determined there is not a supply limitation.

822 (f) A covered provider shall supply PPE to its health care workers and  
823 long-term care workers and require that such workers use the PPE.

824 (g) The department shall adopt regulations, in accordance with  
825 chapter 54 of the general statutes, to carry out the provisions of this  
826 section. Such regulations shall (1) establish requirements for the surge  
827 capacity levels described in subsection (a) of this section, including, but  
828 not limited to, the types and amount of PPE to be maintained by the  
829 covered provider based on the type and size of each covered provider,  
830 as well as the composition of health care workers and long-term care  
831 workers in its workforce, and (2) not establish policies or standards that  
832 are less protective or prescriptive than any federal, state or local law on  
833 PPE standards.

834 Sec. 11. (NEW) (*Effective from passage*) (a) Each acute care hospital and  
835 nursing home shall collect data on COVID-19 in a form and format  
836 prescribed by the Commissioner of Public Health (1) each day during  
837 the time period of the public health and civil preparedness emergencies  
838 declared by the Governor on March 10, 2020, or any extension of such  
839 time periods, and (2) monthly after the expiration of such time periods.  
840 The COVID-19 data shall be based on nationally recognized and

841 recommended standards and shall include, but need not be limited to  
842 for each such hospital and nursing home: (A) Current inpatient data of  
843 COVID-19 cases, hospitalizations and deaths, (B) the number of  
844 employees exposed to COVID-19 and exhibiting symptoms of COVID-  
845 19 who were tested for COVID-19, (C) the number of asymptomatic  
846 employees tested for COVID-19, (D) the number of COVID-19 vaccines  
847 administered, (E) census data of beds and ventilators, and (F) an  
848 inventory of personal protective equipment, including the quantity in  
849 possession and the utilization rate.

850 (b) Each acute care hospital and nursing home shall post such data to  
851 such hospital's and nursing home's Internet web site each day during  
852 the time period of the public health and civil preparedness emergencies  
853 declared by the Governor on March 10, 2020, or any extension of such  
854 time periods, and quarterly after such time period has expired. For  
855 purposes of this section "COVID-19" means the respiratory disease  
856 designated by the World Health Organization on February 11, 2020, as  
857 coronavirus 2019, and any related mutation thereof recognized by the  
858 World Health Organization as a communicable respiratory disease.

859 Sec. 12. (NEW) (*Effective from passage*) As used in this section and  
860 sections 13 to 16, inclusive, of this act:

861 (1) "Covered week" means any week within the eligible time period  
862 in which a covered employee was required to perform work for an  
863 employer at the job site or away from the covered employee's home.

864 (2) "COVID-19" means the respiratory disease designated by the  
865 World Health Organization on February 11, 2020, as coronavirus 2019,  
866 and any related mutation thereof recognized by the World Health  
867 Organization as a communicable respiratory disease;

868 (3) "Eligible time period" means the period beginning March 20, 2020,  
869 and ending April 30, 2021;

870 (4) "Essential employee" means any person employed in a category

871 recommended by the Advisory Committee on Immunization Practices  
872 as of February 20, 2021, to receive a COVID-19 vaccination in phase 1b  
873 of the COVID-19 vaccination program;

874 (5) "Covered employee" means any essential employee or specialized  
875 risk employee;

876 (6) "Employer" means the employer of a covered employee and  
877 includes consumers, as defined in section 17b-706 of the general statutes;

878 (7) "First responder" means any peace officer, as defined in section  
879 53a-3 of the general statutes, firefighter, as defined in section 7-313g of  
880 the general statutes, person employed as a firefighter by a private  
881 employer, ambulance driver, emergency medical responder, emergency  
882 medical technician, advanced emergency medical technician,  
883 paramedic, as defined in section 19a-175 of the general statutes, or  
884 telecommunicator, as defined in section 28-30 of the general statutes;  
885 and

886 (8) "Specialized risk employee" means any person employed in a  
887 category recommended by the Advisory Committee on Immunization  
888 Practices as of February 20, 2021, to receive a COVID-19 vaccination in  
889 phase 1a of the COVID-19 vaccination program, first responder,  
890 employee required to work in congregate settings or with persons  
891 infected with COVID-19, and any personal care attendant, as defined in  
892 section 17b-706 of the general statutes.

893 Sec. 13. (NEW) (*Effective from passage*) (a) There is established within  
894 the Department of Social Services the Essential Employees Pandemic  
895 Pay Grant Program to administer and award grants to employers whose  
896 covered employees were engaged in activities substantially dedicated to  
897 mitigating or responding to the public health and civil preparedness  
898 emergencies declared by the Governor on March 10, 2020, during the  
899 eligible period. Not less than fifteen per cent of unrestricted funds  
900 received by the state from January 1, 2021, to July 1, 2021, inclusive, for  
901 purposes of COVID-19 relief shall be appropriated by the state to fund

902 grants under the program.

903 (b) Not later than July 1, 2021, or sixty days after the Commissioner  
904 of Social Services certifies that the program is established and available,  
905 whichever is later, each employer shall apply to the department for a  
906 grant under the program in an amount sufficient to make payments of  
907 additional compensation to covered employees pursuant to subdivision  
908 (1) of subsection (a) of section 14 of this act. The department shall issue  
909 such grants requested on the grant application not later than thirty days  
910 after the date grant applications are due, provided if the amount  
911 appropriated to the program under subsection (a) of this section is  
912 insufficient to fund the full amount of such grants, the department shall  
913 prorate each grant by such amount as is necessary to issue a grant  
914 payment to each employer who submitted an application.

915 Sec. 14. (NEW) (*Effective from passage*) (a) Each employer that receives  
916 a grant under section 13 of this act shall pay each of its covered  
917 employees additional compensation for each hour worked by such  
918 covered employee during a covered week. Such compensation shall be  
919 in addition to all other compensation, including wages, remuneration or  
920 other pay and benefits the covered employee otherwise receives from  
921 the employer, and shall be paid in an amount (1) equal to five dollars  
922 per hour worked for essential employees and ten dollars per hour  
923 worked for specialized risk employees if the employer received a grant  
924 in the full amount for which the employer applied, or (2) prorated as  
925 necessary to distribute the grant funds to each covered employee if the  
926 employer received a grant in an amount less than the amount for which  
927 the employer applied. No employer may deny such compensation  
928 based upon the quality or type of work the covered employee  
929 performed during such covered week.

930 (b) Such compensation shall be provided to the covered employee as  
931 a lump sum payment in the first regularly scheduled payment of wages  
932 after the employer's receipt of the grant. In any case where the employer  
933 is unable to arrange for payment of the amount due to the covered

934 employee in the first regularly scheduled payment of wages, such  
935 amounts shall be paid as soon as practicable, but not later than the  
936 second regularly scheduled payment of wages after the employer's  
937 receipt of the grant. Such compensation shall be clearly demarcated as a  
938 separate line item in each paystub or other document provided to a  
939 covered employee that details the remuneration the covered employee  
940 received from the employer for a particular period of time. If any  
941 covered employee does not otherwise regularly receive any such  
942 paystub or other document from the employer, the employer shall  
943 provide such paystub or other document to the covered employee for  
944 the duration of the period in which the employer provides additional  
945 compensation under subsection (a) of this section.

946 (c) (1) Any employer receiving a grant pursuant to section 13 of this  
947 act or providing additional compensation to a covered employee under  
948 this section shall not reduce or in any way diminish the compensation,  
949 including the wages, remuneration or other pay or employment benefits  
950 of a covered employee from March 20, 2020, to June 30, 2021, inclusive,  
951 from the level provided to the covered employee on the date before the  
952 effective date of this act.

953 (2) An employer shall not take any action to displace a covered  
954 employee or partially displace a covered employee by reducing hours,  
955 wages or employment benefits for the purposes of hiring an individual  
956 for an equivalent position at a rate of compensation that is less than  
957 required to be provided to a covered employee under subdivision (1) of  
958 this subsection.

959 (d) The additional compensation provided pursuant to subsection (a)  
960 of this section shall be excluded from the amount of remuneration for  
961 work paid to the covered employee for purposes of (1) calculating the  
962 employee's eligibility for any wage-based benefits offered by the  
963 employer; or (2) computing the regular rate at which such covered  
964 employee is employed under any provision of the general statutes  
965 providing for minimum wages, overtime pay or any other wage-based

966 employment standard or benefit.

967 (e) If a covered employee entitled to additional compensation under  
968 this section dies prior to such compensation, the employer shall pay  
969 such additional compensation to the next of kin of the covered employee  
970 as a lump sum payment.

971 Sec. 15. (NEW) (*Effective from passage*) (a) Any employer who fails to  
972 apply for a grant pursuant to section 13 of this act, and any employer  
973 who receives a grant and fails to make a payment of additional  
974 compensation or otherwise causes an employee to incur a loss as a result  
975 of a violation of any provision of section 14 of this act, shall be subject to  
976 the provisions of sections 31-68 and 31-71g of the general statutes, as  
977 amended by this act, for failure to make wage payments.

978 (b) Any employer who takes any action against an employee for  
979 invoking any right created by section 14 of this act shall be subject to the  
980 provisions of sections 31-69 and 31-69a of the general statutes, as  
981 amended by this act.

982 Sec. 16. (NEW) (*Effective from passage*) All actions required under  
983 section 14 of this act of consumers, as defined in section 17b-706 of the  
984 general statutes, shall be undertaken by fiscal intermediaries who shall  
985 be solely responsible for any penalties otherwise applicable to such  
986 consumers under this section and section 15 of this act and sections 31-  
987 68, 31-69, 31-69a and 31-71g of the general statutes, as amended by this  
988 act. The Department of Social Services and the Department of  
989 Developmental Services may apply to the Essential Employees  
990 Pandemic Pay Grant Program for such funds as shall be reasonably  
991 required to compensate fiscal intermediaries for compliance with  
992 sections 12 to 16, inclusive, of this act.

993 Sec. 17. Section 31-71g of the general statutes is repealed and the  
994 following is substituted in lieu thereof (*Effective October 1, 2021*):

995 Any employer or any officer or agent of an employer or any other

996 person authorized by an employer to pay wages who violates any  
997 provision of this part or intentionally violates any provision of  
998 subsection (a) of section 15 of this act: (1) Shall be guilty of a class D  
999 felony, except that such employer, officer or agent shall be fined not less  
1000 than two thousand nor more than five thousand dollars for each offense  
1001 if the total amount of all unpaid wages owed to an employee is more  
1002 than two thousand dollars; (2) may be fined not less than one thousand  
1003 nor more than two thousand dollars or imprisoned not more than one  
1004 year, or both, for each offense if the total amount of all unpaid wages  
1005 owed to an employee is more than one thousand dollars but not more  
1006 than two thousand dollars; (3) may be fined not less than five hundred  
1007 nor more than one thousand dollars or imprisoned not more than six  
1008 months, or both, for each offense if the total amount of all unpaid wages  
1009 owed to an employee is more than five hundred but not more than one  
1010 thousand dollars; or (4) may be fined not less than two hundred nor  
1011 more than five hundred dollars or imprisoned not more than three  
1012 months, or both, for each offense if the total amount of all unpaid wages  
1013 owed to an employee is five hundred dollars or less.

1014 Sec. 18. Subsection (a) of section 31-69 of the general statutes is  
1015 repealed and the following is substituted in lieu thereof (*Effective October*  
1016 *1, 2021*):

1017 (a) Any employer or his agent, or the officer or agent of any  
1018 corporation, who discharges or in any other manner discriminates  
1019 against any employee because such employee has testified or is about to  
1020 testify in any investigation or proceeding under or related to this part or  
1021 section 15 of this act, or because such employer believes that such  
1022 employee may testify in any investigation or proceeding under this part,  
1023 shall be fined not less than one hundred dollars nor more than four  
1024 hundred dollars.

1025 Sec. 19. Section 31-69a of the general statutes is repealed and the  
1026 following is substituted in lieu thereof (*Effective October 1, 2021*):

1027 (a) In addition to the penalties provided in this chapter and chapter

1028 568, any employer, officer, agent or other person who violates any  
1029 provision of this chapter, chapter 557 or subsection (g) of section 31-288,  
1030 or who intentionally violates any provision of section 15 of this act, shall  
1031 be liable to the Labor Department for a civil penalty of three hundred  
1032 dollars for each such violation, [of said chapters and for each violation  
1033 of subsection (g) of section 31-288,] except that (1) any person who  
1034 violates (A) a stop work order issued pursuant to subsection (c) of  
1035 section 31-76a shall be liable to the Labor Department for a civil penalty  
1036 of one thousand dollars and each day of such violation shall constitute  
1037 a separate offense, and (B) any provision of section 31-12, 31-13 or 31-14,  
1038 subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be  
1039 liable to the Labor Department for a civil penalty of six hundred dollars  
1040 for each violation of said sections, and (2) a violation of subsection (g) of  
1041 section 31-288 shall constitute a separate offense for each day of such  
1042 violation.

1043 (b) Any employer, officer, agent or other person who violates any  
1044 provision of chapter 563a may be liable to the Labor Department for a  
1045 civil penalty of not greater than five hundred dollars for the first  
1046 violation of chapter 563a related to an individual employee or former  
1047 employee, and for each subsequent violation of said chapter related to  
1048 such individual employee or former employee, may be liable to the  
1049 Labor Department for a civil penalty of not greater than one thousand  
1050 dollars. In setting a civil penalty for any violation in a particular case,  
1051 the Labor Commissioner shall consider all factors which the  
1052 commissioner deems relevant, including, but not limited to, (1) the level  
1053 of assessment necessary to insure immediate and continued compliance  
1054 with the provisions of chapter 563a; (2) the character and degree of  
1055 impact of the violation; and (3) any prior violations of such employer of  
1056 chapter 563a.

1057 (c) The Attorney General, upon complaint of the Labor  
1058 Commissioner, shall institute civil actions to recover the penalties  
1059 provided for under subsections (a) and (b) of this section. Any amount  
1060 recovered shall be deposited in the General Fund and credited to a

1061 separate nonlapsing appropriation to the Labor Department, for other  
1062 current expenses, and may be used by the Labor Department to enforce  
1063 the provisions of chapter 557, chapter 563a, this chapter, [and]  
1064 subsection (g) of section 31-288 and section 15 of this act, and to  
1065 implement the provisions of section 31-4.

1066 Sec. 20. (NEW) (*Effective from passage*) As used in this section and  
1067 sections 21 to 25, inclusive, of this act:

1068 (1) "Child" means a biological, adopted or foster child, stepchild, or  
1069 legal ward, of an employee, or a child of a person standing in loco  
1070 parentis of an employee, or an individual to whom the employee stood  
1071 in loco parentis when the individual was a minor child;

1072 (2) "Employee" means an individual engaged in service to an  
1073 employer in the business of the employer;

1074 (3) "Employer" means any person, firm, business, educational  
1075 institution, nonprofit organization, corporation, limited liability  
1076 company or other entity, except that the Personal Care Attendant  
1077 Workforce Council established under section 17b-706a of the general  
1078 statutes shall act on behalf of the employers of all personal care  
1079 attendants, as defined in section 17b-706 of the general statutes.  
1080 "Employer" does not include the federal government;

1081 (4) "Family member" means (A) the employee's spouse, as defined in  
1082 section 31-51kk of the general statutes, child, parent, grandparent,  
1083 grandchild or sibling, whether related to the employee by blood,  
1084 marriage, adoption or foster care, or (B) an individual related to the  
1085 employee by blood or affinity whose close association with the  
1086 employee is the equivalent of those family relationships;

1087 (5) "Parent" means a biological parent, foster parent, adoptive parent,  
1088 stepparent, parent-in-law of the employee or legal guardian of an  
1089 employee or an employee's spouse, an individual standing in loco  
1090 parentis to an employee, or an individual who stood in loco parentis to

1091 the employee when the employee was a minor child; and

1092 (6) "Retaliatory personnel action" means any termination,  
1093 suspension, constructive discharge, demotion, unfavorable  
1094 reassignment, refusal to promote, reduction of hours, disciplinary  
1095 action or other adverse employment action taken by an employer  
1096 against an employee.

1097 Sec. 21. (*Effective from passage*) (a) (1) Each employer shall provide to  
1098 each of its employees COVID-19 sick leave in addition to any paid sick  
1099 leave provided by the employer pursuant to sections 31-57s and 31-57t  
1100 of the general statutes. The COVID-19 sick leave shall be (A) in the  
1101 amount of eighty hours for each employee who regularly works forty or  
1102 more hours per week, or (B) equal to the amount of hours the employee  
1103 is regularly scheduled to work or works in a two-week period,  
1104 whichever is greater, for each employee who regularly works less than  
1105 forty hours per week.

1106 (2) An employee exempt from overtime requirements under 29 USC  
1107 213(a)(1), as amended from time to time, shall be assumed to work forty  
1108 hours per week for purposes of calculating COVID-19 sick leave, unless  
1109 such employee regularly works less than forty hours per week, in which  
1110 case the COVID-19 sick leave shall be provided based upon the number  
1111 of hours regularly worked per week. An employee who regularly works  
1112 less than forty hours per week, but whose number of work hours varies  
1113 from week to week, shall be provided COVID-19 sick leave using the  
1114 average number of hours per week the employee was scheduled to work  
1115 in the six-month period immediately preceding the date on which the  
1116 employee utilizes COVID-19 sick leave, including the hours of any leave  
1117 taken by the employee, provided if the employee did not work over  
1118 such period, the average shall be the reasonable expectation of the  
1119 employee, at the time the employee was hired, of the average number  
1120 of hours per week the employee would be regularly scheduled to work.

1121 (b) COVID-19 sick leave shall be provided to each employee  
1122 immediately for use for any of the purposes described in subsection (c)

1123 of this section beginning on the effective date of this section, regardless  
1124 of how long such employee has been employed by the employer. An  
1125 employee shall be entitled to use COVID-19 sick leave retroactively  
1126 starting from March 10, 2020, until four weeks after the Governor's  
1127 emergency declarations expire.

1128 (c) An employee shall be entitled to take COVID-19 sick leave when  
1129 the employee is unable to perform the functions of the job of such  
1130 employee, including through telework, due to any of the following  
1131 reasons related to COVID-19:

1132 (1) The employee's need to: (A) Self-isolate and care for oneself  
1133 because the employee has been diagnosed with COVID-19 or is  
1134 experiencing symptoms of COVID-19; (B) seek preventive care  
1135 concerning COVID-19; or (C) seek or obtain medical diagnosis, care, or  
1136 treatment if experiencing symptoms of COVID-19;

1137 (2) The employee's need to comply with an order or determination to  
1138 self-isolate, on the basis that the employee's physical presence on the job  
1139 or in the community would jeopardize the employee's health, the health  
1140 of other employees or the health of an individual in the employee's  
1141 household because of: (A) Possible exposure to COVID-19; or (B) the  
1142 exhibition of symptoms of COVID-19, regardless of whether the  
1143 employee has been diagnosed with COVID-19;

1144 (3) The employee's need to care for a family member who is: (A) Self-  
1145 isolating, seeking preventive care, or seeking or obtaining medical  
1146 diagnosis, care, or treatment for the purposes described in subdivision  
1147 (1) of this subsection; or (B) self-isolating due to an order or  
1148 determination as described in subdivision (2) of this subsection;

1149 (4) The employee's inability to work or telework because the  
1150 employee is: (A) Prohibited from working by the employer due to health  
1151 concerns related to the potential transmission of COVID-19; or (B)  
1152 subject to an individual or general local, state or federal quarantine or  
1153 isolation order, including a shelter-in-place or stay-at-home order,

1154 related to COVID-19;

1155 (5) The employee's need to care for a family member when the care  
1156 provider of such family member is unavailable due to COVID-19, or if  
1157 the family member's school or place of care has been closed by a local,  
1158 state or federal public official or at the discretion of the school or place  
1159 of care due to COVID-19, including, if a school or place of care: (A) Is  
1160 physically closed but providing virtual learning instruction; (B) requires  
1161 or makes optional virtual learning instruction; or (C) requires or makes  
1162 available a hybrid of in-person and virtual learning instruction models;  
1163 or

1164 (6) The employee's inability to work because the employee has a  
1165 health condition that may increase susceptibility to or risk of COVID-19,  
1166 including, but not limited to, age, heart disease, asthma, lung disease,  
1167 diabetes, kidney disease or a weakened immune system.

1168 (d) An order or determination pursuant to subdivision (2) of  
1169 subsection (c) of this section or subparagraph (B) of subdivision (3) of  
1170 subsection (c) of this section shall be made by a local, state or federal  
1171 public official, a health authority having jurisdiction, a health care  
1172 provider or the employer of the employee or the employee's family  
1173 member. Such order or determination need not be specific to such  
1174 employee or family member.

1175 (e) Each employer shall pay each employee for COVID-19 sick leave  
1176 at a pay rate equal to the greater of (1) the normal hourly wage for that  
1177 employee, or (2) the minimum fair wage rate under section 31-58 of the  
1178 general statutes in effect for the pay period during which the employee  
1179 used COVID-19 sick leave. For any employee whose hourly wage varies  
1180 depending on the work performed by the employee, "normal hourly  
1181 wage" means the average hourly wage of the employee in the pay period  
1182 prior to the one in which the employee uses COVID-19 sick leave.

1183 (f) The employee shall provide advance notice to the employer of the  
1184 need for COVID-19 sick leave as soon as practicable only when the need

1185 for COVID-19 sick leave is foreseeable and the employer's place of  
1186 business has not been closed.

1187 (g) Notwithstanding any provision of sections 20 to 25, inclusive, of  
1188 this act, no documentation from an employee shall be required by an  
1189 employer for COVID-19 sick leave.

1190 (h) If an employee is transferred to a separate division, entity or  
1191 location, but remains employed by the same employer, the employee  
1192 shall be entitled to all COVID-19 sick leave received under sections 20  
1193 to 25, inclusive, of this act at the prior division, entity or location and  
1194 shall be entitled to use all COVID-19 sick leave as provided in sections  
1195 20 to 25, inclusive, of this act. If a different employer succeeds or takes  
1196 the place of an existing employer, all employees of the original employer  
1197 who remain employed by the successor employer are entitled to all  
1198 COVID-19 sick leave they accrued or are eligible for pursuant to sections  
1199 20 to 25, inclusive, of this act while employed by the original employer,  
1200 and are entitled to use COVID-19 sick leave previously received  
1201 pursuant to sections 20 to 25, inclusive, of this act.

1202 (i) An employer shall not require, as a condition of an employee's  
1203 taking COVID-19 sick leave, that the employee search for or find a  
1204 replacement worker to cover the hours during which the employee is  
1205 using COVID-19 sick leave.

1206 Sec. 22. (NEW) (*Effective from passage*) (a) Nothing in sections 20 to 25,  
1207 inclusive, of this act shall be construed to: (1) Discourage or prohibit an  
1208 employer from the adoption or retention of a COVID-19 sick leave, paid  
1209 sick leave or other paid leave policy more generous than the one  
1210 required pursuant to section 21 of this act, including providing more  
1211 leave than required under said section; (2) diminish any rights provided  
1212 to any employee under a collective bargaining agreement; or (3) prohibit  
1213 an employer from establishing a policy whereby an employee may  
1214 donate unused COVID-19 sick leave to another employee.

1215 (b) An employee may first use the COVID-19 sick leave provided

1216 under section 21 of this act prior to using sick leave under section 31-57t  
1217 of the general statutes. An employer may not require an employee to  
1218 use other paid leave provided by the employer to the employee before  
1219 the employee uses the COVID-19 sick leave.

1220       Sec. 23. (NEW) (*Effective from passage*) (a) It shall be unlawful for an  
1221 employer or any other person to interfere with, restrain or deny the  
1222 exercise of, or the attempt to exercise, any right protected under sections  
1223 20 to 25, inclusive, of this act. No employer shall take retaliatory  
1224 personnel action or discriminate against an employee because the  
1225 employee (1) requests or uses COVID-19 sick leave in accordance with  
1226 the provisions of sections 20 to 25, inclusive, of this act, or (2) files a  
1227 complaint with the Labor Commissioner alleging the employer's  
1228 violation of any provision of said sections.

1229       (b) The Labor Commissioner shall advise any employee who (1) is  
1230 covered by a collective bargaining agreement that provides for COVID-  
1231 19 sick leave, and (2) files a complaint pursuant to subsection (a) of this  
1232 section of the employee's right to pursue a grievance with his or her  
1233 collective bargaining agent.

1234       (c) Any employee aggrieved by a violation of any provision of  
1235 sections 20 to 25, inclusive, of this act, may file a complaint with the  
1236 Labor Commissioner. Upon receipt of any such complaint, the Labor  
1237 Commissioner may hold a hearing. After the hearing, any employer  
1238 who is found by the Labor Commissioner, by a preponderance of the  
1239 evidence, to have violated any provision of this section shall be liable to  
1240 the Labor Department for a civil penalty in an amount consistent with  
1241 the penalties provided in section 31-57v of the general statutes. The  
1242 Labor Commissioner may award the employee appropriate relief  
1243 consistent with the provisions of section 31-57v of the general statutes.  
1244 Any party aggrieved by the decision of the Labor Commissioner may  
1245 appeal the decision to the Superior Court in accordance with the  
1246 provisions of section 4-183 of the general statutes.

1247       (d) Any person aggrieved by a violation of any provision of sections

1248 20 to 25, inclusive, of this act, the Labor Commissioner, the Attorney  
1249 General or any entity a member of which is aggrieved by a violation of  
1250 ay provision of sections 20 to 25, inclusive, of this act, may bring a civil  
1251 action in a court of competent jurisdiction against the employer  
1252 violating said sections. Such action may be brought by a person  
1253 aggrieved by a violation of this section without first filing an  
1254 administrative complaint.

1255 (e) The Labor Commissioner shall administer this section within  
1256 available appropriations.

1257 Sec. 24. (NEW) (*Effective from passage*) (a) Each employer subject to the  
1258 provisions of sections 20 to 25, inclusive, of this act shall, at the time of  
1259 hiring or not later than fourteen days after the effective date of this  
1260 section, whichever is later, provide written notice to each employee (1)  
1261 of the entitlement to COVID-19 sick leave, the amount of COVID-19 sick  
1262 leave provided and the terms under which COVID-19 sick leave may be  
1263 used, (2) that retaliatory personnel actions by the employer are  
1264 prohibited, and (3) of the right to file a complaint with the Labor  
1265 Commissioner or file a civil action for any violation of sections 20 to 25,  
1266 inclusive, of this act. Each employer shall also display a poster in a  
1267 conspicuous place, accessible to employees, at the employer's place of  
1268 business that contains the information required by this section in both  
1269 English and Spanish provided in cases where the employer does not  
1270 maintain a physical workplace, or an employee teleworks or performs  
1271 work through a web-based or app-based platform, notification shall be  
1272 sent via electronic communication or a conspicuous posting in the web-  
1273 based or app-based platform. The Labor Commissioner shall provide  
1274 such posters and model written notices to all employers. Additionally,  
1275 employers shall include in the record of hours worked, wages earned  
1276 and deductions required by section 31-13a of the general statutes, the  
1277 number of hours, if any, of COVID-19 sick leave received by each  
1278 employee, as well as any use of COVID-19 sick leave in the calendar  
1279 year. The Labor Commissioner shall administer this section within  
1280 available appropriations.

1281 (b) Employers shall retain records documenting hours worked by  
1282 employees and COVID-19 sick leave taken by employees, for a period  
1283 of three years, and shall allow the Labor Commissioner access to such  
1284 records, with appropriate notice and at a mutually agreeable time, to  
1285 monitor compliance with the requirements of this section. When an  
1286 issue arises as to an employee's entitlement to COVID-19 sick leave  
1287 under this section, if the employer does not maintain or retain adequate  
1288 records documenting hours worked by the employee and COVID-19  
1289 sick leave taken by the employee, or does not allow reasonable access to  
1290 such records, it shall be presumed that the employer has violated this  
1291 section absent clear and convincing evidence otherwise.

1292 (c) The Labor Commissioner may coordinate implementation and  
1293 enforcement of sections 20 to 25, inclusive, of this act and shall  
1294 promulgate appropriate guidelines or regulations for such purposes.

1295 (d) The Labor Commissioner may develop and implement a  
1296 multilingual outreach program to inform employees, parents and  
1297 persons who are under the care of a health care provider about the  
1298 availability of COVID-19 sick leave. This program may include the  
1299 development of notices and other written materials in English and in  
1300 other languages. The Labor Commissioner shall administer this section  
1301 within available appropriations.

1302 Sec. 25. (NEW) (*Effective from passage*) Unless required by law, an  
1303 employer shall not require disclosure of the details of an employee's or  
1304 an employee's family member's health information as a condition for  
1305 providing COVID-19 sick leave under sections 20 to 25, inclusive, of this  
1306 act. If an employer possesses health information about an employee or  
1307 an employee's family member, such information shall be treated as  
1308 confidential and not disclosed except to such employee or with the  
1309 permission of such employee.

1310 Sec. 26. Subsection (a) of section 31-225a of the general statutes is  
1311 repealed and the following is substituted in lieu thereof (*Effective October*  
1312 *1, 2021*):

1313 (a) As used in this chapter: [, "qualified employer"]

1314 (1) "Qualified employer" means each employer subject to this chapter  
1315 whose experience record has been chargeable with benefits for at least  
1316 one full experience year, with the exception of employers subject to a  
1317 flat entry rate of contributions as provided under subsection (d) of this  
1318 section, employers subject to the maximum contribution rate under  
1319 subsection (c) of section 31-273, and reimbursing employers;  
1320 ["contributing employer"]

1321 (2) "Contributing employer" means an employer who is assigned a  
1322 percentage rate of contribution under the provisions of this section;  
1323 ["reimbursing employer"]

1324 (3) "Reimbursing employer" means an employer liable for payments  
1325 in lieu of contributions as provided under section 31-225; ["benefit  
1326 charges"]

1327 (4) "Benefit charges" means the amount of benefit payments charged  
1328 to an employer's experience account under this section; ["computation  
1329 date"]

1330 (5) "Computation date" means June thirtieth of the year preceding the  
1331 tax year for which the contribution rates are computed; ["tax year"]

1332 (6) "Tax year" means the calendar year immediately following the  
1333 computation date; ["experience year"]

1334 (7) "Experience year" means the twelve consecutive months ending  
1335 on June thirtieth; [and "experience period"]

1336 (8) "Experience period" means the three consecutive experience years  
1337 ending on the computation date, except that (A) if the employer's  
1338 account has been chargeable with benefits for less than three years, the  
1339 experience period shall consist of the greater of one or two consecutive  
1340 experience years ending on the computation date, [,] and (B) to the  
1341 extent allowed by federal law and as necessary to respond to the spread

1342 of COVID-19, for any taxable year commencing on or after January 1,  
1343 2022, the experience period shall be calculated without regard to benefit  
1344 charges and taxable wages for the experience years ending June 30, 2020,  
1345 and June 30, 2021, when applicable; and

1346 (9) "COVID-19" means the respiratory disease designated by the  
1347 World Health Organization on February 11, 2020, as coronavirus 2019,  
1348 and any related mutation thereof recognized by the World Health  
1349 Organization as a communicable respiratory disease.

1350 Sec. 27. Subsection (d) of section 31-225a of the general statutes is  
1351 repealed and the following is substituted in lieu thereof (*Effective October*  
1352 *1, 2021*):

1353 (d) The standard rate of contributions shall be five and four-tenths  
1354 per cent. Each employer who has not been chargeable with benefits, for  
1355 a sufficient period of time to have his or her rate computed under this  
1356 section shall pay contributions at a rate that is the higher of (1) one per  
1357 cent, or (2) the state's five-year benefit cost rate. For purposes of this  
1358 subsection, the state's five-year benefit cost rate shall be computed  
1359 annually on or before June thirtieth and shall be derived by dividing the  
1360 total dollar amount of benefits paid to claimants under this chapter  
1361 during the five consecutive calendar years immediately preceding the  
1362 computation date by the five-year payroll during the same period,  
1363 except that, to the extent allowed by federal law and as necessary to  
1364 respond to the spread of COVID-19, for any taxable year commencing  
1365 on or after January 1, 2022, the state's five-year benefit cost rate shall be  
1366 calculated without regard to benefit payments and taxable wages for  
1367 calendar years 2020 and 2021, when applicable. If the resulting quotient  
1368 is not an exact multiple of one-tenth of one per cent, the five-year benefit  
1369 cost rate shall be the next higher such multiple.

1370 Sec. 28. (NEW) (*Effective from passage*) (a) Notwithstanding any  
1371 provision of chapter 567 of the general statutes, during the weeks  
1372 commencing July 26, 2020, and ending on September 5, 2020,  
1373 individuals who were eligible for a weekly benefit amount of less than

1374 one hundred dollars pursuant to the provisions of said chapter and who  
1375 did not exhaust their state regular unemployment benefits by July 26,  
1376 2020, shall have their weekly benefit amount raised to one hundred  
1377 dollars and such individuals shall be permitted to apply for lost wages  
1378 assistance.

1379 (b) Notwithstanding any provision of chapter 567 of the general  
1380 statutes, if an additional federal benefit program is established for which  
1381 the eligibility of an individual requires a minimum weekly benefit  
1382 pursuant to the provisions of said chapter, individuals who are eligible  
1383 for a weekly benefit amount of less than such required minimum weekly  
1384 benefit and who have not exhausted their state regular unemployment  
1385 benefits shall have their weekly benefit amount raised to the minimum  
1386 amount required for eligibility for such additional federal benefit  
1387 program, and such individuals shall be permitted to apply for such  
1388 additional federal benefit program. As used in this subsection,  
1389 "additional federal benefit program" means a program enacted in  
1390 federal law that provides benefits for unemployment caused by or  
1391 related to COVID-19 or the public health and civil preparedness  
1392 emergencies declared by the Governor on March 10, 2020, or any  
1393 extension of such emergency declarations, and for which there is one  
1394 hundred per cent federal funding and "COVID-19" means the  
1395 respiratory disease designated by the World Health Organization on  
1396 February 11, 2020, as coronavirus 2019, and any related mutation thereof  
1397 recognized by the World Health Organization as a communicable  
1398 respiratory disease.

1399 (c) With respect to employers who make payments in lieu of  
1400 contributions pursuant to section 31-225 of the general statutes, for  
1401 individuals who are affected by subsection (a) or (b) of this section, the  
1402 amount otherwise due from the employer in lieu of contributions shall  
1403 be reduced by an amount equal to the difference between the  
1404 individual's weekly benefit amount to be paid pursuant to subsections  
1405 (a) or (b) of this section and the weekly benefit amount which was or  
1406 would have been calculated pursuant to chapter 567 of the general

1407 statutes prior to the adjustment to the weekly benefit amount required  
1408 by subsections (a) or (b) of this section.

1409 (d) The Labor Commissioner may issue any implementing orders the  
1410 commissioner deems necessary to effectuate the provisions of this  
1411 section.

1412 Sec. 29. Subsection (f) of section 31-273 of the general statutes is  
1413 repealed and the following is substituted in lieu thereof (*Effective from*  
1414 *passage*):

1415 (f) Any person who knowingly makes a false statement or  
1416 representation or fails to disclose a material fact in order to obtain,  
1417 increase, prevent or decrease any benefit, contribution or other payment  
1418 under this chapter, or under any similar law of another state or of the  
1419 United States in regard to which this state acted as agent pursuant to an  
1420 agreement authorized by section 31-225, whether to be made to or by  
1421 himself or herself or any other person, and who receives any such  
1422 benefit, pays any such contribution or alters any such payment to his or  
1423 her advantage by such fraudulent means (1) shall be guilty of a class A  
1424 misdemeanor if such benefit, contribution or payment amounts to [five  
1425 hundred] two thousand dollars or less, or (2) shall be guilty of a class D  
1426 felony if such benefit, contribution or payment amounts to more than  
1427 [five hundred] two thousand dollars. Notwithstanding the provisions  
1428 of section 54-193, no person shall be prosecuted for a violation of the  
1429 provisions of this subsection committed on or after October 1, 1977,  
1430 except within five years next after such violation has been committed.

1431 Sec. 30. (NEW) (*Effective from passage*) Each contracting authority  
1432 acting pursuant to section 31-53 of the general statutes shall consider the  
1433 use of a project labor agreement pursuant to section 31-56b of the  
1434 general statutes for state contracts valued at ten million dollars or more.  
1435 Each contractor who bids on such a state contract shall (1) be  
1436 prequalified under section 4a-100 of the general statutes to perform the  
1437 work required by the contractor under the contract, (2) be enrolled in  
1438 the apprenticeship program pursuant to section 31-22m of the general

1439 statutes, and (3) if awarded the contract, complete the work required  
1440 under the contract using its own employees and shall pay such  
1441 employees not less than the wages described in section 31-53 of the  
1442 general statutes.

1443       Sec. 31. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

1444       (1) "Nurse" means an advanced practice registered nurse, registered  
1445 nurse or licensed practical nurse;

1446       (2) "Advanced practice registered nurse" means an advanced practice  
1447 registered nurse licensed pursuant to chapter 378 of the general statutes;

1448       (3) "Registered nurse" means a registered nurse licensed pursuant to  
1449 chapter 378 of the general statutes;

1450       (4) "Licensed practical nurse" means a practical nurse licensed  
1451 pursuant to chapter 378 of the general statutes;

1452       (5) "Nurse's aide" means a nurse's aide registered pursuant to chapter  
1453 378a of the general statutes;

1454       (6) "Hospital" means any short-term acute care general or children's  
1455 hospital licensed by the Department of Public Health, including the John  
1456 Dempsey Hospital of The University of Connecticut Health Center;

1457       (7) "Direct patient care" means any care of a patient that is provided  
1458 personally by a hospital staff member and includes, but is not limited  
1459 to, treatment, counseling, self-care and the administration of  
1460 medication; and

1461       (8) "Nursing unit" means a unit or floor in a hospital.

1462       (b) Each hospital shall calculate for each nursing unit, on a per shift  
1463 basis, the total number of nurses and nurse's aides providing direct  
1464 patient care to patients of the hospital. Each hospital shall post in each  
1465 nursing unit, at the beginning of each shift, a clear and conspicuous  
1466 notice readily accessible to and clearly visible by patients, employees

1467 and visitors of the hospital, including, but not limited to, persons in a  
1468 wheelchair, containing the following information:

1469 (1) The name of the hospital;

1470 (2) The date;

1471 (3) The total number of (A) advanced practice registered nurses, (B)  
1472 registered nurses, (C) licensed practical nurses, and (D) nurse's aides,  
1473 who will be responsible for direct patient care during the shift, and the  
1474 total number of hours each such nurse or nurse's aide is scheduled to  
1475 work during the shift; and

1476 (4) The total number of patients in the nursing unit.

1477 (c) In addition to the information posted pursuant to subsection (a) of  
1478 this section, each hospital shall post at the beginning of each shift a clear  
1479 and conspicuous notice readily accessible to and clearly visible by  
1480 patients, employees and visitors of the hospital, including, but not  
1481 limited to, persons in a wheelchair, containing the following  
1482 information:

1483 (1) The hospital's staffing matrix for the nursing unit; and

1484 (2) The telephone number or Internet web site that a patient,  
1485 employee or visitor of the hospital may use to report a suspected  
1486 violation by the hospital of a regulatory requirement concerning staffing  
1487 levels and direct patient care.

1488 (d) Each hospital shall, upon oral or written request, make the  
1489 information posted pursuant to subsections (b) and (c) of this section  
1490 available to the public for review. The hospital shall retain such  
1491 information for not less than eighteen months from the date such  
1492 information was posted.

1493 (e) No hospital shall discharge or in any manner discriminate or  
1494 retaliate against any employee of any hospital or against any other

1495 person because such employee or person reported a suspected violation  
1496 by the hospital of a regulatory requirement concerning staffing levels  
1497 and direct patient care. Notwithstanding any other provision of the  
1498 general statutes, any hospital that violates any provision of this  
1499 subsection shall (1) be liable to such employee or person for treble  
1500 damages, and (2) reinstate the employee, if the employee was  
1501 terminated from employment. For purposes of this subsection,  
1502 "discriminate or retaliate" includes, but is not limited to, the discharge,  
1503 demotion, suspension or any other detrimental change in terms or  
1504 conditions of employment or the threat of any such action.

1505 Sec. 32. Section 31-68 of the general statutes is repealed and the  
1506 following is substituted in lieu thereof (*Effective from passage*):

1507 (a) (1) If any employee is paid by his or her employer less than the  
1508 minimum fair wage or overtime wage to which he or she is entitled  
1509 under sections 31-58, 31-59 and 31-60 or by virtue of a minimum fair  
1510 wage order, or less than the amount of additional compensation to  
1511 which he or she is entitled under sections 12 to 16, inclusive, of this act,  
1512 he or she shall recover, in a civil action, (A) twice the full amount of such  
1513 minimum wage, [or] overtime wage or additional compensation less  
1514 any amount actually paid to him or her by the employer, with costs and  
1515 such reasonable attorney's fees as may be allowed by the court, or (B) if  
1516 the employer establishes that the employer had a good faith belief that  
1517 the underpayment of such wages or additional compensation was in  
1518 compliance with the law, the full amount of such minimum wage, [or]  
1519 overtime wage or additional compensation less any amount actually  
1520 paid to him or her by the employer, with costs and such reasonable  
1521 attorney's fees as may be allowed by the court.

1522 (2) Notwithstanding the provisions of subdivision (1) of this  
1523 subsection, if any employee is paid by his or her employer less than the  
1524 minimum fair wage or overtime wage to which he or she is entitled  
1525 under section 31-62-E4 of the regulations of Connecticut state agencies,  
1526 such employee shall recover, in a civil action, (A) twice the full amount

1527 of such minimum wage or overtime wage less any amount actually paid  
1528 to such employee by the employer, with costs and such reasonable  
1529 attorney's fees as may be allowed by the court, or (B) if the employer  
1530 establishes that the employer had a good faith belief that the  
1531 underpayment of such wages was in compliance with the law, the full  
1532 amount of such minimum wage or overtime wage less any amount  
1533 actually paid to such employee by the employer, with costs as may be  
1534 allowed by the court. A good faith belief includes, but is not limited to,  
1535 reasonable reliance on written guidance from the Labor Department.

1536 (3) Notwithstanding the provisions of section 52-105, no person may  
1537 be authorized by a court to sue for the benefit of other alleged similarly  
1538 situated persons in a case brought for violations of section 31-62-E4 of  
1539 the regulations of Connecticut state agencies, unless such person, in  
1540 addition to satisfying any judicial rules of practice governing class  
1541 action certifications, demonstrates to the court, under the appropriate  
1542 burden of proof, that the defendant is liable to all individual proposed  
1543 class members because all such members (A) performed nonservice  
1544 duties while employed by the defendant, for more than a de minimis  
1545 amount of time, that were not incidental to service duties, and (B) were  
1546 not properly compensated by the defendant for some portion of their  
1547 nonservice duties in accordance with section 31-62-E4 of the regulations  
1548 of Connecticut state agencies.

1549 (4) Any agreement between an employee and his or her employer to  
1550 work for less than such minimum fair wage or overtime wage or for less  
1551 than the amount of additional compensation owned to the employee  
1552 pursuant to sections 12 to 16, inclusive, of this act shall be no defense to  
1553 such action as described in this section. The commissioner may collect  
1554 the full amount of unpaid minimum fair wages, [or] unpaid overtime  
1555 wages or unpaid additional compensation to which an employee is  
1556 entitled under said sections or order, as well as interest calculated in  
1557 accordance with the provisions of section 31-265 from the date the  
1558 wages or additional compensation should have been received, had they  
1559 been paid in a timely manner. In addition, the commissioner may bring

1560 any legal action necessary to recover twice the full amount of the unpaid  
 1561 minimum fair wages, [or] unpaid overtime wages or unpaid additional  
 1562 compensation to which the employee is entitled under said sections or  
 1563 under an order, and the employer shall be required to pay the costs and  
 1564 such reasonable attorney's fees as may be allowed by the court. The  
 1565 commissioner shall distribute any wages, additional compensation or  
 1566 interest collected pursuant to this section to the employee or in  
 1567 accordance with the provisions of subsection (b) of this section.

1568 (b) All wages and additional compensation collected by the  
 1569 commissioner for an employee whose whereabouts are unknown to the  
 1570 commissioner shall be held by the commissioner for three months and  
 1571 thereafter the commissioner may, in his discretion, pay the same, on  
 1572 application, to the husband or wife or, if none, to the next of kin of such  
 1573 employee. As a condition of such payment, the commissioner or his  
 1574 authorized representative shall require proof of the relationship of the  
 1575 claimant and the execution of a bond of indemnity and a receipt for such  
 1576 payment. Notwithstanding the provisions of section 3-60b, any such  
 1577 wages or additional compensation held by the commissioner for two  
 1578 years without being claimed shall escheat to the state, subject to the  
 1579 provisions of sections 3-66a to 3-71a, inclusive.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	31-290a
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	31-306(a)
Sec. 5	<i>from passage</i>	31-275(16)
Sec. 6	<i>from passage</i>	31-294k
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section

Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>October 1, 2021</i>	31-71g
Sec. 18	<i>October 1, 2021</i>	31-69(a)
Sec. 19	<i>October 1, 2021</i>	31-69a
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	<i>from passage</i>	New section
Sec. 25	<i>from passage</i>	New section
Sec. 26	<i>October 1, 2021</i>	31-225a(a)
Sec. 27	<i>October 1, 2021</i>	31-225a(d)
Sec. 28	<i>from passage</i>	New section
Sec. 29	<i>from passage</i>	31-273(f)
Sec. 30	<i>from passage</i>	New section
Sec. 31	<i>October 1, 2021</i>	New section
Sec. 32	<i>from passage</i>	31-68