

# WAGE AND WORKPLACE STANDARDS DIVISION

CONNECTICUT DEPARTMENT OF LABOR

[www.ct.gov/dol](http://www.ct.gov/dol)

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# ENFORCEMENT FUNCTIONS

- ▶ MWR: Minimum Wage Rate & Overtime Laws (Exemptions & Exceptions to MWR/OT)
- ▶ Wage Payment Laws: pay periods, permissible deductions, hiring agreements, final pay, commissions
- ▶ Prevailing Wage Rate Laws: (Sec. 31-53) Publicly funded construction - Public Works Project
- ▶ STOP-WORK ORDERS: (Sec. 31-288)
- ▶ Working Conditions: Child Labor violations, FMLA, sick leave, personnel files, urinalysis

# YEARLY ACTIVITY

- ▶ 6,000+ Investigations
- ▶ \$6.5+ Million in wage recovery for employees
- ▶ \$1+ Million in assessed civil penalties
- ▶ Arrest of approximately 50 employers for non-compliance; means of last resort

**99%**  
**OF COMPLAINTS ARE**  
**SUBMITTED BY**  
**FORMER EMPLOYEES**

# Same can be stated for Prevailing Wage Rate complaints?

Misclassified work/rate

Wrong rate paid/not paid

Not paid for all hours

Overtime not paid

No fringe paid/missing?

# Connecticut Prevailing Wages

CT General Statute, Title 31,  
Chapter 557, Section 31-53

# What is a Public Works Project?

CGS Sec. 31-53: *“...projects such as highways or dams...financed by public funds for the general public.”*

Federal Davis-Bacon Act (CFR, Title 29, PART 5):  
*“...the construction, prosecution, completion or repair of which as defined ...to serve the general public...”*



# Monetary Thresholds for Public Works Projects

New Construction = \$400,000.00

Alterations = \$100,000.00  
(remodel, refinish, refurbish, rehabilitate)

Demolition = same but...rebuild?

Section 31-53(g)

# Initial PWR Schedule

Must request from CT DOL

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Must request 10 days but not more than 20 days prior to bid, RFP, advertisement

Building, Heavy/Highway, Residential

Rate schedules must be included in all Bid documents and specifications

Cannot GROUP separate projects under one PWR Rate Schedule

# Annual Adjustments

July 1<sup>st</sup> of every project year

GC and Sub responsibility

Contracting Agencies with multi-year projects are not required to pay for PWR wage increases

# Total Cost of the Project

Segregating a Project into separate and individual contracts or phases, does not negate the wage threshold or legal requirement of the PWR law.

Example: addition to a High School with an expansion of the athletic fields

# The Persons Act (2005)

*“...any mechanic, laborer or worker who performs laborer or mechanic work on a prevailing wage site must be paid the prevailing wage.”*

*“...certified payrolls must report all workers who perform work on site regardless of ownership.”*

*“...payment of wages weekly is required regardless of any contractual agreement.”*

# CT DOL Certified Payrolls I (WWSD-CP-1)

- ▶ Paid weekly
- ▶ Filed monthly with GC/CA
- ▶ Electronic Filing (thumb-drive)
- ▶ GC Name & Address
- ▶ Sub Name & Address
- ▶ Worker's Comp Information
- ▶ Project # with Name and Address
- ▶ Payroll # with Week-Ending Date

# CT DOL Certified Payrolls II (WWSD-CP-1)

- ▶ Worker Name & Address
- ▶ Work Classification with License #
- ▶ Apprentice Information with %-age
- ▶ Hours worked per day & overtime
- ▶ Total Hours worked per Work-Week
- ▶ Base Hourly & Fringe Benefit rates  
(-fringe paid as cash as part of base)

# CT DOL Certified Payrolls III (WWSD-CP-1)

- ▶ Worker Name & Address
- ▶ Work Classification with License #
- ▶ Apprentice Information with %-age
- ▶ Hours worked per day & overtime
- ▶ Total Hours worked per Work-Week
- ▶ Base Hourly & Fringe Benefit rates  
(-fringe paid as cash/part of base)



# CT DOL Certified Payrolls IV (WWSD-CP-1)

- ▶ Type of Fringe Benefit per Hourly Rate
- ▶ Fringe must reflect Page 2; dollar amount per hour charged
- ▶ Gross Pay: All work-week
- ▶ Gross Pay: PWR only
- ▶ LIST OTHER Column - must verify
- ▶ Check number and Net Pay

# CT DOL Certified Payrolls V (WWSD-CP-1)

- ▶ Fringe Benefits explained
- ▶ Bona-Fide Fringe Benefits
- ▶ Signature: Owner, Corporate Officer, Managing LLC Member
- ▶ Signature: not an office manager, secretary, foreman, work supervisor, Superintendent

# Occupational Classifications

*“CT DOL has the responsibility to properly determine job classifications on prevailing wage projects covered under CGS Title 31, Chapter 557, Section 31-53.”*

# Occupational Classifications

Site of Work: project location, fence-line, areas dedicated exclusively for the project

Engaged to Wait: belongs to and is controlled by the employer within an integral part of the project site

Waiting to be Engaged: waiting time used by an employee for their own purposes

“De Minimus”: unsubstantial or insignificant periods of time

# Occupational Classifications

- ▶ Most job classifications fall within the “*Site of Work*” and are unquestionable as to PWR
- ▶ Job Classifications may be in conflict if the primary and secondary functions overlap; laborer/mason
- ▶ Primary function dominates as the secondary function is usually in support of the primary job classification; timely segregated
- ▶ Blended Rates are acceptable if equal composite work can be established; glazier/ironworker

# Occupational Classifications

Dump Truck Drivers present an inconsistency while on-site or while waiting to be engaged?

## COMPENSABLE:

- ✓ actual physical labor on-site
- ✓ engaged with loading and unloading of the truck
- ✓ travelling within the site of work to load/unload

## NON-COMPENSABLE:

- ✓ travelling between a project and commercial supply facility (Off-site)
- ✓ material truck delivery only
- ✓ time spent on-site to load/unload is *"de minimus"*
- ✓ not physically engaged as a *"mechanic, worker or laborer"*

# Labor Wage Checks and PWR Investigations

*“The commissioner or any authorized representative...shall have the authority:”*

- a) To investigate and ascertain the wages of persons employed in any occupation in the state;
- b) To enter the place of business or employment;
- c) To require from such employer full and correct statements...

CGS Chapter 558  
Section 31-59

# RECORDS OPEN TO INSPECTION

*“...any and all books, registers, payrolls, and other records of any such employer that in any way appertain to or have a bearing upon the question of wages of any such persons...”*

*CGS Chapter 558  
Section 31-59(b)*



# Nature of Time Records

*“...true and accurate.”*

*CT DOL Admin Regs, Section 31-6-12 (a)*

# WHAT IS NOT A TIME RECORD?

- ▶ SCHEDULES
- ▶ ATTENDANCE RECORDS
- ▶ ASSUMED START/END TIME OF SHIFTS
- ▶ WORK DETAILS (-lists)
- ▶ TELEPHONE LOGS/TEXTS

**IS AN EMPLOYER  
REQUIRED TO  
ROUND TIME  
ENTRIES?**

# NO. BUT...

**IF AN EMPLOYER CHOOSES A METHOD OTHER THAN THE 15 MINUTE RULE, IT MUST BE CONSISTENTLY APPLIED TO BOTH IN AND OUT TIME ENTRIES AND BE IN INCREMENTS OF NO GREATER THAN 15 MINUTES...**

# ROUND TO THE NEAREST UNIT OF 15 MINUTES:

- ▶ *“Quarter Hour rule”*
- ▶ *“7 Minute rule”*

# HANDWRITTEN TIME RECORDS

## PROS:

- ▶ Cheapest
- ▶ Viewed by employees as a sign of trust by employer

## CONS:

- ▶ Regarded as the least accurate
- ▶ Most often lists only *“close enough”* times

# MECHANICALLY PUNCHED TIME RECORDS

## PROS:

- ▶ Easily understood by employees
- ▶ Regarded as the most believable form of timekeeping

## CONS:

- ▶ Requires tedious manual calculations to compute hours worked
- ▶ May be regarded as somewhat demeaning by certain employees

# COMPUTERIZED TIME-KEEPING SYSTEMS

## PROS:

- ▶ If used properly, it's the most accurate method of timekeeping
- ▶ Work status of employees is immediately available at any time

## CONS:

- ▶ System can be programmed to make assumptions about time worked...use of codes/ID password
- ▶ Employees will need significant training in use of the system



# Commonly held Misconceptions?

- ▶ Employee paid a salary is exempt (false)
- ▶ Employee can agree to be exempt (false)
- ▶ Employee can waive his MWR/OT rights (false)
- ▶ Job titles matter (false)
- ▶ Job descriptions matter (false)

# **CONNECTICUT WAGE PAYMENT LAWS**

**CGS Chapter 558  
Sections 31-71a to 31-71i**

# Section 31-71a

## A Wage is defined as...

- ▶ Compensation for labor or services rendered by an employee
- ▶ Determined on the basis of time, task, piece, commission, or other basis of calculation

# Section 31-71b

## Wages Must be Paid

- ▶ Weekly
- ▶ On a regular pay day designated in advance
- ▶ Not more than eight days past the last day of the pay period
- ▶ In cash, by negotiable check, or, with the employees' written request, by direct deposit

# Section 31-71c

## Payment upon Termination of Employment

- ▶ **Voluntary termination (quit):** Next regular pay day
- ▶ **Discharge (fired):** No later than the next business day after discharge

# Section 31-71d

## Payment when Disputed

- ▶ Employer must pay all wages conceded to be due
- ▶ Release is void if wages are later found to be due

# Section 31-71e

## Withholding of Part of Wages (Deductions)

- ▶ Empowered by law
- ▶ Written Authorization
- ▶ Medical, Surgical, Dental Insurance
- ▶ Retirement/Annuity

# Section 31-71f

## Written Hiring Agreements

Employees must be notified in writing as to:

- ▶ Rate of remuneration
- ▶ Hours of employment
- ▶ Wage payment schedules
- ▶ Employment practices and policies regarding wages, vacation pay, health and welfare benefits (-verbal?)



# Section 31-69a

## Civil Penalty

...shall be liable to the Labor Department for a civil penalty of three hundred dollars for each violation...

# Mind-Joggers

OSHA-10 Cards

Meal Periods

Travel Time

Independent Contractors

What if I misclassify?

Can I get a ruling?

# Questions/Information

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