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**Compensation Weekly Benefit Rate
for Construction Workers**

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Compensation Weekly Benefit Rate for Construction Workers

Sec. 31-231a-1. Definitions

As used in sections 31-231a-1 to 31-231a-4, inclusive, the following definitions apply:

(1) "Administrator" means the Labor Commissioner of the State of Connecticut, whose mailing address is 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, or his designated representative.

(2) "Benefits" means unemployment compensation payable to an individual with respect to his unemployment under Chapter 567 of the Connecticut General Statutes.

(3) "Classification Code" means a code contained in the Classification Codes and Statistical Codes Manual published by the National Council on Compensation Insurance, Incorporated (NCCI).

(4) "Construction Worker" means any individual whose classification code is contained in Schedule 26 or Schedule 27 of the Classification Codes and Statistical Codes Manual published by the National Council on Compensation Insurance, Incorporated (NCCI) generally utilized for workers' compensation and employer liability insurance purposes.

(5) "Employer" means the employer for whom the individual most recently worked prior to establishing a benefit year which commenced on or after April 1, 1996.

(Adopted effective October 23, 1996)

Sec. 31-231a-2. Total unemployment benefit rate calculation for a construction worker

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

(Adopted effective October 23, 1996)

Sec. 31-231a-3. Identification of construction workers

(a) Pursuant to the provisions of Connecticut Agencies Regulations Section 31-222-9(1), the information provided by an employer on an unemployment notice given to a construction worker must contain the individual's classification code to which the majority of hours worked were charged in the most recent pay period preceding the issuance of such notice.

(b) In cases where the employer fails to provide the individual's classification code, and the individual indicates that he is a construction worker, the Administrator may take any action he deems necessary and appropriate to obtain the classification code from the employer. This may include appropriate reliance upon the Administrator's records which indicate the individual's prior classification code assigned when the individual initiated a previous benefit year.

(c) In cases where the employer fails to provide the individual's classification code the Administrator shall obtain sufficient information from the individual on which to conclude whether the individual is a construction worker. Where the Administrator determines that an individual is a construction worker, he shall assign

to the individual that classification code which he is best able to ascertain is the correct code.

(d) In determining whether an individual is or is not a construction worker under this section, the Administrator shall consider the individual's most recent employment prior to establishing a benefit year.

(1) However, the Administrator may disregard any non-construction worker employment where such employment relationship:

(A) existed for thirty or less calendar days following the individual's separation from employment as a construction worker; or

(B) was intended to be temporary in nature, and provided the individual was a construction worker subsequent to the beginning of his base period.

(2) In addition, the administrator may disregard any construction worker employment where such employment relationship:

(A) existed for thirty or less calendar days following the individual's separation from non-construction worker employment; or

(B) was intended to be temporary in nature, and provided the individual was engaged in non-construction worker employment subsequent to the beginning of his base period.

(Adopted effective October 23, 1996; amended March 5, 1998)

Sec. 31-231a-4. Notice of determination

The determination that an individual's weekly benefit rate is based upon his classification as a construction worker shall be contained on the Monetary Determination (Form UC-58) issued by the Administrator as a result of such classification. The Administrator may invoke his continuing jurisdiction under C.G.S. Section 31-243 in order to reconsider an individual's classification as a construction worker.

(Adopted effective October 23, 1996)