



General Assembly

Amendment

February Session, 2018

LCO No. 4724



Offered by:

SEN. LOONEY, 11th Dist.

SEN. MOORE, 22nd Dist.

SEN. GOMES, 23rd Dist.

SEN. DUFF, 25th Dist.

SEN. OSTEN, 19th Dist.

To: Senate Bill No. 369

File No. 519

Cal. No. 323

"AN ACT CONCERNING JOB DEVELOPMENT AND TRAINING OPPORTUNITIES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2018*) (a) For the purposes of
4 this section:

5 (1) "Employee" means any person (A) paid on an hourly basis, or
6 (B) not exempt from the minimum wage and overtime compensation
7 requirements of the Fair Labor Standards Act of 1938 and the
8 regulations promulgated thereunder, as amended from time to time,
9 and (C) employed in:

10 (i) Any occupation in the mercantile trade, defined as the trade of
11 wholesale or retail selling of commodities and any operation

12 supplemental or incidental thereto, including, but not limited to,
13 buying, delivery, maintenance, office, stock and clerical work and
14 excluding repair and service employees if the majority of their duties
15 are unrelated to the mercantile trade;

16 (ii) Any restaurant occupations, including all persons engaged in
17 the preparation and serving of food for human consumption, or in any
18 operation incidental or supplemental thereto irrespective of whether
19 the food is served at or away from the point of preparation, and
20 irrespective of whether the preparation and serving of food is the sole
21 business of the employing establishment or enterprise, with the
22 exception that this definition shall not include the preparation and
23 serving of food in a nonprofit educational, charitable or religious
24 organization where the food service is not regularly available to the
25 general public, or the preparation and serving of food in hospitals,
26 convalescent homes or homes for the elderly where the food service is
27 not regularly available to the general public and is incidental to the
28 care of the patient. This occupation includes, but is not limited to,
29 employees of restaurants, cafeterias, that portion of hotel business
30 involving the preparation and serving of food, commissaries, fast food
31 outlets, grills, coffee shops, luncheonettes, sandwich shops, tearooms,
32 nightclubs, cabarets, automats, caterers, frankfurter stands, operators
33 of food vending machines and that portion of the business involving
34 the serving of food in department stores, drugstores, candy stores,
35 bakeries, pizzerias, delicatessens, places of amusement and recreation,
36 commercial and industrial establishments and social, recreational,
37 fraternal and professional clubs that either regularly or intermittently
38 serve food, as well as other establishments or businesses meeting the
39 condition stated in this paragraph;

40 (iii) Any occupation within a hotel, motel, resort or casino with one
41 of the following broad or detailed occupation code numbers and titles,
42 as defined by the federal Bureau of Labor Statistics Standard
43 Occupational Classification system or any successor system: 35-3010
44 Bartenders; 35-9020 Dishwashers; 35-9030 Hosts and Hostesses,
45 Restaurant, Lounge and Coffee Shop; 37-2010 Building Cleaning

46 Workers; 37-3010 Grounds Maintenance Workers; 39-3030 Ushers,
47 Lobby Attendants and Ticket Takers; 39-6010 Baggage Porters,
48 Bellhops and Concierges; 43-4080 Hotel, Motel and Resort Desk Clerks;
49 43-4170 Receptionists and Information Clerks; and

50 (iv) Any occupation within a nursing or residential care facility
51 defined by the federal Bureau of Labor Statistics Standard
52 Occupational Classification system or any successor system: 31-1130
53 Nursing Assistants, Orderlies and Psychiatric Aides;

54 (2) "Employer" has the same meaning as provided in section 31-71a
55 of the general statutes, who employs not less than twenty-five
56 employees;

57 (3) "Regular rate" has the same meaning as provided in section 31-
58 76b of the general statutes;

59 (4) "Shift" means the consecutive hours an employer schedules an
60 employee to work, or to be available to report to work at the request or
61 permission of the employer, provided that a break of one hour or less
62 shall not be considered an interruption of consecutive hours; and

63 (5) "Work schedule" means a written notice of an employee's regular
64 and on-call hours during a consecutive seven-day period.

65 (b) An employee shall receive one-half of such employee's regular
66 rate of pay for any scheduled hours such employee does not work due
67 to the employer cancelling or reducing scheduled work hours (1) after
68 such employee reports to work on any day, or (2) when the employer
69 notifies such employee of the reduction or cancellation within twenty-
70 four hours of the scheduled start of such shift.

71 (c) No compensation is owed under subsection (b) of this section
72 when scheduled work hours are reduced or canceled due to:

73 (1) A written employee request, including, but not limited to, a
74 request to use sick leave, vacation leave or other leave policies offered
75 by the employer;

76 (2) A mutually agreed upon shift trade or coverage arrangement
77 between employees, subject to any existing employer policy regarding
78 required conditions for employees to exchange shifts; or

79 (3) The inability of an employer to begin or continue operations
80 due to:

81 (i) Threats to the employees or the employer's property;

82 (ii) The failure of a public utility or the shutdown of public
83 transportation;

84 (iii) A fire, flood or other natural disaster;

85 (iv) A state of emergency declared by the Governor or the President
86 of the United States; or

87 (v) Severe weather conditions that pose a threat to employee safety,
88 as determined by the Labor Commissioner.

89 (d) Nothing in subsection (b) of this section shall prohibit an
90 employer from adopting policies related to scheduling that are more
91 beneficial to an employee than those required pursuant to this section.

92 (e) Nothing in subsection (b) of this section shall be construed to
93 diminish the obligation of an employer to comply with any contract,
94 collective bargaining agreement, employment benefit plan or other
95 agreement providing policies that are more beneficial to an employee
96 than those required herein.

97 (f) Nothing in subsection (b) of this section shall prohibit any
98 employer from scheduling an employee for a shift with less than
99 twenty-four hours' notice, provided such shift is mutually agreed upon
100 in writing by the employee and employer.

101 (g) Each employer shall keep at the place of employment for a
102 period of three years a true and accurate record of the shifts worked
103 each day and each week by each employee, each employee's work

104 schedule and any revisions to such work schedule.

105 (h) The Labor Commissioner may adopt regulations, in accordance
106 with the provisions of chapter 54 of the general statutes, to provide for
107 the implementation and enforcement of the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section