



General Assembly

February Session, 2006

**Bill No. 58**

LCO No. 685

\* SB00058LAB\_\_032106\_\_ \*

Referred to Committee on Labor and Public Employees

Introduced by:

SEN. DELUCA, 32<sup>nd</sup> Dist.

REP. WARD, 86<sup>th</sup> Dist.

**AN ACT CONCERNING PROTECTION OF MINORS IN THE  
WORKPLACE.**

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

1 Section 1. Section 31-12 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 1, 2007*):

3 (a) None of the following persons under the conditions hereinafter  
4 described shall be employed in any manufacturing or mechanical  
5 establishment more than nine hours in any day or forty-eight hours in  
6 any calendar week: (1) Persons under the age of eighteen years who  
7 are not enrolled in and have not graduated from a secondary  
8 educational institution; (2) persons sixty-six years of age or older,  
9 except with their consent; (3) handicapped persons, so designated by  
10 medical or governmental authority, except with their consent and after  
11 certification by a physician that the extended hours of work will not be  
12 injurious to their health; (4) disabled veterans, as defined under state  
13 or federal law, except with their consent and after certification by a  
14 physician that the extended hours of work will not be injurious to their

15 health.

16 (b) If the Labor Commissioner finds, upon application of an  
17 employer, that an emergency exists or that seasonal or peak demand  
18 places an unusual and temporary burden upon any manufacturing or  
19 mechanical establishment, any such person may be employed in such  
20 establishment not more than ten hours in any day nor more than fifty-  
21 five hours in any calendar week, but the total number of weeks of any  
22 such employment in any twelve consecutive months shall not exceed  
23 twelve.

24 (c) With respect to any group, category or class of employees for  
25 which a work week of less than five days has been established or  
26 agreed upon, the employer shall adhere to the applicable weekly  
27 limitation period [herein] prescribed but may extend the number of  
28 hours per day for each day of the shortened work week provided the  
29 number of hours shall be the same for each day of the work week.

30 (d) In the event of war or other national emergency, the  
31 commissioner after investigation may, with the approval of the  
32 Governor, extend the number of weeks of any such employment if  
33 such extension is necessary to meet scheduled production of war or  
34 critical material.

35 (e) No person under eighteen years of age shall be employed in any  
36 manufacturing or mechanical establishment more than (1) six hours in  
37 any regularly scheduled school day unless the regularly scheduled  
38 school day immediately precedes a nonschool day or eight hours in  
39 any other day, and (2) thirty-two hours in any calendar week during  
40 which the school in which such person is enrolled is in session, or  
41 forty-eight hours in any calendar week during which the school in  
42 which such person is enrolled is not in session. Notwithstanding any  
43 provision of this section, the number of hours such person participates  
44 in a work experience that is part of an approved educational plan,  
45 cooperative program or school-to-work program shall not be counted  
46 against the daily or weekly limits set forth in this section.

47 [(f) Any person who, or firm or corporation which, violates any of  
48 the provisions of this section shall be fined not more than twenty-five  
49 dollars for the first offense and be fined not more than one hundred  
50 dollars or imprisoned not more than thirty days or both for any  
51 subsequent offense.]

52 [(g)] (f) The provisions of this section shall not apply to permanent  
53 salaried employees in executive, administrative or professional  
54 positions as defined by the Labor Commissioner, or to persons under  
55 eighteen years of age who have graduated from a secondary  
56 educational institution.

57 Sec. 2. Section 31-13 of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective January 1, 2007*):

59 (a) None of the following persons under the conditions hereinafter  
60 described shall be employed in any mercantile establishment more  
61 than eight hours in any one day, or more than six days in any one  
62 calendar week or more than forty-eight hours in any one calendar  
63 week: (1) Persons under the age of eighteen years who are not enrolled  
64 in and have not graduated from a secondary educational institution;  
65 (2) persons sixty-six years of age or older, except with their consent; (3)  
66 handicapped persons, so designated by medical or governmental  
67 authority, except with their consent and after certification by a  
68 physician that the extended hours of work will not be injurious to their  
69 health; (4) disabled veterans, as defined under state or federal law,  
70 except with their consent and after certification by a physician that the  
71 extended hours of work will not be injurious to their health; but any  
72 such person may be permitted to work in any such establishment one  
73 day in any calendar week for not more than ten hours, for the purpose  
74 of making one shorter day during such week, and any employer who,  
75 during any year, gives not fewer than seven holidays with pay shall be  
76 exempt from the foregoing provisions hereof during the period from  
77 the eighteenth to the twenty-fifth day of December of such year.

78 (b) If the Labor Commissioner finds, upon application of an

79 employer, that an emergency exists or that seasonal or peak demand  
80 places an unusual and temporary burden upon any mercantile  
81 establishment, any such person may be employed in such  
82 establishment not more than ten hours in any day nor more than fifty-  
83 two hours in any calendar week, but the total number of weeks of any  
84 such employment in any twelve months shall not exceed eight.

85 (c) No person under eighteen years of age shall be employed in any  
86 mercantile establishment more than (1) six hours in any regularly  
87 scheduled school day unless the regularly scheduled school day  
88 immediately precedes a nonschool day or eight hours in any other day,  
89 and (2) thirty-two hours in any calendar week during which the school  
90 in which such person is enrolled is in session, or forty-eight hours in  
91 any other calendar week during which the school in which such  
92 person is enrolled is not is session. Notwithstanding any provision of  
93 this section, the number of hours such person participates in a work  
94 experience that is part of an approved educational plan, cooperative  
95 program or school-to-work program shall not be counted against the  
96 daily or weekly limits set forth in this section.

97 (d) Each employer in any such establishment shall post in a  
98 conspicuous place in each room where such persons are employed a  
99 notice, the form of which shall be furnished by the Labor  
100 Commissioner, stating specifically the hours of work required of such  
101 persons on each day of the week, and the employment of any such  
102 persons for a longer time than so stated shall be a violation of this  
103 section.

104 [(e) Any person who violates any provision of this section shall be  
105 fined not more than one hundred dollars for each offense.]

106 [(f)] (e) The provisions of this section shall not apply to permanent  
107 salaried employees in executive, managerial or supervisory positions  
108 excepted from the provisions of part I of chapter 558 who receive a  
109 regular salary of not less than the minimum fixed for such  
110 employment in any wage order or administrative regulation issued

111 under authority of said part, or to persons under eighteen years of age  
112 who have graduated from a secondary educational institution.

113 Sec. 3. Section 31-18 of the general statutes is repealed and the  
114 following is substituted in lieu thereof (*Effective January 1, 2007*):

115 (a) No public restaurant, cafe, dining room, barber shop,  
116 hairdressing or manicuring establishment, amusement or recreational  
117 establishment, bowling alley, shoe-shining establishment, billiard or  
118 pool room or photograph gallery shall employ or permit to work any  
119 person under eighteen years of age (1) between the hours of ten o'clock  
120 in the evening and six o'clock in the morning, or any of the persons  
121 described below under conditions herein set forth more than nine  
122 hours in any day: (A) Persons sixty-six years of age or older, except  
123 with their consent; (B) handicapped persons, so designated by medical  
124 or governmental authority, except with their consent and after  
125 certification by a physician that the extended hours of work will not be  
126 injurious to their health; (C) disabled veterans, as defined under state  
127 or federal law, except with their consent and after certification by a  
128 physician that the extended hours of work will not be injurious to their  
129 health; provided any such person may be permitted to work in any  
130 such establishment one day in a week for not more than ten hours on  
131 such day, but not more than six days or forty-eight hours in any one  
132 week, and provided further, persons between sixteen and eighteen  
133 years of age may be employed in any amusement or recreational  
134 establishment, restaurant, cafe or dining room, or employed in any  
135 theater until twelve o'clock midnight unless such persons are regularly  
136 attending school in which case such minors may be employed until  
137 eleven o'clock in the evening on days which precede a regularly  
138 scheduled school day and until twelve o'clock midnight during any  
139 regular school vacation season and on days which do not precede a  
140 regularly scheduled school day, and (2) more than (A) six hours in any  
141 regularly scheduled school day unless the regularly scheduled school  
142 day immediately precedes a nonschool day or eight hours in any other  
143 day, and (B) thirty-two hours in any calendar week during which the

144 school in which such person is enrolled is in session or forty-eight  
145 hours in any other calendar week during which the school in which  
146 such person is enrolled is not in session. Notwithstanding any  
147 provision of this section, the number of hours such person participates  
148 in a work experience that is part of an approved educational plan,  
149 cooperative program or school-to-work program shall not be counted  
150 against the daily or weekly limits set forth in this section.

151 (b) The hours of labor of such persons shall be conspicuously posted  
152 in such establishment in such form and manner as the Labor  
153 Commissioner determines.

154 (c) The provisions of this section shall not apply to any person  
155 under eighteen years of age who has graduated from a secondary  
156 educational institution.

157 [(d) Any person who violates any provision of this section shall be  
158 fined not more than two hundred dollars for each offense.]

159 Sec. 4. Section 31-23 of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective January 1, 2007*):

161 (a) No minor under sixteen years of age shall be employed or  
162 permitted to work in any manufacturing, mechanical, mercantile or  
163 theatrical industry, restaurant or public dining room, or in any  
164 bowling alley, shoe-shining establishment or barber shop, provided  
165 the Labor Commissioner may authorize such employment of any  
166 minor between the ages of fourteen and sixteen who is enrolled in (1) a  
167 public school in a work-study program as defined and approved by  
168 the Commissioner of Education and the Labor Commissioner or in a  
169 program established pursuant to section 10-20a, or (2) a summer work-  
170 recreation program sponsored by a town, city or borough or by a  
171 human resources development agency which has been approved by  
172 the Labor Commissioner, or both, and provided the prohibitions of  
173 this section shall not apply to any minor over the age of fourteen who  
174 is under vocational probation pursuant to an order of the Superior

175 Court as provided in section 46b-140 or to any minor over the age of  
176 fourteen who has been placed on vocational parole by the  
177 Commissioner of Children and Families.

178 (b) (1) Notwithstanding the provisions of subsection (a) of this  
179 section, a minor who has reached the age of fifteen may be employed  
180 or permitted to work in any mercantile establishment, from September  
181 30, 2002, to September 30, 2007, inclusive, as a bagger, cashier or stock  
182 clerk, provided such employment shall be (A) limited to periods of  
183 school vacation during which school is not in session for five  
184 consecutive days or more except that such minor employed in a retail  
185 food store may work on any Saturday during the year; (B) for not more  
186 than forty hours in any week; (C) for not more than eight hours in any  
187 day; and (D) between the hours of seven o'clock in the morning and  
188 seven o'clock in the evening, except that from July first to the first  
189 Monday in September in any year, any such minor may be employed  
190 until nine o'clock in the evening. (2) Each person who employs a  
191 fifteen-year-old minor in any mercantile establishment pursuant to this  
192 subsection shall obtain a certificate stating that such minor is fifteen  
193 years of age or older, as provided in section 10-193. Such certificate  
194 shall be kept on file at the place of employment and shall be available  
195 at all times during business hours to the inspectors of the Labor  
196 Department. (3) The Labor Commissioner may adopt regulations, in  
197 accordance with the provisions of chapter 54, as the commissioner  
198 deems necessary to implement the provisions of this subsection.

199 (c) No minor under the age of eighteen years shall be employed or  
200 permitted to work in any occupation which has been or shall be  
201 pronounced hazardous to health by the Department of Public Health  
202 or pronounced hazardous in other respects by the Labor Department.  
203 This section shall not apply to the employment or enrollment of  
204 minors sixteen years of age and over as apprentices in bona fide  
205 apprenticeship courses in manufacturing or mechanical  
206 establishments, vocational schools or public schools, or to the  
207 employment of such minors who have graduated from a public or

208 private secondary or vocational school, in any manufacturing or  
209 mechanical establishment or to the enrollment of such minors in a  
210 cooperative work-study program approved by the Commissioner of  
211 Education and the Labor Commissioner or in a program established  
212 pursuant to section 10-20a. No provision of this section shall apply to  
213 agricultural employment, domestic service, street trades or the  
214 distribution of newspapers. For purposes of this subsection, the term  
215 "cooperative work-study program" means a program of vocational  
216 education, approved by the Commissioner of Education and the Labor  
217 Commissioner, for persons who, through a cooperative arrangement  
218 between the school and employers, receive instruction, including  
219 required academic courses and related vocational instruction by  
220 alternation of study in school with a job in any occupational field,  
221 provided these two experiences are planned and supervised by the  
222 school and employers so that each contributes to the student's  
223 education and to his employability. Work periods and school  
224 attendance may be on alternate half days, full days, weeks or other  
225 periods of time in fulfilling the cooperative work-study program.

226 (d) Each person who employs a minor under the age of eighteen  
227 years shall obtain a certificate stating the age of such minor as  
228 provided in section 10-193. Such certificates shall be kept on file at the  
229 place of employment and shall be available at all times during business  
230 hours to the inspectors of the Labor Department.

231 [(e) Any person, whether acting for himself or as an agent for  
232 another, who employs or authorizes or permits to be employed any  
233 minor in violation of this section shall be fined not more than two  
234 hundred dollars.]

235 Sec. 5. Section 31-24 of the general statutes is repealed and the  
236 following is substituted in lieu thereof (*Effective January 1, 2007*):

237 Except in state vocational schools or in public schools teaching  
238 manual training, no child under sixteen years of age shall be employed  
239 or permitted to work in adjusting or assisting in adjusting any belt

240 upon any machine, or in oiling or assisting in oiling, wiping or  
241 cleaning machinery, while power is attached, or in preparing any  
242 composition in which dangerous acids are used, or in soldering, or in  
243 the manufacture or packing of paints, dry colors or red or white lead,  
244 or in the manufacture, packing or storing of gun or blasting powder,  
245 dynamite, nitroglycerine compounds, safety fuses in the raw or  
246 unvarnished state, electric fuses for blasting purposes or any other  
247 explosive, or in the manufacture or use of any dangerous or poisonous  
248 gas or dye, or composition of lye in which the quantity thereof is  
249 injurious to health, or upon any scaffolding, or in any heavy work in  
250 any building trade or in any tunnel, mine or quarry, or in operating or  
251 assisting to operate any emery, stone or buffing wheel; and, except as  
252 otherwise provided in subsection (b) of section 31-23, no child under  
253 sixteen years of age shall be employed or permitted to work in any  
254 capacity requiring such child to stand continuously. [Any person,  
255 whether acting for himself or as agent for another, who employs or  
256 authorizes or permits to be employed any child in violation of any of  
257 the provisions of this section shall be fined not more than two hundred  
258 dollars.]

259 Sec. 6. Section 31-69a of the general statutes is repealed and the  
260 following is substituted in lieu thereof (*Effective January 1, 2007*):

261 (a) In addition to the penalties provided in [chapter 557,] this  
262 chapter and chapter 568, any employer, officer, agent or other person  
263 who violates any provision of [chapter 557,] this chapter or subsection  
264 (g) of section 31-288, shall be liable to the Labor Department for a civil  
265 penalty of three hundred dollars for each violation of said chapters  
266 and for each violation of subsection (g) of section 31-288.

267 (b) In addition to the penalties provided in this chapter and chapter  
268 557, any employer, officer, agent or other person who violates any  
269 provision of section 31-12, as amended by this act, 31-13, as amended  
270 by this act, 31-14, 31-18, as amended by this act, 31-23, as amended by  
271 this act, or 31-24, as amended by this act, shall be liable to the Labor  
272 Department for a civil penalty of six hundred dollars for each violation

273 of said sections.

274 (c) The Attorney General, upon complaint of the Labor  
 275 Commissioner, shall institute [a civil action] civil actions to recover  
 276 [such civil penalty] the penalties provided for under subsections (a)  
 277 and (b) of this section. Any amount recovered shall be deposited in the  
 278 General Fund and credited to a separate nonlapsing appropriation to  
 279 the Labor Department, for other current expenses, and may be used by  
 280 the Labor Department to enforce the provisions of chapter 557, this  
 281 chapter and subsection (g) of section 31-288 and to implement the  
 282 provisions of section 31-4.

283 Sec. 7. (NEW) (*Effective January 1, 2007*) Any employer, officer, agent  
 284 or other person who violates any provision of section 31-12 of the  
 285 general statutes, as amended by this act, 31-13 of the general statutes,  
 286 as amended by this act, 31-14 of the general statutes, 31-18 of the  
 287 general statutes, as amended by this act, or 31-24 of the general  
 288 statutes, as amended by this act, shall be fined not less than two  
 289 thousand nor more than five thousand dollars or imprisoned not more  
 290 than five years, or both, for each offense.

|   |                        |             |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>January 1, 2007</i> | 31-12       |
| Sec. 2  | <i>January 1, 2007</i> | 31-13       |
| Sec. 3  | <i>January 1, 2007</i> | 31-18       |
| Sec. 4  | <i>January 1, 2007</i> | 31-23       |
| Sec. 5  | <i>January 1, 2007</i> | 31-24       |
| Sec. 6  | <i>January 1, 2007</i> | 31-69a      |
| Sec. 7  | <i>January 1, 2007</i> | New section |

**LAB**      *Joint Favorable*