



General Assembly

January Session, 2009

**Raised Bill No. 6460**

LCO No. 3222

\*03222\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

**AN ACT CONCERNING TIP CREDITS AND GRATUITIES.**

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

1 Section 1. Section 31-60 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Any employer who pays or agrees to pay to an employee less  
4 than the minimum fair wage or overtime wage shall be deemed in  
5 violation of the provisions of this part.

6 (b) The Labor Commissioner shall adopt such regulations, in  
7 accordance with the provisions of chapter 54, as may be appropriate to  
8 carry out the purposes of this part. Such regulations may include, but  
9 are not limited to, regulations defining and governing an executive,  
10 administrative or professional employee and outside salesperson;  
11 learners and apprentices, their number, proportion and length of  
12 service; and piece rates in relation to time rates; and shall recognize, as  
13 part of the minimum fair wage, gratuities in an amount (1) equal to  
14 twenty-nine and three-tenths per cent, and effective January 1, 2009,  
15 equal to thirty-one per cent of the minimum fair wage per hour for  
16 persons [, other than bartenders,] who are employed in the hotel and

17 restaurant industry, including a hotel restaurant, who customarily and  
18 regularly receive gratuities, [(2) equal to eight and two-tenths per cent,  
19 and effective January 1, 2009, equal to eleven per cent of the minimum  
20 fair wage per hour for persons employed as bartenders who  
21 customarily and regularly receive gratuities, and (3)] either directly or  
22 indirectly, and (2) not to exceed thirty-five cents per hour in any other  
23 industry, and shall also recognize deductions and allowances for the  
24 value of board, in the amount of eighty-five cents for a full meal and  
25 forty-five cents for a light meal, lodging, apparel or other items or  
26 services supplied by the employer; and other special conditions or  
27 circumstances which may be usual in a particular employer-employee  
28 relationship. The inclusion of gratuities as part of the minimum fair  
29 wage shall be permitted for an employee whose duties are related or  
30 incidental to the serving of food or beverages, provided the average  
31 hourly wage of the employee for each workday is at least the  
32 minimum fair wage, when the wage and the gratuity are combined.  
33 The inclusion of gratuities as part of the minimum fair wage shall be  
34 permitted for no more than one hour of work before or after  
35 performance of duties for which gratuities are receivable. The  
36 commissioner may provide, in such regulations, modifications of the  
37 minimum fair wage herein established for learners and apprentices;  
38 persons under the age of eighteen years; and for such special cases or  
39 classes of cases as the commissioner finds appropriate to prevent  
40 curtailment of employment opportunities, avoid undue hardship and  
41 safeguard the minimum fair wage herein established. Regulations in  
42 effect on July 1, 1973, providing for a board deduction and allowance  
43 in an amount differing from that provided in this section shall be  
44 construed to be amended consistent with this section without the  
45 necessity of convening a wage board or amending such regulations.  
46 For the purposes of this section, "gratuity" means a monetary  
47 contribution received by the employee either directly or indirectly  
48 from a guest, patron or customer for services rendered.

49 (c) Regulations adopted by the commissioner pursuant to  
50 subsection (b) of this section which define executive, administrative

51 and professional employees shall be updated not later than October 1,  
52 2000, and every four years thereafter, to specify that such persons shall  
53 be compensated on a salary basis at a rate determined by the Labor  
54 Commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	31-60

**Statement of Purpose:**

To define the word gratuity, and create parity between the gratuities received by bartenders and other restaurant employees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*