



General Assembly

Substitute Bill No. 5291

February Session, 2012

* HB05291LAB 031612 *

AN ACT CONCERNING THE MINIMUM WAGE.

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

1 Section 1. Subsection (j) of section 31-58 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *January 1, 2013*):

4 (j) "Minimum fair wage" in any industry or occupation in this state
5 means a wage of not less than six dollars and seventy cents per hour,
6 and effective January 1, 2003, not less than six dollars and ninety cents
7 per hour, and effective January 1, 2004, not less than seven dollars and
8 ten cents per hour, and effective January 1, 2006, not less than seven
9 dollars and forty cents per hour, and effective January 1, 2007, not less
10 than seven dollars and sixty-five cents per hour, and effective January
11 1, 2009, not less than eight dollars per hour, and effective January 1,
12 2010, not less than eight dollars and twenty-five cents per hour, and
13 effective January 1, 2013, not less than eight dollars and seventy-five
14 cents per hour, and effective January 1, 2014, not less than nine dollars
15 and twenty-five cents per hour or one-half of one per cent rounded to
16 the nearest whole cent more than the highest federal minimum wage,
17 whichever is greater, except as may otherwise be established in
18 accordance with the provisions of this part. Effective July 1, 2014, and
19 not later than each July fifteenth thereafter, the Labor Commissioner

20 shall announce an adjustment in the minimum fair wage which shall
21 be equal to the percentage increase between the last complete calendar
22 year and the previous calendar year in the consumer price index for
23 urban wage earners and clerical workers in the northeast urban area of
24 New York-Northern New Jersey-Long Island, NY-NJ-CT-PA, with no
25 seasonal adjustment, as calculated by the United States Department of
26 Labor's Bureau of Labor Statistics, with the amount of the minimum
27 fair wage increase rounded to the nearest five cents. The minimum fair
28 wage plus the adjustment announced by the Labor Commissioner on
29 July fifteenth shall become the new minimum fair wage and shall be
30 effective on the January first immediately following. All wage orders
31 in effect on October 1, 1971, wherein a lower minimum fair wage has
32 been established, are amended to provide for the payment of the
33 minimum fair wage herein established except as hereinafter provided.
34 Whenever the highest federal minimum wage is increased, the
35 minimum fair wage established under this part shall be increased to
36 the amount of said federal minimum wage plus one-half of one per
37 cent more than said federal rate, rounded to the nearest whole cent,
38 effective on the same date as the increase in the highest federal
39 minimum wage, and shall apply to all wage orders and administrative
40 regulations then in force. The rates for learners, beginners, and persons
41 under the age of eighteen years shall be not less than eighty-five per
42 cent of the minimum fair wage for the first two hundred hours of such
43 employment and equal to the minimum fair wage thereafter, except
44 institutional training programs specifically exempted by the
45 commissioner.

46 Sec. 2. Subsection (b) of section 31-60 of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective*
48 *January 1, 2013*):

49 (b) The Labor Commissioner shall adopt such regulations, in
50 accordance with the provisions of chapter 54, as may be appropriate to
51 carry out the purposes of this part. Such regulations may include, but
52 are not limited to, regulations defining and governing an executive,
53 administrative or professional employee and outside salesperson;

54 learners and apprentices, their number, proportion and length of
55 service; and piece rates in relation to time rates; and shall recognize, as
56 part of the minimum fair wage, gratuities in an amount (1) equal to
57 twenty-nine and three-tenths per cent, and effective January 1, 2009,
58 equal to thirty-one per cent, and effective January 1, 2013, equal to
59 thirty-three and seven-tenths per cent, and effective January 1, 2014,
60 equal to thirty-seven and three-tenths per cent of the minimum fair
61 wage per hour for persons, other than bartenders, who are employed
62 in the hotel and restaurant industry, including a hotel restaurant, who
63 customarily and regularly receive gratuities, (2) equal to eight and
64 two-tenths per cent, and effective January 1, 2009, equal to eleven per
65 cent, and effective January 1, 2013, equal to sixteen and one-tenth per
66 cent, and effective January 1, 2014, equal to twenty and seven-tenths
67 per cent of the minimum fair wage per hour for persons employed as
68 bartenders who customarily and regularly receive gratuities, and (3)
69 not to exceed thirty-five cents per hour in any other industry, and shall
70 also recognize deductions and allowances for the value of board, in the
71 amount of eighty-five cents for a full meal and forty-five cents for a
72 light meal, lodging, apparel or other items or services supplied by the
73 employer; and other special conditions or circumstances which may be
74 usual in a particular employer-employee relationship. The
75 commissioner may provide, in such regulations, modifications of the
76 minimum fair wage herein established for learners and apprentices;
77 persons under the age of eighteen years; and for such special cases or
78 classes of cases as the commissioner finds appropriate to prevent
79 curtailment of employment opportunities, avoid undue hardship and
80 safeguard the minimum fair wage herein established. Regulations in
81 effect on July 1, 1973, providing for a board deduction and allowance
82 in an amount differing from that provided in this section shall be
83 construed to be amended consistent with this section without the
84 necessity of convening a wage board or amending such regulations.

85 Sec. 3. Subsection (a) of section 31-68 of the general statutes is
86 repealed and the following is substituted in lieu thereof (*Effective*
87 *January 1, 2013*):

88 (a) If any employee is paid by his or her employer less than the
 89 minimum fair wage or overtime wage to which he or she is entitled
 90 under sections 31-58, as amended by this act, 31-59 and 31-60, as
 91 amended by this act, or by virtue of a minimum fair wage order he
 92 [may] or she shall recover, in a civil action, [twice the full amount of
 93 such minimum wage less any amount actually paid to him by the
 94 employer, with] three times the amount of unpaid minimum fair
 95 wages, including interest thereon calculated in accordance with the
 96 provisions of section 31-265 from the date the wages should have been
 97 received, had they been paid in a timely manner, and costs and such
 98 reasonable attorney's fees as may be allowed by the court, and any
 99 agreement between him and his employer to work for less than such
 100 minimum fair wage or overtime wage shall be no defense to such
 101 action. The commissioner may collect [the full] three times the amount
 102 of unpaid minimum fair wages or unpaid overtime wages to which an
 103 employee is entitled under said sections or order, as well as interest
 104 calculated in accordance with the provisions of section 31-265 from the
 105 date the wages should have been received, had they been paid in a
 106 timely manner. In addition, the commissioner may bring any legal
 107 action necessary to recover [twice] three times the full amount of the
 108 unpaid minimum fair wages or unpaid overtime wages to which the
 109 employee is entitled under said sections or under an order, plus
 110 interest thereon, and the employer shall be required to pay the costs
 111 and such reasonable attorney's fees as may be allowed by the court.
 112 The commissioner shall distribute any wages or interest collected
 113 pursuant to this section to the employee or in accordance with the
 114 provisions of subsection (b) of this section.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | January 1, 2013 | 31-58(j) |
| Sec. 2 | January 1, 2013 | 31-60(b) |
| Sec. 3 | January 1, 2013 | 31-68(a) |

LAB Joint Favorable Subst.

