



General Assembly

Substitute Bill No. 60

February Session, 2014



AN ACT CONCERNING EMPLOYEE GRATUITIES.

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

1 Section 1. Section 31-60 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

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

7 (b) The Labor Commissioner shall adopt such regulations, in
8 accordance with the provisions of chapter 54, as may be appropriate to
9 carry out the purposes of this part. Such regulations may include, but
10 are not limited to, regulations defining and governing an executive,
11 administrative or professional employee and outside salesperson;
12 learners and apprentices, their number, proportion and length of
13 service; and piece rates in relation to time rates; and shall recognize, as
14 part of the minimum fair wage, gratuities in an amount (1) equal to
15 twenty-nine and three-tenths per cent, and effective January 1, 2009,
16 equal to thirty-one per cent of the minimum fair wage per hour, and
17 effective January 1, 2014, equal to thirty-four and six-tenths per cent of
18 the minimum fair wage per hour, and effective January 1, 2015, equal
19 to thirty-six and eight-tenths per cent of the minimum fair wage per

20 hour, and effective January 1, 2016, equal to thirty-three per cent of the
21 minimum fair wage per hour, and effective January 1, 2017, equal to
22 thirty per cent of the minimum fair wage per hour for persons, other
23 than bartenders, who are employed in the hotel and restaurant
24 industry, including a hotel restaurant, who customarily and regularly
25 receive gratuities, (2) equal to eight and two-tenths per cent, and
26 effective January 1, 2009, equal to eleven per cent of the minimum fair
27 wage per hour, and effective January 1, 2014, equal to fifteen and six-
28 tenths per cent of the minimum fair wage per hour, and effective
29 January 1, 2015, equal to eighteen and one-half per cent of the
30 minimum wage per hour for persons employed as bartenders who
31 customarily and regularly receive gratuities, and (3) not to exceed
32 thirty-five cents per hour in any other industry, [and] except that if an
33 employer imposes a surcharge on or reduces the gratuity paid to any
34 employee through a credit card transaction, such gratuity shall not be
35 recognized as part of the minimum fair wage. The commissioner shall
36 also recognize deductions and allowances for the value of board, in the
37 amount of eighty-five cents for a full meal and forty-five cents for a
38 light meal, lodging, apparel or other items or services supplied by the
39 employer; and other special conditions or circumstances which may be
40 usual in a particular employer-employee relationship. The
41 commissioner may provide, in such regulations, modifications of the
42 minimum fair wage herein established for learners and apprentices;
43 persons under the age of eighteen years; and for such special cases or
44 classes of cases as the commissioner finds appropriate to prevent
45 curtailment of employment opportunities, avoid undue hardship and
46 safeguard the minimum fair wage herein established. Regulations in
47 effect on July 1, 1973, providing for a board deduction and allowance
48 in an amount differing from that provided in this section shall be
49 construed to be amended consistent with this section.

50 (c) Regulations adopted by the commissioner pursuant to
51 subsection (b) of this section which define executive, administrative
52 and professional employees shall be updated not later than October 1,
53 2000, and every four years thereafter, to specify that such persons shall

54 be compensated on a salary basis at a rate determined by the Labor
55 Commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	31-60

LAB *Joint Favorable Subst.*