



General Assembly

January Session, 2015

**Committee Bill No. 5080**

LCO No. 4139



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING LARGE RETAIL STORES AND EMPLOYMENT  
OF WORKERS DURING THE HOLIDAY SEASON.**

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) For purposes of this  
2 section:

3 (1) "Employee" shall have the same meaning as "employee", as  
4 defined in section 31-58 of the general statutes;

5 (2) "Employer" means any owner or any person, partnership,  
6 corporation, limited liability company or association of persons acting  
7 directly as, or on behalf of, or in the interest of an employer in relation  
8 to not less than five employees, including the state and any political  
9 subdivision thereof;

10 (3) "Family holiday" means Thanksgiving Day or Christmas Day;  
11 and

12 (4) "Retail business" means any for-profit or not-for-profit business  
13 having a fixed, permanent location comprising five thousand or more  
14 square feet the principal activity of which is exhibiting or offering for

15 sale goods, wares or merchandise on a continuous basis.

16 (b) Each employer operating a retail business shall (1) allow each  
17 employee who works for such retail business the opportunity to  
18 decline to work on any family holiday without penalty, or (2)  
19 compensate each employee who works for such retail business on a  
20 family holiday by (A) paying the employee at a rate not less than two  
21 and one-half times the regular rate, as described in section 31-76b of  
22 the general statutes, at which he or she is employed for the duration of  
23 time the employee works for such retail business on the family  
24 holiday, or (B) (i) paying the employee at a rate not less than one and  
25 one-half times the regular rate, as described in section 31-76b of the  
26 general statutes, at which he or she is employed for the duration of  
27 time the employee works for such retail business on the family  
28 holiday, and (ii) granting such employee future paid leave at a rate not  
29 less than the regular rate, as described in section 31-76b of the general  
30 statutes, at which he or she is employed for the duration of time the  
31 employee worked for such retail business on the family holiday.

32 (c) Any employee aggrieved by a violation of the provisions of this  
33 section may file a complaint with the Labor Commissioner. Upon  
34 receipt of any such complaint, the commissioner may hold a hearing.  
35 After the hearing, any employer who is found by the commissioner, by  
36 a preponderance of the evidence, to have violated the provisions of  
37 this section shall be liable to the Labor Department for a civil penalty  
38 of up to one hundred dollars for each violation. The commissioner may  
39 award the employee all appropriate relief, including the payment of  
40 back wages, to which the employee otherwise would have been  
41 eligible. Any party aggrieved by the decision of the commissioner may  
42 appeal the decision to the Superior Court in accordance with the  
43 provisions of chapter 54 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

**Statement of Purpose:**

To require certain employers to either allow their employees to decline to work on family holidays without penalty or to provide such employees with enhanced pay on such holidays.

*[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.]*

Co-Sponsors: REP. ORANGE, 48th Dist.

H.B. 5080