



General Assembly

February Session, 2016

***Raised Bill No. 39***

LCO No. 491



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING THE MINIMUM FAIR WAGE AND EMPLOYEES WHO CUSTOMARILY AND REGULARLY RECEIVE 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 Section 31-60 of the general statutes is repealed and the  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, 2016*):

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

43 (c) Regulations adopted by the commissioner pursuant to  
44 subsection (b) of this section which define executive, administrative  
45 and professional employees shall be updated not later than October 1,  
46 2000, and every four years thereafter, to specify that such persons shall  
47 be compensated on a salary basis at a rate determined by the Labor

48 Commissioner.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	31-60

**Statement of Purpose:**

To improve the financial standing of certain individuals who customarily and regularly receive gratuities by eliminating the tip credit used in the calculation of the minimum fair wage.

*[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.]*