



# Senate

General Assembly

**File No. 271**

January Session, 2017

Substitute Senate Bill No. 747

*Senate, March 28, 2017*

The Committee on Labor and Public Employees reported through SEN. GOMES of the 23rd Dist. and SEN. MINER of the 30th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT PROHIBITING "ON-CALL" SHIFT SCHEDULING FOR EMPLOYEES.***

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

1 Section 1. (NEW) (*Effective October 1, 2017*) (a) For the purposes of  
2 this section:

3 (1) "Employee" means employee, as defined in section 31-58 of the  
4 general statutes. "Employee" does not include any health care  
5 employee, as defined in section 19a-490q of the general statutes, or any  
6 temporary or day worker, as defined in section 31-57r of the general  
7 statutes;

8 (2) "Employer" means employer, as defined in section 31-58 of the  
9 general statutes; and

10 (3) "Shift" means the consecutive hours an employer requires an  
11 employee to work or to be on call to work, provided a break of one  
12 hour or less shall not be considered an interruption of consecutive

13 hours.

14 (b) Each employer shall provide not less than twenty-four-hours'  
15 notice to an employee of such employee's shift.

16 (c) Nothing in subsection (b) of this section shall be construed to  
17 prohibit an employer from adopting policies related to scheduling that  
18 are more beneficial to an employee than those required pursuant to  
19 said subsection.

20 (d) Nothing in subsection (b) of this section shall be construed to  
21 diminish the obligation of an employer to comply with any contract,  
22 collective bargaining agreement, employment benefit plan or other  
23 agreement providing policies that are more beneficial to an employee  
24 than those required herein.

25 (e) Nothing in subsection (b) of this section shall prohibit an  
26 employee from working a shift for which such employee received less  
27 than twenty-four-hours' notice from the employer provided such shift  
28 is mutually agreed upon by the employee and the employer.

29 (f) The Labor Commissioner may adopt regulations in accordance  
30 with the provisions of chapter 54 of the general statutes to provide for  
31 the implementation and enforcement of the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2017	New section

**LAB** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 18 \$	FY 19 \$
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	Up to 21,131	Up to 21,131
Labor Dept.	GF - Potential Cost	Up to 55,491	Up to 55,491

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill, which requires certain employers to provide at least 24 hour notice of changes in employee shifts, may result in increased costs to the Labor Department.

While the bill exempts several types of employment, there are approximately 300,000 employees working in the retail and restaurant service sectors, most of which may be subject to the terms of the bill. Because of the large number of employees that may be impacted by the bill, the department is likely to see a substantial increase in number of complaints. The number of complaints may be highest in the first years following adoption of the bill, as current practices are adjusted to match the requirements of the bill.

The bill allows the Labor Department to develop regulations necessary to enforce the bill. To the extent that those regulations are

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

developed and enforced, the Labor Department may need additional staff resources to handle the increased number of complaints generated.

Outside of the potential cost of regulation and enforcement, the bill is not expected to result in a fiscal impact to the state or municipalities.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 747*****AN ACT PROHIBITING "ON-CALL" SHIFT SCHEDULING FOR EMPLOYEES.*****SUMMARY**

This bill requires employers to provide employees with at least 24 hours' notice of their shifts. The requirement applies to employers and employees who are covered by the state's minimum wage law, but not health care employees or temporary or day workers. Under the bill, a "shift" is the consecutive hours an employer requires an employee to work or be on call to work, excluding any breaks shorter than one-hour or less.

The bill specifies that it does not

1. prohibit employees from working if they receive less than 24 hours' notice of their shift, as long as they mutually agree to do so with their employer;
2. prohibit employers from adopting scheduling policies that are more beneficial to employees; or
3. diminish an employer's obligation to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement with polices that are more beneficial to employees.

Lastly, the bill allows the labor commissioner to adopt regulations to implement and enforce its provisions.

EFFECTIVE DATE: October 1, 2017

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 8 Nay 5 (03/09/2017)