



General Assembly

Raised Bill No. 7085

January Session, 2017

LCO No. 3900

* _____ HB07085LAB__030717_____ *

Referred to Committee on LABOR AND PUBLIC
EMPLOYEES

Introduced by:
(LAB)

**AN ACT CONCERNING CREDIT CARD TRANSACTIONS AND
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 Section 31-60 of the general statutes is repealed and the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, 2017*):

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, as
13 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] except, if an
 29 employer imposes a surcharge on or reduces the gratuity paid to any
 30 employee through a credit card transaction, such gratuity shall not be
 31 recognized as part of the minimum fair wage. The commissioner shall
 32 also recognize deductions and allowances for the value of board, in the
 33 amount of eighty-five cents for a full meal and forty-five cents for a
 34 light meal, lodging, apparel or other items or services supplied by the
 35 employer; and other special conditions or circumstances which may be
 36 usual in a particular employer-employee relationship. The
 37 commissioner may provide, in such regulations, modifications of the
 38 minimum fair wage herein established for learners and apprentices;
 39 persons under the age of eighteen years; and for such special cases or
 40 classes of cases as the commissioner finds appropriate to prevent
 41 curtailment of employment opportunities, avoid undue hardship and
 42 safeguard the minimum fair wage herein established. Regulations in
 43 effect on July 1, 1973, providing for a board deduction and allowance
 44 in an amount differing from that provided in this section shall be
 45 construed to be amended consistent with this section.

46 (c) Regulations adopted by the commissioner pursuant to
 47 subsection (b) of this section which define executive, administrative
 48 and professional employees shall be updated not later than October 1,

49 2000, and every four years thereafter, to specify that such persons shall
50 be compensated on a salary basis at a rate determined by the Labor
51 Commissioner.

52 Sec. 2. (NEW) (*Effective from passage*) Any employer, who imposes a
53 surcharge on or reduces the gratuity paid to any employee through a
54 credit card transaction, shall post notice of such surcharge or reduction
55 in a prominent place on the premises of such employer notifying the
56 patrons of such employer of such surcharge or reduction.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	31-60
Sec. 2	<i>from passage</i>	New section

LAB *Joint Favorable*