



General Assembly

Amendment

January Session, 2021

LCO No. 8709



Offered by:
SEN. SAMPSON, 16th Dist.

To: Subst. Senate Bill No. 668

File No. 398

Cal. No. 244

(As Amended)

"AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE."

1 Strike subdivision (1) of subsection (a) of section 1 in its entirety and
2 insert the following in lieu thereof:

3 "(1) "Employee" means any person (A) who is paid on an hourly basis,
4 (B) who does not have an employment contract with an employer, (C)
5 who is not exempt from the minimum wage and overtime compensation
6 requirements of the Fair Labor Standards Act of 1938 and the
7 regulations promulgated thereunder, as amended from time to time,
8 and (D) who is suffered or permitted to work by an employer in:

9 (i) Any occupation in the mercantile trade, which, for the purposes of
10 this clause, means the trade of wholesale or retail selling of groceries or
11 commodities and any operation incidental or supplemental thereto,
12 including, but not limited to, buying, delivering or maintaining such
13 groceries or commodities, and any office, stock or clerical work, except
14 repair and service employees having the major portion of their duties

15 unrelated to the mercantile trade;

16 (ii) A restaurant occupation, including any person engaged in the
17 preparation and serving of food for human consumption or in any
18 operation incidental or supplemental thereto, whether the food is
19 served at or away from the point of preparation or the preparation and
20 serving of food is the sole business of the employing establishment or
21 enterprise. A restaurant occupation includes, but is not limited to,
22 employees of restaurants, cafeterias, that portion of hotel businesses
23 involving the preparation and serving of food, commissaries, fast food
24 outlets, grills, coffee shops, luncheonettes, sandwich shops, tearooms,
25 nightclubs, cabarets, automats, caterers, frankfurter stands, operators of
26 food vending machines, and that portion of a business involving the
27 serving of food in department stores, drugstores, candy stores, bakeries,
28 pizzerias, delicatessens, places of amusement and recreation,
29 commercial and industrial establishments and social, recreational,
30 fraternal and professional clubs that either regularly or intermittently
31 serve food. A restaurant occupation does not include the preparation
32 and serving of food in a nonprofit educational, charitable or religious
33 organization where the food service is not regularly available to the
34 general public, or the preparation and serving of food in hospitals,
35 convalescent homes or homes for the elderly where the food service is
36 not regularly available to the general public and is incidental to the care
37 of the patient; or

38 (iii) An occupation within a hotel, motel or resort with one of the
39 following broad or detailed occupation code numbers and titles, as
40 defined by the federal Bureau of Labor Statistics Standard Occupational
41 Classification system or any successor system: 35-3010 Bartenders; 35-
42 9020 Dishwashers; 35-9030 Hosts and Hostesses, Restaurant, Lounge
43 and Coffee Shop; 37-2010 Building Cleaning Workers; 37-3010 Grounds
44 Maintenance Workers; 39-3030 Ushers, Lobby Attendants and Ticket
45 Takers; 39-6010 Baggage Porters, Bellhops and Concierges; 43-4080
46 Hotel, Motel and Resort Desk Clerks; 43-4170 Receptionists and
47 Information Clerks;"