



General Assembly

January Session, 2023

Committee Bill No. 152

LCO No. 4756



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING THE PROTECTION OF WAREHOUSE WORKERS.

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

1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section and
2 sections 2 to 7, inclusive of this act:

3 (1) "Employee" means an individual engaged in service to an
4 employer in a business of the employer;

5 (2) "Employee work speed data" means any information an employer
6 collects, stores, analyzes or interprets relating to an employee's
7 performance of a quota, including, but not limited to, quantities of tasks
8 performed, quantities of items or materials handled or produced, rates
9 or speeds of tasks performed or measurements of employee
10 performance in relation to a quota and time categorized as performing
11 tasks or not performing tasks;

12 (3) "Employer" means (A) a single warehouse distribution center in
13 the state that employs one hundred or more employees, or (B) one or
14 more warehouse distribution centers in the state that are owned and
15 operated by the same person, partnership, corporation, limited liability

16 company, association of persons or other business entity and in which,
17 in the aggregate, employs one thousand or more employees;

18 (4) "Quota" means a performance standard under which an employee
19 is assigned or required, within a defined time period, to perform a
20 quantified number of tasks or at a specified productivity speed or to
21 handle or produce a quantified amount of material, and for which the
22 employee may suffer an adverse employment action if such employee
23 fails to complete such performance standard; and

24 (5) "Warehouse distribution center" means an establishment as
25 defined by any of the following North American Industry Classification
26 System Codes: (A) 493110 for General Warehousing and Storage; (B) 423
27 for Merchant Wholesalers, Durable Goods; (C) 424 for Merchant
28 Wholesalers, Nondurable Goods; or (D) 454110 for Electronic Shopping
29 and Mail-Order Houses.

30 Sec. 2. (NEW) (*Effective July 1, 2023*) Not later than August 1, 2023, an
31 employer shall provide each employee with a written description of
32 each quota the employee is subject to, including any potential adverse
33 employment action that may result from a failure to meet such quota.
34 On or after August 1, 2023, an employer shall provide such written
35 description of each quota to each person hired by such employer after
36 said date.

37 Sec. 3. (NEW) (*Effective July 1, 2023*) (a) No employee shall be required
38 to meet any quota that (1) prevents compliance with section 31-51ii of
39 the general statutes concerning meal periods, (2) interferes with the
40 employee's use of bathroom facilities, including the reasonable time to
41 travel to and from bathroom facilities, or (3) prevents compliance with
42 the Occupational Safety and Health Act of 1970, 15 USC 651 et seq., as
43 amended from time to time. Any action taken by an employee to comply
44 with the Occupational Safety and Health Act of 1970, 15 USC 651 et seq.,
45 as amended from time to time, or regulations promulgated thereunder,
46 shall be considered time on task and productive time for purposes of
47 any quota or monitoring system, provided meal and rest breaks are not

48 considered productive time unless such employee is required to be on
49 call.

50 (b) No employer shall take any adverse employment action against
51 an employee for failure to meet a quota that prevents compliance as
52 described in subdivisions (1) to (3), inclusive, of subsection (a) of this
53 section or for a quota that has not been previously provided to an
54 employee pursuant to this subsection.

55 (c) (1) If a current or former employee believes that meeting a quota
56 caused or will cause a violation of subsection (a) of this section, such
57 employee may request, a written description of each quota that such
58 employee is subject to and a copy of such employee's own personal
59 work speed data for the most recent ninety days. If a former employee
60 requests a written description of the quotas that the former employee
61 was subject to and a copy of such former employee's own personal work
62 speed data pursuant to this subsection, the employer shall provide such
63 former employee's quotas and personal work speed data for the ninety
64 days prior to the date of the employee's separation from employment
65 with the employer. A former employee may make only one request
66 under this subsection.

67 (2) An employer that receives a written or oral request for
68 information under this subsection shall provide such written
69 description of each quota and such employee's personal work speed
70 data not later than twenty-one calendar days after the date of the
71 request.

72 (d) There shall be a rebuttable presumption of unlawful retaliation if
73 an employer in any manner discriminates, retaliates or takes any
74 adverse action against any employee not later than ninety days after
75 such employee: (1) Makes a request for the written description of a
76 quota or such employee's personal work speed data pursuant to
77 subsection (b) of this section; or (2) makes a complaint to the Labor
78 Commissioner, related to a quota, alleging a violation of this section.

79 (e) An employee who believes an employer violated any provision of
80 this section may file a complaint with the Labor Commissioner. Upon
81 receipt of any such complaint, the commissioner shall hold a hearing.
82 After the hearing, the commissioner shall send each party a written copy
83 of the commissioner's decision. The commissioner may award the
84 employee all appropriate relief. Any party aggrieved by a decision of
85 the commissioner may appeal the decision to the Superior Court in
86 accordance with the provisions of chapter 54 of the general statutes.

87 (f) Any person aggrieved by a violation of any provision of this
88 section, the Labor Commissioner or the Attorney General may bring a
89 civil action in the Superior Court to recover damages, civil penalties and
90 such equitable and injunctive relief as the court deems appropriate. Any
91 person who prevails in such civil action shall be awarded reasonable
92 attorney's fees and costs to be taxed by the court.

93 Sec. 4. (NEW) (*Effective July 1, 2023*) The commissioner may adopt
94 regulations, in accordance with the provisions of chapter 54 of the
95 general statutes, to implement and enforce the provisions of this section
96 and section 2 of this act.

97 Sec. 5. (NEW) (*Effective July 1, 2023*) The Labor Commissioner may
98 develop an outreach program in order to educate employees and
99 employers about their rights and obligations under the provisions of
100 sections 2 and 3 of this act. Such program shall include the distribution
101 of notices and other written materials to employers and employees
102 working in a warehouse.

103 Sec. 6. (NEW) (*Effective July 1, 2023*) (a) The Labor Commissioner shall
104 have access to data, including employer-reported injury data and
105 enforcement actions in employer warehouses, the identity of uninsured
106 employers, and employers who are committing workers' compensation
107 fraud, wage theft or other information relevant to the commissioner's
108 authority.

109 (b) Not later than July 1, 2024, the Labor Commissioner shall report

110 to the joint standing committee of the General Assembly having
 111 cognizance of matters relating to labor on (1) the number of claims filed
 112 with the commissioner under section 3 of this act, (2) data on warehouse
 113 production quotas in warehouses in which the Workers' Compensation
 114 Commission has indicated that annual employee injury rates are above
 115 the industry average, and (3) the number of investigations undertaken
 116 and enforcement actions initiated.

117 Sec. 7. (NEW) (*Effective July 1, 2023*) The Workers' Compensation
 118 Commission shall monitor the injury rates for each employer, as defined
 119 in section 1 of this act. If an employer is found to have an annual
 120 employee injury rate at or over one and one-half times higher than the
 121 warehousing industry's average annual injury rate, the Workers'
 122 Compensation Commission shall notify the Labor Commissioner, and
 123 the commissioner shall determine whether an investigation concerning
 124 potential violations of sections 2 and 3 of this act is appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>July 1, 2023</i>	New section
Sec. 4	<i>July 1, 2023</i>	New section
Sec. 5	<i>July 1, 2023</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section
Sec. 7	<i>July 1, 2023</i>	New section

Statement of Purpose:

To create protections for warehouse workers against unreasonable quotas.

[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: SEN. LOONEY, 11th Dist.

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