



General Assembly

January Session, 2023

Raised Bill No. 1177

LCO No. 5164



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING ONE FAIR WAGE.

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 Section 31-60 of the general statutes is repealed and the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, 2023*):

3 (a) Except as provided in subdivision (5) of subsection (i) of section
4 31-58, any employer who pays or agrees to pay to an employee less than
5 the minimum fair wage or overtime wage shall be deemed in violation
6 of the provisions of this part.

7 (b) The Labor Commissioner shall adopt such regulations, in
8 accordance with the provisions of chapter 54, as may be appropriate to
9 carry out the purposes of this part. Such regulations may include, but
10 are not limited to, regulations defining and governing an executive,
11 administrative or professional employee and outside salesperson;
12 [learners and apprentices, their number, proportion and length of
13 service;] and piece rates in relation to time rates; and shall recognize, as
14 part of the minimum fair wage, [gratuities in an amount (1) equal to
15 twenty-nine and three-tenths per cent, and effective January 1, 2009,

16 equal to thirty-one per cent of the minimum fair wage per hour, and
17 effective January 1, 2014, equal to thirty-four and six-tenths per cent of
18 the minimum fair wage per hour, and effective January 1, 2015, and
19 ending on June 30, 2019, equal to thirty-six and eight-tenths per cent of
20 the minimum fair wage per hour for persons, other than bartenders,
21 who are employed in the hotel and restaurant industry, including a
22 hotel restaurant, who customarily and regularly receive gratuities, (2)
23 equal to eight and two-tenths per cent, and effective January 1, 2009,
24 equal to eleven per cent of the minimum fair wage per hour, and
25 effective January 1, 2014, equal to fifteen and six-tenths per cent of the
26 minimum fair wage per hour, and effective January 1, 2015, and ending
27 on June 30, 2019, equal to eighteen and one-half per cent of the minimum
28 fair wage per hour for persons employed as bartenders who customarily
29 and regularly receive gratuities, and (3) not to exceed thirty-five cents
30 per hour in any other industry, and shall also recognize] deductions and
31 allowances for the value of board, in the amount of eighty-five cents for
32 a full meal and forty-five cents for a light meal, lodging, apparel or other
33 items or services supplied by the employer; and other special conditions
34 or circumstances which may be usual in a particular employer-
35 employee relationship. The commissioner may provide, in such
36 regulations, modifications of the minimum fair wage herein established
37 [for learners and apprentices; persons under the age of eighteen years;
38 and] for such special cases or classes of cases as the commissioner finds
39 appropriate to prevent curtailment of employment opportunities, avoid
40 undue hardship and safeguard the minimum fair wage herein
41 established. Regulations in effect on July 1, 1973, providing for a board
42 deduction and allowance in an amount differing from that provided in
43 this section shall be construed to be amended consistent with this
44 section.

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

50 Commissioner.

51 [(d) (1) Effective July 1, 2019, the Labor Commissioner shall
52 recognize, as part of the minimum fair wage, gratuities in an amount
53 equal to the difference between the minimum fair wage and the
54 employer's share per hour for persons, other than bartenders, who are
55 employed in the hotel and restaurant industry, including a hotel
56 restaurant, who customarily and regularly receive gratuities. The Labor
57 Commissioner shall also recognize, as part of the subminimum wage
58 established in subdivision (5) of subsection (i) of section 31-58, gratuities
59 in an amount equal to the difference between such subminimum wage
60 and the employer's share per hour for persons, other than bartenders,
61 who are employed in the hotel and restaurant industry, including a
62 hotel restaurant, who customarily and regularly receive gratuities.

63 (2) Effective July 1, 2019, the Labor Commissioner shall recognize, as
64 part of the minimum fair wage, gratuities in an amount equal to the
65 difference between the minimum fair wage and the employer's share
66 per hour for persons employed as bartenders who customarily and
67 regularly receive gratuities.

68 (3) As used in this subsection "employer's share" means (A) six dollars
69 and thirty-eight cents per hour for persons, other than bartenders, who
70 are employed in the hotel and restaurant industry, including a hotel
71 restaurant, who customarily and regularly receive gratuities, and (B)
72 eight dollars and twenty-three cents per hour for persons employed as
73 bartenders who customarily and regularly receive gratuities.

74 (4) Notwithstanding any other law or regulation, any claim brought
75 under this subsection, section 31-68 as it relates to gratuities as part of
76 the minimum wage or section 31-62-E3 of the regulations of Connecticut
77 state agencies filed after September 24, 2022, shall be adjudicated, solely,
78 under section 31-60-2 of the regulations of Connecticut state agencies
79 effective on September 24, 2020, and any amendments thereto.

80 (e) On and after October 1, 2020, no employer may take any action to
81 displace an employee, including, but not limited to, a partial

82 displacement of an employee, such as reducing the employee's hours,
83 wages or employment benefits, for purposes of hiring persons under the
84 age of eighteen years at a rate below the minimum fair wage. If the Labor
85 Commissioner determines that an employer has violated this
86 subsection, the commissioner shall suspend the employer's right to pay
87 the reduced rate for employees for a period of time specified in
88 regulations adopted pursuant to subsection (b) of this section.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-60

Statement of Purpose:

To eliminate the subminimum wage in the state and create one 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.]