



Senate

General Assembly

File No. 301

February Session, 2024

Senate Bill No. 408

Senate, April 8, 2024

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PRE AND POST SHIFT HOURS.

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

1 Section 1. Subdivision (2) of section 31-76b of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective October*
3 *1, 2024*):

4 (2) (A) "Hours worked" [include] includes all time during which an
5 employee is required by the employer to be on the employer's premises
6 or to be on duty, or to be at the prescribed work place, and all time
7 during which an employee is employed or permitted to work, whether
8 or not required to do so, provided time allowed for meals shall be
9 excluded unless the employee is required or permitted to work. Such
10 time includes, but shall not be limited to, (i) the time when an employee
11 is required to wait on the premises while no work is provided by the
12 employer, and (ii) the time an employee spends in security screenings
13 required by an employer. (B) All time during which an employee is
14 required to be on call for emergency service at a location designated by
15 the employer shall be considered to be working time and shall be paid

16 for as such, whether or not the employee is actually called upon to work.
 17 (C) When an employee is subject to call for emergency service but is not
 18 required to be at a location designated by the employer but is simply
 19 required to keep the employer informed as to the location at which he
 20 may be contacted, or when an employee is not specifically required by
 21 his employer to be subject to call but is contacted by his employer or on
 22 the employer's authorization directly or indirectly and assigned to duty,
 23 working time shall begin when the employee is notified of his
 24 assignment and shall end when the employee has completed his
 25 assignment. (D) Notwithstanding the provisions of this subdivision,
 26 when an individual employed by a third-party provider to provide
 27 "companionship services", as defined in the regulations of the federal
 28 Fair Labor Standards Act, is required to be present at a worksite for a
 29 period of not less than twenty-four consecutive hours, such individual
 30 and his or her employer may agree in writing to exclude a regularly
 31 scheduled sleeping period of not more than eight hours from hours
 32 worked, provided (i) adequate on-site sleeping facilities are furnished
 33 to such individual, and (ii) such individual receives at least five hours
 34 of sleep time. If the scheduled sleeping period is more than eight hours,
 35 only eight hours will be excluded. If the scheduled sleeping period is
 36 interrupted by an assignment to work, the interruption shall be counted
 37 as hours worked. If such individual does not receive at least five hours
 38 of sleep time during the scheduled sleeping period, the entire sleeping
 39 period shall be considered hours worked. The provisions of this
 40 subparagraph shall be effective on and after the effective date of the
 41 United States Department of Labor's Final Rule concerning the
 42 Application of the federal Fair Labor Standards Act to Domestic Service
 43 published in the Federal Register of October 1, 2013;

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	31-76b(2)

LAB *Joint Favorable*

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:** None**Municipal Impact:** None**Explanation**

The bill, which clarifies the definition of "hours worked" to include the time an employee spends in security screenings required by an employer, does not result in any fiscal impact as the Department of Labor already recognizes and enforces time spent in security screenings as hours worked.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis

SB 408

AN ACT CONCERNING PRE AND POST SHIFT HOURS.

SUMMARY

Under the state’s overtime pay law, an employee’s “hours worked” include all time that the employee must be on the employer’s premises, including time that the employee must wait on the premises while no work is provided by the employer. This bill further specifies that this also includes time an employee spends in security screenings required by an employer.

EFFECTIVE DATE: October 1, 2024

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 12 Nay 0 (03/19/2024)