



General Assembly

February Session, 2022

**Raised Bill No. 314**

LCO No. 2556



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

**AN ACT CONCERNING 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, 2022*) (a) As used in this section and  
2 sections 2 and 3 of this act:

3 (1) "Employee" has the same meaning as set forth in section 31-367 of  
4 the general statutes;

5 (2) "Employee work speed data" means 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 single warehouse distribution center in  
13 which one hundred or more employees work or one or more warehouse  
14 distribution centers in which one thousand or more employees work;

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

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

27 (b) (1) Not later than August 1, 2022, or at the time of hire, whichever  
28 is later, an employer shall provide to each employee a written  
29 description of each quota the employee is subject to within a defined  
30 time period and any potential adverse employment action that may  
31 result from a failure to meet such quota. An employee shall not be  
32 required to meet any quota that prevents compliance with (A) section  
33 31-51ii of the general statutes, concerning meal periods, (B) the use of  
34 bathroom facilities, including the reasonable time to travel to and from  
35 bathroom facilities, or (C) the Occupational Safety and Health Act of  
36 1970, 15 USC 651 et seq., as amended from time to time.

37 (2) An employer shall not take any adverse employment action  
38 against an employee for failure to meet such quota or for a quota that  
39 has not been disclosed pursuant to this subsection. Any action taken by  
40 an employee to comply with the Occupational Safety and Health Act of  
41 1970, 15 USC 651 et seq., as amended from time to time, or regulations  
42 promulgated thereunder shall be considered time on task and  
43 productive time for purposes of any quota or monitoring system. Meal  
44 and rest breaks are not considered productive time unless the employee  
45 is required to be on call.

46 (c) If a current or former employee believes that meeting a quota

47 caused a violation of the employee's right to a meal period under section  
48 31-51ii of the general statutes or required the employee to violate the  
49 Occupational Safety and Health Act of 1970, 15 USC 651 et seq., the  
50 employee may request, and the employer shall provide, upon the  
51 employee's request a written description of each quota to which the  
52 employee is subject and a copy of the employee's own personal work  
53 speed data for the most recent ninety days. If a former employee  
54 requests a written description of the quotas to which the former  
55 employee was subject and a copy of the former employee's own  
56 personal work speed data pursuant to this subsection, the employer  
57 shall provide ninety days of the former employee's quotas and personal  
58 work speed data for the ninety days prior to the date of the employee's  
59 separation from employment with the employer. A former employee  
60 may make only one request pursuant to this subsection.

61 (d) An employer that receives a written or oral request for  
62 information pursuant to subsection (c) of this section shall comply with  
63 the request as soon as practicable, but not later than twenty-one calendar  
64 days after the date of the request.

65 (e) There shall be a rebuttable presumption of unlawful retaliation if  
66 an employer in any manner discriminates, retaliates or takes any  
67 adverse action against any employee not later than ninety days after the  
68 employee:

69 (1) Initiates the employee's first request in a calendar year for  
70 information about a quota or personal work speed data pursuant to  
71 subsection (c) of section 1 of this act; or

72 (2) Makes a complaint related to a quota alleging any violation of this  
73 section to the Labor Commissioner.

74 (f) Any employee who believes an employer violated any provision  
75 of this section may file a complaint with the Labor Commissioner. Upon  
76 receipt of any such complaint, the commissioner shall hold a hearing.  
77 After the hearing, the commissioner shall send each party a written copy  
78 of the commissioner's decision. The commissioner may award the

79 employee all appropriate relief. Any party aggrieved by the decision of  
80 the commissioner may appeal the decision to the Superior Court in  
81 accordance with the provisions of chapter 54 of the general statutes.

82 Sec. 2. (NEW) (*Effective July 1, 2022*) (a) The Labor Commissioner shall  
83 enforce the provisions of sections 1 to 3, inclusive, of this act by engaging  
84 in coordinated and strategic enforcement efforts with the Workers'  
85 Compensation Commission.

86 (b) The Labor Commissioner shall educate workers and employers  
87 about their rights and obligations under said sections in order to  
88 increase compliance.

89 (c) The Labor Commissioner shall have access to data, including  
90 employer-reported injury data and enforcement actions in employer  
91 warehouses, the identity of uninsured employers, and employers who  
92 are committing workers' compensation fraud, wage theft or other  
93 information relevant to the commissioner's authority.

94 (d) Not later than January 1, 2024, the Labor Commissioner shall  
95 report to the joint standing committee of the General Assembly having  
96 cognizance of matters relating to labor the number of claims filed with  
97 the commissioner under sections 1 to 3, inclusive, of this act, data on  
98 warehouse production quotas in warehouses in which the Workers'  
99 Compensation Commission has indicated that annual employee injury  
100 rates are above the industry average, and the number of investigations  
101 undertaken and enforcement actions initiated.

102 (e) The Workers' Compensation Commission shall keep track of  
103 injury rates for each qualifying employer under this section. If an  
104 employer is found to have an annual employee injury rate one and one-  
105 half times higher than the warehousing industry's average annual injury  
106 rate, or more, the Workers' Compensation Commission shall notify the  
107 Labor Commissioner, and the commissioner shall determine whether an  
108 investigation of violations pursuant to sections 1 to 3, inclusive, of this  
109 act is appropriate.

110 (f) The commissioner may adopt regulations, in accordance with the  
111 provisions of chapter 54 of the general statutes, to implement and  
112 enforce the provisions of sections 1 to 3, inclusive, of this act.

113 Sec. 3. (NEW) (*Effective July 1, 2022*) Any person aggrieved by a  
114 violation of any provision of this section and sections 1 and 2 of this act,  
115 the Labor Commissioner, or the Attorney General may bring a civil  
116 action in the Superior Court to recover damages, civil penalties and such  
117 equitable and injunctive relief as the court deems appropriate. Any  
118 individual who prevails in such civil action shall be awarded reasonable  
119 attorney's fees and costs to be taxed by the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2022</i>	New section
Sec. 2	<i>July 1, 2022</i>	New section
Sec. 3	<i>July 1, 2022</i>	New section

**Statement of Purpose:**

To protect warehouse workers from quotas that violate their rights and occupational safety and health standards.

*[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.]*