



General Assembly

Substitute Bill No. 1177

January Session, 2023



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 Section 31-60 of the general statutes is repealed and the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] Any employer who pays or agrees to pay to an employee
5 less than the minimum fair wage or overtime wage shall be deemed in
6 violation 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,
14 as 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
27 ending on June 30, 2019, equal to eighteen and one-half per cent of the
28 minimum fair wage per hour for persons employed as bartenders who
29 customarily and regularly receive gratuities, and (3) not to exceed
30 thirty-five cents per hour in any other industry, and shall also
31 recognize] deductions and allowances for the value of board, in the
32 amount of eighty-five cents for a full meal and forty-five cents for a
33 light meal, lodging, apparel or other items or services supplied by the
34 employer; and other special conditions or circumstances which may be
35 usual in a particular employer-employee relationship. The
36 commissioner may provide, in such regulations, modifications of the
37 minimum fair wage herein established [for learners and apprentices;
38 persons under the age of eighteen years; and] for such special cases or
39 classes of cases as the commissioner finds appropriate to prevent
40 curtailment of employment opportunities, avoid undue hardship and
41 safeguard the minimum fair wage herein established. Regulations in
42 effect on July 1, 1973, providing for a board deduction and allowance
43 in an amount differing from that provided in this section shall be
44 construed to be amended consistent with this section.

45 (c) Regulations adopted by the commissioner pursuant to
46 subsection (b) of this section which define executive, administrative
47 and professional employees shall be updated not later than October 1,
48 2000, and every four years thereafter, to specify that such persons shall
49 be 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
57 Labor Commissioner shall also recognize, as part of the subminimum
58 wage established in subdivision (5) of subsection (i) of section 31-58,
59 gratuities in an amount equal to the difference between such
60 subminimum wage and the employer's share per hour for persons,
61 other than bartenders, who are employed in the hotel and restaurant
62 industry, including a hotel restaurant, who customarily and regularly
63 receive gratuities.

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

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

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

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

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

92 Sec. 2. Subdivisions (5) and (6) of subsection (i) of section 31-58 of
 93 the general statutes are repealed and the following is substituted in
 94 lieu thereof (*Effective October 1, 2023*):

95 [(5) The rates for all persons under the age of eighteen years, except
 96 emancipated minors, shall be not less than eighty-five per cent of the
 97 minimum fair wage for the first ninety days of such employment, or
 98 ten dollars and ten cents per hour, whichever is greater, and shall be
 99 equal to the minimum fair wage thereafter, except in institutional
 100 training programs specifically exempted by the commissioner.]

101 [(6)] (5) After two consecutive quarters of negative growth in the
 102 state's real gross domestic product, as reported by the Bureau of
 103 Economic Analysis of the United States Department of Commerce, the
 104 Labor Commissioner shall report his or her recommendations, in
 105 writing, to the Governor regarding whether any scheduled increases in
 106 the minimum fair wage pursuant to this section should be suspended.
 107 Upon receiving the report, the Governor may submit his or her
 108 recommendations regarding the suspension of such minimum fair
 109 wage increases to the General Assembly.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	31-60
Sec. 2	<i>October 1, 2023</i>	31-58(i)(5) and (6)

LAB *Joint Favorable Subst.*

