Restaurant Wage Order Raises Minimum Rate to $1.00

Regulations under the new Minimum Wage Order for restaurant occupations were made effective as of December 1, 1958 by Commissioner Renato E. Ricciuti. Changes affecting employers and employees in the industry include those concerning the minimum hourly fair wage, the amount of deduction for gratuities, work on a seventh consecutive day, and overtime pay rates. The new Wage Order eliminates allowable deductions for laundry expenses. Included below are regulations covering the major provisions of the Wage Order. Copies of the complete Wage Order, including all regulations, are available to employers and other interested persons by request to the Minimum Wage Division of the Connecticut Labor Department.

Sec. 180-12-1
Minimum Wage: $1.00 Per Hour

Gratuities received by a service employee may be allowed as part of the minimum fair wage but shall not exceed 35 cents per hour when in compliance with all provisions of Section 180-12-8.

Minimum Daily Earnings Guaranteed: Any employee regularly reporting for work unless given adequate notice the day before to the contrary, or any employee called for work in any day shall be assured a minimum of two hours' earnings at the minimum rate of $1.00 per hour if the employee is able and willing to work for that length of time. If the employee is either unwilling or unable to work the number of hours necessary to insure the two-hour guarantee, a statement signed by the employee in support of this situation must be on file as part of the employer's records.

Work On Seventh Consecutive Day: Not less than one and one-half times the minimum rate for all time worked on the seventh consecutive day.

Overtime: Not less than one and one-half times the minimum rate for all hours worked in excess of 48 in any work week.

In the case of a salaried employee, whose salary is in excess of the required minimum, the excess over the minimum is not to be applied to cover overtime in excess of the usual and regular work week and instead in such a case the employee should receive an additional $1.50 for each hour worked over his usual and regular work week.

Sec. 180-12-2
Restaurant Occupation

Restaurant Occupation as used in this order shall include all persons engaged in the preparation and serving of food for human consumption, or in any operation incidental or supplemental thereto irrespective of whether the food is served at or away from the point of preparation, and irrespective of whether the preparation and serving of food is the sole business of the employing establishment or enterprise, with the exception that this definition shall not include the preparation and serving of food in a nonprofit educational charitable or religious organization where the food service is not regularly available to the general public, or the preparation and serving of food in hospitals, convalescent homes or homes for the elderly where the food service is not regularly available to the general public and is incidental to the care of the patient.

This occupation includes but is not limited to employees of restaurants, cafeterias, that portion of the hotel business involving the preparation and serving of food, commissaries, dairy bars, grills, coffee shops, lunch counters, sandwich shops, tearooms, nightclubs, cabarets, automats, caterers, frankfurter stands, operators of food vending machines, and the serving of food in department and variety stores, drugstores, candy stores, bakeries, pizzerias, delicatessens, places of amusement and recreation, commercial and industrial establishments, and social, recreational, fraternal and professional clubs which either regularly or intermittently serve food, as well as other establishments or businesses meeting the condition stated in this paragraph.

Sec. 180-12-3
Diversified Employment Within The Restaurant Industry

If an employee performs both service and non-service duties, and the time spent on each is definitely segregated and so recorded, the allowance for gratuities as permitted as part of the Minimum Fair Wage may be applied to the hours worked in the Service category. If an employee performs both service and non-service duties and the time spent on each cannot be definitely segregated and so recorded, or is not definitely segregated and so recorded, no allowances for gratuities may be applied as part of the Minimum Fair Wage.

Sec. 180-12-4
Employment Under Other Wage Orders

Mercantile: If an employee is engaged partly in the restaurant occupation but is also engaged partly in an occupation covered by the Mercantile Wage Order, the provisions of the Mercantile Wage Order shall apply to the entire work period except that when time spent in each occupation is segregated and separately recorded, the allowance for gratuities as permitted as part of the Minimum Fair Wage may be applied to the hours worked by an employee in the restaurant service category.

Other: If an employee is engaged partly in an occupation under the Restaurant Wage Order but is also engaged partly in an occupation covered by another wage order other than the Mercantile Wage Order, the higher provisions of each wage order shall apply to the entire work period unless the time spent in each occupation is definitely segregated and so recorded. Where the time spent in each occupation is definitely segregated and so recorded the provisions of the applicable wage order will apply.

Sec. 180-12-5
Restaurant Employee

Restaurant employee means any person who is employed or permitted (Continued to page 8)
C.S.F.S. and U.C.D. Share Building

Employment Security Division Occupies New Quarters In Bridgeport

Bridgeport area residents will be served in a modern new building where applications for work and for filing unemployment claims can be processed together. The new office opened for the public on November 24 and is occupied by the Connecticut State Employment Service and the Unemployment Compensation Department, components of the Employment Security Division of the Connecticut Labor Department. Since last July, due to the large increase in unemployment claims, these departments have been located at different addresses: the Unemployment Compensation Department at 1281 Main Street and the Connecticut State Employment Service and Field Audit Unit at 1020 Fairfield Avenue. All offices of the Employment Security Division will operate under the same roof once again in these new headquarters at 67 Washington Avenue.

Wesley M. Day is the manager of the Bridgeport office of the Connecticut State Employment Service and Mrs. Doris F. Frager is the manager of the Bridgeport Unemployment Compensation Department.

The new headquarters is a modern one-story building, located in the business section of Bridgeport at 67 Washington Avenue near Park Avenue, two blocks from the new civic center. It provides approximately 13,000 square feet of office space. One unique feature of the building is an electronically controlled gas-fire furnace, claimed to be the only one in operation. This was installed in the Bridgeport area to assure conformity to Bridgeport’s smoke and pollution ordinance. With public parking readily available on adjacent streets, the location of the present office eliminates a difficult problem for visitors to the office.

Commissioner Ricciuti said that recombining the offices in this new building is intended to give more rapid and more efficient service to the claimants and jobseekers in the Bridgeport area. This is the first move for the Unemployment Compensation Department since it moved into its Main Street quarters in 1941.

In addition to the routine operations, the first floor accommodates two managers’ offices, a Projection Room, and an office for the Field Audit Section. In the Projection Room, claimants for unemployment compensation are shown a film to acquaint them with their rights and duties under the Connecticut Unemployment Compensation Law.

The new building was erected by George Bennett of New Haven, specifically for lease to the State of Connecticut.

(See next page)

ELECTRIC BOAT DIVISION

(Continued from page 4)

of operation to assure the necessary skilled craftsmen so vital to their production requirements.

The technician program, as adopted by the State Apprenticeship Council in January 1984, regarded the training of an apprentice as one whose basic training lies in the established skilled trades, but whose function involved some application of technical knowledge to design, manufacturing and development.

The Connecticut State Apprenticeship Council, in its endeavor to assist industries in Connecticut to keep pace with the ever changing processes and methods of production, especially in the Electronic and Nuclear Energy Field, adopted certain basic policies governing the training of apprentices.

The policies were adopted after approximately four years of experience in establishing training programs for industrial concerns in Connecticut involving training, involving a greater degree of skill and knowledge, heretofore necessary in the field of apprenticeship, to prepare skilled craftsmen to operate between journeymen mechanics and engineers.

In many firms, these individuals function as junior engineers or engineering aides, whose function is that of service to the engineer instead of operation of machine tools or processing of materials.

RESTAURANT WAGE ORDER

(Continued from page 5)

to work in any restaurant occupation, establishment, or enterprise.

Sec. 180-12-6
Service Employee

Service employee shall mean any employee whose duties relate solely to the serving of food and/or beverage to patrons seated at tables or booths, and to the performance of duties incidental to such service, and who customarily receives gratuities. For the purpose of this Order, a person shall not be considered to customarily receive gratuities unless a minimum of $10.00 per week in gratuities is received in the case of full time employees, of $2.00 per day in the case of part time employees, as evidenced by signed statements of the employer, stating unequivocally that such worker did receive gratuities as hereinafter required, which must be maintained as part of the records of the employer.

Sec. 180-12-7
Non-Service Employee

Non-service employee shall mean an employee other than a service employee, as herein defined. A non-service employee shall include, but is not limited to, countergirls, countermen, counterwaiters, counterwaitresses, waiters, and waitresses.

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RESTAURANT WAGE ORDER  
(Continued from page 8)

Sec. 180-12-8  
Defining And Governing Gratuities As Part Of The Minimum Fair Wage

For the purpose of this wage order, gratuities shall mean a voluntary monetary contribution received by the employee directly from a guest, patron or customer for service rendered.

Gratuities may be recognized as constituting a part of the Minimum Fair Wage when all of the following provisions are complied with:

(a) The employee must be engaged in an employment in which gratuities have customarily and usually constituted and have been recognized as part of his remuneration for hiring purposes and

(b) The amount received in gratuities claimed as credit for part of the Minimum Fair Wage must be recorded on a weekly basis as a separate item in the wage record even though payment is made more frequently and

(c) Each employer claiming credit for gratuities as part of the Minimum Fair Wage paid to any employee shall obtain weekly a statement signed by the employee attesting that he or she has received in gratuities the amount claimed as credit for part of the Minimum Fair Wage. Such statement must contain the week ending date of the payroll week for which credit is claimed and

(d) Gratuities received in excess of 35 cents per hour need not be reported or recorded for the purposes of this regulation.

Sec. 180-12-9  
Defining And Governing Deductions and Allowances For The Reasonable Value Of Board And Lodging

For purposes of this Wage Order “Board” shall mean food furnished in the form of meals on a regularly established schedule. “Lodging” shall mean housing facility (available to him at all hours of the day) wherein the employee sleeps, rests and may store clothing and personal belongings.

Wages paid to any employee may include the reasonable value of board and/or lodging as herein established and may be considered as part of the Minimum Fair Wage if such condition is made known to and accepted by the employee at the time of hiring or change of classification as a usual condition of employment.

In accordance with the foregoing:

An allowance (or deduction) of not more than 60 cents for a full meal and 35 cents for a light meal will be permitted as part payment of the Minimum Fair Wage provided such allowance (or deduction) shall be made in accordance with the hiring agreement which provides for such an allowance (or deduction).

Sec. 180-12-10  
Deductions

No deductions shall be made from the minimum wage rates excepting those required or authorized by law, and excepting deductions made by the employer for the purpose of paying the employee’s premium in an individual or group life insurance policy or a hospitalization policy.

Deductions for such premiums should not be made without the written consent of the employee. Such written consent shall be kept on file and subject to review by the Labor Department.

Sec. 180-12-11  
Deposit

No deposit shall be required by an employer from any employee for a uniform or for any other purpose except by permission of the Connecticut State Labor Department.

Sec. 180-12-12  
Hours Worked

Hours worked shall include all time during which an employee is required to be on the employer’s premises or to be on duty, or to be at a prescribed workplace, and all time during which an employee is employed or permitted to work, whether or not required to do so.

Sec. 180-12-17  
Defining And Governing Records

For the purpose of this regulation issued in accordance with the provisions of Section 2082d “true and accurate records” shall mean accurate legible records for each employee showing:

(1) Name; (2) Home address; (3) Occupation in which employed; (4) Total daily and total weekly hours worked, showing the beginning and ending time of each work period; (5) Total hourly, daily or weekly basic wage; (6) Additions to or deductions from wages each pay period; (7) Total wages paid each pay period; (8) Overtime wage as a separate item from basic wage; (9) Payment for the seventh consecutive day of work as a separate item; (10) Separate itemization on payroll records of each allowance (meals, lodging, gratuities) used as part of the Minimum Fair Wage; (11) Statements signed by employee (in accordance with Section 180-12-8) when credit for gratuities is claimed as part of Minimum Fair Wage; (12) Such other records as are stipulated in accordance with Administrative Regulation Section 180-1 through 180-13; (13) Working certificates for minor employees (16 to 18 years).

True and accurate records shall be maintained and retained at the place of employment for a period of three years for each employee.

ARBITRATION AWARD  
(Continued from page 7)

has been a change in supervisory employees.

The Union suggests that the individual employment contracts were signed without the knowledge or acquiescence of the Union, and even so, they are superseded by the Union contract with the Employer.

Also, the Union points out that the Employer, through its agent, the General Manager, has voluntarily consented to submit to arbitration the question of the grievant’s reinstatement, and thus the initial question (Continued to page 15)

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