Substitute for House Bill No. 148.

PUBLIC ACT NO. 435

AN ACT CONCERNING RAISING THE MINIMUM FAIR WAGE TO ONE DOLLAR.

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

SECTION 1. Subsection (f) of section 2025d of the 1955 supplement to the general statutes is repealed and the following is substituted in lieu thereof: "Employee" shall mean any individual employed or permitted to work by an employer but shall not include any individual employed in agriculture or in camps or resorts which are open no more than six months of the year, or in domestic service in or about a private home or an individual employed in a bona fide executive, administrative or professional capacity or an individual employed by a federal, state or municipal government or political subdivision thereof, or any individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary or non-profit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis, or any individual subject to the provisions of the Fair Labor Standards Act, as amended. A resort is defined as an establishment under one management whose principal function it is to offer lodging by the day, week, month or season, or part thereof, to vacationers or those in search of recreation.

SEC. 2. Subsection (i) of section 2025d of said supplement is repealed and the following is substituted in lieu thereof: "Minimum fair wage" in any industry or occupation in the state shall mean a wage of not less than [seventy-five cents] one dollar per hour except as may otherwise be established in accordance with the provisions of this chapter.

SEC. 3. Subsection (c) of section 2026d of said supplement is repealed and the following is substituted in lieu thereof: To require from such employer full and correct statements in writing, when the commissioner or any authorized representative of the commissioner shall deem necessary, of the wages paid to all persons in his employment. The commissioner shall have the power, on his own motion, and it shall be the duty of the commissioner on the petition of fifty or more residents of the state, to cause an investigation to be made of the wages being paid to persons in any
modifications of the minimum fair wage herein established for learners and apprentices; [physically or mentally handicapped; minors] persons under the age of eighteen years; and for such special cases or classes of cases as the commissioner may find appropriate to prevent curtailment of employment opportunities, avoid undue hardship and safeguard the minimum fair wage, herein established; but such modifications shall not provide for a minimum wage less than seventy-five cents per hour.

SEC. 6. Wage orders and minimum wage regulations in effect July 1, 1957, are modified to provide a minimum wage of one dollar per hour and a minimum wage of seventy-five cents per hour for learners and apprentices and so modified shall remain in full force and effect until otherwise modified in accordance with the provisions of this act.

SEC. 7. This act shall take effect July 1, 1957.

Certified as correct by

________________________________________
Legislative Commissioner.

________________________________________
Clerk of the Senate.

________________________________________
Clerk of the House.

Approved __________________________, 1957.

________________________________________
Governor.
Mandatory Orders No. 4A and 4B Effective May 15, 1950

MINIMUM FAIR WAGE RATES FOR WOMEN, MINORS & ADULT MALES EMPLOYED IN THE
RESTAURANT OCCUPATION

WAGE RATES PLUS MEALS

NON-SERVICE EMPLOYEES

4A & 4B FULL TIME..............Not less than $28.00 per week of 40 to 48 hours
4A & 4B PART TIME..............Not less than $.70 per hour for working time of
less than 40 hours weekly
4B OVERTIME.................Not less than $.90 per hour for all hours worked
in excess of 48 weekly

SERVICE EMPLOYEES

4A & 4B FULL TIME..............Not less than $18.00 per week of 40 to 48 hours
4A & 4B PART TIME..............Not less than $.45 per hour for working time of
less than 40 hours weekly
4B OVERTIME.................Not less than $.60 per hour for all hours worked
in excess of 48 weekly.

4A & 4B In addition to the applicable minimum cash wage, an employee working five
hours or less on any day shall receive one meal on such day. An employee
working more than five hours shall receive two meals on such day. When
meals are not furnished as provided herein, the employee shall be paid
$.65 for each meal not furnished.

4A & 4B GRATUITIES. In no event shall gratuities from patrons be counted as part
of the minimum wage.

4A & 4B EXCEPTIONS TO FULL TIME WAGE. The minimum weekly wage rates provided above
for full time employees shall not be prorated for any employee in any week
except in the following cases:

(a) New employees who shall have been hired after the beginning of the
week, and employees whose employment shall have been terminated be-
fore the end of the week.

(b) Occasional voluntary absence of a full time worker.

In cases (a) and (b) the basic minimum weekly wage may be prorated on an
hourly basis for that week. The hourly rate of a full time employee shall
be computed by dividing the employee's weekly wage by the number of hours
between forty and forty-eight that constitutes his regular work week.

(c) Diversified Employment. If service and non-service duties of an
employee are interchanged, and the duties are definitely segregated
and recorded, the appropriate hourly rate or prorated weekly rate for
each type of work may be used.
If service and non-service duties are interschanged, but cannot be
definitely segregated or are not recorded, the non-service rate is
to be applied for each period in which the work is diversified.

4A & 4B ADDITIONAL DAILY WAGE. $1.00 in addition to the applicable minimum wage
shall be paid on any day in which the spread of hours exceeds twelve. The
term spread of hours shall mean the total time between the beginning and
ending of the work day, including both working and non-working time.

4A & 4B MINIMUM DAILY EARNINGS GUARANTEED. An employee who by request or permis-
sion of the employer reports for duty on any day whether or not assigned to
actual work shall be paid at least $2.00 for that day unless conditions
which could not have been controlled or provided against by the employer
shall occur and shall be established to the satisfaction of the Connecticut
Department of Labor.

4A & 4B LODGING. Lodging shall mean living accommodations which are adequate, de-
cent, and sanitary. Employees shall not be required to share a bed. When
lodgings are furnished by the employer, as part of the minimum wage, they
shall not be evaluated in excess of the following:

- Room occupied alone.........$4.00 per week
- Room shared..................$3.00 per week

No allowance shall be made for lodging covering a period of less than a
full week except in cases where new full time employees are hired after the
beginning of the week or services of a full time employee are terminated
before the end of the week.

4A UNIFORMS. If an employer, as a condition of employment, requires a service
employee to wear a uniform or part of a uniform of a distinctive style or
design other than a plain white or a black dress, such uniform shall be
supplied and laundered by the employer with no cost to the employee. All
non-service employees shall have available uniforms provided by the employ-
er at no cost to the employee.

4B UNIFORMS. If an employer, as a condition of employment, requires a service
employee to wear a uniform or part of a uniform of a distinctive style or
design other than a plain tuxedo or black uniform, such uniform shall be
supplied and laundered by the employer with no cost to the employee. All
non-service employees must have available uniforms provided by the employer
at no cost to the employee.

4A & 4B LEARNERS. The minimum wage rates established herein shall not apply to
those specially licensed as handicapped workers, or apprentices or learners
under an indenture program approved by the Connecticut Department of Labor.

ADMINISTRATIVE REGULATIONS

4A & 4B COMPUTATION OF TIME. All time shall be reckoned to the nearest unit of
fifteen minutes.

4A & 4B 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
Department of Labor.
4A & 4B TRAVEL TIME AND TRAVEL EXPENSES. Any employee who is required or permitted to travel from one establishment to another after the beginning or before the close of the work day, shall be compensated for travel time at the same rate as for working time, and shall be reimbursed for cost of transportation.

4A & 4B HANDICAPPED WORKERS. No person whose earning capacity has been impaired shall be paid at less than the minimum wage until a special license issued in accordance with the provisions of Section 3790 of the General Statutes, Revised 1949, has been obtained by the employer from the Connecticut Department of Labor.

4A & 4B EMPLOYMENT UNDER OTHER MINIMUM WAGE ORDERS. The provisions of this Order shall apply to any worker in a restaurant occupation for the entire work period, unless in the course of his employment he is engaged in the duties of an occupation covered by law or by another wage order and the time so spent is segregated and recorded.

4A & 4B DEDUCTIONS. Deductions from wages due or to become due by reason of the employee's personal services are prohibited by Statute. (Section 7363-Section 8102)

4A & 4B MEAL PERIOD. No employee shall be required to work more than five consecutive hours after reporting for work without a meal period of not less than thirty minutes. On-duty meal period will be permitted only when the nature of the work prevents an employee from being relieved of all duties, and such on-duty meal period shall be counted as hours worked.

4A RECORDS. The employer shall keep at the place of employment, for a period of three years, accurate and legible records in ink, for each employee as follows:
(1) Name; (2) Address; (3) Working certificates as proof of age for minor employees (16 to 18 years); (4) Occupation; (5) Daily and weekly hours worked, showing the beginning and ending hours of each work period; (6) Total daily or weekly basic wage; (7) Overtime wage as a separate item from basic wage; (8) Total additions to or deductions from wages each pay period; (9) Total wages paid each pay period; (10) Statements signed by employees as to gratuities received as called for in definition of service employees.

4B RECORDS. The employer shall keep at the place of employment, for a period of three years, accurate and legible records in ink, for each employee as follows:
(1) Name; (2) Address; (3) Occupation; (4) Daily and weekly hours worked, showing the beginning and ending hours of each work period; (5) Total daily or weekly basic wage; (6) Overtime wage as a separate item from basic wage; (7) Total additions to or deductions from wages each pay period; (8) Total wages paid each pay period; (9) Statements signed by employees as to gratuities received as called for in definition of service employee.

DEFINITIONS

4A & 4B RESTAURANT OCCUPATION shall include any activity concerned with the preparation and serving, for remuneration, of food or beverage for human consumption to the public, to employees, to members, to guests of members, or to paying guests, in any restaurant establishment as hereinafter defined. For the purposes of this wage order, it shall include in addition to the activities of persons directly or indirectly concerned with the actual preparation and serving of food or beverage, all supplementary and incidental...
activities, including but not limited to the work of hostesses, head waiters, telephone operators, check room employees, cigarette girls, cleaners, maids, elevator operators, office workers, cashiers, and all similar activities whatsoever, when performed in connection with any restaurant establishment. These employees may be excluded if the major part of their duties are devoted to work unrelated to the restaurant establishment as herein defined.

For the purposes of this order, the term "restaurant occupation" shall not include the following:

(a) Musicians and entertainers not also employed in other restaurant occupations in the establishment.

(b) Nurses and student nurses in hospitals, convalescent homes, sanitariums, sanatoriums, recognized or licensed by the State Health Department and persons engaged in serving meals to patients therein unless also employed in a related restaurant occupation.

(c) An executive who meets each of the following requirements:

(1) Receives a minimum salary of $60.00 per week.

(2) Has as her or his primary duty the management of the enterprise in which employed, or a customarily recognized department or sub-division thereof.

(3) Customarily and regularly directs the work of two or more other employees therein.

(4) Has authority to hire and discharge other employees, or whose suggestions and recommendations as to hiring or discharging and as to the advancement and promotion or any other change of status of other employees are given particular weight.

(5) Devotes at least 50% of the hours worked to activities which are directly and closely related to the performance of exempt work.

(d) Activities of an educational, religious or non-profit organization where the services rendered are usually on a voluntary basis and where the employer-employee relationship does not exist.

4A & 4B RESTAURANT ESTABLISHMENT shall include that place or part thereof where, for remuneration, food or beverage for human consumption is prepared or served on the premises or elsewhere, through such services as box lunch, catering, banquets, curb service, table or counter service, cafeteria, whether such establishment is operated as the principal business of the employer, or as a department or unit of another business; or in connection with institutions such as manufacturing establishments or other places of employment, clubs, hospitals, convalescent homes, sanitariums, sanatoriums, schools and colleges, camps, soda fountains, dairy bars and boarding houses or tourist homes serving five or more guests per meal.
RESTAURANT EMPLOYEE shall mean any female or minor who is employed or permitted to work in any restaurant occupation or establishment.

RESTAURANT EMPLOYEE shall mean any adult male who is employed or permitted to work in any restaurant occupation or establishment.

A 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 purposes 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 or $2.00 per day in the case of part time employees, as evidenced by signed statements of the employee, stating unequivocally that such worker did or did not receive gratuities as herein required, which must be maintained as part of the records of the employer.

A 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, counterwaitresses and those employees serving food or beverage to patrons seated at tables or booths and who do not customarily receive gratuities as defined above.

A 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 countermen, counterwaiters and those employees serving food or beverage to patrons seated at tables or booths and who do not customarily receive gratuities as defined above.

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 the prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so provided that time allowed for meals shall be excluded unless the employee is required or permitted to work. Such time includes, but shall not be limited to, the time when an employee is required to wait on the premises while no work is provided by the employer.

FULL TIME EMPLOYEE. The term full time employee shall mean a person employed to work forty to forty-eight hours per week, whether as a regular employee for a fixed or indeterminate time or as an extra employee for particular weeks.

VOLUNTARY ABSENCE shall mean absence for any reason not directed by the employer, and not designed by employer or employee to evade the minimum wage standards.

EMPLOYER. A restaurant employer shall include any person, whether acting for himself or as an agent for another, who shall employ, authorize, or permit to work any restaurant employee in any restaurant establishment.

MINOR. The term minor shall mean any person between the ages of sixteen and eighteen.
4A & 4B WAGES. Wages shall mean remuneration for employment, and shall be paid daily or weekly, in cash or in check negotiable at par. Except as provided herein no deductions may be made except those authorized or required by statute.

4A & 4B MEAL. A meal shall provide adequate portions of a variety of wholesome, nutritious foods served by the establishment to customers of the establishment. If the employee is entitled to more than one meal per day, one of these meals shall include bread and at least one of the types of food from four of the following groups and in lieu thereof the employee shall be paid at least $.65:

(a) Fruit or vegetables
(b) Cereals, potatoes
(c) Eggs, meat or fish
(d) Milk, tea or coffee
(e) Dessert

Group (e) may be excluded from breakfast.

When meals other than those provided for in this order are required to be taken by the employee from the employer because of circumstances of employment, the charge for a meal similar to the above shall not exceed $.65.