

MANDATORY ORDERS 7A & 7B**This notice must be posted and maintained wherever persons covered by this order are employed.**

Inquiries or complaints of violation of this order should be sent to
Wage and Workplace Standards Division, Labor Department, Wethersfield, CT 06109-1114

STATE OF CONNECTICUT

LABOR DEPARTMENT - WAGE AND WORKPLACE STANDARDS
MERCANTILE TRADE

Website: www.ct.gov/dol

Minimum Fair Wage Rates for Persons Employed in Mercantile Trade.

Sec. 31-62-D1. DEFINITIONS As used in sections 31-62-D1 to 31-62-D11, inclusive:

(a) "Commissions" means earnings based on sales. These earnings may be achieved through the payment of a fixed sum per sale or by the payment of a percentage on any or all sales made by an individual or group of individuals.

(b) "Employee" means a person employed or permitted to work in any occupation in the mercantile trade.

(c) "Mercantile trade" means the trade of wholesale or retail selling of commodities and any operation supplemental or incidental thereto, including, but not limited to, buying, delivery, maintenance, office, stock and clerical work. Repair and service employees may be excluded if the major portion of their duties is unrelated to the mercantile trade as herein defined.

(d) "Minor" means a person less than eighteen years of age.

(e) "Working time" includes all time during which an employee is required to be on duty or at prescribed premises whether or not work is then provided by the employer; or during which an employee is permitted to work though required not to do so.

Sec. 31-62-D2. THE FOLLOWING MINIMUM WAGE IS ORDERED: \$8.00 An Hour Beginning January 1, 2009; \$8.25 An Hour Beginning January 1, 2010; 31-58 (j) whenever the federal minimum wage is increased, the minimum fair wage established under this part shall be increased to the amount of the highest federal minimum wage plus one half of one percent more than said federal rate rounded to the nearest whole cent, effective on the same date as the increase in the highest federal minimum wage.

(b) **BEGINNERS.** For the first 200 hours in the trade not less than 85% of the minimum wage and not less than the minimum wage thereafter.

(c) **OVERTIME.** One and one-half times the employee's regular rate of pay after 40 hours a week.

(d) **MINIMUM DAILY EARNINGS GUARANTEED.** An employee, who by request or permission of the employer, reports for duty on any day whether or not assigned to actual work shall be compensated for a minimum of four hours earnings at his regular rate. In instances of regularly scheduled employment of less than four hours as mutually agreed in writing between employer and employee, and approved by the Labor Department, this provision may be waived provided the minimum daily pay in every instance shall be at least twice the applicable minimum hourly rate.

Sec. 31-62-D3. PAYMENT OF WAGES. Each employee shall be paid, weekly, wages not less than the minimum provided in this order, and all commissions as defined herein shall be settled at least once monthly.

Sec. 31-62-D4. REGULAR HOURLY RATE. Each employer shall establish a regular hourly rate for employees covered by this order. When an employee is paid commission in whole or in part for his earnings, the regular hourly rate for the purpose of computing

overtime shall be determined by dividing the employee's total earnings by the number of hours in the usual work week as supported by time records made in accordance with the provisions of section 31-62-D8.

Sec. 31-62-D5. COMPUTATION OF TIME. All time shall be reckoned to the nearest unit of fifteen minutes.

Sec. 31-62-D6. BEGINNERS. Beginners may be employed at a rate not less than 85% of the minimum wage for the first 200 hours in the mercantile trade and not less than the minimum wage thereafter provided that the number of beginners over the age of eighteen does not exceed 5% of the persons regularly employed in the establishment. Any employee who has completed a two hundred hour learning period in the mercantile trade may not be employed to work a learner's rate.

Sec. 31-62-D7. HANDICAPPED WORKERS. Any employee whose earning capacity has been impaired by physical or mental disability may be paid less than the minimum wage, provided specific permission in each case shall be obtained by the employer from the Labor Department in accordance with the provisions of Section 31-67 of the general statutes.

Sec. 31-62-D8. RECORDS. The employer shall keep available at the place of employment for a period of three years accurate and legible records in ink for each employee as follows: (1) his name; (2) his address; (3) his working certificates as proof of age if a minor employee (sixteen to eighteen years); (4) his occupation; (5) total wages paid him each pay day period; (6) his daily and weekly hours worked showing the beginning and ending hours of each work period. Records of daily and weekly hours need not be maintained for employees who qualify for exemption of the overtime requirements of this order, provided the wages paid shall be at least the minimum required in this order. With permission of the Labor Commissioner or his authorized representative, wage records may be kept at designated places other than the place of employment. Records of hours worked for each employee for whom such records is required shall be available at the place of employment for inspection at all reasonable times.

Sec. 31-62-D9. COOPERATIVE STUDENTS. Repealed.

Sec. 31-62-D10. EMPLOYMENT UNDER OTHER MINIMUM WAGE ORDERS OR FOR WHICH NO WAGE ORDER HAS BEEN PROMULGATED. The provisions of these regulations shall apply to any worker engaged in the mercantile trade as defined herein for the entire work period, unless he is engaged partly in an occupation covered by another wage order or in an occupation for which no wage order has been promulgated and the time spent in each occupation is segregated and recorded.

Sec. 31-62-D11. NO CHARGE FOR UNIFORMS OR OTHER FACILITIES. The cost of uniforms or other facilities required by the employer as a condition of employment, and the reasonable cost of their maintenance, may not be charged to the employee if such expense would result in the payment of a wage less than the minimum prescribed in this order.

Sec. 31-69 PENALTY. (a) Any employer or his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this part, or because such employer believes that such employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this part, shall be fined not less than one hundred dollars nor more than four hundred dollars.

(b) Any employer or the officer or agent of any corporation who pays or agrees to pay to any employee less than the rates applicable to such employee under the provisions of this part or a minimum fair wage order shall be: (1) fined not less than four thousand dollars nor more than ten thousand dollars or imprisoned not more than five years or both for each offense if the total amount of all unpaid wages owed to an employee is more than two thousand dollars; (2) fined not less than two thousand nor more than four thousand dollars or imprisoned not more than one year or both for each offense if the total amount of all unpaid wages owed to an employee is more than one thousand dollars but not more than two thousand dollars; (3) fined not less than one thousand nor more than two thousand dollars or imprisoned not more than six months or both for each offense if the total amount of all unpaid wages owed to an employee is more than five hundred but not more than one thousand dollars; or (4) fined not less than four hundred nor more than one thousand dollars or imprisoned not more than three months or both for each offense if the total amount of all unpaid wages owed to an employee is five hundred dollars or less.

(c) Any employer, his officer or agent, or the officer or agent of any corporation, firm or partnership, who fails to keep the records required under this part or by regulation made in accordance with this part or to furnish such records to the commissioner or any authorized representative of the commissioner, upon request, or who refuses to admit the commissioner or his authorized representative to his place of employment or who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this part shall be fined not less than fifty dollars nor more than two hundred dollars, and each day of such failure to keep the records required under this part or to furnish the same to the commissioner or any authorized representative of the commissioner shall constitute a separate offense, and each day of refusal to admit or of hindering or delaying the commissioner or his authorized representative shall constitute a separate offense.

(d) Nothing in this part shall be deemed to interfere with, impede or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or conditions of work in excess of the applicable minimum under this part.



GARY K. PECHIE
DIRECTOR