A Guide to WAGE AND WORKPLACE STANDARDS DIVISION and Its Laws

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Wage and Workplace Standards Division
Connecticut Department of Labor
200 Folly Brook Blvd.
Wethersfield, CT 06109

GARY K. PECHIE, DIRECTOR

THIS BOOKLET WAS PRODUCED AS A GENERAL GUIDE
FOR DETAILED INFORMATION PLEASE CONTACT US AT (860) 263-6790
OR THROUGH OUR WEBSITE ADDRESS
http://www.ct.gov/dol

Revised January, 2015
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A MESSAGE FROM THE DIRECTOR

It is with great pride and pleasure that the Division provides this booklet to our clients, especially to employers. Connecticut has had minimum wage laws since 1933 and they have undergone many changes along with the enactment of regulations regarding these laws. As with most laws, the wage and hour laws have also been subject to different interpretations over the 75 years of their existence. Hopefully this guidebook will be a handy reference in a format that is user friendly and informative.

The guidebook begins with an overview of a Division that now administers laws impacting 1.6 million Connecticut workers and over 97,000 employers. Since employers use many of the services offered by the Labor Department, we have enclosed a directory of our various units as well as local Connecticut Works centers.

One of our primary goals has been to deliver our services efficiently and in a timely manner and what better way than through our Website. It provides a wealth of information as well as permitting employers to access our services such as requesting sample deduction forms, keeping records other than at the place of employment, and requesting permission to pay other than weekly by simply e-mailing us.

Much attention in the guide has been focused on the exempt/non-exempt issue and you will find definitions as well as payroll pal 96-001 to help assess your executive/managerial employees for exemption from overtime.

As with any guidebook we could not cover all situations and it does not take the place of actual Connecticut General Statutes and regulations and/or court decisions. You should contact our Division or your legal advisor for more detailed information.

Finally, I sincerely hope you find this guidebook helpful in answering many of your questions and that it will encourage not only compliance with the laws but stable and prosperous workplaces.

Gary K. Pechie, Director
January 2015
FREQUENTLY ASKED QUESTIONS BY EMPLOYERS

1. **What is the minimum wage in Connecticut?**
   Effective January 1, 2014, the minimum wage is $8.70 per hour. For minors working in agriculture or government, the minimum wage is 85% of $8.70 or $7.40 per hour. There is a sub minimum wage in other industries covered by wage orders or the Administrative Regulations. Effective January 1, 2015, the minimum wage is $9.15 per hour. For minors working in agriculture or government, the minimum wage is 85% of $9.15 or $7.78 per hour.

2. **What are wage orders and the Administrative Regulations?**
   In addition to the statutes covering wage and hour laws which are contained in Title 31, Chapter 558, there are specific wage orders with regulations that cover restaurants, mercantile establishments, beauty shops, dry cleaning and laundry. (beauty shop, dry cleaning and laundry were repealed effective July 1, 2014). The Administrative Regulations cover all other businesses. Posters with these regulations must be posted at the place of business and are provided by the Labor Department free of charge. Requests for these posters can be made through our website, by telephone, or by written request. Spanish versions are also available of the Administrative Regulations and the restaurant wage order.

3. **What are the requirements for issuing paychecks in Connecticut?**
   Under 31-71b of the Connecticut General Statutes, the employer shall pay weekly in cash or negotiable check all monies due an employee on a regular payday. Direct deposit is permitted with permission of the employee.

4. **How do I obtain a waiver of the weekly pay requirement?**
   A letter or completed request form found on our website should be sent to the Director of Wage and Workplace Standards Division describing the reason for the change and desired frequency. Most employers request a biweekly payroll for hourly employees covered by overtime requirements. A 30-day notice is required to all affected employees.

5. **How do I receive permission to withhold or divert from wages for specific reasons?**
   According to section 31-71e of the Connecticut General Statutes, the employer may deduct from wages if empowered by state or federal law, has written authorization from the employee on a form approved by the Labor Commissioner, the deductions
are for medical premiums authorized by the employee, or for contributions attributable to automatic enrollment, as defined in section 2 of this act, in a retirement plan, described in Section 401(k), 403(b), 408, 408A, or 457 of the Internal Revenue Code, established by the employer. The employer can submit a sample form to the Wage and Workplace Standards Division or use the sample form on our website. This form shall be signed by the employee and kept as part of the payroll records.

6. **How do I retain records at a location other than the place of business?**
   Under section 31-66 of the Connecticut General Statutes, the employer shall maintain for 3 years at the place of employment a record of hours worked and wages paid to each employee. The employer can submit a request through our website or by letter to the Division and permission may be granted to keep records at another location. Out of state businesses may receive permission if the records call be made available within 72 hours.

7. **Do I have to provide an earnings statement to each employee?**
   Yes, under section 31-13a, (page 45) the employer shall provide an earnings statement (paystub) to each employee showing hours worked, gross earnings, showing straight time and overtime earnings, and itemized deductions with net earnings. This should be in paper form or electronically in a secure manner.

8. **Are there any break or meal period laws I should be aware of?**
   There are no laws requiring an employer to provide a break. If breaks are provided they are typically paid. If an employee works 7½ consecutive hours, the employer shall provide a ½ hour unpaid meal period with some exceptions and unless there is an agreement to have another schedule (see Section 31-51ii).

9. **Does an employer have to provide fringe benefits to an employee?**
   The law does not require an employer to provide fringe benefits such as vacation, sick and holiday pay, although it is customary to do so. If the employer does provide benefits their policies should be provided in writing to the employee.

10. **Does an employer have to pay overtime wages to an employee when there is a paid holiday?**
    The law does not require an employer to pay overtime wages to an employee unless the employee actually works over forty (40) hours in a work week.
11. What does the term exempt/non-exempt employee mean?
Most employees are covered for the purposes of minimum wage and overtime and the keeping of time records with exception under the statute. The major exception is for those employees who meet the definition of an executive, administrative, or professional employee as defined by the regulation of the Labor Commissioner. These are the so-called "white collar" exemptions. These classifications for the most part require a salary and specific job duties in order to be exempt. No matter how much the salary is an employee must still meet the job duties test. You can read more on this in this guidebook.

12. What constitutes full time and part time hours?
There is no definition of full or part-time under wage and hour law. The employer may designate who they consider full-time based on factors such as hours worked and service and provide benefits such as vacation and sick pay at their discretion. Each employer should check with other jurisdictions such as the Internal Revenue Service or Worker's Compensation for their definitions. If the employees are covered by a collective bargaining agreement a definition could be established by contract.
Minimum Wage: $8.70 effective January 1, 2014
$9.15 effective January 1, 2015
$9.60 effective January 1, 2016
$10.10 effective January 1, 2017

Gratuity Allowance: 34.6% for waitpersons effective 1/1/14 and 15.6% for bartenders.

36.8% for waitpersons effective 1/1/15, 1/1/16, 1/1/17 and 18.5% for bartenders on 1/1/15, 1/1/16 and 1/1/17.

(P.A. 13-117)
(P.A. 14-1)
KEY POINTS CONTAINED IN THIS GUIDE

1. Employers are required to pay non-exempt employees at least the minimum wage.

2. Employers are required to pay non-exempt employees time and one-half their regular rate of pay for hours worked over 40 in a week.

3. Employers are required to maintain true and accurate time records on all non-exempt employees.

4. Discussion of the definition of executive, administrative and professional employees (exempt employees). Salary by itself does not make an employee exempt from minimum wage, overtime, and record-keeping.

5. Requirement to pay wages weekly and/or how to obtain a waiver of this provision.

6. Deductions, other than those permitted by state or federal law, must be on a form approved by the Labor Commissioner.
QUESTIONS?

If you have questions or comments regarding certain subjects, please feel free to contact us at the following numbers or through our website address:

www.ct.gov/dol

Fax Number (860) 263-6541

Minimum Wage, overtime, time records
(860) 263-6790

Final paychecks, commission/bonus payment, fringe benefits
(860) 263-6790

Employment of Minors
(860) 263-6791
I.

INTRODUCTION
The Wage and Workplace Standards Division administers a wide range of laws that protect and promote the interests of Connecticut’s 1.6 million workers. The Division also devotes considerable resources to encourage and assist Connecticut’s 97,000 employers to comply with the laws primarily through seminars and educational materials. The Division has three major areas of jurisdiction; Employment Regulation and Minors laws, Wage and Hour law, and Public Contract laws.

The Employment Regulation and Minors laws deal with conditions in the workplace. The two major areas of enforcement are hours and work of minor employees, and family and medical leave. Other areas involve registration of employment agencies, personnel files, meal periods, drug testing, smoking in the workplace, insurance cancellation and polygraph testing. Most of the statutes enforced are delineated in Title 31, Chapter 557 of the Connecticut General Statutes.

The Wage and Hour laws affect the legal and proper payment of wages in an employer-employee relationship. Wages that are enforceable include the minimum wage, overtime, payment for services rendered, such as commission, payment of all monies due on a regular payday, and fringe benefits upon termination according to the company policy. Record-keeping requirements are also enforced by this unit.

The Public Contract laws regard the payment of prevailing wage on public work projects done by the state or political subdivisions in accordance with section 31-53 and service contracts under 31-57f.
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<td>Department of Labor Department Information</td>
<td>(860) 263-6000</td>
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<tr>
<td>Office of the Commissioner</td>
<td>(860) 263-6505</td>
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<td>Fax</td>
<td>(860) 263-6529</td>
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<td>Administration</td>
<td>(860) 263-6696</td>
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<td>Fax</td>
<td>(860) 263-6699</td>
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<td>Communications</td>
<td>(860) 263-6535</td>
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<td>Apprenticeship</td>
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<td>(860) 263-6392</td>
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<td>Business Management</td>
<td>(860) 263-6048</td>
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<td>Fax</td>
<td>(860) 263-6027</td>
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<td>Board of Review/Appeals</td>
<td>(860) 566-6045</td>
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<td>Fax</td>
<td>(860) 263-6977</td>
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<td>Benefit Payment &amp; Billing Unit</td>
<td>(860) 263-6470</td>
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<td>Fax</td>
<td>(860) 263-6379</td>
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<td>Benefit Payment &amp; Control</td>
<td>(860) 263-6325</td>
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<td>Cashiers</td>
<td>(860) 263-6471</td>
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<td>Claims Exam</td>
<td>(860) 263-6635</td>
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<td>Fax</td>
<td>(860) 263-6666</td>
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<td>Customized Job Training</td>
<td>(860) 263-6035</td>
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<td>Fax</td>
<td>(860) 263-6039</td>
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<td>Delinquent Accounts</td>
<td>(860) 263-6185</td>
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<td>Employment and Training Services</td>
<td>(860) 263-6575</td>
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<td>Fax</td>
<td>(860) 263-6579</td>
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<td>Employment Status</td>
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<td>Equal Employment Opportunity/GCEPD</td>
<td>(860) 263-6069</td>
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<td>(860) 263-6100</td>
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<td>(860) 566-2898</td>
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<td>(860) 263-6205</td>
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<td>Performance Measures</td>
<td>(860) 263-6740</td>
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<td>Program Planning &amp; Development</td>
<td>(860) 263-6580</td>
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<td>Veterans Employment</td>
<td>(860) 263-6490</td>
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<td>Wage &amp; Workplace Standards</td>
<td>(860) 263-6790</td>
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<td>Welfare-to-Work</td>
<td>(860) 263-6789</td>
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<td>Bridgeport American Job Center</td>
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<tr>
<td>2 Lafayette Square</td>
<td>4 Liberty Street</td>
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<tr>
<td>Bridgeport, CT 06604</td>
<td>Danbury, CT 06810</td>
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<tr>
<td>Tel # (203) 455-2700 / (203) 455-2600</td>
<td>Tel # (203) 437-3380 (Waterbury Office)</td>
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<tr>
<td>Fax # (203) 455-2780</td>
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<tr>
<td>Danielson, CT 06239</td>
<td>Enfield, CT 06082</td>
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<tr>
<td>Tel # (860) 412-7000</td>
<td>Tel # (860) 745-8097</td>
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<td>Fax # (860) 412-7010</td>
<td>Fax # (860) 745-7376</td>
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<tr>
<td>Hamden, CT 06514</td>
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<tr>
<td>Tel # (203) 859-3200</td>
<td>Tel # (860) 256-3700</td>
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<td>Fax # (203) 859-3120</td>
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<tr>
<td>Tel # (203) 238-6148</td>
<td>Tel # (860) 827-6200</td>
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<tr>
<td>New London, CT 06320</td>
<td>Suite 200</td>
</tr>
<tr>
<td>Tel # (860) 439-7400</td>
<td>Norwich, CT 06360</td>
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<tr>
<td>Fax # (860) 439-7420</td>
<td>Tel # (860) 859-5777</td>
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<td>Fax # (860) 859-5618</td>
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<td>Torrington American Job Center</td>
<td>Waterbury American Job Center</td>
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<td>685 Main Street</td>
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<td>Torrington, CT 06790</td>
<td>Waterbury, CT 06702</td>
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<tr>
<td>Tel # (860) 496-3300</td>
<td>Tel# (203) 437-3380 / (203) 437-3280</td>
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<td>1320 Main Street Tyler Square</td>
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<td>Willimantic, CT 06226</td>
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<td>Tel# (860) 786-6200</td>
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<td>Fax # (860) 786-6250</td>
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OTHER AGENCIES TO CONTACT FOR ADDITIONAL INFORMATION

*Discrimination/Sexual Harassment*
Commission on Human Rights and Opportunities
(860) 566-7710

*Occupational Safety and Health (Private Employers)*
U.S. Department of Labor/OSHA
(860) 240-3152
(203) 579-5581

*(State/Municipal Employees)*
CT Department of Labor OSHA Division
(860) 263-6900

*Pensions/COBRA*
U.S. Department of Labor Pension & Welfare Benefits Administration
(617) 565-9600

*Payment of Wages/Minimum Wage/Overtime/Prevailing Rates*
Connecticut Department of Labor
(860) 263-6790

*Workers’ Compensation*
Workers’ Compensation Commission
(Check the blue pages of your telephone directory for your district office.)

*Unemployment Compensation*
Connecticut Department of Labor
(See Connecticut Works Directory)
II.

SUMMARY OF BASIC WAGE AND HOUR LAW
A. Minimum Wage established by Conn. Gen. Stat, Sec. 31-58 to be \( \frac{1}{2} \) of one percent rounded to the nearest whole cent above the federal minimum wage.

1. "Employer" means any owner or any person, partnership, corporation or association of persons acting directly as, or in behalf of, or in the interest of an employer in relation to employees (section 31-58(e)).
2. "Employee" means any individual employed or permitted to work (Section 31-58(f)) with exceptions including:
   (a) any individual employed 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, except any individual in domestic service employment as defined in regulations of the Federal Fair Labor Standards Act; or
   (b) an individual employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner or;
   (c) an individual employed by the federal government, or any individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary or nonprofit 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;
   (d) any individual employed as a head resident or resident assistant by a college or university or;
   (e) any individual engaged in baby sitting, or;
   (f) any individual employed as an outside salesman as defined in the regulations of the Federal Fair Labor Standards Act, or;
   (g) any individual employed by a nonprofit theater, provided such theater does not operate for more than seven (7) months in any calendar year.

B. Overtime

1. Payable at one and one-half times the regular rate of pay (defined by Section 31-76b) after 40 hours in the workweek.
   (a) regular rate includes total remuneration received by an employee when the amounts are measured and dependent on hours worked, production or efficiency of employee.
(b) exceptions to overtime statutes contained in 31-76i include workers such as:
1. automobile salesmen;
2. agricultural employment;
3. drivers and helpers covered by Federal DOT;
4. any employee where sole duty is selling and received twice the minimum wage, more than half their pay is based on commissions and works no more than 54 hours; and
5. any person employed as a bona fide executive, administrative, or professional employee as defined by the Labor Commissioner.

C. Record Keeping - Records to be kept by employers
1. True and accurate time and wage records maintained at the place of employment for three (3) years,
2. Five separate wage orders covering restaurants, dry cleaners, laundry, beauty shop and mercantile and Administrative Regulations further define record requirements, and other requirements. These must be posted at place of business.
   (a) All time worked must be computed to nearest unit of 15 minutes showing the beginning and ending of each work period.
   (b) Failure of an employer to maintain time records exposes the employer to back pay liability since the Department would accept the employee’s testimony of hours to be appropriate.

D. Wage Payment Laws Title 31, Chapter 558, Part 11
1. Definition of Wages - 31-71a
   (a) Compensation for labor or services rendered by an employee whether the amount is determined on a time, task, piece, commission or other basis of calculation. Wages also include fringe benefits as defined by Section 31-76k.
   1. Employer includes any individual, partnership, associations, joint stock company, trust, corporation, the Administrator or executor of the estate of a deceased person, the conservator of the estate of an incompetent or the receiver, trustee, successor or assignee of any of the same, employing any person.
   2. Employee includes any person suffered or permitted to work by an employer.
2. Weekly payment of wages
   (a) Each employer shall pay weekly all monies due an employee in cash or negotiable check, or a regular payday, designated in advance by the employer.
   (b) Upon employee’s written request, an employer shall pay all monies due an employee by credit to an employee’s account in any bank.
   (c) A waiver of the weekly pay requirement may be granted by Labor Commissioner upon written request.

3. Withholding of Wages (sample form attached)
   (a) only if employer is required or empowered by state or federal law;
   (b) has written authorization from the employee on a form approved by the Labor Commissioner or;
   (c) written authorization for medical premium; or
   (d) the deductions are for contributions attributable to automatic enrollment, as defined in section 2 of this act, in a retirement plan described in Section 401(k), 403(b), 408,408A, or 457 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended, established by the employer.

4. Employer to furnish certain information
   (a) advise in writing at the time of hiring:
      1. rate of pay;
      2. hours of employment;
      3. wage payment schedule;
   (b) make available to employees in writing:
      1. any employment practices and policies or changes;
      2. policies including vacation, sick pay, wages, health and welfare matters and comparable matters.
III.

COMPLIANCE ASSISTANCE
INFORMATION WAGE AND HOUR LAW
SECTION 31-76c. Length of workweek. No employer, except as otherwise provided herein, shall employ any of his employees for a workweek longer than forty (40) hours, unless such employee receives remuneration for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.
CONNECTICUT GENERAL STATUTES

1) The "regular rate" at which an employee is employed shall be deemed to include all remuneration for employment paid to, or on behalf of, the employee, but shall not be deemed to include (A) sums paid as gifts; payments in the nature of gifts made at Christmastime or on other special occasions, as a reward for service, the amounts which are not measured by or dependent on hours worked, production or efficiency; (B) payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause; reasonable payments for traveling expenses or other expenses, incurred by an employee in the furtherance of his employer's interests and properly reimbursable by the employer; and other similar payments to an employee which are not made as compensation for his hours of employment; (C) sums paid in recognition of services performed during a given period if either, (i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract agreement or promise causing the employee to expect such payments regularly; (ii) the payments are made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan, meeting the approval of the labor commissioner who shall give due regard, among other factors, to the extent to which the amounts paid to the employee are determined with regard to hours of work, production or efficiency; (D) contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old-age, retirement, life, accident or health insurance or similar benefits for employees; (E) extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or workweek because such hours are hours worked in excess of eight in a day or in excess of the maximum workweek applicable to such employee under section 31-76c, or in excess of the employee's normal working hours or regular working hours, as the case may be; (F) extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate established in good faith for like work performed in nonovertime hours on other days; or (G) extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective-bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal or regular workday, not exceeding the maximum workweek applicable to such employee under section 31-76c, where such premium rate is not less than one and one-half times the rate established in good faith by the contract or agreement for like work performed during such workday or workweek;

2) (A) "Hours worked" include all time during which an employee is required by the employer 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 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. (B) All time during which an employee is required to be on call for emergency service at a location designated by the employer shall be considered to be working time and shall be paid for as such, whether or not the employee is actually called upon to work. (C) When an employee is subject to call for emergency service but is not required to be at a location designated by the employer but is simply required to keep the employer informed as to the location at which he may be contacted, or when an employee is not specifically required by his employer to be subject to call but is contacted by his employer or on the employer's authorization directly or indirectly and assigned to duty, working time shall begin when the employee is notified of his assignment and shall end when the employee has completed his assignment;
OVERTIME EXCEPTIONS

Sec. 31-76i. Exceptions. The provisions of sections 31-76i, to 31-76j, inclusive, shall not apply with respect to (a) any driver or helper, excluding drivers or helpers employed by exempt employers, with respect to whom the Interstate Commerce Commission or its successor agency or the Secretary of Transportation haspower to establish qualifications and maximum hours of service pursuant to the provisions of applicable federal law or regulation of any employee of a carrier by air subject to the Railway Labor Act or any employee of any employer subject to said Railroad Labor Act; (b) any employee employed as a seaman; (c) any employee employed as an announcer, a news editor or chief engineer by a radio station or television station; (d) repealed by 1972. P.A. 116, S.36; (e) any person employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; (f) any person employed in the capacity of outside salesman as defined in the regulations of the Federal Fair Labor Standards Act; (g) any inside salesperson whose sole duty is to sell a product or service (1) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under section 31-58, (2) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services, and (3) who does not work more than fifty-four hours during a work week of seven consecutive calendar days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; (h) any person employed as a taxicab driver by any employer engaged in the business of operating a taxicab, if such driver is paid forty per cent or more of the fares recorded on the meter of the taxicab operated by him; (i) any person employed in the capacity of a household delivery route salesman engaged in delivering milk or bakery products to consumers and who is paid on a commission basis as defined in the regulations of the Labor Commissioner issued pursuant to section 31-60; (j) any salesman primarily engaged in selling automobiles. For the purposes of this subsection, "salesman" includes any person employed by a licensed new car dealer (1) whose primary duty is to sell maintenance and repair services, (2) whose regular rate of pay is in excess of two times the minimum hourly rate applicable to him under the provisions of section 31-58, (3) more than half of whose compensation for a representative period, being not less than one month, represents commissions on goods or services and (4) who does not work more than fifty-four hours during a work week of seven consecutive days. In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be deemed commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee; (k) any person employed in agriculture; (l) any permanent paid members of the uniformed police force of municipalities and permanent paid members of the uniformed fire fighters of municipalities; (m) any person employed as a fire fighter by a private nonprofit corporation which on May 24, 1984, has a valid contract with any municipality to extinguish fires and protect its inhabitants from loss by fire; (n) any person, except a person paid on an hourly basis, employed as a beer delivery truck driver by a licensed distributor, as defined by section 12-433; or (o) any person employed as a mechanic primarily engaged in the servicing of motor vehicles, as defined in section 14-1, or farm implements, as defined in section 14-1, by a nonmanufacturing employer primarily engaged in the business of selling such vehicles or implements to consumers, to the extent that such employees are exempt under the federal Wage-Hour and Equal Pay Act, 29 USC 201 et seq, and 29 USC 213(b)(10), provided such person's actual weekly earnings exceed an amount equal to the total of (1) such person's basic contractual hourly rate of pay times the number of hours such person has actually worked plus (2) such person's basic contractual hourly rate of pay times one-half the number of hours such person has actually worked in excess of forty hours in such week. For the purposes of this section, "basic contractual hourly rate" means the compensation payable to a person at an hourly rate separate from and exclusive of any flat rate, incentive rate or any other basis of calculation.
DISCUSSION ON EXEMPT/NON-EXEMPT EMPLOYEES FOR PURPOSES OF WAGE AND HOUR LAWS

A. Laws covering issue of exempt and non-exempt status of employees.
   1. Covered by Connecticut law sections 31-60, 31-58, and 31-76i.
      (a) definitions of executive administrative and professional employees under sections 31-60-14, 31-60-15, and 31-60-16 of the Administrative Regulations
      (b) 31-58 – exempt employees not covered by minimum wage or record keeping laws
      (c) 31-76i - exempt employees not covered for the purpose of overtime payment
   2. Fair Labor Standards Act (FLSA) - federal law that exempts executive, administrative and professional employees.
      (a) defined in, Title 29, Part 541, Code of Federal Regulations
      (b) FLSA covers employers engaged in interstate commerce and gross volume of $500,000.00 in sales

B. The laws that provide the higher or stricter standard shall apply.

C. Two Critical Areas in Determining Exempt Status
   1. Duties Test
      The controlling factor in determining an exemption is the employee’s actual duties. Job descriptions (and job titles) are usually of minimal value because they often represent the employer’s idealized perception of what a particular employee is supposed to do; but in reality the actual performance of the job is much different.

      Duties can generally be divided into either exempt or non-exempt in nature.

      Examples of non-exempt duties:
      - driving vehicles
      - operating machinery
      - bookkeeping
      - repairing equipment
      - delivering merchandise
      - sweeping floors
      - typing, filing
      - telemarketing
      - cashier work
      - preparing food
Examples of exempt duties:
- hiring, firing employees
- scheduling employees
- determining credit policies
- formulating personnel policies
- assessing employee performance
- determining staffing levels
- making company investment decisions

Note that in the exempt duties group, the employee needs to use discretion and judgment on a regular basis. For example, an ordinary bookkeeper may be described by an employer as one who determines credit policy when in fact, he or she merely deals with delinquent accounts in accordance with general guidelines specified by management. This type of bookkeeper would not be considered exempt because he or she does not exercise discretion and judgment on a regular basis.

Further, employers may think that if an employee performs an exempt duty, however insignificant, they can be classified as exempt. It is important to remember that in order to be classified as exempt, the employee's primary duty must be to perform tasks of an exempt nature.

An employer who is faced with an exempt employee who takes many sick days or unenthused absences has remedies other than a reduction in salary during short weeks. The following changes to a hiring agreement will not invalidate an exemption retroactively:
- Change the employee from exempt to non-exempt by specifying that the employee will be paid hourly. Time records must then be maintained and the employee must be paid time and one-half for hours over 40 in any workweek.
- Lower the employee’s salary permanently.
- Maintain the salary, but require the employee to make the lost time up by working later each day the following week or by working on a normally non-work day.

It is important to note that if the employer chooses #1 or #2 above, the change to the hiring agreement must be made with notification to the employee in advance and in writing. Also, these must be bona fide changes, not short term adjustments which may vary week to week.

A Special Note on Salary:
Many employers are under the impression that placing any employee on salary makes them exempt. After placing an employee on salary, they fail to maintain time records on them and disregard the requirement to pay time and one-half for work over 40 hours in any workweek. In fact, salary is only one part of an exemption. If the “duties” portion of the test is not met, there can be no exemption.
2. Three Exemptions: Executive, Administrative, Professional

(1) Executive Exemption

→ The employee’s primary duty must consist of the management of the enterprise or department in which employed.
→ The employment must customarily and regularly direct the work of two or more other employees.
→ The employee must be paid on a salary basis of $475.00 per week ($455.00 under FLSA)

*If an employee does not meet these requirements then the following criteria must be met:*

1. All of the above and a salary of $400.00 per week.
2. The employee either must have the authority to hire or fire employees or make recommendations regarding hiring, firing, promotion or other changes in the status of employees.
3. The employee must customarily and regularly exercise discretionary powers.
4. The employee must not devote more than 20% (or 40% in the case of a retail or service employee) of his hours in the workweek to activities that are not directly and closely related to the performance of the work described above.

(2) Administrative Exemption

1. The employee must be compensated on a salary basis of $475.00 per week;
2. The employee’s primary duty must be the performance of office or non-manual work directly related to management policies or general business operations or the performance of administrative functions in an educational setting in work directly related to academic instruction or training;
3. The employee must customarily and regularly exercise discretion and independent judgment;
   (a) an employee under the constant direction of supervisors is not likely to be exercising the degree of discretion contemplated by the exemption.
   (b) the key question in determining the amount of discretion exercised by the employee, is whether the employee is making the decisions independently or whether he is simply following an established procedure.
   (c) Even though an employee has significant discretion in judgment, if the discretion applies to the production process, the employee will not qualify under the administrative exemption. The employee must exercise discretion in respect to the company’s policies or operations to qualify for this exemption.
4. The employee must:
   (a) regularly and directly assist a proprietor, or employee employed
       in a bona fide executive or administrative capacity; or
   (b) perform under only general supervision along specialized or
       technical lines requiring special training, experience or
       knowledge; or
   (c) execute under only general supervision special assignments and
       tasks;
   (d) the employee does not devote more than 20% (40% for retail or
       service establishment employees) of his hours worked in a week
       to activities not directly and closely related to the performance of
       the work described above; and
   (e) the employee receives a salary of at least $155 per week or if an
       academic administrative employee, she receives at least $155 per week or a sala
       ry equal to entrance salaries for teachers in the
       instruction she is employed.

C. Professional Exemption
   1. The employee must be compensated on a salary basis of $475 per week
      except lawyers, doctors, and teachers.
   2. The employee's primary duty must be:
      (a) work requiring knowledge of an advanced type in a field of science
          or learning customarily acquired by a prolonged course of
          specialized intellectual instruction and study as distinguished from a general acade
          mic education or apprenticeship; or
      (b) original and creative work in an artistic field; or
      (c) teaching, tutoring, instructing or lecturing as a teacher certified in the school syste
          m or educational establishment by which he is
          employed;
   3. The employee's work must require the consistent exercise of discretion and
      judgment;
   4. The employee's work must be:
      (a) predominantly intellectual and varied in character as opposed to
          routine mental, manual, mechanical or physical work; and
      (b) of such character that the output produced or the result accompl
          ished can be standardized in relation to a given period of time.
D. Conclusion

1. Although exemptions under Connecticut law are no longer tied to FLSA, Part 541 is useful as a guideline in looking at criteria for exemptions.
2. Salary basis and docking issue continue to be an area of confusion under both set of laws - there is a desire to conform these areas with State and Federal law with an upward adjustment of the salary level.
3. Job titles should not be the sole criteria for claiming exemption and certainly not simply paying on a salary.
4. Each employment situation is looked at on a case by case basis.

Cautionary Note Regarding Exempt Employees

Paying an employee on salary does not exempt an employee from coverage under the minimum wage and overtime laws. An employee must also meet a duties test. Please read on for more information.
Effective July 25, 2001

STATE OF CONNECTICUT
REGULATIONS OF DEPARTMENT OF LABOR
DEFINING AND GOVERNING
EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EMPLOYEES

Section 31-60-14. Employee in a bona fide Executive capacity

(a) For the purposes of section 31-58(f) of the general statutes, as amended, "employee employed in a bona fide executive capacity" means any employee (1) whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof; and (2) who customarily and regularly directs the work of two or more other employees therein; and (3) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and (4) who customarily and regularly exercise discretionary powers; and (5) who does not devote more than twenty percent, or, in the case of an employee of a retail or service establishment who does not devote as much as forty percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in subdivisions (1) to (4), inclusive, of this section; provided this subdivision shall not apply in the case of an employee who owns at least twenty percent interest in the enterprise in which he is employed; and (6) who is compensated for his services on a salary basis at a rate of not less than four hundred dollars per week exclusive of board, lodging, or other facilities, except that this subdivision shall not apply in the case of an employee in training for a bona fide executive position as defined in this section if (A) the training period does not exceed six months; and (B) the employee is compensated for his services on a salary basis at a rate not less than three hundred seventy-five dollars per week exclusive of board, lodging, or other facilities during the training period; (C) a tentative outline of the training program has been approved by the labor commissioner; and (D) the employer shall pay tuition costs, and fees, if any, for such instruction and reimburse the employee for travel expenses to and from each destination other than local, where such instruction or training is provided. Any trainee program so approved may be terminated at any time by the labor commissioner upon proper notice, if he finds that the intent of the program as approved has not been carried out. An employee who is compensated on a salary basis at a rate of not less than four hundred seventy-five dollars per week, exclusive of board, lodging, or other facilities, and whose primary duty consists of the management of the enterprise in which he is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all of the requirements of this section.
b) A "salary basis" means a predetermined amount paid for each pay period on a weekly or less frequent basis, regardless of the number of days or hours worked, which amount is not subject to reduction because of variations in the quality or quantity of the work performed, and which amount has been the subject of an employer advisement as required by section 31-71f of the Connecticut General Statutes.

1) **Although the employee need not be paid for any workweek in which he performed no work, deductions may only be made in the following five (5) instances:**
   - During the initial and terminal weeks of employment, an employer may pay a proportionate part of an employee’s salary for the time actually worked;
   - Deductions may be made for one or more full days if the employee is absent for personal reasons other than sickness or accident;
   - Deductions may be made for one or more full days of sickness or disability provided the deduction is made pursuant to a bona fide plan, policy or practice of making deductions from an employee’s salary after sickness or disability leave has been exhausted which has been disclosed to the employee in accordance with section 31-71f of the Connecticut General Statutes;
   - Deductions may be made for absences of less than one full day taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 of the regulations of Connecticut state agencies; or
   - Deductions may be made for one or more full days if the employee is absent as a result of a disciplinary suspension for violating a safety rule of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to the employer’s premises, or to other employees.

2) (A) No deduction of any kind shall be made for any part of a workweek absence that is attributable to:
   - lack of work occasioned by the operating requirements of the employer;
   - jury duty, or attendance at a judicial proceeding in the capacity of a witness; or
   - temporary military leave.

   (B) An employer is permitted to offset payments an employee receives for any of the services described in this subdivision against the employee's regular salary during the week of such absence.
(3) No deduction shall be made for an absence of less than one full day from work unless:
   i. the absence is taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 of the regulations of Connecticut state agencies; or
   ii. The absence is taken pursuant to a bona fide paid time off benefits plan that specifically authorizes the substitution or reduction from accrued benefits for the time that an employee is absent from work, provided the employee receives payment in an amount equal to his guaranteed salary.

(4) No deduction of any kind shall be made for an absence of less than one week which results from a disciplinary suspension for violating ordinary rules of employee conduct.

Section 31-60-15. Employee in a bona fide Administrative Capacity

(a) For the purposes of said section 31-58(f), "employee employed in a bona fide administrative capacity" means any employee: (1) whose primary duty consists of either: (a) the performance of office or nonmanual work directly related to management policies or general business operations of his employer or his employer's customers, or (b) the performance of functions in the administration of a school system or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and (2) who customarily and regularly exercises discretion and independent judgment; and (3) (a) who regularly and directly assists a proprietor, or an employee employed in a bona fide executive or administrative capacity, as such terms are defined in section 31-60-14 and 31-60-15, or (b) who performs under only general supervision work along specialized or technical lines requiring special training, experience or knowledge, or (c) who executes under only general supervision special assignments and tasks; and (4) who does not devote more than twenty percent, or, in the case of an employee of a retail or service establishment who does not devote as much as forty percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in subdivisions (1) to (3), inclusive, of this section; and (5)(a) who is compensated for his services on a salary or fee basis at a rate of not less than four hundred dollars per week exclusive of board, lodging or other facilities, or (b) who, in the case of academic administrative personnel, is compensated for his services as required by sub-paragraph (a) of this subdivision or on a salary basis which is at least equal to the entrance salary for teachers in the school system or educational establishment or institution by which he is employed; provided an employee who is compensated on a salary or fee basis at a rate of not less than four hundred seventyfive dollars per week, exclusive of board, lodging, or other facilities, and whose primary duty consists of the performance of work described in subdivision (1) of this section, which includes work requiring the exercise of discretion and independent judgment, shall be deemed to meet all of the requirements of this section.
(b) "Salary basis" means a predetermined amount paid for each pay period on a weekly or less frequent basis, regardless of the number of days or hours worked, which amount is not subject to reduction because of variations in the quality or quantity of the work performed, and which amount has been the subject of an employer advisement as required by section 31-71f of the Connecticut General Statutes.

(1) Although the employee need not be paid for any workweek in which he performed no work, deductions may only be made in the following five (5) instances:

- During the initial and terminal weeks of employment, an employer may pay a proportionate part of an employee’s salary for the time actually worked;
- Deductions may be made for one or more full days if the employee is absent for personal reasons other than sickness or accident;
- Deductions may be made for one or more full days of sickness or disability provided the deduction is made pursuant to a bona fide plan, policy or practice of making deductions from an employee’s salary after sickness or disability leave has been exhausted which has been disclosed to the employee in accordance with section 31-71f of the Connecticut General Statutes;
- Deductions may be made for absences of less than one full day taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 of the regulations of Connecticut state agencies; or
- Deductions may be made for one or more full days if the employee is absent as a result of a disciplinary suspension for violating a safety rule of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to the employer’s premises, or to other employees.

(2) (A) No deduction of any kind shall be made for any part of a workweek absence that is attributable to:

i. lack of work occasioned by the operating requirements of the employer;
ii. jury duty, or attendance at a judicial proceeding in the capacity of a witness; or
iii. temporary military leave.

(B) An employer is permitted to offset payments an employee receives for any of the services described in this subdivision against the employee’s regular salary during the week of such absence.
(3) No deduction shall be made for an absence of less than one full day from work unless:
   i. the absence is taken pursuant to the federal family and medical
      leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, sect
      ion 31-51kk et seq., of the Connecticut General
      Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-
      17 of the regulations of Connecticut state agencies; or
   ii. The absence is taken pursuant to a bona fide paid time off benefits
      plan that specifically authorizes the substitution or reduction from
      accrued benefits for the time that an employee is absent from work, provided the e
      mployee receives payment in an amount equal to his guaranteed salary.

(4) No deduction of any kind shall be made for an absence of less than one week
which results from a disciplinary suspension for violating ordinary rules of
employee conduct.

Section 31-60-16. Employee in a bona fide Professional Capacity

(a) For the purposes of said section 31-58(f), "employee employed in a bona fide
professional capacity" means any employee (1) whose primary duty consists of the
performance of: (a) work requiring knowledge of an advanced type in a field of science or
learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as d
istinguished from a general academic education and from an apprenticeship, and from training in the perf
ormance of routine mental, manual or physical processes or
(b) work that is original and creative in character in a recognized field of artistic endeavor, as opposed to
work which can be produced by a person endowed with general manual or
intellectual ability and training, and the result of which depends primarily on the invention, imagination o
r talent of the employee or (c) teaching, tutoring, instructing or lecturing in
the activity of imparting knowledge while employed and engaged in this activity as a
teacher certified or recognized as such in the school system or educational establishment
or institution by which he is employed; and (2) whose work requires the consistent
exercise of discretion and judgment in its performance; and (3) whose work is
predominantly intellectual and varied in character, as opposed to routine mental, manual, mechanical or
physical work, and is of such character that the output produced or the
result accomplished cannot be standardized in relation to a given period of time; and (4)
who does not devote more than twenty percent of his hours worked in the workweek to
activities which are not an essential part of and necessarily incident to the work described
in subdivisions (1) to (3), inclusive, of this section; and (5) who is compensated for his
services on a salary or fee basis at a rate of not less than four hundred dollars per week
exclusive of board, lodging or other activities; provided this subdivision shall not apply in
the case of an employee who is the holder of a valid license or certificate permitting the
practice of law or medicine or any of their branches and who is actually engaged in the
practice thereof, or in the case of an employee who is the holder of the requisite academic
degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, or in the case of an employee employed and engaged as a teacher as provided in subdivision (1)(c) of this section, and provided an employee who is compensated on salary or fee basis at a rate of not less than four hundred seventy-five dollars per week exclusive of board, lodging or other facilities, and whose primary duty consists of the performance either of work described in subdivision 1(A) or (C) of this section which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section.

(b) "Salary basis" means a predetermined amount paid for each pay period on a weekly or less frequent basis, regardless of the number of days or hours worked, which amount is not subject to reduction because of variations in the quality or quantity of the work performed, and which amount has been the subject of an employer advisement as required by section 31-71f of the Connecticut General Statutes.

(1) Although the employee need not be paid for any workweek in which he performed no work, deductions may only be made in the following five (5) instances:

- During the initial and terminal weeks of employment, an employer may pay a proportionate part of an employee’s salary for the time actually worked;
- Deductions may be made for one or more full days if the employee is absent for personal reasons other than sickness or accident;
- Deductions may be made for one or more full days of sickness or disability provided the deduction is made pursuant to a bona fide plan, policy or practice of making deductions from an employee’s salary after sickness or disability leave has been exhausted which has been disclosed to the employee in accordance with section 31-71f of the Connecticut General Statutes;
- Deductions may be made for absences of less than one full day taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq. of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 of the regulations of Connecticut state agencies; or
- Deductions may be made for one or more full days if the employee is absent as a result of a disciplinary suspension for violating a safety rule of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to the employer's premises, or to other employees.
(2) (A) No deduction of any kind shall be made for any part of a workweek absence that is attributable to:
   i. lack of work occasioned by the operating requirements of the employer;
   ii. jury duty, or attendance at a judicial proceeding in the capacity of a witness; or
   iii. temporary military leave.

(B) An employer is permitted to offset payments an employee receives for any of the services described in this subdivision against the employee’s regular salary during the week of such absence.

(3) No deduction shall be made for an absence of less than one full day from work unless:
   - The absence is taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 pf the regulations of Connecticut state agencies; or
   - The absence is taken pursuant to a bona fide paid time off benefits plan that specifically authorizes the substitution or reduction from accrued benefits for the time that an employee is absent from work, provided the employee receives payment in an amount equal to his guaranteed salary.

(4) No deduction of any kind shall be made for an absence of less than one week which results from a disciplinary suspension for violating ordinary rules of employee conduct.
Connecticut Labor Department
Wage and Workplace Standards Division

**WORKSHEET TO HELP DETERMINE EXEMPT/NON-EXEMPT STATUS OF MANAGERIAL OR EXECUTIVE EMPLOYEES**

*This analysis is meant to only be a guideline to assist in the determination of whether an employee or position is exempt or non-exempt from minimum wage, overtime, and record-keeping requirements under Connecticut law.*

Position Title: ____________________________________________________________

Name of Employee: _______________________________________________________

Primary Job Function: _____________________________________________________

Position Title of Person Supervising this Employee: ___________________________

Department, Store, Facility, Etc. Managed by the Employee: ___________________

To be considered exempt, the employee must meet two sets of criteria, a “duties” test and a “salary” test.

**A. THE EMPLOYEE HAS THE FOLLOWING DUTIES:**

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>If yes, give examples</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. PRIMARY DUTY CONSISTS OF THE MANAGEMENT OF THE ENTERPRISES IN WHICH HE/SHE IS EMPLOYED OR OF A CUSTOMARILY RECOGNIZED DEPARTMENT THEREOF.

2. THE EMPLOYEE MUST HAVE THE AUTHORITY TO HIRE OR FIRE OTHER EMPLOYEES OR WHOSE SUGGESTIONS AND RECOMMENDATIONS AS TO THE HIRING OR FIRING AND AS TO THE ADVANCEMENT AND PROMOTION OR ANY OTHER CHANGE OF STATUS OF OTHER EMPLOYEES WILL BE GIVEN PARTICULAR WEIGHT.

---

1 Reference is made to 31-60-14 of Connecticut’s Administrative Regulations and Title 29, Part 541 of the Code of Federal Regulations
3. CUSTOMARILY AND REGULARLY EXERCISES DISCRETION AND INDEPENDENT JUDGMENT

If yes, give examples

This involves the comparison and evaluation of alternatives by the employee and use of his or her experience and judgment in selecting the best option. The terms imply that the employee has the power to make independent choice, free from immediate supervision. The decision may be implemented or may result in a recommendation subject to final authority, but the employee’s recommendation must command serious attention. The decisions should pertain to matters of significance and affect matters of consequence to the business and/or its customers. The exercise of such discretion need not be constant, but should be done on a more than occasional basis.

4. CUSTOMARILY AND REGULARLY DIRECTS TWO OR MORE PEOPLE

Individuals who supervise employees only in the absence of the manager or who do not customarily and regularly direct the work of others are not considered exempt management or executive employees. However, these employees may still qualify under the administrative or professional exemption tests.

B. EXEMPT DUTIES:

Exempt duties must be related directly and clearly to managerial responsibilities. The kinds of job responsibilities actually performed and not the job title or written job description, define an exempt employee. An employee usually cannot do exempt and non-exempt work at the same time. For example, an employee working as a manager, who simply answers a question while continuing to perform production or sales work, is not “engaged in” managerial duties, but is “occupied or involved in” production work. On the other hand, the time that such an employee clearly disengages from production or sales work to “engage in” managerial duties should be counted as exempt duties. At times an exempt manager may do non-exempt work such as using the computer to draft correspondence or to do performance evaluations. In these situations the important issue is whether or not the non-exempt function is necessary or a means to accomplish the exempt responsibilities. Examples of exempt duties when performed as a part of or in conjunction with overall management level responsibilities, include:
Interviewing, selecting, hiring and training employees.
• Setting and adjusting pay rates and work hours or recommending same.
• Directing work.
• Keeping production records of subordinates for use in supervision.
• Evaluating employees’ efficiency and productivity.
• Handling employees’ complaints.
• Disciplining employees including termination, or recommendation to terminate.
• Planning work.
• Determining techniques to be used at work.
• Distributing work to others.
• Deciding on types of merchandise, materials, supplies, machinery, or tools.
• Controlling flow and distribution of merchandise, materials and supplies.
• Providing for safety of employees and property.
• Establishing strategy, making financial or marketing decisions, etc.

Below is a worksheet to help indicate whether or not an employee meets the “duties” test:

<table>
<thead>
<tr>
<th>EXEMPT DUTY</th>
<th>WEEKLY HOURS SPENT AT EACH DUTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
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<tr>
<td>3.</td>
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<td>4.</td>
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<td>6.</td>
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<td>7.</td>
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<td>8.</td>
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<tr>
<td>9.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
</tr>
<tr>
<td>11. TOTAL WEEKLY HOURS SPENT AT EXEMPT DUTIES:</td>
<td></td>
</tr>
</tbody>
</table>
C. NON-EXEMPT DUTIES:

Some examples of non-exempt duties include:

- Performing the same kind of non-exempt work as subordinates.
- Performing any production work, even though unlike that performed by subordinates, which is not part of a supervisory function.
- Making sales, replenishing stocks, returning stock to shelves, other than for supervisory training or demonstration purposes.
- Performing routine clerical duties, such as bookkeeping, cashiering, billing, filing and operating business machines, other than for supervisory training or demonstration purposes.
- Checking and inspection of goods as a production operation, rather than as a supervisory function.
- Performing routine maintenance work.

<table>
<thead>
<tr>
<th>NON-EXEMPT DUTY</th>
<th>WEEKLY HOURS SPENT AT EACH DUTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
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<tr>
<td>4.</td>
<td></td>
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<tr>
<td>5.</td>
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<td>6.</td>
<td></td>
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<td>7.</td>
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<tr>
<td>8.</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td></td>
</tr>
</tbody>
</table>

11. TOTAL WEEKLY HOURS SPENT AT EXEMPT DUTIES: ________________________________

D. HOURS SUMMARY:

1. Total Number of Weekly Hours Worked (Total of B.11 and C.11) ___ Hours
2. Total Number of Weekly Exempt Hours (B.11) ___ Hours
   Exempt Hours as a % of the Total Hours (D.2 divided by D.1) ___ Percent
E. SALARY TEST:

An hourly paid employee will not meet this requirement and cannot be exempt, regardless of duties. Additional, an individual is not automatically exempt just because he or she is paid a salary. Salary is described as a fixed compensation regardless of hours worked.

YES                NO

1. Employee is paid at least $400.00 per week salary.
2. Employee is paid $475.00 per week salary.
3. Employee is paid $455.00 per week salary.
   (Federal Law)

“Salary basis” means a predetermined amount paid for each pay period on a weekly or less frequent basis, regardless of the number of days or hours worked, which amount is not subject to reduction because of variations in the quality or quantity of the work performed, which amount has been the subject of an employer advisement as required by section 31-71f of the Connecticut General Statutes.

Although the employee need not be paid for any workweek in which he performed no work, deductions may only be made in the following five (5) instances:

   (A) During the initial and terminal weeks of employment, an employer may pay a proportionate part of an employee’s salary for the time actually worked;

   (B) Deductions may be made for one or more full days if the employee is absent for personal reasons other than sickness or accident;

   (C) Deductions may be made for one or more full days of sickness or disability provided the deduction is made pursuant to a bona fide plan, policy or practice of making deductions from an employee’s salary after sickness or disability leave has been exhausted which has been disclosed to the employee in accordance with section 31-71f of the Connecticut General Statutes;

   (D) Deductions may be made for absences of less than one full day taken pursuant to the federal family and medical leave act, 29 USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or by section 31-51qq-17 of the regulations of Connecticut state agencies; or

   (E) Deductions may be made for one or more full days if the employee is absent as a result of a disciplinary suspension for violating a safety rule of major significance. Safety rules of major significance include only those relating to the prevention of serious danger to the employer’s premises, or to other employees.

(2)(A) No deduction of any kind shall be made for any part of a workweek absence that is attributable to:

   (i) lack of work occasioned by the operating requirements of the employer;
   (ii) jury duty, or attendance at a judicial proceeding in the capacity of a witness; or
   (iii) temporary military leave.
(B) An employer is permitted to offset payments an employee receives for any of the services described in this subdivision against the employee’s regular salary during the week of such absence.

No deduction shall be made for an absence of less than one full day from work unless:

(A) the absence is taken pursuant to the federal family and medical leave act, 29USC 2601 et seq., or the Connecticut family and medical leave act, section 31-51kk et seq., of the Connecticut General Statutes, as permitted by 29 CFR 825.206 or be section 31-51qq-17 of the regulations of Connecticut state agencies; or

(B) the absence is taken pursuant a bona fide paid time off benefits plan that specifically authorizes the substitution or reduction from accrued benefits for the time that an employee is absent from work, provided the employee receives payment in an amount equal to his guaranteed salary.

(4) No deduction of any kind shall be made for an absence of less than one week which results from a disciplinary suspension for violating ordinary rules of employee conduct.

Will the employee’s pay be reduced under other circumstances? YES _____ NO

F. INTERPRETING THE RESULTS:

The position may be considered exempt if:

A. All questions under Part A were answered Yes and the salary is $400.00 per week with no reductions.

B. Questions #1 and #4 under Part A were answered Yes and the salary is $475.00 per week with no reductions.

✿ Caution: This worksheet is intended to help employers in determining whether an executive employee is exempt from Connecticut’s Administrative Regulations. Please contact the Wage and Workplace Standards Division at (860)263-6790 for more detailed assistance. The completion of this worksheet does not preclude an employee or the Labor Department from exercising their rights or authority under the law.
MINIMUM WAGE

See. 31-58. Definitions. As used in this part:

(a) "Commissioner" means the Labor Commissioner;

(b) "Fair wage" means a wage fairly and reasonably commensurate with the value of a particular service or class of service rendered, and, in establishing a minimum fair wage for such service or class of service under this part, the commissioner and the wage board, without being bound by any technical rules of evidence or procedure, (1) may take into account all relevant circumstances affecting the value of the services rendered, including hours and conditions of employment affecting the health, safety and general well-being of the workers, and (2) may be guided by such considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid and (3) may consider the wages, including overtime or premium rates, paid in the state for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards;

(c) "Department" means the Labor Department;

(d) "Employer" means any owner or any person, partnership, corporation, limited liability company or association of persons acting directly as, or in behalf of, or in the interest of an employer in relation to employees, including the state and any political subdivision thereof;

(e) "Employee" means any individual employed or permitted to work by an employer but shall not include any individual employed 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, except any individual in domestic service employment as defined in the regulations of the federal Fair Labor Standards Act, or an individual employed in a bona fide executive, administrative or professional capacity as defined in the regulations of the Labor Commissioner or an individual employed by the federal government, or any individual engaged in the activities of an educational, charitable, religious, scientific, historical, literary or nonprofit 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 employed as a head resident or resident assistant by a college or university, or any individual engaged in baby sitting, or an outside salesman as defined in the regulations of the federal Fair Labor Standards Act; or any individual employed by a nonprofit theater, provided such theater does not operate for more than seven months in any calendar year;
(f) 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;

(g) "Employ" means to employ or suffer to work;

(h) "Wage" means compensation due to an employee by reason of his employment;

(i) "Minimum fair wage" in any industry or occupation in this state means a wage of not less than six dollars and seventy cents per hour, and effective January 1, 2003, not less than six dollars and ninety cents per hour, and effective January 1, 2004, not less than seven dollars and ten cents per hour, and effective January 1, 2006, not less than seven dollars and forty cents per hour, and effective January 1, 2007, not less than seven dollars and sixty-five cents per hour, and effective January 1, 2009, not less than eight dollars per hour, and effective January 1, 2010, not less than eight dollars and twenty-five cents per hour, and effective January 1, 2014, not less than eight dollars and seventy cents per hour, and effective January 1, 2015, not less than nine dollars and fifteen cents per hour, and effective January 1, 2016, not less than nine dollars and sixty cents per hour, and effective January 1, 2017, not less than ten dollars and ten cents per hour or one-half of one percent rounded to the nearest whole cent more than the highest federal minimum wage, whichever is greater, except as may otherwise be established in accordance with the provisions of this part. All wage orders in effect on October 1, 1971, wherein a lower minimum fair wage has been established, are amended to provide for the payment of the minimum fair wage herein established except as hereinafter provided. Whenever the highest federal minimum wage is increased, the minimum fair wage established under this part shall be increased to the amount of said 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, and shall apply to all wage orders and administrative regulations then in force. The rates for learners, beginners, and persons under the age of eighteen years shall be not less than eighty-five per cent of the minimum fair wage for the first two hundred hours of such employment and equal to the minimum fair wage thereafter, except institutional training programs specifically exempted by the commissioner.
## CONNECTICUT MINIMUM WAGE RATES OVER THE YEARS

<table>
<thead>
<tr>
<th>Minimum Wage</th>
<th>Effective Date</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>.75</td>
<td>July 1, 1951</td>
<td>3.37</td>
</tr>
<tr>
<td>1.00</td>
<td>October 1, 1957</td>
<td>3.75</td>
</tr>
<tr>
<td>1.15</td>
<td>October 1, 1961</td>
<td>4.25</td>
</tr>
<tr>
<td>1.25</td>
<td>October 1, 1963</td>
<td>4.27</td>
</tr>
<tr>
<td>1.40</td>
<td>July 1, 1967</td>
<td>4.77</td>
</tr>
<tr>
<td>1.60</td>
<td>July 1, 1968</td>
<td>5.18</td>
</tr>
<tr>
<td>1.61</td>
<td>April 19, 1971</td>
<td>5.65</td>
</tr>
<tr>
<td>1.85</td>
<td>October 1, 1971</td>
<td>6.15</td>
</tr>
<tr>
<td>1.91</td>
<td>May 1, 1974</td>
<td>6.40</td>
</tr>
<tr>
<td>2.01</td>
<td>May 1, 1974 - FLSA PRIOR TO 1966</td>
<td>6.70</td>
</tr>
<tr>
<td>2.01</td>
<td>January 1, 1975</td>
<td>6.90</td>
</tr>
<tr>
<td>2.11</td>
<td>January 1, 1975 - FLSA 1966</td>
<td>7.10</td>
</tr>
<tr>
<td>2.21</td>
<td>January 1, 1976</td>
<td>7.40</td>
</tr>
<tr>
<td>2.31</td>
<td>January 1, 1976 - FLSA 1966</td>
<td>7.65</td>
</tr>
<tr>
<td>2.31</td>
<td>January 1, 1977 - ALL</td>
<td>8.00</td>
</tr>
<tr>
<td>2.66</td>
<td>January 1, 1978</td>
<td>8.25</td>
</tr>
<tr>
<td>2.91</td>
<td>January 1, 1979</td>
<td>8.70</td>
</tr>
</tbody>
</table>
## CONNECTICUT MINIMUM WAGE RATES FOR SERVICE EMPLOYEES AS DEFINED* AND BARTENDERS

<table>
<thead>
<tr>
<th>DATE</th>
<th>MINIMUM WAGE</th>
<th>TIP DEDUCTION</th>
<th>MINIMUM WAGE FOR SERVICE EMPLOYEES (WAITPERSONS)</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>May, 2001</td>
<td>$6.40</td>
<td>26%</td>
<td>$4.74</td>
<td>$1.66</td>
</tr>
<tr>
<td>January, 2002</td>
<td>$6.70</td>
<td>29.30%</td>
<td>$4.74</td>
<td>$1.96</td>
</tr>
<tr>
<td>January, 2003</td>
<td>$6.90</td>
<td>29.30%</td>
<td>$4.88</td>
<td>$2.02</td>
</tr>
<tr>
<td>January, 2004</td>
<td>$7.10</td>
<td>29.30%</td>
<td>$5.02</td>
<td>$2.08</td>
</tr>
<tr>
<td>January, 2006</td>
<td>$7.40</td>
<td>29.30%</td>
<td>$5.23</td>
<td>$2.17</td>
</tr>
<tr>
<td>January, 2007</td>
<td>$7.65</td>
<td>29.30%</td>
<td>$5.41</td>
<td>$2.24</td>
</tr>
<tr>
<td>January, 2009</td>
<td>$8.00</td>
<td>31%</td>
<td>$5.52</td>
<td>$2.48</td>
</tr>
<tr>
<td>January, 2010</td>
<td>$8.25</td>
<td>31%</td>
<td>$5.69</td>
<td>$2.56</td>
</tr>
<tr>
<td>January, 2014</td>
<td>$8.70</td>
<td>34.60%</td>
<td>$5.69</td>
<td>$3.01</td>
</tr>
<tr>
<td>January, 2015</td>
<td>$9.15</td>
<td>36.80%</td>
<td>$5.78</td>
<td>$3.37</td>
</tr>
<tr>
<td>January, 2016</td>
<td>$9.60</td>
<td>36.80%</td>
<td>$6.07</td>
<td>$3.53</td>
</tr>
<tr>
<td>January, 2017</td>
<td>$10.10</td>
<td>36.80%</td>
<td>$6.38</td>
<td>$3.72</td>
</tr>
</tbody>
</table>

For Bartenders who customarily and regularly receive gratuities

<table>
<thead>
<tr>
<th>DATE</th>
<th>MINIMUM WAGE</th>
<th>TIP DEDUCTION</th>
<th>MINIMUM WAGE FOR SERVICE EMPLOYEES (WAITPERSONS)</th>
<th>DIFFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>May, 2001</td>
<td>$6.40</td>
<td>3.90%</td>
<td>$6.15</td>
<td>$0.25</td>
</tr>
<tr>
<td>January, 2002</td>
<td>$6.70</td>
<td>8.20%</td>
<td>$6.15</td>
<td>$0.55</td>
</tr>
<tr>
<td>January, 2003</td>
<td>$6.90</td>
<td>8.20%</td>
<td>$6.33</td>
<td>$0.57</td>
</tr>
<tr>
<td>January, 2004</td>
<td>$7.10</td>
<td>8.20%</td>
<td>$6.52</td>
<td>$0.58</td>
</tr>
<tr>
<td>January, 2006</td>
<td>$7.40</td>
<td>8.20%</td>
<td>$6.79</td>
<td>$0.61</td>
</tr>
<tr>
<td>January, 2007</td>
<td>$7.65</td>
<td>8.20%</td>
<td>$7.02</td>
<td>$0.63</td>
</tr>
<tr>
<td>January, 2009</td>
<td>$8.00</td>
<td>11%</td>
<td>$7.12</td>
<td>$0.88</td>
</tr>
<tr>
<td>January, 2010</td>
<td>$8.25</td>
<td>11%</td>
<td>$7.34</td>
<td>$0.91</td>
</tr>
<tr>
<td>January, 2014</td>
<td>$8.70</td>
<td>15.60%</td>
<td>$7.34</td>
<td>$1.36</td>
</tr>
<tr>
<td>January, 2015</td>
<td>$9.15</td>
<td>18.50%</td>
<td>$7.46</td>
<td>$1.69</td>
</tr>
<tr>
<td>January, 2016</td>
<td>$9.60</td>
<td>18.50%</td>
<td>$7.82</td>
<td>$1.78</td>
</tr>
<tr>
<td>January, 2017</td>
<td>$10.10</td>
<td>18.50%</td>
<td>$8.23</td>
<td>$1.87</td>
</tr>
</tbody>
</table>

See Section 31-60 of the Connecticut General Statutes and Section 31-62-E2 of the Restaurant Wage Order, Mandatory Order Number 8.

Also refer to Public Acts 08-92, 08-113 and 14-1.

*Updated January 2015*
TIME RECORDKEEPING REQUIREMENTS

Overtime: One and one-half times the Employee’s regular rate of pay after 40 hours per week. For Exceptions - See Section 31-76i of the Connecticut General Statutes.

Sec. 31-60-12 Records.
(a) For the purpose of this regulation, "true and accurate records" means accurate legible records for each employee showing:
   (1) His name;
   (2) his home address;
   (3) the occupation in which he is employed;
   (4) the total daily and total weekly hours worked, showing the beginning and ending time of each work period, computed to the nearest unit of 15 minutes;
   (5) his total hourly, daily or weekly basic wage;
   (6) his overtime wage as a separate item from his basic wage;
   (7) additions to or deductions from his wages each pay period;
   (8) his total wages paid each pay period;
   (9) such other records as are stipulated in accordance with sections 31-60-1 through 31-60-16
   (10) working certificates for minor employees (sixteen to eighteen years). True and accurate records shall be maintained and retained at the place of employment for a period of 3 years for each employee.

(b) The labor commissioner may authorize the maintenance of wage records and the retention of both wage and hour records as outlined either in whole or in part at a place other than the place of employment when it is demonstrated that the retention of such records at the place of employment either
   (1) works an undue hardship on the employer without materially benefiting the inspection procedures of the labor department, or
   (2) is not practical for enforcement purposes. Where permission is granted to maintain wage records at other than the place of employment, a record of total daily and weekly hours worked by each employee shall also be available for inspection in connection with such wage records.
(c) In the case of an employee who spends 75% or more of his working time away from his employer's place of business and the maintaining of time records showing the beginning and ending time of each work period for such employee either imposes an undue hardship upon the employer or exposes him to jeopardy because of his inability to control the accuracy of such entries, a record of total daily and total weekly hours will be approved as fulfilling the record-keeping requirements of this section. However, in such cases, the original time entries shall be made by the employee in his own behalf and the time entries made by the employee shall be used as the basis for payroll records.

(d) The employer shall maintain and retain for a period of 3 years the following information and data on each individual employed in a bona fide executive, administrative or professional capacity;

1. His name;
2. His home address;
3. The occupation in which he is employed;
4. His total wages paid each work period;
5. The date of payment and the pay period covered by payment.
TRAVEL TIME REQUIREMENTS

We get a lot of questions on compensability of travel time for employees who take company vehicles home with them; generally questioning whether or not there is a requirement to pay employees for time spent traveling in a company vehicle from their home to their first stop, and from their last stop back to their homes. The U.S. Labor Department issued an opinion letter in 1995 that covered the subject. Following is a summary of requirements that must be met in order for the travel time NOT to be compensable. The employee need not be paid for time spent traveling between his/her home and the first and last stops of the day if & of the following conditions are met:

1. The vehicle in question must be one that would normally be used for commuting. Automobiles, pickup trucks, and vans would clearly fall into this category, even if they carry company or personal tools. Vehicles that would not fall into this category are larger trucks (for instance, aerial bucket trucks, cranes, dump trucks, concrete trucks, etc.) and other specialized-use vehicles.

2. The employee incurs no cost for driving or parking the employer’s vehicle at his or her home.

3. The work sites must be within normal commuting distance from the employer’s establishment. For instance, an employee who parks a company vehicle at his or her home then drives 100 miles to the first stop of the day is clearly traveling farther than normal commuting distance. That employee must be paid from the time they left home, not from the time they reached their first stop.

4. Most importantly, the employee who takes a vehicle home must do so voluntarily. Taking the vehicle home under orders from the employer or as a condition of employment means that the employee must be paid for travel time to and from their home.

Please note that all time spent traveling between stops during the day is unquestionably compensable. The above parameters address only the trip from home to the first stop and from the last stop to home.

Also note that under the Administrative Regulations, our description of travel time calls for payment if the travel (in this case from home to the first assignment and the trip home again) clearly inures to the benefit of the employer. This means that even if all conditions above are met, there may still be a requirement to pay if it can be demonstrated that the employer derives some considerable benefit from an employee having the vehicle parked at their home. For instance, if a refrigeration repair business advertises that it can have a technician at the sight of a breakdown within half an hour, there is a significant benefit in having the truck in the employee’s driveway (immediate response).
TRAVEL TIME LAW

Overtime: One and one-half times the employee's regular rate of pay after 40 hours per week. For Exceptions - See Section 31-76(i) of the Connecticut General Statutes

Sec. 31-60-10. Travel Time
(a) For the purpose of this regulation, "travel time" means that time during which a worker is required or permitted to travel for purposes incidental to the performance of his employment but does not include time spent traveling from home to his usual place of employment or return to home, except as hereinafter provided in this regulation.

(b) When an employee, in the course of his employment, is required or permitted to travel for purposes which inures to the benefit of the employer, such travel time shall be considered to be working time and shall be paid for as such. Expenses directly incidental to and resulting from such travel shall be paid for by the employer when payment made by the employee would bring the employee's earnings below the minimum fair wage.

(c) When an employee is required to report to other than his usual place of employment at the beginning of his work day, if such an assignment involves travel time on the part of the employee in excess of that ordinarily required to travel from his home to his usual place of employment, such additional travel time shall be considered to be working time and shall be paid for as such.

(d) When at the end of a work day a work assignment at other than his usual place of employment involves, on the part of the employee, travel time in excess of that ordinarily required to travel from his usual place of employment to his home, such additional travel time shall be considered to be working time and shall be paid for as such.
IV.

OTHER IMPORTANT LAWS
Sec. 31-71b. Weekly payment of wages. Electronic direct deposit of wages for state employees. Exemptions. (a)(1) Except as provided in subdivision (2) of this subsection, each employer, or the agent or representative of an employer, shall pay weekly all moneys due each employee on a regular pay day, designated in advance by the employer, in cash, by negotiable checks or, upon an employee’s written request, by credit to such employee's account in any bank that has agreed with the employer to accept such wage deposits.

(2) Unless otherwise requested by the recipient, the Comptroller shall, as soon as is practicable, pay all wages due each state employee, as defined in section 5-196, by electronic direct deposit to such employee’s account in any bank, Connecticut credit union or federal credit union that has agreed with the Comptroller to accept such wage deposits.

(b) The end of the pay period for which payment is made on a regular pay day shall be not more than eight days before such regular pay day, provided, if such regular pay day falls on a nonwork day, payment shall be made on the preceding work day.

(c) This section shall not be construed to (1) prohibit a local or regional board of education or an entity called a state-aided institution pursuant to section 5-175 and a recognized or certified exclusive bargaining representative of its certified or noncertified employees from including within their collective bargaining agreement a schedule for the payment of wages to certified employees or noncertified employees that differs from the requirements of subsections (a) and (b) of this section, or (2) prohibit a private or parochial school from entering into a written agreement with its certified or noncertified employees for the payment of wages to such employees that differs from the requirements of subsections (a) and (b) of this section.

(d) Any agreement entered into pursuant to subdivision (2) of subsection (c) of this section shall be null and void if such private or parochial school ceases to operate prior to completing payment of all wages due to its certified or noncertified employees and such private or parochial school shall be liable for the payment of all wages due to its certified or noncertified employees.

(e) Nothing in this section shall be construed to apply to employees swapping workdays or shifts as permitted under a collective bargaining agreement.
SECTION 31-13a. Employer to furnish record of hours worked, wages earned and deductions. With each wage payment each employer shall furnish to each employee in writing a record of hours worked, the gross earnings showing straight time and overtime as separate entries, itemized deductions and net earnings, except that the furnishing of a record of hours worked and the separation of straight time and overtime earnings shall not apply in the case of any employee with respect to whom the employer is specifically exempt from the keeping of time records and the payment of overtime under the Connecticut minimum wage act or the fair labor standards act.
MEAL PERIODS


(a) No person shall be required to work for seven and one-half or more consecutive hours without a period of at least thirty consecutive minutes for a meal. Such period shall be given at some time after the first two hours of work and before the last two hours.

(b) The provisions of this section shall not be construed to alter or impair the provisions of any collective bargaining agreement in effect on July 1, 1990.

(c) The Labor Commissioner shall exempt any employer from the requirements of this section if he finds that (1) requiring compliance would be adverse to public safety, (2) the duties of a position may only be performed by one employee, (3) the employer employs less than five employees on a shift at a single place of business provided the exemption shall only apply to the employees on such shift or (4) the continuous nature of an employer's operations, such as chemical production or research experiments, requires that employees be available to respond to urgent or unusual conditions at all times and such employees are compensated for break and meal periods. The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, to establish the procedures and requirements for the granting of such exemptions.

(d) The provisions of this section shall not apply to any professional employee certified by the State Board of Education and employed by a local or regional board of education of any town or regional school district to work directly with children.

(e) The provisions of this section shall not prevent any employer and employee from entering into a written agreement providing for a different schedule of meal periods than the schedule required by subsection (a) of this section.

(f) The provisions of this section shall not apply to any employer who provides thirty or more total minutes of paid rest or meal periods to employees within each seven and one-half hour work period.

(g) Any employer who violates the provisions of this section may be subject to civil penalties in accordance with section 31 -69a.
SUMMARY OF CONNECTICUT’S PREVAILING WAGE LAW
SECTION 31-53

Connecticut’s prevailing wage law is codified in Connecticut General Statutes Section 31-53 and 31-53a. The law applies to each contract for the construction, remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project by the State or its agents, or by any political subdivision of the State.

Coverage: Conn. Gen. Stat. Section 31-53(g) provides monetary thresholds which must be met before the law is applicable. The prevailing wage law does not apply where the total cost of all work to be performed by all contractors and subcontractors in connection with new construction of a public works project is less than four hundred thousand ($400,000) dollars. The prevailing wages law does not apply in connection with remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project under one hundred thousand ($100,000) dollars.

Prevailing Rate: The prevailing rate consists of a base rate and a fringe benefit rate which may be paid in cash or benefits. Conn. Gen. Stat. Section 31-53(d) permits the Labor Commissioner to adopt and use the prevailing wage rate determinations as have been made by the Secretary of Labor of the United States under the provisions of the Davis-Bacon Act, as amended. The agent empowered to let such contract shall contact the Labor Commissioner at least ten, but not more than twenty days, prior to the date such contracts will be advertised for bid, to ascertain the proper prevailing rate. Under Connecticut General Statutes, 31-55a the rates will be adjusted annually on or before July 1st of each year. These new rates will be on the Department of Labor website.

Certifications: Both the Contractor and the Contracting Agent must provide certifications to the Labor Commissioner. Prior to the award of any contract subject to the prevailing wage law, the contracting agent shall certify in writing to the Labor Commissioner the total dollar amount of work to be done in connection with the public works project, regardless of whether such project consists of one or more contracts. Upon the award of a contract subject to the prevailing wage law, the contractor who is awarded the contract shall also certify, under oath, to the Labor Commissioner the pay scale to be used by the contractor and any of his subcontractors for the work to be performed under the contract. Additionally, each employer subject to the prevailing wage law must file certified payrolls with the contracting agent including information, including but not limited to, employee names; occupations; hours worked; rates paid; and the employers compliance with various provisions of law.

Penalties: There are various civil, criminal and administrative penalties for violations of the prevailing wage law. Failure to pay the prevailing rate is a crime which may be a felony.
depending upon the amount of unpaid wages. Knowingly filing a false certified payroll or failure to file a certified payroll is a Class D felony for which an employer may be fined up to five thousand dollars, imprisoned for up to five years, or both. Disregarding obligations under Conn. Gen. Stat. Section 31-53 may result in an administrative debarment which may preclude any firm, corporation, partnership or association in which such person or firms have an interest from receiving an award of a contract until a period of up to three years have elapsed. Additionally, civil penalties of $300 per violation of law may also be assessed upon the employer.

Effective October 1, 2005, Public Act 05-50: Any person performing the work of any mechanic, laborer, or worker shall be paid prevailing wages --

All persons who perform work on site must be paid prevailing wage for the appropriate mechanic, laborer, or worker classification;

All certified payrolls must list the hours worked and wages paid to all persons who perform work on site regardless of their ownership, i.e.: (Owners, corporate officers, LLC members, independent contractors, et. al);

Reporting and payment of wages is required regardless of any contractual relationship alleged to exist between the contractor and such person.

FOR ADDITIONAL INFORMATION CONTACT:

WAGE AND WORKPLACE STANDARDS DIVISION
PUBLIC CONTRACT COMPLIANCE UNIT
(860) 263-6542
## ADDITIONAL LAWS ENFORCED BY THE WAGE AND WORKPLACE STANDARDS DIVISION

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INFORMATION REGARDING
FAMILY AND MEDICAL LEAVE ACT

Connecticut General Statutes, Section 31-51kk
Connecticut General Statutes, Section 31-51qq

The Connecticut Family and Medical Leave Act (CFMLA) was passed by the legislature in 1989, and became effective on July 1, 1990. The federal act was enacted in 1993.

"An Act to coordinate the State Family and Medical Leave Laws with the Federal Family and Medical Leave Laws" was effective January 1, 1997. The later act established certain significant provisions to make the two acts more consistent.

Reasons for Leave:

Employers covered by the FMLA are required to grant leave to eligible employees for one or more of the following:

1. Upon the birth of a son or daughter of the employee;
2. Upon the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the spouse, or son or daughter or parent of the employee or parent of the employee’s spouse, if such spouse, son, daughter, parent or parent of the employee’s spouse has a serious health condition; or
4. Because of the serious health condition of the employee.
PERSONNEL FILES
SECTION 31-128 a through j

Sec. 31-128a. Definitions. As used in this chapter:

(1) "Employee" means any individual currently employed or formerly employed by an employer and includes individuals in managerial positions;

(2) "Employee assistance program" means a program sponsored or authorized by an employer, intended to assist employees in identifying and resolving personal concerns including, but not limited to, health, marital, family, financial, alcohol, drug, gambling, legal, emotional, stress or other personal issues that may affect job performance;

(3) "Employee assistance professional" means any person who is required by job description or employment contract to provide services pursuant to an employee assistance program;

(4) "Employer" means an individual, corporation, partnership or unincorporated association;

(5) "Personnel file" means papers, documents and reports, including electronic mail and facsimiles, pertaining to a particular employee that are used or have been used by an employer to determine such employee’s eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action including employee evaluations or reports relating to such employee’s character, credit and work habits. "Personnel file" does not mean stock option or management bonus plan records, medical records, letters of reference or recommendations from third parties including former employers, materials that are used by the employer to plan for future operations, information contained in separately maintained security files, test information, the disclosure of which would invalidate the test, or documents which are being developed or prepared for use in civil, criminal or grievance procedures;

(6) "Medical records" means all papers, documents and reports prepared by a physician, psychiatrist or psychologist that are in the possession of an employer and are work-related or upon which such employer relies to make any employment-related decision;

(7) "Security files" means memoranda, documents or collections of information relating to investigations of losses, misconduct or suspected crimes, and investigative information maintained pursuant to government requirements,
provided such memoranda, documents or information are maintained separately and not used to determine an employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary or other adverse personnel action.

**Sec. 31-128b. Employee access to personnel files.** Each employer shall, within a reasonable time after receipt of a written request from an employee, permit such employee to inspect his personnel file if such a file exists. Such inspection shall take place during regular business hours at a location at or reasonably near the employee's place of employment. Each employer who has personnel files shall be required to keep any personnel file pertaining to a particular employee for at least one year after the termination of such employee's employment.

**Sec. 31-128c. Employee access to medical records.** Employer's duties maintaining medical records. Each employer shall, within a reasonable time after receipt of a written request from an employee, permit an inspection of medical records pertaining to such employee which may be in such employer’s possession. Such inspection shall take place during regular business hours at a location at or reasonably near the employee's place of employment and shall be made by a physician chosen by such employee or by a physician chosen by the employer with such employee’s consent. Each employer that has medical records shall be required to keep any medical records pertaining to a particular employee for at least three years following termination of employment. Medical records, if kept by an employer, shall be kept separately and not as part of any personnel file.

**Sec. 31-128d. Employer's right to retain files on premises.** Nothing in this chapter shall be construed as a requirement that an employee or his physician be permitted to remove his personnel file or medical records or any part of such file or records from the place on the employer’s premises where it is made available for inspection. Each employer shall retain the right to protect his files and records from loss, damage or alteration to insure their integrity. Each employer may require that inspection of any personnel file or medical records take place in the presence of a designated official.

**Sec. 31-128e. Removal or correction of information.** Employee’s explanatory statement. If upon inspection of his personnel file or medical records an employee disagrees with any of the information contained in such file or records, removal or correction of such information may be agreed upon by such employee and his employer. If such employee and employer cannot agree upon such removal or correction then such employee may submit a written statement explaining his position. Such statement shall be maintained as part of such employee's personnel file or medical records and shall accompany any transmittal or disclosure from such file or records made to a third party.

**Sec. 31-128f. Employee's consent required for disclosure.** No individually identifiable information contained in the personnel file or medical records of any employee shall be disclosed by an employer to any person or entity not employed by or affiliated with the
employer without the written authorization of such employee except where the
information is limited to the verification of dates of employment and the employee's title or
position and wage or salary or where the disclosure is made: (1) To a third party that
maintains or prepares employment records or performs other employment related
services for the employer; (2) pursuant to a lawfully issued administrative summons or
judicial order, including a search warrant or subpoena, or in response to a government
audit or the investigation or defense of personnel-related complaints against the
employer; (3) pursuant to a request by a law enforcement agency for an employee's home
address and dates of his attendance at work; (4) in response to an apparent medical
emergency or to apprise the employee's physician of a medical condition of which the
employee may not be aware; (5) to comply with federal, state or local laws or regulations;
or (6) where the information is disseminated pursuant to the terms of a collective
bargaining agreement. Where such authorization involves medical records the employer
shall inform the concerned employee of his or his physician's right of inspection and correc-
tion, his right to withhold authorization, and the effect of any withholding of such authoriza-
tion upon such employee.

Sec. 31-28g. Employee's right to obtain copies. Each employer shall, within a reasonable
time after receipt of a written request from an employee, provide such employee with a
copy of all or part of his personnel file or provide such employee's physician with a copy of
such employee's medical records, provided such request reasonable identifies the
materials to be copied. Such employer may charge a fee for copying such file or records or
any part of such file or records. Such fee shall be reasonable related to the cost of supplying
the requested documents.

Sec. 31-128h. Frequency of inspection. No employer shall be required to permit an
inspection of any employee's personnel file or medical records on more than two occasions
in any calendar year.

Sec. 3-128i. Employee's consent required for disclosure of participation in employee
assistance program. (a) No employee assistance professional, employee or state
employee shall be required to disclose any information or records concerning or
confirming the employee's voluntary participation in an employee assistance program
sponsored or authorized by an employer or the state of any of its agencies.

(b) Except as permitted under section 31-128f, no employee assistance program, by
itself or its agents or representatives, shall disclose any information or records
concerning or confirming an employee's or a state employee's voluntary
participation in such program without the prior written consent of the employee or
state employee, except where disclosure is necessary to prevent harm to the
employee or others.

(c) For purposes of this section, "state employee" means any employee in the executive,
legislative or judicial branch of state government, whether in the classified or
unclassified service and whether full or part-time and any employee of a quasi-
public agency.
Sec. 31-128j. Labor Commissioner's subpoena powers. In connection with any investigation by the Labor Department regarding any provision of this chapter, the Labor Commissioner or the Labor Commissioner’s duly authorized agent may summon by subpoena an employer against whom a complaint under this chapter has been filed, an employee who has filed a complaint that is the subject of such investigation, any other person having custody or control of such employee’s medical records or personnel file or any person whose testimony may be pertinent to the matter under investigation, together with any records or other documents of the complaining employee relevant to such investigation. Any such records or documents obtained by the Labor Department pursuant to such subpoena shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-2000. In case of contumacy or refusal to obey a subpoena issued pursuant to this section, the Superior Court, upon application of the Labor Commissioner, shall have jurisdiction to make such order as may be appropriate to aid in the enforcement of this section.
V.

MINORS IN THE WORKPLACE
Section 10-193. Certificate of age for minors in certain occupations.
(a) The superintendent of schools of any local or regional board of education or an agent
designated by such superintendent shall, upon application and in accordance with
procedures established by the state board of education, furnish, to any person desiring to
employ a minor under the age of eighteen years (1) in any manufacturing, mechanical or
theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-
shining establishment or barber shop, a certificate showing that such minor is sixteen years
of age or older and (2) in any mercantile establishment, a certificate showing that such min
or is
fifteen years of age or older. (b) The state board of education shall establish procedures
governing the issuance of such certificates.

Section 10-194. Penalty. Any person, whether acting for himself or herself or as agent for
another, who employs any minor under the age of eighteen years at any occupation
described in subsection (a) of section 10-1 93 without having obtained a certificate as
provided therein shall be fined not more than one hundred dollars.
INSERT PAGES 53-55 HERE (PROMISE OF EMPLOYMENT, STATEMENT OF AGE)
SECTION 31-12

Sec. 31-12. Hours of labor of minor, elderly and handicapped persons in manufacturing or mechanical establishments. (a) None of the following persons under the conditions hereinafter described shall be employed in any manufacturing or mechanical establishment more than nine hours in any day or forty-eight hours in any calendar week: (1) Persons under the age of eighteen years who are not enrolled in and have not graduated from a secondary educational institution; (2) persons sixty-six years of age or older, except with their consent; (3) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (4) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health.

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any manufacturing or mechanical establishment, any such person may be employed in such establishment not more than ten hours in any day nor more than fifty-five hours in any calendar week, but the total number of weeks of any such employment in any twelve consecutive months shall not exceed twelve.

(c) With respect to any group, category or class of employees for which a work week of less than five days has been established or agreed upon, the employer shall adhere to the applicable weekly limitation period herein prescribed by may extend the number of hours per day for each day of the shortened work week provided the number of hours shall be the same for each day of the work week.

(d) In the event of war or other national emergency, the commissioner after investigation may, with the approval of the Governor, extend the number of weeks of any such employment if such extension is necessary to meet scheduled production of war or critical material.

(e) No person under eighteen years of age shall be employed in any manufacturing or mechanical establishment more than (1) six hours in any regularly scheduled school day immediately precedes a nonschool day or eight hours in any other day, and (2) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session, or forty-eight hours in any calendar week during which the school in which such person is enrolled is not in session. Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.
Any person who, or firm or corporation which, violates any of the provisions of this section shall be fined not more than twenty-five dollars for the first offense and be fined not more than one hundred dollars or imprisoned not more than thirty days or both for any subsequent offense.

(f) The provisions of this section shall not apply to permanent salaried employees in executive, administrative or professional positions as defined by the Labor Commissioner, or to the persons under eighteen years of age who have graduated from a secondary educational institution.
SECTION 31-13

Sec. 31-13. Hours of labor of minor, elderly and handicapped persons in mercantile establishments. (a) None of the following persons under the conditions hereinafter described shall be employed in any mercantile establishment more than eight hours in any one day or more than six days in any one calendar week or more than forty-eight hours in any one calendar week: (1) Persons under the age of eighteen years who are not enrolled in and have not graduated from a secondary educational institution; (2) persons sixty-six years of age or older, except with their consent; (3) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (4) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; but any such person may be permitted to work in any such establishment one day in any calendar week for not more than ten hours, for the purpose of making one shorter day during such week, and any employer who, during any year, gives not fewer than seven holidays with pay shall be exempt from the foregoing provisions hereof during the period from the eighteenth to the twenty-fifth day of December of such year.

(b) If the Labor Commissioner finds, upon application of an employer, that an emergency exists or that seasonal or peak demand places an unusual and temporary burden upon any mercantile establishment, any such person may be employed in such establishment not more than ten hours in any day nor more than fifty-two hours in any calendar week, but the total number of weeks of any such employment in any twelve months shall not exceed eight.

(c) No person under eighteen years of age shall be employed in any mercantile establishment more than (1) six hours in any regularly scheduled school day unless the regularly scheduled school day immediately precedes a non-school day or eight hours in any other day, and (2) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session, or forty-eight hours in any other calendar week during which the school in which such person is enrolled is not in session. Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.

(d) Each employer in any such establishment shall post in a conspicuous place in each room which such persons are employed a notice, the form of which shall be furnished by the Labor commissioner, stating specifically the hours of work required of such persons on each day of the week, and the employment of any such persons for a longer time than so stated shall be a violation of this section.
(e) Any person who violates any provision of this section shall be fined not more than one hundred dollars for each offense.

(f) The provisions of this section shall not apply to permanent salaried employees in executive, managerial or supervisory positions excepted from the provisions of part I of chapter 558 who receive a regular salary of not less than the minimum fixed for such employment in any wage order or administrative regulation issued under authority of said part, or to persons under eighteen years of age who have graduated from a secondary educational institution.
SECTION 31-14

Sec. 31-14. Night work of minors regulated. (a) No person under eighteen years of age shall be employed in any manufacturing, mechanical or mercantile establishment between the hours of ten o’clock in the evening and six o’clock in the morning, except that such persons may be employed in any manufacturing, mechanical or mercantile establishment until eleven o’clock in the evening or any supermarket until twelve o’clock midnight on any night other than a night preceding a regularly scheduled school day. No such person may be discharged or discriminated against in any manner for refusing to work later than ten o’clock in the evening.

(b) In the event of war or other serious emergency, the Governor may suspend the limitations upon evening or night work contained in this section as to any industries or occupations as he may find such emergency demands.

(c) The provisions of this section shall not apply to persons under eighteen years of age who have graduated from a secondary educational institution.

(d) For the purposes of this section, "supermarket" means any retail food store occupying a total retail sales area of more than three thousand five hundred square feet.
SECTION 31-15a

Sec. 31-15a. Criminal penalty. Any employer, officer, agent or other person who
violates any provision of section 31-12, 31-13 or 31-14, subsection (a) of section 31-
15 or section 31-18, 31-23 or 31-24 shall be fined not less than two thousand nor more
than five thousand dollars or imprisoned not more than five years, or both, for each
offense.
SECTION 31-18

Sec. 31-18. Hours of labor of minors, elderly and handicapped persons in certain other establishments. (a) No public restaurant, cafe, dining room, barber shop, hairdressing or manicuring establishment, amusement or recreational establishment, bowling alley, shoe-shining establishment, billiard or pool room or photography gallery shall employ or permit to work any person under eighteen years of age (1) between the hours of ten o'clock in the evening and six o'clock in the morning, or any of the persons described below under conditions herein set forth more than nine hours in any day: (A) Persons sixty-six years of age or older, except with their consent; (B) handicapped persons, so designated by medical or governmental authority, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; (C) disabled veterans, as defined under state or federal law, except with their consent and after certification by a physician that the extended hours of work will not be injurious to their health; provided any such person may be permitted to work in any such establishment one day in a week for not more than ten hours on such day, but not more than six days or forty-eight hours in anyone week; and provided further, persons between sixteen and eighteen years of age may be employed in any amusement or recreational establishment, restaurant, cafe or dining room, or employed in any theater until twelve o'clock midnight unless such persons are regularly attending school in which case such minors may be employed until eleven o'clock in the evening on days which precede a regularly scheduled school day and until twelve o'clock midnight during any regular school vacation season and on days which do not precede a regularly scheduled school day, and (2) more than (A) six hours in any regularly scheduled school day unless the regularly scheduled school day immediately precedes a non-school day or eight hours in any other day, and (B) thirty-two hours in any calendar week during which the school in which such person is enrolled is in session or forty-eight hours in any other calendar week during which the school in which such person is enrolled is not in session. Notwithstanding any provision of this section, the number of hours such person participates in a work experience that is part of an approved educational plan, cooperative program or school-to-work program shall not be counted against the daily or weekly limits set forth in this section.

(b) The hours of labor of such persons shall be conspicuously posted in such establishment in such form and manner as the Labor Commissioner determines.

(c) The provisions of this section shall not apply to any person under eighteen years of age who has graduated from a secondary educational institution.
SECTION 31-23

Sec. 31-23. Employment of minors prohibited in certain occupations. Exceptions.
(a) No minor under sixteen years of age shall be employed or permitted to work in any manufacturing, mechanical, mercantile or theatrical industry, restaurant or public dining room, or in any bowling alley, shoe-shining establishment or barber shop, provided the Labor Commission may authorize such employment of any minor between the ages of fourteen and sixteen who is enrolled in (1) a public school in a work-study program as defined and approved by the Commissioner of Education and the Labor Commissioner or in a program established pursuant to section 10-20a, or (2) a summer work-recreation program sponsored by a town, city or borough or by a human resources development agency which has been approved by the Labor Commissioner, or both, and provided the prohibitions of this section shall not apply to any minor over the age of fourteen who is under vocational probation pursuant to an order of the Superior Court as provided in section 46b-140 or to any minor over the age of fourteen who have been placed on vocational parole by the Commissioner of Children and Families.

(b) (1) Notwithstanding the provisions of subsection (a) of this section, a minor who has reached the age of fourteen may be employed or permitted to work as a caddie or in a pro shop at any municipal or private golf course, and a minor who has reached the age of fifteen may be employed or permitted to work in any mercantile establishment, as a bagger, cashier or stock clerk, provided such employment is (A) limited to periods of school vacation during which school is not in session for five consecutive days or more except that such minor employed in a retail food store may work on any Saturday during the year; (B) for not more than forty hours in any week; (C) for not more than eight hours in any day; and (D) between the hours of seven o'clock in the morning and seven o'clock in the evening, except that from July first to the first Monday in September in any year, any such minor may be employed until nine o'clock in the evening. (2) (A) Each person who employs a fourteen year old minor as a caddie or in a pro shop at any municipal or private golf course pursuant to this section shall obtain a certificate stating that such minor is fourteen years of age or older, as provided in section 10-293, and (B) each person who employs a fifteen-year-old minor in any mercantile establishment pursuant to this subsection shall obtain a certificate stating that such minor is fifteen years of age or older, as provided in section 10-1 93. Such certificate shall be kept on file at the place of employment and shall be available at all times during business hours to the inspectors of the Labor Department. (3) The Labor Commissioner may adopt regulations, in accordance with the provisions of chapter 54, as the commissioner deems necessary to implement the provisions of this subsection.
Sec. 2 *(Effective from passage)* Notwithstanding the provisions of subsections (a) and (b) of section 31-23 of the general statutes, in effect prior to the effective date of section 1 of this act, any minor who reached the age of fifteen and was employed on or after October 1, 2007, as a bagger, cashier or stock clerk shall be deemed to have been lawfully employed, provided such employment was in accordance with the provisions of subparagraphs (A) to (D), inclusive, of subdivision (1) of subsection (b) of said section 31-23. Any person who employs such minor shall not be deemed (1) to have violated the provisions of subsection (a) of said section 31-3, or (2) subject to the penalties of section 31-15a of the general statutes or section 31-69a of the 2008 supplement to the general statutes.

(c) No minor under the age of eighteen years shall be employed or permitted to work in any occupation which has been or shall be pronounced hazardous to health by the Department of Public Health or pronounced hazardous in other respects by the Labor Department. This section shall not apply to the employment or enrollment of minors sixteen years of age and over as apprentices in bona fide apprenticeship courses in manufacturing or mechanical establishments, vocational schools or public schools, or to the employment of such minors who have graduated from a public or private secondary or vocational school, in any manufacturing or mechanical establishment or to the enrollment of such minors in a cooperative work-study program approved by the Commissioner of Education and the Labor Commissioner or in a program established pursuant to section 10-20a. No provision of this section shall apply to agricultural employment, domestic service, street trades or the distribution of newspapers. For purposes of this subsection, the term "cooperative work-study program" means a program of vocational education, approved by the Commissioner of Education and the Labor Commissioner, for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, provided these two experiences are planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half days, full days, weeks or other periods of time in fulfilling the cooperative work-study program.

(d) Each person who employs a minor under the age of eighteen years shall obtain a certificate stating the age of such minor as provided in section 10-193. Such certificates shall be kept on file at the place of employment and shall be available at all times during business hours to the inspectors of the Labor Department.

*Amended by P.A. 08-1 08 - Effective 6/2/08*
VI.

INVESTIGATORY LAWS
Section 31-59. Investigation. The commissioner or any authorized representative of the commissioner shall have authority: (a) To investigate and ascertain the wages of persons employed in any occupation in the state; (b) to enter the place of business or employment of any employer of persons in any occupation for the purpose of examining and inspecting any and all books, registers, payrolls and other records of any such employer that in any way appertain to or have a bearing upon the question of wages of any such persons and for the purpose of ascertaining whether the provisions of this part and the orders of the commissioner have been and are being complied with; and (c) to require from such employer full and correct statements in writing, when the commissioner or any authorized representative of the commissioner deems necessary, of the wages paid to all persons in his employment. The commissioner may, on his own motion, and shall, on the petition of fifty or more residents of the state, cause an investigation to be made of the wages being paid to persons in any occupation to ascertain whether any substantial number of persons in such occupation is receiving less than a fair wage. If the commissioner is of the opinion that any substantial number of persons in any occupation or occupations is receiving less than a fair wage, he shall appoint a wage board as provided in section 31-61 to report upon the establishment of minimum fair wage rates of not less than the minimum fair wages as defined in section 31-58 for such persons in such occupation or occupations.
Section 31-76a. Investigations on complaint of nonpayment of wages and certain misrepresentation re employees. (a) On receipt of a complaint for nonpayment of wages or a violation of the provisions of subsection (g) of section 31-288, the Labor Commissioner, the director of minimum wage and wage enforcement agents of the Labor Department shall have power to enter, during usual business hours, the place of business or employment of any employer to determine compliance with the wage payment laws or subsection (g) of section 31-288, and for such purpose may examine payroll and other records and interview employees, call hearings, administer oaths, take testimony under oath and take depositions in the manner provided by sections 52-148a to 52-148e, inclusive.

(b) The commissioner or the director, for such purpose, may issue subpoenas for the attendance of witnesses and the production of books and records. Any employer or any officer or agent of any employer, corporation, firm or partnership who willfully fails to furnish time and wage records as required by law to the commissioner, the director of minimum wage or any wage enforcement agent upon request, or who refuses to admit the commissioner, the director of such agent to the place of employment of such employer, corporation, firm or partnership, or who hinders or delays the commissioner, the director or such agent in the performance of the commissioner’s, the director’s or such agent’s duties in the enforcement of this section shall be fined not less than one hundred dollars nor more than two hundred fifty dollars. Each day of such failure to furnish the time and wage records to the commissioner, the director or such agent shall constitute a separate offense, and each day of refusal to admit, of hindering or of delaying the commissioner, the director or such agent shall constitute a separate offense.

(c) (1) If the commissioner determines, after an investigation pursuant to subsection (a) of this section, that an employer is in violation of subsection (g) of section 31-288, the commissioner shall issue, not later than seventy-two hours after making such determination, a stop work order against the employer requiring the cessation of all business operations of such employer. Such stop work order shall be issued only against the employer found to be in violation of subsection (g) of section 31-288 and only as to the specific place of business or employment for which the violation exists. Such order shall be effective when served upon the employer or at the place of business or employment. A stop work order may be served at a place of business or employment by posting a copy of the stop work order in a conspicuous location at the place of business or employment. Such order shall remain in effect until the commissioner issues an order releasing the stop work order upon a finding by the commissioner that the employer has come into compliance with the requirements of subsection (b) of section 31-284, or after
hearing held pursuant to subdivision (2) of this subsection

(2) Any employer against which a stop work order is issued pursuant to subdivision (1) of this subsection may request a hearing before the commissioner. Such request shall be made in writing to the commissioner not more than ten days after the issuance of such order. Such hearing shall be conducted in accordance with the provisions of chapter 54.

(3) Stop work orders and any penalties imposed under section 31-288 or 31-69a against a corporation, partnership or sole proprietorship for a violation of subsection (g) of section 31-288 shall be effective against any successor entity that has one or more of the same principals or officers as the corporation, partnership or sole proprietorship against which the stop work order was issued and are engaged in the same equivalent trade or activity.

(4) The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, necessary to carry out this subsection.
VII.

CIVIL PENALTY
Sec. 31-69a. Additional Penalty. In addition to the penalties provided in chapter 557, this chapter and chapter 558, any employer, officer, agent, or other person who violates any provision of chapter 557, this chapter or subsection (g) of section 31-288, shall be liable to the Labor Department for a civil penalty of three hundred dollars for each violation of said chapters and for each violation of subsection (g) of section 31-288. The Attorney General, upon complaint of the Labor Commissioner, shall institute a civil action to recover such civil penalty. Any amount recovered shall be deposited in the General Fund and credited to a separate nonlapse appropriation to the Labor Department, for other current expenses, and may be used by the Labor Department to enforce the provisions of chapter 557, this chapter and subsection (g) of section 31-288 and to implement the provisions of Section 31-4.

Sec. 31-69b. Discharge, discipline, penalty or discrimination prohibited. Right of action. (a) An employer shall not discharge, discipline, penalize or in any manner discriminate against any employee because the employee has filed a claim or instituted or caused to be instituted any investigation or proceeding under part 111 of chapter 557 or this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by part 111 of chapter 557 or this chapter.
Labor Department
Civil Penalties for Wage Violations

The regulations of Connecticut State Agencies are amended by adding Sections 31-71h-1 through 31-71h-6, inclusive, as follows:

Sec. 31-71h-1. **Definitions.**

For the purposes of Section 31-71h-1 through 31-71h-6, inclusive, of these Regulations, the following definitions apply:

1. "Civil penalty" means a penalty of $300.00 for each violation of Chapter 557 or Chapter 558.
2. "Commissioner" means the Labor Commissioner, whose mailing address is Labor Department, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, or his designee.
3. "Division" means the Wage and Workplace Standards Division which is responsible for enforcement of Chapter 557 and Chapter 558 of the Connecticut General Statutes whose mailing address is Labor Department, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.
4. "Employer" means any employer, officer, agent or any other person who may have violated Chapter 557 or Chapter 558 of the Connecticut General Statutes.
5. "Violation" means a failure by an employer, officer, agent or any other person to comply with any applicable provision of Chapter 557 or Chapter 558.

Sec. 31-71h-2 **Assessment of civil penalty.**

(a) In addition to and apart from any other penalties and/or remedies provided in Chapter 557 or Chapter 558 of the Connecticut General Statutes, the Labor Commissioner shall assess a civil penalty of $300.00 upon the following determination:

   1. an employer has violated a statutory provision of Chapter 557; or
   2. an employer has violated a statutory provision of Chapter 558.

(b) In determining the number of violations committed by an employer, the Commissioner shall assess a separate civil penalty for each individual employee adversely affected by the employer’s violation.

(c) In addition, the Commissioner may assess more than one civil penalty against an employer with respect to the same adversely affected employee if the employer has violated more than one statutory provision under Chapter 557 or Chapter 558.
Sec. 31-71h-3 Notice of violation.

(a) The employer shall be notified of a civil penalty assessment by the "Notice of Violation and Opportunity to Show Cause" which shall be sent to the employer along with the "Notice to Employer - Unpaid Wages Due" statement, if applicable.
(b) In cases where there is a violation but no wages are due to any employees, the employer shall be notified of the civil penalty assessment by the "Notice of Violation and Opportunity to Show Cause" which shall be sent to the employer.
(c) The "Notice of Violation and Opportunity to Show Cause" shall provide the following:
   (1) the total civil penalty assessed;
   (2) the right of the employer to request in writing a hearing to show cause why the civil penalty should not be assessed;
   (3) an advisement that no hearing shall be granted unless a written request for hearing is received by the Division within twenty-one (21) days from the date of mailing of the notice; and
   (4) the right of the employer to waive the right to request a hearing and to respond in writing to the notice within twenty-one (21) days of the date of mailing of the notice.

Sec. 31-71h-4 Request for hearing.

Any employer who seeks to contest a civil penalty assessment shall file, within twenty-one (21) days from the date the "Notice of Violation and Opportunity to Show Cause" was issued, a written request for an opportunity to be heard which shall clearly state the reason(s) for such request, including facts to demonstrate that no violation has occurred.

Sec. 31-71h-5 Show cause hearing.

(a) If the Commissioner determines that the employer has stated adequate facts or legal grounds to warrant a hearing, the Commissioner shall provide written notice of the hearing to show cause why a civil penalty should not be assessed and shall mail written notice to the employer of the date, time and place of the hearing. Such determination shall be within the sole discretion of the Commissioner. The notice shall inform the employer of its rights in the show cause hearing including:
   (1) the right to be represented by any person, including an attorney; and
   (2) the right to present documentary evidence and written and/or oral of the request or in a medical emergency. The Commissioner has sole discretion to grant such requests.
Sec. 31-71h-6 Determination of penalty.

(a) Following a hearing or after the employer has waived the right to request a hearing, the Commissioner may uphold or modify the civil penalty assessment, such determination shall be within the sole discretion of the Commissioner.
(b) If the employer requests a hearing but the Commissioner denies the request for a hearing, the total civil penalty assessed in the Notice shall be the final civil penalty.
(c) If the employer does not request a hearing or respond in writing to the Notice, the total civil penalty assessed in the Notice shall be the final civil penalty unless otherwise modified by the Commissioner.

Statement of purpose: To establish procedures and guidelines necessary to implement the assessment of civil penalties for violations of Chapter 557 and/or Chapter 558, established in P.A. 93-392.

Be it known that the foregoing regulations are adopted by the aforesaid agency pursuant to Sec. 4-8 of the General Statutes, and by Public Act No. 93-392 of the Public Acts, after publication in the Connecticut Law Journal on November 2, 1993, of the notice of the proposal to adopt such regulations. Wherefore, the foregoing regulations are hereby adopted, effective when filed with the Secretary of State.
In Witness Whereof: March 17, 1994, Ronald F. Petronella, Commissioner.
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes; March 30, 1994.
Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: June 21, 1994.
Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: July 5, 1994.
VIII.

SAMPLE DEDUCTION FORMS
Please note that the following three pages are sample deduction forms.

You may submit these forms or customize your own forms for approval through this office. Simply forward the form to this division along with a cover letter giving the nature of the deduction.
INSERT PAGES 74, 75 AND 76 HERE (SAMPLE DEDUCTION FORMS)
COMMENTS

COMMENTS OR SUGGESTIONS ABOUT THIS BOOK ARE APPRECIATED.
PLEASE SEND THEM TO THE ATTENTION OF:

GARY K. PECHIE, DIRECTOR
CONNECTICUT DEPARTMENT OF LABOR
WAGE & WORKPLACE STANDARDS DIVISION
200 FOLLY BROOK BLVD.
WETHERSFIELD, CT 06109

E-Mail address: gary.pechie@ct.gov