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## MINIMUM WAGES

### PART I

#### Definitions and General Provisions

#### Sec. 31-60-1. Piece rates in relation to time rates or incentive pay plans, including commissions and bonuses

(a) **Definitions.** For the purposes of this regulation, “piece rates” means an established rate per unit of work performed without regard to time required for such accomplishment. “Commissions” means any premium or incentive compensation for business transacted whether based on per centum of total valuation or specific rate per unit of accomplishment. “Incentive plan” means any method of compensation, including, without limitation thereto, commissions, piece rate, bonuses, etc., based upon the amount of results produced, where the payment is in accordance with a fixed plan by which the employee becomes entitled to the compensation upon fulfillment of the conditions established as part of the working agreement, but shall be subject to the limitation hereinafter set forth.

(b) **Record of wages.** Each employer shall maintain records of wages paid to each employee who is compensated for his services in accordance with an incentive plan in such form as to enable such compensation to be translated readily into terms of average hourly rate on a weekly basis for each work week or part thereof of employment.

(c) **Piece rates in relation to time rates.** (1) When an employee is compensated solely at piece rates he shall be paid a sufficient amount at piece rates to yield an average rate of at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes for each hour worked in any week, and the wage paid to such employee shall be not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes for each hour worked. (2) When an employee is compensated at piece rates for certain hours of work in a week and at an hourly rate for other hours, the employee’s hourly rate shall be at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes and his earnings from piece rates shall average at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes for each hour worked on piece rate for that work week, and the wage paid to such employee shall be not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes for each hour worked. (3) When an employee is employed at a combination of hourly rate and piece rate for the same hours of work (i.e., an incentive pay plan superimposed upon an hourly rate or a piece rate coupled with a minimum hourly guarantee), the employee shall receive an average rate of at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes an hour for each hour worked in any week and the wage paid to such employee shall be not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes for each hour worked.

(d) **Commission.** (1) When an employee is compensated solely on a commission basis, he shall be paid weekly an average of at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for each hour worked. (2) When an employee is paid in accordance with a finding for a base rate plus commission, the wage paid weekly to the employee

from these combined sources shall equal at least an average of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes an hour for each hour worked in any work week. All commissions shall be settled at least once in each month in full. When earnings are derived in whole or in part on the basis of an incentive plan other than those defined herein, the employee shall receive weekly at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for each hour worked in the work week, and the balance earned shall be settled at least once monthly.

(Effective August 8, 1972; amended January 4, 2001)

### **Sec. 31-60-2. Gratuities as part of the minimum fair wage**

For the purposes of this regulation, “gratuity” means a voluntary monetary contribution received by the employee from a guest, patron or customer for service rendered. (a) Unless otherwise prohibited by statutory provision or by a wage order gratuities may be recognized as constituting a part of the minimum fair wage when all of the following provisions are complied with: (1) The employee shall be engaged in an employment in which gratuities have customarily and usually constituted and have been recognized as part of his remuneration for hiring purposes and (2) the amount received in gratuities claimed as credit for part of the minimum fair wage shall be recorded on a weekly basis as a separate item in the wage record, even though payment is made more frequently and (3) each employer claiming credit for gratuities as part of the minimum fair wage paid to any employee shall provide substantial evidence that the amount claimed, which shall not exceed the allowance hereinafter provided, was received by the employee. For example, a statement signed by the employee attesting that wages received, including gratuities not to exceed the amount specified herein, together with other authorized allowances, represents a payment of not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for each hour worked during the pay period, will be accepted by the commissioner as “substantial evidence” for purposes of this section, provided all other requirements of this and other applicable regulations shall be complied with.

(b) Allowance for gratuities as part of the minimum fair wage shall not exceed twenty-three percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for hotel industries or not more than thirty-five cents per hour for employees in any other industry in which it can be established that gratuities have, prior to July 1, 1967, customarily and usually constituted and been recognized as part of the employee’s remuneration for hiring purposes for that particular employment. Gratuities received in excess of the amount specified herein as allowable need not be reported or recorded for the purposes of this regulation. The wage paid to each employee shall be at least the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for each hour worked, which may include gratuities not to exceed the limitation herein set forth, provided all conditions herein set forth shall be met.

(Effective August 8, 1972; amended January 4, 2001)

### **Sec. 31-60-3. Deductions and allowances for reasonable value of board and lodging**

(a) For purposes of this regulation, “board” means food furnished in the form of meals on a regularly established schedule. “Lodging” means housing facility

(available to him at all hours of the day) wherein the employee sleeps, rests and may store clothing and personal belongings.

(b) Wages paid to any employee may include the reasonable value of board or lodging as herein established and may be considered as part of the minimum fair wage if such condition is made known to and accepted by the employee at the time of hiring or change of classification as a usual condition of employment. In accordance with the foregoing: An allowance or deduction of not more than eighty-five cents for a full meal and forty-five cents for a light meal will be permitted as part payment of the minimum fair wage, provided such allowance or deduction shall be made in accordance with the hiring agreement which provides for such an allowance or deduction.

(c) A full meal shall provide to the employee a variety of wholesome nutritious food and shall include adequate portions of at least one of the types of food from four of the following groups: (1) Fruit juice or soup; (2) fruit or vegetables; (3) bread, cereal or potatoes; (4) eggs, meat, fish (or a recognized substitute); (5) beverage; (6) dessert.

(d) For a meal which does not meet the qualifications of a full meal, as herein defined, but does provide to the employee adequate portions of wholesome nutritious food, and does include one of the types of food from at least three of the following groups, an allowance not to exceed thirty-five cents will be permitted as part payment of the minimum fair wage: (1) Fruit, fruit juice, soup; (2) cereal, bread (or a recognized substitute); (3) eggs, meat, fish, including sandwiches made thereof (or a recognized substitute); (4) dessert; (5) beverage.

(e) No allowance or deduction in excess of one dollar and eighty cents a day for full meals as supplied, or in excess of seventy cents for light meals, as supplied, will be permitted as part payment of the minimum fair wage. In any case where full meals are made available to the employee by the employer, the allowance of sixty cents for a full meal as defined will be permitted as part payment of the minimum fair wage. In such a case the employee may not elect the light meal in lieu of the full meal. Allowances or deductions may be made only for meals consistent with the employee's work shift when the employee is on duty, and only for meals consistent with a regular meal schedule when the employee is off duty.

(f) An allowance or deduction of not more than four dollars a week for a private room, or of not more than three dollars a week for a room shared with others, will be permitted as part payment of the minimum fair wage, provided the allowance or deduction shall be made in accordance with a hiring agreement which provides for such an allowance or deduction. An allowance or deduction for lodging will be permitted as part payment of the minimum fair wage only when the facility supplied conforms to reasonable specifications with respect to size, privacy, sanitation, heat, light and ventilation. All such facilities shall be open to inspection by an authorized representative of the labor commissioner at any reasonable time. When housing consisting of more than one room is provided for the employee and such circumstances are established in the hiring agreement, the labor commissioner shall establish a reasonable allowance for such housing and in establishing such allowance as it should apply in terms of part I of chapter 558 of the general statutes shall be guided by the prevailing rentals for similar quarters including those authorized by the local housing authority in privately or publicly financed housing. No allowances or deductions will be permitted as part payment of the minimum fair wage when an employee is required to share a bed.

(g) Any deduction for board or lodging not conforming to the conditions herein set forth leaves the employer liable under those sections of statute forbidding the payment to the employee of a wage less than that due him because of his services.

(Amended January 4, 2001)

**Sec. 31-60-4. Physically or mentally handicapped employees**

(a) For the purposes of this regulation, a “physically or mentally handicapped person” means a person whose earning capacity is impaired by age or physical or mental deficiency or injury.

(b) To prevent curtailment of employment opportunities, physically or mentally handicapped workers whose earning capacity has been impaired by a physical or mental impairment which constitutes an actual handicap as directly related to the performance of the duties which the employee is required to perform may be paid at a modification of the minimum fair wage rate, provided:

(1) Permission has been granted by the labor commissioner, after an investigation, to employ the worker at a rate lower than the established minimum fair wage. Such permission shall specify the minimum wage to be paid to the employee and the type of work for which modification of the minimum fair wage was granted. Such permission shall be valid from the date of issuance and acceptance by the employer and employee to the date of revocation or the cancellation of such permission. Such permission may be revoked by the commissioner if investigation discloses that it was obtained by misrepresentation of any kind.

(2) Any deviation from the terms of the permission except an upward revision of the minimum wage set forth in the permission shall be deemed a violation of this regulation and will cancel the permission effective on the date the violation occurs and from that date forward the minimum fair wage as defined in section 31-58 of the general statutes shall be applicable for all hours of employment.

(c) An employer desiring to employ a physically or mentally handicapped worker at a modification of the minimum fair wage rate shall make application to the labor commissioner prior to such employment and shall set forth: (1) The name and address of the person to whom the modified minimum wage rate shall apply; (2) the nature of the handicap; (3) the duties to which the worker will be assigned and the apparent degree of handicap in performing such duties; (4) the proposed hourly rate at which the handicapped worker is to be employed based upon the extent to which the worker is handicapped in the performance of duties required; (5) the willingness of the employee to accept a modified hourly rate subject to approval.

(d) In any case where the nature of the handicap and its relation to the performance of duties to be assigned is not discernible by ordinary observation, the labor commissioner may require certification of such handicap and its relation to job performance by a licensed physician at the expense of the employer.

(e) In any case where the nature of the handicap is due to mental disability, the legal guardian of the employee may act in behalf of the employee with respect to the acknowledgement of the handicap and the acceptance of the modified minimum wage rate.

**Sec. 31-60-5.**

Repealed, March 17, 1970.

**Sec. 31-60-6. Minors under the age of eighteen**

(a) For purposes of this regulation, “minor” means a person at least sixteen years of age but not over eighteen years of age. To prevent curtailment of employment

opportunities for minors and to provide a reasonable period during which training for adjustment to employment conditions may be accomplished, a minor may be employed at a modification of the minimum fair wage established by subsection (j) of section 31-58 of the 1971 Supplement to the General Statutes, but at not less than eighty-five percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for the first two hundred hours of employment. When a minor has had an aggregate of two hundred hours of employment, he may not be employed by the same or any other employer at less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes.

(b) In addition to the records required by section 31-66 of the 1966 supplement to the general statutes and section 31-60-13, each employer shall obtain from each minor to be employed at a modification of the minimum fair wage rate as herein provided a statement of his employment prior to his date of accession with his present employer. Such statement of prior employment, supplemented by the present employer's record of hours worked by the minor while in his employ, will be deemed satisfactory evidence of good faith on the part of the employer with respect to his adherence to the provisions of this regulation, provided such record shall be in complete compliance with the requirements of section 31-66 of the general statutes and section 31-60-12.

(c) Deviation from the provisions of this regulation will cancel the modification of the minimum fair wage herein provided for all hours during which the violation prevailed and for such time the minimum wage shall be paid.

(Effective August 8, 1972; amended January 4, 2001)

### **Sec. 31-60-7. Learners**

(a) For the purposes of this regulation, "learner" means a person who is enrolled in an established program which provides for vocational training for employment in an occupation which is not apprenticeable but for which a training period may extend over a considerable length of time. Learners shall be paid not less than the minimum fair wage unless written permission has been given by the labor commissioner to employ learners at less than the minimum fair wage for no more than two hundred hours in an approved training program.

To obtain such permission the employer shall make written application to the labor commissioner setting forth (1) the occupation for which the learner is to be trained; (2) the length of the training period; (3) a statement setting forth a schedule of work processes in the occupation which the learner is to be taught and the approximate time to be spent at each process; (4) related technical instruction if any; (5) a statement of the proposed graduated scale of wages to be paid the learner during the training period; (6) supervision to be received by the learner; (7) the maximum number of learners to be in training at any given time; (8) the total number of fully trained employees in the same occupation.

If upon examination of such application the labor commissioner finds that a modification of the minimum fair wage earn be approved in accordance with the provisions of section 31-60 of the general statutes, as amended, such approval stipulating the applicable minimum wage and the conditions controlling continuation of the approval will be issued in writing. One copy of this approval shall be retained by the employer and one copy shall be retained by the labor department. Each person to be employed as a trainee at less than the minimum fair wage per hour shall signify his acceptance of the training agreement in writing. This statement shall be retained by the employer as part of his payroll records.

(b) In addition to the records required by section 31-66 of the 1969 supplement to the general statutes and section 31-60-13, the employer shall maintain and retain for the period of the program the following records: (1) Each worker employed as a learner shall be designated as such on the payroll records or personnel records maintained by the employer and all learners shall be listed as a separate group on the payroll records or personnel records maintained by the employer. (2) The employer shall keep a cumulative record of the number of hours worked by each employee at a learner's rate and the total accumulation of such hours shall be carried forward and posted to the payroll record at the end of each pay period.

(Effective March 17, 1970)

### **Sec. 31-60-8. Apprentices**

(a) For the purpose of this regulation, an "apprentice" means a person at least sixteen years of age who is employed to learn a skilled trade in a bona fide apprentice program under an indenture of apprenticeship approved by the Connecticut State Apprenticeship Council of the labor department. "Apprentice program" means an established program for training skilled workers which shall provide (1) training in a skilled trade, ordinarily recognized as apprenticeable for not less than four thousand hours; (2) on the job training according to an established schedule of work processes; (3) related technical training according to requirements for the particular trade; (4) a wage schedule progressing periodically as training advances. "Indenture" means a written agreement entered into by employer and employee by which each is to abide by the terms of the apprenticeship program during the period of apprenticeship.

(b) An apprentice may not be employed at a beginning rate less than the minimum fair wage rate unless permission in each case has been received from the labor commissioner. To obtain such permission the employer shall file an application with the labor department and such application shall include a copy of the standards of the proposed apprentice program as herein defined and a copy of the apprentice indenture. A certification of approval may be issued authorizing the employment of a named apprentice at a modification of the minimum fair wage as defined in section 31-58 of the general statutes for the length of time specified in the apprenticeship agreement when an examination of the program and agreement and an investigation of the training facilities reveals that such program and apprenticeship agreement meets all requirements as set by the Connecticut State Apprenticeship Council of the labor department. One copy of this certification shall be retained by the employer, one copy shall be retained by the labor department and one copy shall be provided to the apprentice. Such certification may be cancelled by the labor commissioner for violation of any of the terms of the certification, but, before any certification is cancelled, both the employer and the apprentice shall be notified in writing of the facts warranting such cancellation and afforded an opportunity to demonstrate or achieve compliance.

(c) In addition to the records required by section 31-66 of the general statutes and section 31-60-13, the employer shall maintain and retain for the period of apprenticeship the following records: (1) Each worker employed as an apprentice shall be designated as such on the payroll records or personnel records maintained by the employer and all apprentices shall be listed as a separate group on the payroll records or personnel records maintained by the employer. (2) The employer shall keep a cumulative record of the number of hours worked by each employee at an apprentice's rate and the total accumulation of such hours shall be carried forward and posted to the payroll record at the end of each pay period.



**Sec. 31-60-9. Apparel**

For the purpose of this regulation, “apparel” means uniforms or other clothing supplied by the employer for use in the course of employment but does not include articles of clothing purchased by the employee or clothing usually required for health, comfort or convenience of the employee. An allowance (deduction) not to exceed one dollar and fifty cents per week or the actual cost, whichever is lower, may be permitted to apply as part of the minimum fair wage for the maintenance of wearing apparel or for the laundering and cleaning of such apparel when the service has been performed. When protective garments such as gloves, boots or aprons are necessary to safeguard the worker or prevent injury to an employee or are required in the interest of sanitation, such garments shall be provided and paid for and maintained by the employer without charge upon the employee.

**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 in 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 inure 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.

(e) Repealed.

(Effective March 17, 1970)

**Sec. 31-60-11. Hours worked**

(a) For the purpose of this regulation, 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. Working time in every instance shall be computed to the nearest unit of fifteen minutes.

(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 employers 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.

### **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 fifteen 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 three 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 upon 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 seventy-five per cent 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 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) Repealed.

(e) The employer shall maintain and retain for a period of three 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.

(Effective March 11, 1970)

### **Sec. 31-60-13. Custodial employees**

Repealed.

(Effective March 17, 1970)

(See 1969 Supp. § 31-66.)

**Sec. 31-60-14. Employee in 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) “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:

(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.

(3) 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, 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

(B) 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.

(Effective June 11, 1968; amended July 25, 2001)

### **Sec. 31-60-15. Employee in 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 per cent, or, in the case of an employee of a retail or service establishment who does not devote

as much as forty per cent, 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 subparagraph (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 seventy-five 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:

(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.

(3) 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, 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

(B) 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.

(c) "Fee basis" means the payment of an agreed sum for the accomplishment of a single task regardless of the time required for its completion. A fee basis payment shall be permitted only for jobs which are unique in nature rather than for a series of jobs which are repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payment on a fee basis shall amount to a rate of not less than the rate set forth in subsection (a) of this section.

(Effective June 11, 1968; amended July 25, 2001)

### **Sec. 31-60-16. Employee in 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 distinguished from a general academic education and from an apprenticeship, and from training in the performance 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 or 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 per cent 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 facilities; 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:

(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.

(3) 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, 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

(B) 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.

(c) "Fee basis" means the payment of an agreed sum for the accomplishment of a single task regardless of the time required for its completion. A fee basis payment shall be permitted only for jobs which are unique in nature rather than for a series of jobs which are repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payment on a fee basis shall amount to a rate of not less than the rate set forth in subsection (a) of this section.

(Effective June 11, 1968; amended July 25, 2001)

**Sec. 31-60-17.**

Repealed, January 4, 2001.

**Part II**

**SPECIFIC ORDERS**

**A**

**MINIMUM FAIR WAGE RATES FOR PERSONS EMPLOYED IN BEAUTY SHOPS**

**Sec. 31-62-A1. Definitions. As used in sections 31-62-A1 to 31-62-A11, inclusive:**

(a) \* \* \* "Beauty shop" means any shop, store or place, or part thereof, in which is conducted the business of a hairdresser or cosmetician as defined in section 20-250 of the general statutes.

(b) "Clerk" means any person, not holding one of the licenses referred to in subdivision (i), who performs the work of an appointment clerk, desk clerk, telephone operator, bookkeeper, stenographer or typist or other clerical work.

(c) "Employee" means anyone in a beauty shop who renders services for remuneration and who is not the owner of that shop. It shall include all part owners, stockholders, booth owners or booth renters to whom any of the following conditions apply: (1) Such person has not obtained a proprietor's certificate of registration from the hairdressers' and cosmeticians' division of the department of health; (2) the shop owner or his agent receives fees from customers for the service of such person, even if these fees or a part of them are returned to such person by the shop owner or his agent; (3) the shop owner or his agent exercises control over the costume, working hours, method of work or general conduct of such person while in the shop; (4) the customers or the public are given the impression, through advertising, signs, verbal statements or other means, that such person is an employee of the shop owner; (5) the shop owner or his agent supplies cosmetics, soap, lotions, pins, liners, instruments, tools, machinery, supplies or equipment of any sort for the use of such person.

(d) "Maids, porters and cleaners" includes any person, not holding one of the licenses referred to in subdivision (i), and not included in the above definition of "clerk," who cleans, sweeps or washes the shop, or cleans and washes combs, brushes or instruments, or who assists operators or patrons in any way.

(e) "Minor" means any person under eighteen years of age.

(f) "Operator" means any person holding a registered hairdresser's and cosmetician's license issued by the state of Connecticut or an assistant hairdresser's and



cosmetician's license issued by the state of Connecticut or any person holding an operator's license issued by the state of Connecticut.

(Effective March 24, 1970)

### **Sec. 31-62-A2. Wage order**

(a) **Rate.** The minimum wage rate shall be the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour except that for minor learner clerks for the first two hundred hours of employment the minimum wage shall be not less than eighty-five percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour.

(b) **Minimum daily earnings guaranteed.** An employee who, by request or permission of the employer, reports for duty on any day whether or not assigned to actual work shall be compensated for a minimum of four hours' earnings at his regular rate.

(c) **Overtime.** All employees shall be paid at one and one-half times their regular rate for all time worked in excess of forty hours.

(Effective August 8, 1972; amended January 4, 2001)

### **Sec. 31-62-A3. Working time**

The term "working time" includes all time during which an employee is required to be on duty or at prescribed premises, whether or not work is then provided by the employer, or during which an employee is permitted to work though not required to do so. Whenever an employee is required by his or her employer to travel to a place other than the regular place of employment, travel time shall be considered as working time and paid for accordingly.

### **Sec. 31-62-A4. Computation of time**

All time shall be reckoned to the nearest unit of fifteen minutes.

### **Sec. 31-62-A5. Tips**

In no event will tips be counted as part of the minimum wage.

### **Sec. 31-62-A6. Commissions, etc.**

No employee who is paid on a commission, piece rate or other basis shall be paid less than the minimum wages provided in section 31-62-A2.

### **Sec. 31-62-A7. Deductions**

No deductions shall be made from the minimum wage rates except those required or authorized by law and except deductions made by the employer for the purpose of paying the employee's premium in an individual or group life insurance policy or a hospitalization policy. Deductions for such premiums shall not be made without the written consent of the employee. Such written consent shall be kept on file and subject to review by the labor department.

### **Sec. 31-62-A8. Charges**

(a) **Supplies and instruments.** The employer shall furnish employees cosmetics and supplies including, but not limited to, emery boards, orange wood sticks, combs, hairbrushes, nets, permanent wave rods and protectors, and curlers and linens. The employee shall furnish the implements including nippers, scissors, files, buffers, tweezers and marcel irons, except such as are part of the shop equipment.

(b) **Uniforms.** Charges for uniforms and their maintenance may equal, but not exceed, the actual cost charge to employers for uniforms or for laundry. In no case may the charge to employees for uniforms, for uniform maintenance or for sharpening of instruments bring the wage paid below the minimum. When charges are made in the form of deductions from the wage, the wage paid, minus the charge, shall be equal to or in excess of the appropriate minimum wage.

(c) **Beauty service.** No charge shall be made to any employee for beauty service rendered in the place of employment or for material used therefor.

### **Sec. 31-62-A9. Handicapped workers**

A worker whose earning capacity is impaired by physical or mental disability may be paid less than the minimum wage on the issuance of a written permit by the labor commissioner.

### **Sec. 31-62-A10. Learner clerks**

(a) A minor learner clerk means a person between sixteen and eighteen years of age. Such person shall be paid not less than the rate herein established for a minor learner clerk.

(b) Repealed, February 18, 1964.

### **Sec. 31-62-A11. Records**

The employer shall keep at the place of employment for a period of three years accurate and legible records in ink for each employee as follows: (1) His name; (2) his address; (3) if an operator, his license number and the classification for which it was issued; (4) his working certificate as proof of age if he is a minor (sixteen to eighteen years); (5) his occupation; (6) his daily and weekly hours worked, showing the beginning and ending hours of each work period; (7) his total daily or weekly basic wages; (8) his overtime wage as a separate item from his basic wage; (9) total additions to or deductions from his wages each pay period; (10) his total wages paid each pay period; (11) a cumulative record of the number of hours worked by him as a learner receiving less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour. Every employer shall supply any of the above information to the labor commissioner or his agents on request. The penalty for failure to keep records or to supply information to the labor department is fifty to two hundred dollars for each offense.

(Effective August 8, 1972; amended January 4, 2001)

## **B**

### **Minimum Fair Wage Rates for Persons Employed in the Laundry Occupation**

#### **Sec. 31-62-B1. Definitions**

As used in sections 31-62-B1 to 31-62-B37, inclusive:

(a) "Adult male engaged in laundry production work" means any male employee eighteen years or older who is engaged in the physical processing of laundry wares such as washing, ironing and any other processing of the laundry bundle from the time when it is received in the marking room in the plant until and including the wrapping of the bundle for delivery.

(b) "Employee" means any person or firm rendering service irrespective of the designation applied to the relationship or the manner of payment unless such person or firm (1) is engaged in an independently established trade, occupation, profession or business; (2) is not part of the sales or distributing organization of or merely an

outlet for the person, firm or corporation for whom the service is rendered; and (3) is free from control in the performance of such service, both under the contract of service and in fact.

(c) “Laundry establishment” includes any place in which any service in connection with any activity of the laundry occupation is performed for compensation, except in domestic service.

(d) “Laundry occupation” means, but without limitations: (1) Any activity in the washing, ironing or processing, incidental thereto, of laundry wares and all other operations carried on in establishments engaged in this business; (2) the collecting, sale, resale or distribution at retail or wholesale of laundry service and the keeping of accounts, billing and any other clerical work in connection therewith; (3) the producing of laundry service for their own use by business establishments, clubs, hospitals or other public or private institutions except those completely supported by the state or municipalities.

(e) A “minor” is any person under eighteen years of age.

(Effective March 24, 1970)

### Sec. 31-62-B2. Wage order

(a) **Rate.** The minimum wage rate shall be the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour up to and including forty hours of work a week.

(b) **Overtime.** Time and a half the regular rate shall be paid for all hours worked in excess of forty per week.

(c) **Minimum daily earnings guaranteed.** Any female or minor employee employed in the laundry occupation and any adult male employee engaged in production work in the laundry occupation, including piece workers, regularly reporting for work, unless given adequate notice the day before to the contrary, or called for work in any day, shall be assured a minimum of four hours’ earnings and shall be paid the minimum rate or his regular rate, whichever is higher, if the employee is able and willing to work for that length of time. Payments shall be made even though no work is provided by the employer, except when the plant’s regular working day on Saturday is less than four hours, in which case payment shall be made as above for a minimum of three hours.

(d) **Piece work.** No employee who is paid on piece work, commission or other basis shall be paid less for the hours worked than the minimum rates.

(e) **Deductions.** No deductions shall be made from the minimum wage rates, except those required or authorized by law; and except deductions made by the employer for the purpose of paying the employee’s premium in an individual or group life or group accident or group health insurance policy. Deductions for such premiums shall not be made without the written consent of the employee. Such written consent shall be kept on file and subject to review by the labor department. Deductions or allowances may also be made for meals and lodging when they constitute a condition of employment but only in accordance with rates which shall be set by the labor commissioner from time to time; provided no deductions of any kind shall be made for lodging, meals and travel expenses supplied an employee by the employer during the period such employee is receiving training or new experience at a place other than the regular place of work, or is traveling to or from such a place in connection with such program.

(Effective August 15, 1972; amended January 4, 2001)

**Sec. 31-62-B3.**

Repealed, March 24, 1970.

**Sec. 31-62-B4. Working time**

All the time during which an employee is required to be at the employer's premises or at a prescribed working place or is permitted to be at those premises for the purpose of work pertaining to the business of such an employer whether or not there is work to be done; and all time during which an employee is required, instructed or requested by an employer to travel after the beginning and before the end of the regular work day to a place other than the regular place of employment, shall be recorded as working time and paid for accordingly. When an employee is required, instructed or requested by the employer to travel to a place other than the regular place of work for the purpose of receiving training or new experience, the first nine hours each day or forty-eight hours each week spent by the employee for the duration of such program and until his return to the site of the regular place of employment, in travel, attendance at lectures or any other activity in connection with such program shall be considered as working time.

**Sec. 31-62-B5. Computation of time**

All time shall be reckoned to the nearest unit of fifteen minutes.

**Sec. 31-62-B6. Handicapped workers**

An employee whose earning capacity has been impaired by physical or mental disability may be paid less than the minimum wage, provided specific permission in each case shall be obtained by the employer from the labor department in accordance with the provisions of section 31-67 of the general statutes.

**Sec. 31-62-B7. Records**

The employer shall keep at the place of employment for a period of three years accurate and legible records in ink for each employee as follows: (1) His name; (2) his address; (3) his working certificate as proof of age if he is a minor (sixteen to eighteen years); (4) his occupation; (5) his total daily and weekly hours worked, showing the beginning and ending hours of each work period; (6) his total daily or weekly basic wage; (7) his overtime wage as a separate item from basic wage; (8) total additions to or deductions from his wages each pay period.

**C****Minimum Fair Wage Rates for Persons Employed in the Cleaning and Dyeing Occupation****Sec. 31-62-C1. Definitions**

As used in sections 31-62-C1 to 31-62-C8, inclusive:

(a) "Cleaning and dyeing" means cleaning, dyeing, redyeing or pressing garments (including hats), upholstery, rugs, or any other fabrics, any process incidental thereto, including collecting and receiving such articles for the above purposes, or giving out or collecting such articles after they have been cleaned, dyed, redyed or pressed. Said term shall not refer to the processes listed above when they are carried on in establishments manufacturing textiles or garments (including hats).

(b) "Employee" means any person or firm rendering service for remuneration irrespective of the designation applied to the relationship or the manner of payment, unless such person or firm (1) is engaged in an independently established trade,

occupation, profession or business; and (2) is not part of the sales or distributing organization of or merely an outlet for the person, firm or corporation for whom the service is rendered; and (3) is free from control in the performance of such service, both under the contract of service and in fact.

(c) “Minor” means any person under eighteen years of age.

(Effective March 24, 1970)

### **Sec. 31-62-C2. Wage order for women and minors**

(a) **Rate.** The minimum wage rate shall be the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour.

(b) **Overtime.** Time and one-half the regular rate shall be paid for all hours worked in excess of forty weekly.

(c) **Minimum daily earnings guaranteed.** Any employee regularly reporting or called for work in any day shall be assured a minimum of four hours’ earnings and shall be paid the minimum rate or his regular rate, whichever is higher, if the employee is able and willing to work for that length of time. Payment shall be made even though no work is provided by the employer, except when there is a suspension of operations due to breakdown or an act of God.

(d) **Divided employment.** Where a person is engaged in operations incidental to cleaning and dyeing and is also engaged in duties other than cleaning and dyeing and when the work time records are not separated, the higher rate shall prevail.

(e) **Deductions.** No deductions shall be made from the minimum wage rates except those required or authorized by law, and except deductions made by the employer for the purpose of paying the employee’s premium in an individual or group life insurance policy or a hospitalization policy. Deductions for such premiums shall not be made without the written consent of the employee. Such written consent shall be kept on file and subject to review by the labor department.

(f) **Piece work and commissions.** Each employee who is paid on a piece work, commission or other basis shall receive not less than the minimum fair wage for the first forty hours worked each week and not less than one and one-half time minimum rate or one and one-half the regular hourly rate, whichever is higher for all hours worked in excess of forty per week. Regular hourly rate is computed by adding together the employee’s total weekly earnings from piece rates or commissions and all other incentive wage allowances and any sums paid for waiting time or other hours worked and then dividing this sum by the number of hours in the week for which compensation was paid to yield the pieceworkers’ or commission workers’ “regular rate” for that week.

(Effective August 8, 1972; amended January 4, 2001)

### **Sec. 31-62-C3.**

Repealed, March 24, 1970.

### **Sec. 31-62-C4. Working time**

Time during which an employee is required by an employer to wait on the employer’s premises shall be considered as working time and paid for accordingly. Whenever an employee is required by his employer to travel to a place other than the regular place of employment, travel time shall be considered as working time and paid for accordingly.

**Sec. 31-62-C5. Computation of time**

All time shall be reckoned to the nearest unit of fifteen minutes.

**Sec. 31-62-C6. Learners and apprentices**

After written permission has been received from the commissioner or his authorized representative, an employer may employ learners at a rate not less than eighty-five percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for a period not to exceed five weeks or two hundred hours, provided the number of such learners shall not at any time exceed ten percent of the total number of employees. Apprentices enrolled in a bona fide apprentice program for any occupation shall conform in every respect to the provisions of the program as established and approved by the commissioner or his authorized representative.

(Effective August 8, 1972; amended January 4, 2001)

**Sec. 31-62-C7. Handicapped workers**

Any employee whose earning capacity is impaired by physical or mental disability may be paid less than the minimum wage on the issuance of a written permit by the labor commissioner.

**Sec. 31-62-C8. Records of employees**

The employer shall keep at the place of employment for a period of three years accurate and legible records in ink for each employee as follows: (1) His name; (2) his address; (3) his working certificate as proof of age if a minor employee (sixteen to eighteen years); (4) his occupation; (5) his daily and weekly hours worked, showing the beginning and ending hours of each work period; (6) his total daily or weekly basic wage; (7) his overtime wage as a separate item from basic wage; (8) additions to or deductions from his wages each pay period; (9) his total wages paid each period. In any case where the guarantee of minimum daily earnings as provided in this order is to be waived because an employee is unable or unwilling to work four hours, a written statement to that effect shall be signed by the employee and kept on file as part of the wage and hour records.

(Effective March 24, 1970)

**Sec. 31-62-C9.**

Repealed, March 24, 1970.

**D**

**Minimum Fair Wage Rates for Persons Employed in the Mercantile Trade**

**Sec. 31-62-D1. Definitions**

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

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

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

(c) "Mercantile trade" means the trade of wholesale or retail selling of commodities and any operation supplemental or incidental thereto, including, but not limited to, buying, delivery, maintenance, office, stock and clerical work. Repair and service

employees may be excluded if the major portion of their duties is unrelated to the mercantile trade as herein defined.

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

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

(Effective March 24, 1970)

### **Sec. 31-62-D2. Wage order**

(a) **Rate.** The following minimum wage is ordered: Not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour.

(b) **Beginners.** There shall be paid for the first two hundred hours in the trade not less than eighty-five percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour.

(c) **Overtime.** Not less than one and one-half times the employee's regular hourly rate shall be paid for all hours in excess of forty in any work week.

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

(Effective August 15, 1972; amended January 4, 2001)

### **Sec. 31-62-D3. Payment of wages**

Each employee shall be paid, weekly, wages not less than the minimum provided in this order, and all commissions as defined herein shall be settled at least once monthly.

### **Sec. 31-62-D4. Regular hourly rate**

Each employer shall establish a regular hourly rate for employees covered by this order. When an employee is paid a commission in whole or in part for his earnings, the regular hourly rate for the purpose of computing overtime shall be determined by dividing the employee's total earnings by the number of hours in the usual work week as supported by time records made in accordance with the provisions of section 31-62-D8.

(Effective March 24, 1970)

### **Sec. 31-62-D5. Computation of time**

All time shall be reckoned to the nearest unit of fifteen minutes.

### **Sec. 31-62-D6. Beginners**

Beginners may be employed at a rate not less than eighty-five percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour for the first two hundred hours in the mercantile trade and not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour thereafter, provided the number of beginners over the age of eighteen does not exceed five per cent of the persons regularly employed in the establishment. Any employee who has completed a two-

hundred-hour learning period in the mercantile trade may not be employed to work at a learner's rate.

(Effective August 15, 1972; amended January 4, 2001)

**Sec. 31-62-D7. Handicapped workers**

Any employee whose earning capacity has been impaired by physical or mental disability may be paid less than the minimum wage, provided specific permission in each case shall be obtained by the employer from the labor department in accordance with the provisions of section 31-67 of the general statutes.

**Sec. 31-62-D8. Records**

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

**Sec. 31-62-D9.**

Repealed, March 24, 1970.

**Sec. 31-62-D10. Employment under other minimum wage orders or for which no wage order has been promulgated**

The provisions of these regulations shall apply to any worker engaged in the mercantile trade as defined herein for the entire work period, unless he is engaged partly in an occupation covered by another wage order or in an occupation for which no wage order has been promulgated and the time spent in each occupation is segregated and recorded.

**Sec. 31-62-D11. No charge for uniforms or other facilities**

The cost of uniforms or other facilities required by the employer as a condition of employment, and the reasonable cost of their maintenance, may not be charged to the employee if such expense would result in the payment of a wage less than the minimum prescribed in this order.

**E**

**Minimum Fair Wage Rates for Persons Employed in the Restaurant and Hotel Restaurant Occupations**

**Sec. 31-62-E1. Wage order**

(a) **Rate.** The following minimum wage is ordered: Not less than the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour, except during the period commencing January 1, 2001, and ending December 31, 2002, the minimum wage for persons employed in the hotel and restaurant industry, including a hotel restaurant, who customarily and regularly



receive gratuities shall be four dollars and seventy-four cents per hour, except during said period the minimum wage for bartenders who customarily and regularly receive gratuities shall be six dollars and fifteen cents per hour.

(b) **Minimum daily earnings guaranteed.** Any employee regularly reporting for work, unless given adequate notice the day before to the contrary, or any employee called for work in any day shall be assured a minimum of two hours' earnings at not less than the minimum rate if the employee is able and willing to work for the length of time. If the employee is either unwilling or unable to work the number of hours necessary to insure the two-hour guarantee, a statement signed by the employee in support of this situation must be on file as part of the employer's records.

(c) **Work on seventh consecutive day.** Not less than one and one-half times the minimum rate for all time worked on the seventh consecutive day.

(d) **Overtime.** Not less than one and one-half times the regular rate for all hours worked in excess of forty in any work week.

(Effective August 15, 1972; amended January 4, 2001)

### Sec. 31-62-E2. Definitions

As used in sections 31-62-E1 to 31-62-E15, inclusive:

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

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

(b) "Restaurant employee" means any person who is employed or permitted to work in any restaurant occupation, establishment or enterprise.

(e) "Service employee" means any employee whose duties relate solely to the serving of food and/or beverages to patrons seated at tables or booths, and to the performance of duties incidental to such service, and who customarily receives gratuities. For the purpose of this order, a person shall not be considered to customarily receive gratuities unless a minimum of ten dollars per week in gratuities is received in the case of full-time employees, or two dollars per day in the case of part-time employees, as evidenced by signed statements of the employee, stating unequivocally that such worker did receive gratuities as herein required, which must be maintained as part of the records of the employer.

(d) "Non-service employee" means an employee other than a service employee, as herein defined. A non-service employee includes, but is not limited to, counter girls,

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

(e) "Gratuities" means a voluntary monetary contribution received by the employee directly from a guest, patron or customer for service rendered.

### **Sec. 31-62-E3. Gratuities as part of the minimum fair wage**

Gratuities shall be recognized as constituting a part of the minimum fair wage when all of the following provisions are complied with:

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

(b) the amount received in gratuities claimed as credit for part of the minimum fair wage shall be recorded on a weekly basis as a separate item in the wage record even though payment is made more frequently, and

(c) each employer claiming credit for gratuities as part of the minimum fair wage paid to any employee shall obtain weekly a statement signed by the employee attesting that he has received in gratuities the amount claimed as credit for part of the minimum fair wage. Such statement shall contain the week ending date of the payroll week for which credit is claimed. Gratuities received in excess of twenty-three percent of the minimum fair wage established by subsection (j) of section 31-58 of the Connecticut General Statutes per hour, need not be reported or recorded for the purpose of this regulation.

(Effective August 21, 1974; amended January 4, 2001)

### **Sec. 31-62-E4. Diversified employment within the restaurant industry**

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

### **Sec. 31-62-E5. Employment under other wage orders**

(a) **Mercantile.** If an employee is engaged partly in the restaurant occupation but is also engaged partly in an occupation covered by the mercantile wage order, the provisions of the mercantile wage order shall apply to the entire work period, except that, when time spent in each occupation is segregated and separately recorded, the allowance for gratuities as permitted as part of the minimum fair wage may be applied to the hours worked by an employee in the restaurant service category.

(b) **Other.** If an employee is engaged partly in an occupation under the restaurant wage order but is also engaged partly in an occupation covered by another wage order other than the mercantile wage order, the higher provisions of each wage order shall apply to the entire work period unless the time spent in each occupation is definitely segregated and so recorded. Where the time spent in each occupation is definitely segregated and so recorded the provisions of the applicable wage order shall apply.

### **Sec. 31-62-E6. Deductions and allowances for the reasonable value of board and lodging**

(a) For purposes of this section, "board" means food furnished in the form of meals on a regularly established schedule. "Lodging" means a housing facility

(available to him at all hours of the day) wherein the employee sleeps and rests and may store clothing and personal belongings. Wages paid to any employee may include the reasonable value of board and/or lodging as herein established and shall be considered as part of the minimum fair wage if such condition is made known to and accepted by the employee at the time of hiring or change of classification as a usual condition of employment.

(b) In accordance with the foregoing, an allowance (or deduction) of not more than eighty-five cents for a full meal and forty-five cents for a light meal shall be permitted as part payment of the minimum fair wage, provided such allowance (or deduction) shall be made in accordance with the hiring agreement which provides for such an allowance (or deduction). A full meal must provide to the employee a variety of wholesome nutritious food and shall include adequate portions of at least one of the types of food from four of the following groups: (1) Fruit juice or soup; (2) fruit or vegetables; (3) bread, cereal or potatoes; (4) eggs, meat, fish (or a recognized substitute); (5) beverage; (6) dessert. For a meal which does not meet the qualifications of a full meal as herein defined but does provide to the employee adequate portions of wholesome nutritious food, and does include one of the types of food from at least three of the following groups, an allowance not to exceed forty-five cents shall be permitted as part payment of the minimum fair wage: (A) Fruit, fruit juice, soup; (B) cereal, bread (or a recognized substitute); (C) eggs, meat, fish, including sandwiches made thereof (or a recognized substitute); (D) dessert; (E) beverage. No allowance (or deduction) in excess of two dollars and fifty-five cents a day for full meals as supplied, or in excess of ninety cents for light meals, as supplied, shall be permitted as part payment of the minimum fair wage. In any case where full meals are made available to the employee by the employer, the allowance of eighty-five cents for a full meal as defined shall be permitted as part payment of the minimum fair wage. In such a case the employee may not elect the light meal in lieu of the full meal. Allowances (or deductions) may be made only for meals consistent with the employee's work shift when the employee is on duty, and only for meals consistent with a regular meal schedule when the employee is off duty.

(c) An allowance (or deduction) of not more than four dollars a week for a private room or of not more than three dollars a week for a room shared with others, shall be permitted as part payment of the minimum fair wage, provided the allowance (or deduction) shall be made in accordance with a hiring agreement which provides for such an allowance (or deduction). An allowance (or deduction) for lodging shall be permitted as part payment of the minimum fair wage only when the facility supplied conforms to reasonable specifications with respect to size, privacy, sanitation, heat, light and ventilation. All such facilities shall be open to inspection by an authorized representative of the labor commissioner at any reasonable time. When housing consisting of more than one room is provided for the employee and such circumstances are established in the hiring agreement, the labor commissioner shall establish reasonable allowance for such housing and in establishing such allowances as it should apply in terms of sections 31-58 to 31-69, inclusive, of the Connecticut General Statutes shall be guided by the prevailing rentals for similar quarters including those authorized by the local housing authority in privately or publicly financed housing. No allowances (or deductions) shall be permitted as part payment of the minimum fair wage when an employee is required to share a bed.

(d) Any deduction for board or lodging not conforming to the conditions herein

set forth leaves the employer liable under those sections of statute forbidding the payment to the employee of a wage less than that due him because of his services.

(See G.S. § 31-69.)

(Amended January 4, 2001)

### **Sec. 31-62-E7. Deductions**

No deductions shall be made from the minimum wage rates excepting those required or authorized by law, and excepting deductions made by the employer for the purpose of paying the employee's premium in an individual or group life insurance policy or a hospitalization policy. Deductions for such premiums should not be made without the written consent of the employee. Such written consent shall be kept on file and subject to review by the labor department.

### **Sec. 31-62-E8. Deposit**

No deposit shall be required by an employer from any employee for a uniform or for any other purpose except by permission of the labor department.

### **Sec. 31-62-E9. Hours worked**

Hours worked shall include all time during which an employee is required to be on the employer's premises or to be on duty, or to be at a prescribed work place, and all time during which an employee is employed or permitted to work, whether or not required to do so. Meal periods may be credited as non-working time, provided the beginning and ending of the meal period shall be so recorded on the time records, and provided the employee shall be entirely free from all work requirements during the period and shall be free to leave the establishment.

### **Sec. 31-62-E10. Travel time and travel expenses**

Any employee who is required or permitted to travel from one establishment to another after the beginning or before the close of the work day, shall be compensated for travel time at the same rate as for working time, and shall be reimbursed for the cost of transportation.

### **Sec. 31-62-E11. Computation of time**

All time shall be reckoned to the nearest unit of fifteen minutes.

### **Sec. 31-62-E12. Employment of the physically or mentally handicapped**

(a) For the purpose of this regulation, issued in accordance with section 31-67 of the general statutes, a "physically or mentally handicapped person" means a person whose earning capacity is impaired by age or physical or mental deficiency or injury.

(b) To prevent curtailment of employment opportunities, physically or mentally handicapped workers whose earning capacity has been impaired by a physical or mental impairment which constitutes an actual handicap as directly related to the performance of the duties which the employee is required to perform may be paid at a modification of the minimum fair wage rate, provided permission has been granted by the labor commissioner, after an investigation, to employ the worker at a rate lower than the established minimum fair wage. Such permission shall specify the minimum wage to be paid to the employee and the type of work for which modification of the minimum fair wage was granted. Such permission shall be valid from the date of issuance and acceptance by employer and employee to the date of revocation or the cancellation of such permission. Such permission may be revoked by the commissioner if investigation discloses that it was obtained by misrepresentation of any kind. Any deviation from the terms of the permission except an upward

revision of the minimum wage set forth in the permission shall be deemed a violation of this regulation and will cancel the permission effective on the date the violation occurs and from that date forward the minimum wage as defined in this wage order shall be applicable for all hours of employment.

(c) An employer desiring to employ a physically or mentally handicapped worker at a modification of the minimum fair wage rate shall make application to the labor commissioner prior to such employment and shall set forth: (1) The name and address of the person to whom the modified minimum wage rate shall apply; (2) nature of the handicap; (3) the duties to which the worker will be assigned and the apparent degree of handicap in performing such duties; (4) the proposed hourly rate at which the handicapped worker is to be employed based upon the extent to which the worker is handicapped in the performance of duties required, and (5) the willingness of the employee to accept a modified hourly rate subject to approval.

(d) In any case where the nature of the handicap and its relation to the performance of duties to be assigned is not discernible by ordinary observation, it shall be within the authority of the labor commissioner to require certification of such handicap and its relation to job performance by a licensed physician at the expense of the employer. In any case where the nature of the handicap is due to mental disability, the legal guardian of the employee may act in behalf of the employee with respect to the acknowledgement of the handicap and the acceptance of the modified minimum wage rate.

### **Sec. 31-62-E13. Executive employees**

Repealed.

(Effective March 24, 1970)

### **Sec. 31-62-E14. Records**

(a) For the purpose of this regulation, issued in accordance with the provisions of section 31-66 of the general statutes, "true and accurate records" means accurate legible records for each employee showing: (1) Name; (2) home address; (3) occupation in which employed; (4) total daily and total weekly hours worked, showing the beginning and ending time of each work period, computed to the nearest unit of fifteen minutes; (5) total hourly, daily or weekly basic wage; (6) additions to or deductions from wages each pay period; (7) total wages paid each pay period, (8) overtime wage as a separate item from basic wage; (9) payment for the seventh consecutive day of work as a separate item; (10) separate itemization on payroll records of each allowance (meals, lodging, gratuities) used as part of the minimum fair wage; (11) statements signed by employee in accordance with section 31-62-E3 when credit for gratuities is claimed as part of minimum fair wage; (12) such other records as are stipulated in accordance with administrative regulation sections 31-60-1 through 31-60-16; (13) working certificates for minor employees (sixteen to eighteen years).

(b) True and accurate records shall be maintained and retained at the place of employment for a period of three years for each employee. 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 upon 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 seventy-five per cent 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 personnel 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.

**Sec. 31-62-E15. Penalty**

Any employer who pays or agrees to pay any employee less than the rates applicable under this wage order shall be subject to the penalty provided in section 31-69 of the Connecticut General Statutes. Any employer who fails to keep the records required under this chapter or to furnish such records to the commissioner or any authorized representative of the commissioner upon request shall be subject to the penalty provided in section 31-69 of the Connecticut General Statutes.

(Effective March 24, 1970; amended January 4, 2001)

(See G.S., § 31-69.)