

DOL-79

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Mandatory Order No. 8

Inquiries or Complaints of Violation of this Order Should be Sent to Wage and Workplace Standards Division, Department of Labor, 200 Folly Brook Blvd., Wethersfield, CT 06109-1114.

STATE OF CONNECTICUT MINIMUM FAIR WAGE RATES FOR PERSONS EMPLOYED IN THE RESTAURANT AND HOTEL RESTAURANT OCCUPATIONS

Web Site: www.ct.gov/dol

SEC. 31-62-E1. WAGE ORDER:

(a) **RATE: THE FOLLOWING MINIMUM WAGES ARE ORDERED: \$8.70 per hour on 1-1-14; \$9.15 per hour on 1-1-15; \$9.60 per hour on 1-1-16; \$10.10 per hour on 1-1-17; \$11.00 per hour on 10-1-19; \$12.00 per hour on 9-1-20, \$13.00 on 8-1-21; \$14.00 per hour on 7-1-22; and \$15.00 per hour on 6-1-23 except those persons employed under this wage order as service employees (waitpersons) shall be paid \$5.69 per hour plus gratuities on 1-1-14; \$5.78 per hour plus gratuities on 1-1-15; \$6.07 per hour plus gratuities on 1-1-16; \$6.38 per hour plus gratuities on 1-1-17; \$6.38 per hour plus gratuities on 10-1-19; \$6.38 per hour plus gratuities on 9-1-20; \$6.38 per hour plus gratuities on 8-1-21; \$6.38 per hour plus gratuities on 7-1-22; and \$6.38 per hour plus gratuities on 6-1-23 and bartenders at \$7.34 per hour plus gratuities on 1-1-14; \$7.46 per hour plus gratuities on 1-1-15; \$7.82 per hour plus gratuities on 1-1-16; \$8.23 per hour plus gratuities on 1-1-17; \$8.23 per hour plus gratuities on 10-1-19; \$8.23 per hour plus gratuities on 9-1-20; \$8.23 per hour plus gratuities on 8-1-21; \$8.23 per hour plus gratuities on 7-1-22; and \$8.23 per hour plus gratuities on 6-1-23.**

(b) **MINIMUM DAILY EARNINGS GUARANTEED:** An 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 that length of time. If the employee is either unwilling or unable to work the number of hours necessary to insure the two-hour guarantee, a statement signed by the employee in support of this situation must be on file as a 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 40 in any work week.

SEC. 31-62-E2. DEFINITIONS:

As used in sections 31-62-E1 to 31-62-E15, inclusive, of the Regulations of Connecticut State Agencies:

(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 nonprofit educational, charitable or religious organization where the food service is not regularly available to the general public, or the preparation and serving of food in hospitals, convalescent homes or homes for the elderly where the food service is not regularly available to the general public and is incidental to the care of the patient.

This occupation includes but is not limited to employees of restaurants, cafeterias, that portion of 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 subsection.

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

(c) "SERVICE EMPLOYEE" means any employee whose duties relate solely to the serving of food or beverage to patrons seated at tables or booths, and to the performance of duties incidental to such service, and who customarily receives gratuities.

(d) "DUTIES INCIDENTAL TO SUCH SERVICE" means performance of the following tasks:

- (1) Taking orders from patrons for food or beverages;
- (2) Checking with customers to ensure that they are enjoying their meals and taking action to correct any problems;
- (3) Checking patrons' identification to ensure that they met minimum age requirements for consumption of alcoholic beverages;
- (4) Collecting payments from customers;
- (5) Writing patrons' food orders on order slips, memorizing orders, or entering orders into computers for transmittal to kitchen staff;
- (6) Preparing checks that itemize and total meal costs and sales taxes;
- (7) Presenting menus to patrons and answering questions about menu items, making recommendations upon request;
- (8) Removing dishes and glasses from tables or counters and taking them to the kitchen for cleaning;
- (9) Serving food or beverages to patrons, and preparing or serving specialty dishes at tables as required;
- (10) Cleaning tables or counters after patrons have finished dining;
- (11) Preparing tables for meals, including setting up items such as linens, silverware, and glassware;
- (12) Explaining how various menu items are prepared, describing ingredients and cooking methods;
- (13) Escorting customers to their tables;

(14) Cleaning tables and floors in service employee's immediate service area before, during, or after serving patrons;

(15) Cleaning and tidying up server stations and drink stations;

(16) Informing customers of daily specials;

(17) Preparing hot, cold and mixed drinks for patrons, including brewing coffee and chilling bottles of wine;

(18) Rolling silverware, setting up food stations, or setting up dining areas to prepare for the next shift or for large parties;

(19) Stocking service areas with supplies such as coffee, food, tableware, and linens;

(20) Bringing wine selections to tables with appropriate glasses, and pouring wines for customers;

(21) Filling salt, pepper, sugar, cream, condiment, and napkin containers;

(22) Describing and recommending wines to customers; and

(23) Garnishing and decorating dishes in preparation for serving.

(e) "NON-SERVICE EMPLOYEE" means an employee other than a service employee, and includes, but is not limited to, countermaids, counterwaitresses, countermen, counterwaiters and those employees serving food or beverage to patrons at tables or booths and who do not customarily receive gratuities.

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

(Effective September 24, 2020)

SEC. 31-62-E2a. SERVICE EMPLOYEES

A service employee shall not be deemed to have performed service duties while an establishment is not open to patrons, shall not claim a credit for gratuities for the time a service employee works when an establishment is not open to patrons, and shall not include any portion of such time as part of the calculation of non-service duties when applying the provisions of section 31-62-E3a of the Regulations of Connecticut State Agencies.

(Effective September 24, 2020)

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 daily, weekly, or bi-weekly basis in a 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 service employee shall obtain substantial evidence as described in Section 30-60-2, such as a daily, weekly, or bi-weekly attestation or statement in electronic or written format demonstrating that the service employee has received in gratuities not less than the amount claimed as credit for part of the minimum fair wage. Such attestation or statement shall contain the week ending date of the payroll week for which credit is claimed. Such attestation or statement may include documentation via an electronic point of service system or any other method that verifies the amount a service employee has received in gratuities for the pay period in question. Such attestation, statement, or substantial evidence shall satisfy the requirements of subsection (b) and this subsection.

(Effective August 21, 1974; Amended January 4, 2001; Amended September 24, 2020)

SEC. 31-62-E3a. SERVICE AND NON-SERVICE DUTIES WITHIN THE RESTAURANT INDUSTRY

(a) On any day that a service employee performs non-service employee duties:

(1) For two hours or more, or

(2) For more than 20 percent of the service employee's shift, whichever is less, the employer shall not claim credit for gratuities as part of the minimum fair wage for that day.

(b) If a service employee performs non-service duties during the course of a day's work in excess of the lesser of subdivision (1) or (2) of subsection (a) of this section, the employer shall segregate and record time spent on non-service duties to claim a credit for gratuities as part of the minimum fair wage for that day.

(Effective September 24, 2020)

SEC. 31-62-E4. DIVERSIFIED EMPLOYMENT WITHIN THE RESTAURANT INDUSTRY has been repealed.

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 the 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 has been repealed.

SEC. 31-62-E7. DEDUCTIONS has been repealed.

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 the 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 nonworking time, provided the beginning and ending time 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.

SSEC. 31-62-E11. COMPUTATION OF TIME.

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

SEC. 31-62-E12. PHYSICALLY OR MENTALLY HANDICAPPED EMPLOYEES.

(This regulation defines a "physically or mentally handicapped person" as a person whose earning capacity is impaired by age or physical or mental deficiency or injury and provides guidelines for a modification of the minimum wage.)

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 15 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 the minimum fair wage;
- (12) Such other records as are stipulated in accordance with administrative regulation sections 31-60-1 through 31-60-14
- (13) Working certificates for minor employees (16 to 18 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 75% or more of his working time away from the 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.

Under Connecticut General Statutes section 31-23 no minor under 16 years of age shall be employed or permitted to work in any restaurant.

Thomas J. Wydra
Director

CONNECTICUT DEPARTMENT OF LABOR
Partner of the American Job Center Network

REV. 10/2020

