



General Assembly

**Substitute Bill No. 412**

February Session, 2024



**AN ACT CONCERNING THE PROTECTION OF WAREHOUSE WORKERS IN THE STATE.**

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

1 Section 1. (NEW) (*Effective October 1, 2024*) As used in this section and  
2 sections 2 to 8, inclusive, of this act:

3 (1) "Employee" means any individual engaged in service to an  
4 employer in a business of such employer. "Employee" does not include  
5 a driver or courier traveling to or from a warehouse distribution center;

6 (2) "Employer" means an individual, corporation, partnership,  
7 limited partnership, limited liability partnership, limited liability  
8 company, business trust, estate, trust, association, joint venture, agency,  
9 instrumentality or any other legal or commercial entity, whether  
10 domestic or foreign, that directly or indirectly, or through an agent or  
11 any other person, including through the services of a third-party  
12 employer, temporary services, staffing agency, independent contractor  
13 or any similar entity, at any time in the prior twelve months, employs  
14 or exercises control over the wages, hours or working conditions of (A)  
15 one hundred or more employees at a single warehouse distribution  
16 center in the state, or (B) one thousand or more employees, in the  
17 aggregate, at one or more warehouse distribution centers in the state  
18 that are owned and operated by the same individual, partnership,

19 corporation, limited liability company, association of persons or other  
20 business entity;

21 (3) "Quota" means a work performance standard or performance  
22 target where (A) an employee is assigned or required to (i) perform a  
23 quantified number of tasks within a defined time period, (ii) perform at  
24 a specified productivity speed, or (iii) handle or produce a quantified  
25 amount of material without a certain number of errors or defects as  
26 measured at the individual or group level within a defined time period,  
27 (B) an employee's actions are categorized and measured between time  
28 performing tasks and not performing tasks, (C) an employee's  
29 performance is ranked in relation to the performance of other  
30 employees, or (D) increments of time are continuously measured,  
31 recorded or tallied within an employee's work day where such  
32 employee is or is not doing a particular activity or set of activities;

33 (4) "Work speed data" means information an employer collects,  
34 stores, analyzes or interprets relating to an individual employee's  
35 performance of a quota, including, but not limited to, quantities of tasks  
36 performed, quantities of items or materials handled or produced, rates  
37 or speeds of tasks performed, measurements or metrics of employee  
38 performance in relation to a quota and time categorized as performing  
39 tasks or not performing tasks; and

40 (5) "Warehouse distribution center" means an establishment as  
41 defined by any of the following North American Industry Classification  
42 System Codes: (A) 493110 for General Warehousing and Storage; (B) 423  
43 for Merchant Wholesalers, Durable Goods; (C) 424 for Merchant  
44 Wholesalers, Nondurable Goods; (D) 454110 for Electronic Shopping  
45 and Mail-Order Houses; or (E) 492110 for Couriers and Express Delivery  
46 Services.

47 Sec. 2. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
48 each employer shall provide to each employee not later than August 1,  
49 2025, or, for an employee hired on or after August 1, 2025, upon hire, a  
50 written description of each quota such employee is or will be subject to,

51 including any potential adverse employment action that may result  
52 from a failure to meet each quota.

53 (b) Whenever the employer makes a change to a quota and such  
54 change results in a different quota for an employee than the most recent  
55 written description provided to the employee pursuant to subsection (a)  
56 of this section, an employer shall:

57 (1) Notify the employee of such change as soon as possible, either  
58 verbally or in writing, prior to such employee becoming subject to the  
59 new quota; and

60 (2) Provide the employee with an updated written description of each  
61 quota for which such employee is subject to not later than two business  
62 days after such quota change.

63 (c) An employer shall provide a written copy of any quota required  
64 pursuant to this section to an employee. Such written copy shall be  
65 provided directly to such employee by a manager during such  
66 employee's work hours.

67 Sec. 3. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
68 no quota shall: (1) Violate the provisions of section 31-51ii of the general  
69 statutes concerning meal periods; (2) interfere with an employee's use  
70 of the bathroom facilities, including reasonable travel time to and from  
71 the bathroom facilities; (3) measure an employee's total output over an  
72 increment of time that is shorter than such employee's work day; (4) be  
73 based solely on ranking the performance of an employee in relation to  
74 the performance of other employees; or (5) measure, record or tally  
75 increments of time during an employee's work day where such  
76 employee is or is not performing a particular activity or set of activities.

77 (b) No employer shall take any adverse action against an employee  
78 for failing to meet a quota (1) that violates the provisions of section 31-  
79 51ii of the general statutes as described in subdivision (1) of subsection  
80 (a) of this section, (2) that interferes with the employee's use of bathroom  
81 facilities, including reasonable time to travel to and from the bathroom

82 facilities, (3) if such employee did not complete such employee's entire  
83 scheduled shift, or (4) that has not been previously provided to an  
84 employee pursuant to section 2 of this act.

85       Sec. 4. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
86 each employer shall establish, maintain and preserve contemporaneous,  
87 true and accurate records of the following: (1) Each employee's own  
88 personal work speed data; (2) the aggregate work speed data for similar  
89 employees at the same warehouse distribution center; and (3) the  
90 written description of each quota that each employee was provided  
91 pursuant to section 2 of this act.

92       (b) An employer shall maintain and preserve any records required  
93 pursuant to this section for a period of not more than three years.

94       (c) Nothing in this section shall require an employer to establish,  
95 maintain and preserve the records required pursuant to this section if  
96 such employer does not use quotas or monitor work speed data.

97       Sec. 5. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
98 if an employee believes meeting a quota caused or will cause a violation  
99 of subsection (a) of section 3 of this act, such employee may request from  
100 such employee's supervisor, or another designated supervisor: (1) A  
101 written description of each quota the employee is subject to; (2) a copy  
102 of any records of the employee's own personal work speed data for the  
103 ninety days prior to such request; and (3) a copy of any records of  
104 aggregated work speed data for similar employees at the same  
105 employer for the ninety days prior to such request.

106       (b) On and after July 1, 2025, a former employee may request from a  
107 former employer: (1) A written description of each quota the employee  
108 was subject to for the ninety days prior to the date of such employee's  
109 separation from employment; (2) a copy of any records of the  
110 employee's own personal work speed data for the ninety days prior to  
111 such employee's separation from employment; and (3) a copy of any  
112 records of aggregated work speed data for similar employees at the  
113 same warehouse distribution center for the ninety days prior to the

114 employee's separation from employment. A former employee may only  
115 make one such request of such former employer under this section.

116 (c) An employer shall provide a written copy of any records  
117 requested pursuant to this section not later than five calendar days after  
118 receipt of such request. Such written copy shall be provided in both  
119 English and the language identified by the requesting employee as the  
120 primary language of such employee. Such written copy shall be  
121 provided directly to such employee by a manager during such  
122 employee's work hours.

123 Sec. 6. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
124 no employer shall discharge or in any way retaliate, discriminate or take  
125 any adverse action against any employee or former employee solely due  
126 to such employee (1) making a request pursuant to section 5 of this act,  
127 or (2) filing a civil action pursuant to section 7 of this act.

128 (b) (1) On and after July 1, 2025, if an employer discharges or in any  
129 way retaliates, discriminates or takes any adverse action against any  
130 employee or former employee within ninety days after such employee  
131 (A) makes a request pursuant to section 5 of this act, or (B) files a civil  
132 action pursuant to section 7 of this act, there shall be a rebuttable  
133 presumption that such adverse action is in violation of this section.

134 (2) Such presumption may be rebutted by clear and convincing  
135 evidence that (1) the adverse action was taken for other permissible  
136 reasons, and (2) the employee (A) making or attempting to make a  
137 request pursuant to section 5 of this act, or (B) filing a civil action  
138 pursuant to section 7 of this act was not a motivating factor in the  
139 employer taking such adverse action.

140 Sec. 7. (NEW) (*Effective October 1, 2024*) (a) On and after July 1, 2025,  
141 any employee aggrieved by a violation of sections 2 to 6, inclusive, of  
142 this act, or the Attorney General on behalf of any employee aggrieved  
143 by a violation of sections 2 to 6, inclusive, of this act, may bring a civil  
144 action in the Superior Court to recover damages, civil penalties and such  
145 equitable and injunctive relief as the court deems appropriate. Any

146 person who prevails in such civil action may be awarded reasonable  
147 attorney's fees and cost to be taxed by the court.

148 (b) Any employer who violates a provision of sections 2 to 6,  
149 inclusive, of this act may be assessed a civil penalty by the court of (1)  
150 one thousand dollars for a first violation, (2) two thousand dollars for a  
151 second violation, or (3) three thousand dollars for a third or subsequent  
152 violations.

153 Sec. 8. (NEW) (Effective October 1, 2024) On and after July 1, 2025, the  
154 Workers' Compensation Commission shall monitor the injury rates of  
155 employees working in warehouse distribution centers in the state. If an  
156 employer is found to have an annual injury rate at or over one and one-  
157 half times the warehousing industry's average annual injury rate, the  
158 Workers' Compensation Commission shall notify the Labor  
159 Commissioner and the commissioner shall determine whether an  
160 investigation concerning potential violations of sections 2 to 6, inclusive,  
161 of this act is appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section
Sec. 2	October 1, 2024	New section
Sec. 3	October 1, 2024	New section
Sec. 4	October 1, 2024	New section
Sec. 5	October 1, 2024	New section
Sec. 6	October 1, 2024	New section
Sec. 7	October 1, 2024	New section
Sec. 8	October 1, 2024	New section

**Statement of Legislative Commissioners:**

In Section 2(b)(2), "change in the quota" was changed to "quota change" for clarity; in Section 4(c), "under this section" was changed to "pursuant to this section" for consistency with standard drafting conventions; in Section 5(a), in Subdiv. (2) "prior ninety days" was changed to "ninety days prior to such request" for conformity and Subdiv. (3) was rewritten for conformity; and Section 6(a) was rewritten for clarity.

**LAB**      *Joint Favorable Subst.*