



General Assembly

February Session, 2024

**Raised Bill No. 413**

LCO No. 2720



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT CONCERNING PREDICTABLE SCHEDULING.***

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 10, inclusive, of this act:

3 (1) "Employee" means any individual suffered or permitted to work  
4 by a covered employer and who is (A) paid on an hourly basis, (B) not  
5 exempt from the minimum wage and overtime compensation  
6 requirements of the Fair Labor Standards Act of 1938 and the  
7 regulations promulgated thereunder, as amended from time to time,  
8 and (C) employed (i) in an occupation in a retail establishment, food  
9 services establishment or hospitality establishment, or (ii) as a nursing  
10 assistant or orderly, as defined in Sections 31-1131 and 31-1132 of the  
11 federal Bureau of Labor Statistics Standard Occupational Classification  
12 system or any successor system, at a long-term health care services  
13 establishment;

14 (2) "Covered employer" means a retail establishment, a food services  
15 establishment, a hospitality establishment or a long-term health care  
16 services establishment that is (A) an employer that employs not less than

17 five hundred employees within the United States or globally and, for an  
18 employer that is a restaurant where food is prepared, served and  
19 consumed on the premises, such employer has not less than thirty  
20 restaurant locations within the United States or globally, or (B) a  
21 franchisee that is part of a network of franchises within the United States  
22 or globally employs not less than five hundred employees in the  
23 aggregate;

24 (3) "Employer" has the same meaning as provided in section 31-71a  
25 of the general statutes;

26 (4) "Franchisee" has the same meaning as provided in section 42-133e  
27 of the general statutes;

28 (5) "Food services establishment" means the fixed point of service  
29 location for food services contractors, caterers, mobile food services,  
30 drinking places, full service restaurants, limited service restaurants,  
31 cafeterias, grill buffets and buffets and snack and nonalcoholic beverage  
32 bars, as defined under Sections 722 to 722515, inclusive, of the 2022  
33 North American Industry Classification System, or other classification  
34 or subsequent edition of the North American Industry Classification  
35 System designated pursuant to regulations adopted by the Labor  
36 Commissioner;

37 (6) "Hospitality establishment" means hotel, motel or casino hotel, as  
38 defined under Sections 721110 and 721120 of the 2022 North American  
39 Industry Classification System, or other classification or subsequent  
40 edition of the North American Industry Classification System  
41 designated pursuant to regulations adopted by the Labor  
42 Commissioner;

43 (7) "Long-term health care services establishment" means a nursing  
44 care facility as defined under Section 623110 of the 2022 North American  
45 Industry Classification System, or other classification or subsequent  
46 edition of the North American Industry Classification System  
47 designated pursuant to regulations adopted by the Labor  
48 Commissioner;

49 (8) "Regular rate" has the same meaning as provided in section 31-  
50 76b of the general statutes;

51 (9) "Retail establishment" means the fixed point of sale location for an  
52 establishment as defined under Sections 4413 to 45999, inclusive, of the  
53 2022 North American Industry Classification System, or other  
54 classification or subsequent edition of the North American Industry  
55 Classification System designated pursuant to regulations adopted by  
56 the Labor Commissioner;

57 (10) "Scheduled work hours" means the hours an employee is  
58 scheduled to work or be available to work pursuant to a work schedule  
59 provided by a covered employer;

60 (11) "Shift" means the consecutive hours a covered employer  
61 schedules an employee to work;

62 (12) "On-call shift" means the consecutive hours a covered employer  
63 schedules an employee to be available to report to work at the request  
64 or permission of the covered employer;

65 (13) "Work schedule" means the written notice of an employee's  
66 scheduled work hours, including specific start and end times for each  
67 scheduled shift or on-call shift, during a consecutive seven-day period;

68 (14) "Work schedule change" means any covered employer-initiated  
69 modification to an employee's work schedule, including, but not limited  
70 to, (A) the addition or reduction of scheduled work hours, (B)  
71 cancellation of a shift or portion of a shift, (C) a change in the date, time  
72 or location of a shift, or (D) scheduling of an employee for an on-call  
73 shift for which the employee does not need to report to work; and

74 (15) "Whistleblower" means a person, or a representative of such  
75 person, with knowledge of an alleged violation of sections 2 to 10,  
76 inclusive, of this act regardless of whether such person is aggrieved by  
77 the violation. "Whistleblower" does not include the state or its  
78 representatives.

79       Sec. 2. (NEW) (*Effective October 1, 2024*) (a) Whenever a covered  
80 employer hires a new employee, such covered employer shall:

81       (1) Obtain a written statement from the employee that includes (A)  
82 the days and times such employee is available to work, and (B) such  
83 employee's desired number of scheduled work hours. The covered  
84 employer shall inform such employee that such written statement may  
85 be modified by the employee at any time; and

86       (2) Provide the employee with a written estimate of the employee's  
87 anticipated scheduled work hours that includes (A) the average number  
88 of scheduled work hours such employee can expect to work each week,  
89 (B) the minimum and maximum number of scheduled work hours the  
90 employee can expect to work each week, (C) the minimum length of  
91 shifts that the employee can expect to work each week, (D) the number  
92 of days, the amount of time and the number of shifts that the employee  
93 can expect to work each week, and (E) the days of the week and times  
94 or shifts on which the employee will not be scheduled to work. A  
95 covered employer may revise such written estimate if there are changes  
96 in the employee's availability or if there are changes to the covered  
97 employer's business needs. Any written estimate made without a basis  
98 in good faith shall be a violation of this subsection.

99       (b) If an employee's average weekly scheduled work hours  
100 significantly exceed the number provided in the written estimate, a  
101 covered employer shall not be in violation of this section if such covered  
102 employer made every effort to schedule the employee for such  
103 employee's desired number of weekly scheduled work hours.

104       Sec. 3. (NEW) (*Effective October 1, 2024*) (a) Not later than the date of  
105 an employee's first shift, a covered employer shall provide such  
106 employee with the employee's work schedule for the period  
107 commencing on the date of the employee's first shift and ending on the  
108 last date of the seven-day period covered by the work schedule posted  
109 by the covered employer pursuant to subsection (b) of this section.  
110 Thereafter, a covered employer shall provide the employee such

111 employee's work schedule in accordance with the provisions of  
112 subsection (b) of this section.

113 (b) Not later than fourteen days prior to the first date of any work  
114 schedule, a covered employer shall post the work schedule in a  
115 conspicuous place at such covered employer's workplace and shall  
116 distribute to each employee of such covered employer a copy of such  
117 employee's work schedule. Such distribution may be by electronic  
118 means if electronic means are regularly used to communicate  
119 scheduling information to such covered employer's employees. The  
120 work schedule shall include all employees currently employed by such  
121 covered employer, whether or not such employees are scheduled to  
122 work any shifts in such work schedule.

123 (c) If there is a change in an employee's work schedule, a covered  
124 employer shall (1) provide such employee with notice, in writing, of  
125 such change as soon as possible and prior to such work schedule change  
126 taking effect, and (2) revise the posted work schedule to reflect such  
127 change not later than twenty-four hours after making such change to the  
128 work schedule.

129 (d) No covered employer shall require an employee to work any  
130 hours not included in the original or any subsequent versions of the  
131 posted work schedule. An employee may consent to work any such  
132 hours, provided such consent is in writing.

133 (e) No covered employer shall require an employee to work any shift  
134 that begins less than eleven hours after the end of such employee's  
135 previous day's shift or during the eleven-hour period following the end  
136 of a shift that spanned more than one day. An employee may consent to  
137 work such shift, provided such consent is in writing. If an employee  
138 consents to working such shift, such employee shall be paid  
139 compensation at one and one-half times the employee's regular rate of  
140 pay for the hours worked during such shift.

141 (f) (1) An employee may request adjustments to such employee's  
142 work schedule, including, but not limited to, requests (A) to be

143 scheduled (i) for certain hours, days or locations of work, (ii) for more  
144 or fewer work hours, or (iii) consistently for a specified or minimum  
145 number of weekly work hours, or (B) to not be scheduled for work shifts  
146 during certain days or times or at certain locations.

147 (2) A covered employer shall engage in a collaborative process to  
148 discuss any employee request for an adjustment or change to such  
149 employee's work schedule, and may grant or deny the request for any  
150 bona fide business reason that is not unlawful.

151 Sec. 4. (NEW) (*Effective October 1, 2024*) (a) For each instance a covered  
152 employer (1) adds one or more hours of work to an employee's work  
153 schedule, or (2) changes the date, time or location of an employee's shift  
154 without a reduction of hours less than seven days prior to the  
155 commencement of such employee's scheduled work hours, such  
156 covered employer shall pay such employee one additional hour of pay  
157 at such employee's regular rate.

158 (b) Any time a covered employer cancels or reduces the scheduled  
159 work hours of an employee's scheduled shift (1) after such employee  
160 reports to work for such scheduled shift, or (2) less than seven days prior  
161 to the commencement of such scheduled shift, such covered employer  
162 shall pay such employee at one-half of such employee's regular rate for  
163 the scheduled work hours of such cancelled shift or for the scheduled  
164 work hours that were reduced for such shift.

165 (c) The provisions of this section shall not apply if a covered employer  
166 changes, reduces or cancels an employee's scheduled work hours due  
167 to:

168 (1) An employee's written request, including, but not limited to, a  
169 request to use sick leave, vacation leave or other leave pursuant to the  
170 covered employer's policy;

171 (2) A mutually agreed upon shift trade or coverage arrangement  
172 between employees, subject to an existing covered employer policy  
173 regarding such shift trade or coverage arrangement; or

174 (3) The inability of a covered employer's operations to begin or  
175 continue due to (A) the failure of a public utility, (B) the shutdown of  
176 public transportation, (C) fire, flood or other natural disaster, or (D) an  
177 emergency declaration issued by the President of the United States or  
178 the Governor.

179 Sec. 5. (NEW) (*Effective October 1, 2024*) (a) (1) Prior to hiring a new  
180 employee from an external applicant pool or through a contractor,  
181 including a temporary help service or an employment agency, as  
182 defined in section 31-129 of the general statutes, a covered employer  
183 shall make every effort to schedule such covered employer's current  
184 employees for such current employees' desired number of weekly  
185 scheduled work hours identified in the written statements provided  
186 pursuant to section 2 of this act, provided a covered employer may hire  
187 a new employee if such covered employer's current employees lack, and  
188 cannot obtain with reasonable training, the qualifications necessary to  
189 perform the duties of the position being filled.

190 (b) If a covered employer fails to offer such covered employer's  
191 current employees opportunities to work such current employees'  
192 desired number of weekly scheduled work hours before hiring a new  
193 employee from an external applicant pool or through a contractor, such  
194 covered employer shall compensate such covered employer's current  
195 employees at such current employees' regular hourly rate for hours  
196 worked by a newly hired employee that occurred within a current  
197 employees' desired number of weekly scheduled work hours identified  
198 in the written statement provided pursuant to section 2 of this act.

199 (c) Nothing in this section shall be construed to require any covered  
200 employer to schedule employees to work hours required to be paid at  
201 an overtime rate under state or federal law.

202 Sec. 6. (NEW) (*Effective October 1, 2024*) Nothing in sections 2 to 5,  
203 inclusive, of this act shall be construed to prohibit a covered employer  
204 from adopting policies related to employee scheduling that are more  
205 favorable to an employee than those required by sections 2 to 5,

206 inclusive, of this act.

207       Sec. 7. (NEW) (*Effective October 1, 2024*) Each covered employer,  
208 subject to the provisions of sections 2 to 5, inclusive, of this act, shall  
209 keep a true and accurate record for not less than three years of (1) the  
210 shifts worked each day and each week by each of its employees, (2) each  
211 employee's work schedule, and (3) any revisions to such work schedule.

212       Sec. 8. (NEW) (*Effective October 1, 2024*) The Labor Commissioner may  
213 adopt regulations, in accordance with the provisions of chapter 54 of the  
214 general statutes, to implement and enforce the provisions of sections 2  
215 to 5, inclusive, and section 7 of this act, including, but not limited to, a  
216 process for the commissioner to address complaints relating to  
217 violations of said sections 2 to 5, inclusive, and section 7 of this act.

218       Sec. 9. (NEW) (*Effective October 1, 2024*) (a) Any person aggrieved by  
219 a violation of any provision of sections 2 to 5, inclusive, and section 7 of  
220 this act, or a collective bargaining agent on behalf of such person, or the  
221 Labor Commissioner may bring a civil action in the Superior Court to  
222 recover damages, civil penalties and such equitable and injunctive relief  
223 as the court deems appropriate. Any individual who prevails in such  
224 civil action shall be awarded reasonable attorney's fees and costs to be  
225 taxed by the court. Any covered employer alleging an individual  
226 bringing a civil action under this section is an independent contractor  
227 shall bear the burden of proof that such individual is, under applicable  
228 law, an independent contractor rather than an employee of such covered  
229 employer.

230       (b) In the case of a civil action under this section, the Superior Court  
231 may grant, in addition to, or as an alternative to, any other remedies  
232 provided by law, the following relief to an employee, or former  
233 employee, for a violation of any provision of sections 2 to 5, inclusive,  
234 and section 7 of this act:

235       (1) All compensatory damages and other relief required to make the  
236 employee or former employee whole;



237 (2) An order directing the covered employer to comply with the  
238 recordkeeping requirements of section 7 of this act;

239 (3) For each violation of the provisions of section 3 of this act, (A) two  
240 hundred dollars, and (B) an order directing compliance with said  
241 sections;

242 (4) For each violation of the provisions of section 4 of this act, (A)  
243 payment of compensation withheld in violation of said section, (B) three  
244 hundred dollars, and (C) an order directing compliance with said  
245 subsection;

246 (5) For each violation of the provisions of section 2 of this act, (A) two  
247 hundred dollars, and (B) an order directing compliance with said  
248 subsection; and

249 (6) For each violation of the provisions of section 5 of this act, (A) the  
250 greater of five hundred dollars or such employee's actual damages, and  
251 (B) an order directing compliance with said subsection.

252 (c) The relief authorized pursuant to subsection (b) of this section  
253 shall be imposed on a per-employee or per-instance basis for each  
254 violation.

255 (d) A covered employer that violates a provision of section 2 of this  
256 act, subsections (a) to (c), inclusive, of section 3 of this act or section 4 or  
257 5 of this act may be assessed a civil penalty by the court of not more than  
258 two hundred dollars for each employee affected by such violation  
259 during each pay period such violation continued. Any civil penalty  
260 assessed under this subsection shall be paid to the Labor Commissioner.

261 Sec. 10. (NEW) (*Effective October 1, 2024*) (a) (1) A whistleblower may,  
262 on behalf of the state, bring a civil action in the Superior Court against a  
263 covered employer who violates any provision of sections 2 to 5,  
264 inclusive, of this act to seek equitable remedies or penalties described in  
265 section 9 of this act.

266 (2) The state may intervene in an action brought under this section at

267 any time from the commencement of the action until thirty days after  
268 the commencement of the action. After thirty days, the state may  
269 intervene with permission from the court.

270 (b) (1) Not less than thirty days before the action is filed, the  
271 whistleblower shall give written notice to the Labor Commissioner of  
272 the specific provisions of sections 2 to 5, inclusive, of this act that such  
273 whistleblower alleges a covered employer violated.

274 (2) The commissioner may prosecute an action brought under this  
275 section in the name of the Labor Department or allow the whistleblower  
276 to proceed on behalf of the state.

277 (c) (1) The proceeds of any judgment entered in favor of a  
278 whistleblower pursuant to this section shall be distributed as follows:  
279 (A) Seventy-five per cent to the department for enforcement of this  
280 section; and (B) twenty-five per cent to the first whistleblower who filed  
281 the action.

282 (2) In addition to the amount described in subdivision (1) of this  
283 subsection, the court shall award reasonable attorney's fees to a  
284 whistleblower who prevails in an action brought pursuant to said  
285 subdivision.

286 (d) The court shall review any settlement of civil action filed pursuant  
287 to this chapter. Once the court determines that such settlement is fair,  
288 adequate, reasonable and in the public interest, the court shall approve  
289 such settlement.

290 (e) The right to bring an action under this section is not impaired by  
291 any private contract.

292 (f) An action under this section shall be tried promptly and without  
293 regard to concurrent adjudication of private claims.

294 (g) If any part of a whistleblower's claim under this section is ordered  
295 or submitted to arbitration or is resolved by way of final judgment,  
296 settlement or arbitration in favor of the employee, the employee

297 whistleblower retains standing to recover penalties for violations  
298 suffered by the other employees in any forum having jurisdiction over  
299 the claim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	New section
Sec. 2	<i>October 1, 2024</i>	New section
Sec. 3	<i>October 1, 2024</i>	New section
Sec. 4	<i>October 1, 2024</i>	New section
Sec. 5	<i>October 1, 2024</i>	New section
Sec. 6	<i>October 1, 2024</i>	New section
Sec. 7	<i>October 1, 2024</i>	New section
Sec. 8	<i>October 1, 2024</i>	New section
Sec. 9	<i>October 1, 2024</i>	New section
Sec. 10	<i>October 1, 2024</i>	New section

**Statement of Purpose:**

To (1) require certain employers to provide advance notice to certain employees of such employees' work schedule and work schedule changes, (2) create a cause of action and penalties against employers for alleged violations, and (3) allow whistleblowers who know of a violation to bring a suit for an alleged violation.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*