



State of Connecticut

HOUSE OF REPRESENTATIVES
STATE CAPITOL
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May 29, 2021

Commissioner Kurt Westby
Office of the Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109

Dear Commissioner Westby,

Given that our building remains closed, and public input is limited, I believe it critical we gather as much information as possible prior to this vote so I'm writing to ask for input on legislation before our chamber that will impact the manner in which certain employer's schedule employee shifts. Our businesses continue to face strong headwinds climbing out of this pandemic, especially our hospitality and tourism industry, and before the House takes up this legislation, I am trying to ascertain the scope of impact on Main Street businesses.

Despite heavy opposition, Senate Bill 668, *An Act Concerning a Fair Work Week Schedule*, recently passed the state Senate and currently sits on our House calendar. In its current form, this bill requires employers with 500 or more employees globally, and restaurants with more than 30 restaurants and more than 500 employees globally, to provide 7 days' advance notice of an employee's work schedule. While purported to give employees a chance to know their work schedules in advance, the bill also requires employers that must make any changes within the notice period to pay the employee for the work that was scheduled, whether or not the employee is needed for that period of time or actually works. If the employer fails to do so, they're subject to civil penalties.

While this policy is generally troubling, the actual impact of this legislation will depend primarily on how your department interprets the scope of the legislation – specifically which employers are subject to the bill. "Employer" is defined as one that either 1) employs not less than five hundred employees globally and, for an employer that is a restaurant where food is prepared, served and consumed on the premises, such employer has not less than thirty restaurant locations globally, or 2) a franchisee, if the global network of franchises employs not less than five hundred employees in the aggregate.

As we consider final action on this legislation, it would be most helpful for us to know, as specifically as possible, what employers your department contemplates will be subject to this bill. For example, is “globally” considered “worldwide?” How will non-profit employers be handled? Organizations that do such important work in our communities, such as the YMCA, the United Way, American Red Cross, Ronald McDonald House Charities, Make-A-Wish, and others, likely have well over 500 employees “globally”. I am concerned that the broad definitions will capture any and all of these types of charitable organizations, thus impacting their ability to fulfill their worthy missions. Are they expected to know a week in advance what their needs are – and if they estimate wrong, will they need to use already scarce donor funds to pay employees for not working or be penalized?

Even more concerning is the type of information that your department will need to collect and maintain in order to interpret and enforce this legislation. Does your department have such information already or is it contemplating new employer requirements in order to gather it? For example, does your department have information on how many employees Connecticut employers employ worldwide? Does your department have employee information for businesses located outside of the state, but that are doing business in Connecticut? If the department does not have such information, and it’s needed to determine whether a particular business is subject to this legislation, how does the department propose to collect and maintain such information? What, if any, department resources will be made available to enforce the provisions of this bill? Will additional resources be necessary?

These are but a few examples of the many concerns I and others have with this legislation and how it may be interpreted and enforced. As we emerge from the COVID-19 pandemic and do all we can to restart our economy, I believe we need to be laser focused on doing all we can to support our state’s job creators, including our critical non-profit organizations, and reject legislation such as this that does exactly the opposite. I hope that you agree and, should this legislation become law, that you will interpret and enforce the provisions of this bill having considered its likely scope and impact.

Sincerely,



House Republican Leader

Cc: Ned Lamont, Governor
Matthew Ritter, Speaker of the House
Jason Rojas, House Majority Leader
Representative Robyn Porter
Representative Harry Arora