



Senate

General Assembly

File No. 212

February Session, 2026

Substitute Senate Bill No. 436

Senate, March 26, 2026

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ADVANCED NOTICE OF AN EMPLOYEE'S WORK SCHEDULE BY AN EMPLOYER.

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

1 Section 1. (NEW) (*Effective October 1, 2026*) As used in this section and
2 sections 2 to 9, inclusive, of this act:

3 (1) "Employee" means an individual who is employed (A) in a retail
4 establishment, food services establishment or hospitality establishment,
5 or (B) as a nursing assistant or orderly at a long-term health care services
6 establishment. "Employee" does not include an individual who is
7 exempt from the minimum wage and overtime compensation
8 requirements of the Fair Labor Standards Act of 1938 and regulations
9 promulgated thereunder, as amended from time to time;

10 (2) "Employer" means any person that is (A) a retail establishment,
11 hospitality establishment or long-term health care services
12 establishment that employs five hundred or more employees within the

13 United States or globally, or (B) a food services establishment that
14 employs five hundred or more employees within the United States or
15 globally and has thirty or more locations within the United States or
16 globally. "Employer" includes a franchisee that is part of a network of
17 franchises within the United States and globally that employs five
18 hundred or more employees in the aggregate;

19 (3) "Franchisee" has the same meaning as provided in section 42-133e
20 of the general statutes;

21 (4) "Food services establishment" means food services and drinking
22 places, as defined under code 722 of the 2022 North American Industry
23 Classification System;

24 (5) "Hospitality establishment" means hotels and motels, as defined
25 under code 721110 of the 2022 North American Industry Classification
26 System, and casino hotels, as defined under code 721120 of the North
27 American Industry Classification System;

28 (6) "Long-term health care establishment" means nursing care
29 facilities, as defined under code 623110 of the 2022 North American
30 Industry Classification System;

31 (7) "Nursing assistant" means nursing assistant, as defined in Section
32 31-1131 of the federal Bureau of Labor Statistics Standard Occupational
33 Classification system or any successor system;

34 (8) "On-call shift" means the specific and consecutive hours an
35 employer requires an employee to be available to work and for which
36 the employer requires the employee to either contact the employer or
37 wait to be contacted by the employer to determine whether the
38 employee must report to work;

39 (9) "Orderly" means orderly, as defined in Section 31-1132 of the
40 federal Bureau of Labor Statistics Standard Occupational Classification
41 system or any successor system;

42 (10) "Person" means any individual, partnership, association, joint

43 stock company, trust, firm, business, nonprofit agency, corporation,
44 limited liability company or any other entity employing any person;

45 (11) "Regular rate" has the same meaning as provided in section 31-
46 76b of the general statutes;

47 (12) "Regular shift" means the specific and consecutive hours an
48 employer schedules an employee to work;

49 (13) "Retail establishment" means the fixed point of sale location for
50 an establishment defined under sectors 44 to 45 of the 2022 North
51 American Industry Classification System; and

52 (14) "Work schedule" means the regular shifts and on-call shifts an
53 employer assigns to an employee, including the dates, times and
54 location of such regular and on-call shifts.

55 Sec. 2. (NEW) (*Effective October 1, 2026*) (a) Prior to the start of
56 employment, an employer shall obtain a written statement from a new
57 employee that includes the days and times the employee is available to
58 work and the employee's desired number of weekly scheduled work
59 hours. An employee may request to modify such written statement at
60 any time during employment and an employer may grant or deny any
61 such request for any bona fide business reason.

62 (b) Prior to the start of employment, an employer shall provide a new
63 employee with a good faith written estimate of the employee's
64 anticipated work schedule that includes the average number of hours
65 the employee can expect to work in an average week and the days and
66 times of regular and on-call shifts the employee can expect to work each
67 week. An employer shall revise such estimate when there is a significant
68 change in the employee's availability or to the employer's business
69 needs. An employer shall not be in violation of this section if an
70 employee's scheduled hours for any given week exceed the average
71 number of hours provided in the written estimate, provided such
72 employer has made every effort to schedule the employee for such
73 employee's desired number of weekly scheduled work hours.

74 Sec. 3. (NEW) (*Effective October 1, 2026*) (a) An employer shall provide
75 an employee with notice of the employee's work schedule not later than
76 fourteen days prior to the first date of any work schedule. Such notice
77 may be provided by (1) posting the work schedule in a conspicuous
78 place, accessible to employees, at such employer's place of business, or
79 (2) transmitting the work schedule by electronic means. For a new
80 employee, an employer shall provide such employee with the
81 employee's initial work schedule not later than the date of the
82 employee's first scheduled shift for the period commencing on the date
83 of the employee's first scheduled shift and ending on the last day of the
84 seven-day period covered by the latest posted or transmitted work
85 schedule. If an employer makes changes to an employee's work
86 schedule after such work schedule is posted or transmitted, such
87 changes shall be subject to the notice requirements set forth in
88 subsection (b) of this section and the compensation requirements set
89 forth in subsection (d) of this section.

90 (b) An employer shall provide an employee with notice of any
91 employer-requested change to such employee's work schedule made
92 after the advanced notice required pursuant to subsection (a) of this
93 section. Such notice shall be provided in writing, as soon as possible and
94 prior to the start of any amended or added regular or on-call shift. An
95 employer shall revise the posted or transmitted work schedule to reflect
96 such change not later than twenty-four hours after making such change
97 to the work schedule. An employee may decline to work any regular or
98 on-call shifts not included in the posted or transmitted work schedule.
99 If an employee consents to working any such shifts, such consent shall
100 be in writing.

101 (c) At any time after the advanced notice required pursuant to
102 subsection (a) of this section, an employee may request, in writing, that
103 the employer add one or more regular or on-call shifts to such
104 employee's schedule or to swap shifts with another employee. Any
105 changes made to the employee's work schedule resulting from such
106 employee-requested schedule change shall not be subject to the notice
107 requirements of subsection (b) of this section.

108 (d) An employer shall provide the following compensation to an
109 employee for each employer-requested change that occurs to the
110 employee's work schedule without adherence to the notice
111 requirements in subsection (b) of this section:

112 (1) One hour of pay at such employee's regular rate of pay, in addition
113 to wages earned, when the employer:

114 (A) Adds one or more hours to an employee's regular or on-call shift;

115 (B) Changes the date, start or end time or location of an employee's
116 regular or on-call shift without a reduction of hours; or

117 (C) Schedules the employee for an additional regular or on-call shift.

118 (2) One-half of such employee's regular rate of pay per hour for each
119 scheduled hour the employee does not work when the employer:

120 (A) Subtracts hours from the employee's work shift before or after
121 such employee reports to work;

122 (B) Cancels the employee's regular shift; or

123 (C) Changes the date, start or end time or location of an employee's
124 regular or on-call shift, resulting in a loss of hours.

125 (e) The compensation requirements of subsection (d) of this section
126 shall not apply when:

127 (1) An employee mutually agrees with another employee to an
128 employee-initiated shift swap or coverage. Such employee-initiated
129 shift swap or coverage shall be subject to any existing employer policy
130 regarding shift swapping or shift coverage;

131 (2) An employer makes changes to an employee's work schedule at
132 the employee's request pursuant to subsection (c) of this section;

133 (3) An employee requests to use sick leave, vacation leave or other
134 leave, subject to an employer policy regarding employee use of leave;

135 and

136 (4) An employer's operations are unable to begin or continue due to:

137 (A) The failure of a public utility;

138 (B) A fire, flood or other natural disaster; or

139 (C) An emergency declaration issued by the President of the United
140 States or the Governor.

141 Sec. 4. (NEW) (*Effective October 1, 2026*) (a) No employer shall
142 schedule or require an employee to work during the following rest
143 periods:

144 (1) The first eleven hours following the end of the previous calendar
145 day's regular or on-call shift; or

146 (2) The first eleven hours following the end of a regular or on-call
147 shift that spanned two calendar days.

148 (b) An employee may consent to work any hours during the rest
149 periods described in subsection (a) of this section, provided such
150 consent is in writing. For any hour or portion of an hour an employee
151 works during the rest periods described in subsection (a) of this section,
152 an employer shall compensate such employee at one and one-half times
153 the employee's regular rate of pay.

154 Sec. 5. (NEW) (*Effective October 1, 2026*) (a) Prior to hiring a new
155 employee from an external applicant pool, including hiring through the
156 use of a contractor, including temporary help service or employment
157 agency, as defined in section 31-129 of the general statutes, an employer
158 shall offer available shifts to existing employees and make every effort
159 to schedule such employer's current employees for such current
160 employees' desired number of weekly scheduled work hours identified
161 in the written statement provided by such employees pursuant to
162 section 2 of this act.

163 (b) An employer may hire individuals from an external applicant

164 pool if such employer's current employees lack and cannot obtain with
165 reasonable training the qualifications necessary to perform the duties of
166 the position being filled or scheduling current employees would require
167 the employer to pay such employees at an overtime rate under state or
168 federal law.

169 (c) If an employer fails to offer such employer's current employees
170 opportunities to work such employees' desired number of weekly
171 scheduled work hours identified in an employee's written statement
172 provided pursuant to section 2 of this act before hiring a new employee
173 from an external applicant pool or through use of a contractor, such
174 employer shall provide compensation to an affected current employee
175 for any hours on such written statement worked by a newly hired
176 employee. Such compensation shall be at the current employee's regular
177 hourly rate.

178 Sec. 6. (NEW) (*Effective October 1, 2026*) An employer subject to the
179 provisions of sections 2 to 5, inclusive, of this act shall keep and maintain
180 a true and accurate record of each employee's work schedule and any
181 revisions to such work schedule. Such records shall be maintained for a
182 period of three years and shall be open to inspection by the Labor
183 Commissioner, or the commissioner's designee, at any reasonable time.

184 Sec. 7. (NEW) (*Effective October 1, 2026*) The Labor Commissioner may
185 adopt regulations, in accordance with the provisions of chapter 54 of the
186 general statutes, to implement and enforce the provisions of sections 2
187 to 6, inclusive, of this act.

188 Sec. 8. (NEW) (*Effective October 1, 2026*) (a) An employee aggrieved by
189 a violation of the provisions of sections 2 to 5, inclusive, of this act, a
190 collective bargaining agent on behalf of an employee aggrieved by a
191 violation of the provisions of sections 2 to 5, inclusive, of this act or the
192 Labor Commissioner may file a complaint in the Superior Court to
193 recover compensatory damages, civil penalties and such equitable and
194 injunctive relief as the court deems appropriate. In addition, the court
195 may award reasonable attorney's fees and costs.

196 (b) An employer who violates the provisions of sections 2 to 5,
197 inclusive, of this act may be assessed a civil penalty of not more than
198 two hundred dollars per violation. Any civil penalty assessed under this
199 subsection shall be paid to the Labor Department.

200 (c) In addition to any damages, or as an alternative to, any relief
201 ordered pursuant to subsection (b) of this section, the court may (1) issue
202 an order of compliance to an employer who violates any provision of
203 sections 2 to 5, inclusive, of this act, or (2) award the following on a per-
204 employee or per-instance basis: (A) For a violation of sections 2 to 4,
205 inclusive, of this act, statutory damages of not more than two hundred
206 dollars; and (B) for a violation of section 5 of this act, statutory damages
207 of not more than three hundred dollars.

208 Sec. 9. (NEW) (*Effective October 1, 2026*) (a) A whistleblower may, on
209 behalf of the state, bring a civil action in the Superior Court against a
210 covered employer who violates the provisions of sections 2 to 5,
211 inclusive, of this act to recover damages, civil penalties and equitable
212 and injunctive relief described in section 8 of this act. The state may
213 intervene in an action brought under this section not later than thirty
214 days after the commencement of such action. After thirty days, the state
215 may intervene with permission from the court.

216 (b) Prior to bringing a civil action under this section, a whistleblower
217 shall give written notice to the Labor Commissioner, in a form and
218 manner prescribed by the Labor Commissioner. Such notice shall state
219 the alleged violation of sections 2 to 5, inclusive, of this act. Not later
220 than thirty days after receipt of such notice, the commissioner shall issue
221 a decision stating whether the whistleblower may proceed with the civil
222 action on behalf of the state or if the Labor Department will be pursuing
223 such action.

224 (c) Any damages awarded to a whistleblower in a civil action brought
225 under this section shall be distributed as follows: (1) Seventy-five per
226 cent to the Labor Department for enforcement of the provisions of
227 sections 2 to 7, inclusive, of this act, and (2) twenty-five per cent to the
228 whistleblower who brought such action. In addition to any damages

229 awarded, the court shall award reasonable attorney's fees and costs to a
230 whistleblower who prevails in an action brought under this section.

231 (d) The court shall review any settlement agreement in a civil action
232 brought under this section to determine whether such settlement
233 agreement is fair, adequate, reasonable and in the public interest.

234 (e) No provision of a contract shall impair the right of an individual
235 to bring an action under this section.

236 (f) Any action brought under this section shall be tried promptly and
237 without regard to concurrent adjudication of private claims.

238 (g) If any part of a whistleblower's claim brought under this section
239 is ordered or submitted to arbitration or is resolved by way of final
240 judgment, settlement or arbitration in favor of the employee, the
241 whistleblower shall retain standing to recover penalties for violations
242 suffered by employees in any forum having jurisdiction over the claim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	New section
Sec. 2	October 1, 2026	New section
Sec. 3	October 1, 2026	New section
Sec. 4	October 1, 2026	New section
Sec. 5	October 1, 2026	New section
Sec. 6	October 1, 2026	New section
Sec. 7	October 1, 2026	New section
Sec. 8	October 1, 2026	New section
Sec. 9	October 1, 2026	New section

Statement of Legislative Commissioners:

In Section 1, "and" was changed to "to" for accuracy, in Section 3(e)(3), "An employee's request" was changed to "An employee requests" for clarity, and in Section 3(e)(4), "An employer's operations inability" was changed to "An employer's operations are unable" for clarity.

LAB Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 27 \$	FY 28 \$
Labor Dept.	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill provides multiple protections for employees in certain industries and occupations against on-call shift scheduling.

Section 8 results in a potential revenue gain to the Department of Labor to the extent violations are found and penalties are paid. The bill establishes a penalty of up to \$200 per violation.

The bill also allows certain parties to bring a civil action in Superior Court to enforce the bill's provisions and results in no fiscal impact to the Judicial Department. The court system disposes of over 250,000 cases annually and the number of cases is not anticipated to be great enough to need additional resources.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to violations found and penalties paid.

OLR Bill Analysis**sSB 436*****AN ACT CONCERNING ADVANCED NOTICE OF AN EMPLOYEE'S WORK SCHEDULE BY AN EMPLOYER.*****SUMMARY**

This bill generally requires employers with at least 500 employees in specified sectors (retail, food service, hospitality, or certain occupations in long-term health care services establishments) to pay employees when the employer, without meeting certain notice requirements, (1) cancels or reduces scheduled hours or (2) adds work hours or changes the date, time, or location of a work shift without reducing hours.

The bill applies to employees who are not exempt from minimum wage or overtime rules. It allows exceptions to these requirements under certain circumstances, such as when an employee makes a written request for leave; employees mutually agree to swap shifts; or during power outages or a declared state of emergency.

Under the bill, covered employers must (1) try to schedule existing employees for their desired number of weekly hours before hiring a new employee and (2) pay an existing employee for the hours a newly hired employee works during the existing employee's written availability.

The bill requires that an employer and new employee take certain steps to establish a work schedule, including the employer (1) obtaining the employee's requested schedule in writing and (2) providing them with an initial schedule estimate. The bill also permits employees to request a modification of their written statement of preferred hours at any time. It sets requirements for covered employers on posting and distributing work schedules for existing employees and giving notice about schedule changes. It also prohibits an employer from requiring an employee to work any hours not included in a posted work schedule or a shift that begins less than 11 hours after the employee's previous shift

ended (unless the employee provides written consent).

The bill authorizes the labor commissioner, an aggrieved employee, or an aggrieved employee's collective bargaining agent to file a complaint in Superior Court for, among other things, compensatory damages and other relief. It also permits the court to (1) order employers who violate the bill's requirements to comply, (2) assess civil penalties to be paid to the Department of Labor (DOL) for each violation, and (3) award certain statutory damages and other relief to the aggrieved employee.

Finally, the bill includes whistleblower provisions that allow someone with knowledge about an alleged violation to bring a civil action in court on the state's behalf, after providing written notice to the labor commissioner. The bill specifies that any court-awarded damages in favor of a whistleblower must be distributed as follows: (1) 75% to DOL for enforcement and (2) 25% to the whistleblower (in addition to any reasonable attorney's fees and costs).

EFFECTIVE DATE: October 1, 2026

§ 1 — COVERED EMPLOYEES AND EMPLOYERS

Under the bill, an employee is a person who is not exempt from minimum wage and overtime pay rules and is employed in a:

1. "retail establishment," which is a fixed point of sale location for establishments defined in the 2022 North American Industry Classification System's (NAICS) retail trade sector (sectors 44-45), such as grocery stores, department stores, pharmacies, hardware stores, home furnishing stores, and office supply stores;
2. "food services establishment," such as food services and drinking places (NAICS code 772);
3. "hospitality establishment," which is a hotel or motel (NAICS 72110) or casino hotel (NAICS 721120); or
4. "long-term health care services establishment," which includes

skilled nursing and assisted living facilities, nursing homes, retirement and rest homes with nursing care, inpatient hospices, and group homes for people with disabilities with nursing care, (NAICS 623110), but only those working as a nursing assistant (federal Bureau of Labor Statistics Standard Occupational Classification System Section 31-1131) or an orderly (BLS 31-1132).

Under the bill, an employer is a:

1. retail establishment, hospitality establishment, or long-term health care services establishment that employs 500 or more employees within the United States or globally or
2. food services establishment that employs 500 or more employees within the United States or globally and has 30 or more locations within the United States or globally.

The employer may be an individual, business, or nonprofit, or any other entity employing people. It includes any franchisee in a franchise network that, in total, employs at least 500 employees in the United States and globally.

§ 2 — EMPLOYEE SCHEDULE REQUEST AND EMPLOYER SCHEDULE ESTIMATE

The bill requires that employers get a written statement from new employees, before their employment starts, on the days and times they are available to work and their desired number of scheduled weekly work hours. It allows an employee to ask to adjust the written statement at any time and an employer must either grant or deny the request based on a bona fide business reason.

The bill also requires an employer to, before a new employee's employment begins, give them a good faith written estimate of the employee's anticipated work schedule. The work schedule estimate must include the average number of hours and the days and times of regular and on-call shifts they can expect to work in a week. Employers

must update this estimate when there is a significant change in the employee's availability or employer's business needs.

Under the bill, an employer does not violate this provision when it schedules an employee for more hours than the average stated in the written estimate if it made every effort to schedule the employee for their desired number of weekly scheduled hours. (The bill does not specify what constitutes making "every effort.")

§§ 3 & 4 — EMPLOYEE'S WORK SCHEDULE

Under the bill, an employer must give a new employee his or her initial work schedule by the day of the employee's first shift. The schedule must cover the period starting on the date of the first shift and ending on the last day of the seven-day period covered by the employer-posted or -sent work schedule required by the bill (see below). After that, the employer must notify the employee about the employee's work schedule as the bill requires.

Under the bill, a "work schedule" is the employee's assigned regular and on-call shifts and the shifts' dates, times, and locations. An "on-call shift" is the specific and consecutive hours when (1) a covered employer schedules an employee to be available for work and (2) the employee must either contact the employer or wait to be contacted by the employer to see if they must go to work. A "regular shift" is the specific and consecutive hours that a covered employer schedules an employee to work.

Posting Work Schedules

The bill requires an employer to give employees notice of their work schedules at least 14 days before the first day on the work schedule. Under the bill, the employer can provide this notice by either (1) conspicuously posting the work schedule in a place accessible to employees at their place of business, or (2) sending it out electronically. Any changes the employer makes to an employee's work schedule after posting or sending it are subject to the notice and compensation requirements described below.

Notice of Work Schedule Changes

Under the bill, an employer must give an employee written notice about any change it is requesting to make to the employee's work schedule after the advance notice described above. It must give this notice as soon as possible and before the start of any changed or added regular or on-call shift.

Within 24 hours after revising the work schedule, the employer must revise the posted or sent schedule to reflect the changes. The employee can either (1) decline to work any regular or on-call shift not included in the posted or sent schedule or (2) agree, in writing, to work these shifts.

Declining Shifts With Less Than 11 Hours Between Shifts

The bill prohibits employers from scheduling or requiring an employee to work during the first 11 hours after the (1) employee's previous regular or on-call shift ended or (2) regular or on-call shift ended, if it lasted more than a day. But the employee can consent, in writing, to work hours during these rest periods and the employer must pay the employee one and one-half times their regular rate of pay.

Work Schedule Adjustment Requests

Under the bill, any time after the employer posts or sends the work schedule, an employee may request in writing (1) that the employer add one or more regular or on-call shifts to their schedule, or (2) a shift swap with another employee. The bill specifies that employee-requested schedule changes are not subject to its notice requirements.

§ 3 — PAY FOR WORK CANCELLATION AND ADDITIONAL WORK HOURS**Required Pay**

The bill generally requires employers to pay employees for changing their work schedules without complying with the notice requirements described above. Specifically, an employer must pay an employee one hour of pay at the employee's regular pay rate, in addition to their earned wages, when the employer:

1. adds one or more hours to an employee's regular or on-call shift;

2. changes the date, start or end time, or location of an employee's regular or on-call shift without a reduction of hours; or
3. schedules the employee for an additional regular or on-call shift.

An employer must pay one half of an employee's regular pay rate per hour for each scheduled hour the employee does not work when the employer:

1. subtracts hours from the employee's work shift before or after the employee reports to work;
2. cancels the employee's regular shift; or
3. changes the date, start or end time, or location of an employee's regular or on-call shift, resulting in a loss of hours.

Under the bill, an employee's "regular rate" of pay includes all remuneration for employment paid to the employee, besides, among other things, (1) sums paid as gifts or (2) irrevocable employer contributions to a benefit plan (such as for retirement or health insurance).

Exceptions

Under the bill, an employer does not have to pay an employee for cancelling, reducing, or adding to the employee's scheduled work hours without following the bill's notice requirements under the following circumstances:

1. the employee requests to use sick, vacation, or other leave, subject to the employer's leave policy;
2. employees mutually agree to a shift swap or coverage arrangement, subject to any applicable existing employer policy;
3. the employer makes changes to an employee's work schedule at their request, as described above; or
4. the employer cannot operate due to a (a) public utility failure; (b)

fire, flood, or other natural disaster; or (c) state of emergency declared by the president or governor.

§ 5 — LIMIT ON HIRING NEW EMPLOYEES

The bill generally requires an employer, before hiring a new employee, to make every effort to offer available shifts to existing employees and schedule existing employees for their desired number of weekly work hours identified in their written scheduling requests. These conditions apply to an employer that hires from an external applicant pool, including through a contractor, temporary help service, or employment agency.

Under the bill, this requirement does not apply if (1) the employer's current employees lack the qualifications to perform the duties of the position being filled and cannot get them with reasonable training or (2) scheduling current employees would require overtime pay for them under state or federal law.

Under the bill, if an employer does not offer existing employees the opportunity to work their desired number of weekly hours before hiring a new employee, the employer must pay an affected current employee at his or her regular hourly rate for any hours the newly hired employee works during the existing employees' written availability. (It is not clear how long this requirement to pay existing employees for the hours new employees work applies.)

§ 6 — RECORDS REQUIREMENT

The bill requires employers to keep and maintain true and accurate records of each employee's work schedule and any revisions for three years and allows the labor commissioner or her designee to inspect the records at any reasonable time.

§ 7 — DOL REGULATIONS

The labor commissioner may adopt regulations to implement and enforce the bill's provisions.

§ 8 — ENFORCEMENT AND REMEDIES

The bill allows the labor commissioner, an aggrieved employee, or the aggrieved employee's collective bargaining agent to file a complaint in the Superior Court to seek compensatory damages, equitable and injunctive relief, civil penalties, and attorney's fees and costs. It allows the court to assess a civil penalty of up to \$200 per violation on employers that violate the bill's work scheduling, additional pay, and new employee hiring requirements (as described below).

In addition to any damages, or as an alternative to this relief, the court may order an employer to comply with these requirements or award up to the following amounts on a per-employee or per-instance basis:

1. \$200 for violating the bill's work scheduling requirements, including failing to (a) get an employee's schedule request, (b) give an employee a work schedule estimate, (c) allow an employee to ask to modify the schedule request at any time, (d) post or send the required notice of the work schedule, (e) give notice of employer-requested schedule changes, or (f) comply with the bill's rest period requirements (§§ 2-4);
2. \$200 for violating the bill's requirement that employers give employees additional pay for changing their schedules without the required notice (§ 4); and
3. \$300 for violating the bill's limits on hiring new employees (§ 5).

§ 9 — WHISTLEBLOWER AND JUDGMENT PROVISIONS

The bill permits a whistleblower to, on behalf of the state, bring a civil action in the Superior Court against a covered employer who violates the bill's work scheduling, additional pay, and new hire requirements to recover damages, civil penalties, and equitable and injunctive relief, as described above.

The bill requires the whistleblower, before bringing the action, to give written notice to the labor commissioner, in a way she sets, stating the alleged violation. Within 30 days of receiving this notice, the

commissioner must decide whether the whistleblower may proceed with the action on the state’s behalf or if DOL will pursue it. The bill also allows the state to intervene in a whistleblower action up to 30 days after it has begun and, with the court’s permission, after 30 days. The bill requires that 75% of any court-awarded damages go to DOL for enforcement and 25% go to the whistleblower who initiated the action, if the whistleblower prevails (in addition to reasonable attorney’s fees and costs).

Under the bill, the court must review any settlement agreements for civil actions brought under the bill to determine if the agreement is fair, adequate, reasonable, and in the public interest.

The bill also specifies that (1) the right to bring an action under the bill cannot be impaired by any private contract and (2) an action under the bill must be tried promptly and without regard to concurrent adjudication of private claims. If any part of a whistleblower’s claim brought under the bill is (1) ordered or submitted to arbitration or (2) resolved by way of final judgment, settlement, or arbitration in favor of the employee, the employee whistleblower retains standing to recover penalties for violations suffered by other employees in any forum with jurisdiction over the claim.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 9 Nay 4 (03/12/2026)