



General Assembly

February Session, 2026

**Substitute Bill No. 436**



**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	<i>October 1, 2026</i>	New section
Sec. 2	<i>October 1, 2026</i>	New section
Sec. 3	<i>October 1, 2026</i>	New section
Sec. 4	<i>October 1, 2026</i>	New section
Sec. 5	<i>October 1, 2026</i>	New section
Sec. 6	<i>October 1, 2026</i>	New section
Sec. 7	<i>October 1, 2026</i>	New section
Sec. 8	<i>October 1, 2026</i>	New section
Sec. 9	<i>October 1, 2026</i>	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*