
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)