



Ned Lamont
GOVERNOR
STATE OF CONNECTICUT

September 23, 2019

Joe Aresimowicz
Speaker of the House
Legislative Office Building
Room 4100
Hartford, CT 06106

Martin M. Looney
Senate President Pro Tempore
Legislative Office Building
Room 3300
Hartford, CT 06106

Leonard Fasano
Senate Republican Leader
Legislative Office Building
Room 3400
Hartford, CT 06106

Themis Klarides
House Minority Leader
Legislative Office Building
Room 4200
Hartford, CT 06106

Dear Speaker Aresimowicz, Senators Looney and Fasano and Representative Klarides:

I am writing to urge you to act quickly to adopt legislation in a special session to address a recent spate of lawsuits brought against restaurants for violations of state regulations governing the wages owed restaurant workers who perform both service and non-service duties during a particular shift. As you know, in July of this year I vetoed House Bill No. 5001, *An Act Requiring a Study of Workforce Training Needs in the State*. I did so because the bill made significant policy changes to a complex area of the law governing restaurant workers without public debate, study, or input from affected stakeholders. More importantly, the bill as written raised serious due process and other constitutional concerns because it retroactively repealed existing regulations governing wages owed a worker at the time the work was performed, thereby extinguishing a worker's right to recover earned wages.

Following my veto, my administration met with each of you and your staffs to discuss alternative proposals that would balance the rights of workers with the legitimate concerns and interests of restaurant owners who made good faith efforts to comply with the law. We also have met with relevant stakeholders, including restaurant owners and their representatives as well as labor union representatives. Based on these discussions, my administration has crafted a proposal that achieves many of the original goals of the vetoed bill while also protecting workers with legitimate claims to unpaid wages.

The legislative proposal that I have put forward through our collaborative discussions strikes the appropriate balance by eliminating double damages awards against restaurant owners who can prove they acted in good faith by relying reasonably on written guidance from the prior administration's Department of Labor ("DOL"). My proposal also avoids the constitutional pitfalls of the prior proposal. Rather than retroactively repealing existing regulations, my proposal requires DOL to expedite the promulgation of new regulations. Prior to promulgating any such regulations, DOL would be required to consider both state and federal guidance regarding service employee wages. In addition, DOL would be required to consult with all relevant stakeholders, including representatives of the restaurant industry, restaurant employees, service employees and other interested stakeholders. Lastly, my proposal would clarify the circumstances under which class actions alleging violations of the existing regulations could proceed.

We have been working together with each of you on this legislation since very shortly after my veto on July 12, 2019. I understand some of you are considering an informational hearing or forum prior to coming in for a special session to adopt legislation. In light of the process that led to the passage of the vetoed bill, that is understandable. Nevertheless, I urge you to do so promptly and to very quickly following any such forum act in a special session to adopt the common sense proposal my team has put forward.

Sincerely,



Ned Lamont
Governor