AN ACT CONCERNING THE PROTECTION OF WAREHOUSE WORKERS IN THE STATE.

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

Section 1. (NEW) (Effective October 1, 2024) As used in this section and sections 2 to 8, inclusive, of this act:

1. "Employee" means any individual engaged in service to an employer in a business of such employer. "Employee" does not include a driver or courier traveling to or from a warehouse distribution center;

2. "Employer" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality or any other legal or commercial entity, whether domestic or foreign, that directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary services, staffing agency, independent contractor or any similar entity, at any time in the prior twelve months, employs or exercises control over the wages, hours or working conditions of (A) one hundred or more employees at a single warehouse distribution center in the state, or (B) one thousand or more employees, in the aggregate, at one or more warehouse distribution centers in the state that are owned and operated by the same individual, partnership, corporation, limited liability company, association of persons or other business entity;
(3) "Quota" means a work performance standard or performance target where (A) an employee is assigned or required to (i) perform a quantified number of tasks within a defined time period, (ii) perform at a specified productivity speed, or (iii) handle or produce a quantified amount of material without a certain number of errors or defects as measured at the individual or group level within a defined time period, (B) an employee's actions are categorized and measured between time performing tasks and not performing tasks, (C) an employee's performance is ranked in relation to the performance of other employees, or (D) increments of time continuously measured, recorded or tallied within an employee's work day where such employee is or is not doing a particular activity or set of activities;

(4) "Work speed data" means information an employer collects, stores, analyzes or interprets relating to an individual employee's performance of a quota, including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota and time categorized as performing tasks or not performing tasks; and

(5) "Warehouse distribution center" means an establishment as defined by any of the following North American Industry Classification System Codes: (A) 493110 for General Warehousing and Storage; (B) 423 for Merchant Wholesalers, Durable Goods; (C) 424 for Merchant Wholesalers, Nondurable Goods; (D) 454110 for Electronic Shopping and Mail-Order Houses; or (E) 492110 for Couriers and Express Delivery Services.

Sec. 2. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, each employer shall provide to each employee not later than August 1, 2025, or, for an employee hired on or after August 1, 2025, upon hire, a written description of each quota the employee is or will be subject to, including any potential adverse employment action that may result from a failure to meet each quota.
(b) Whenever the employer makes a change to a quota and such change results in a different quota for an employee than the most recent written description provided to an employee pursuant to subsection (a) of this section, an employer shall:

(1) Notify the employee of such change as soon as possible, either verbally or in writing, prior to such employee becoming subject to the new quota; and

(2) Provide the employee with an updated written description of each quota for which such employee is subject to not later than two business days after such change in the quota.

(c) An employer shall provide a written copy of any quota required pursuant to this section to an employee. Such written copy shall be provided directly to such employee by a manager during such employee's work hours.

Sec. 3. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, no quota shall: (1) Violate the provisions of section 31-51ii of the general statutes concerning meal periods; (2) interfere with an employee's use of the bathroom facilities, including reasonable travel time to and from the bathroom facilities; (3) measure an employee's total output over an increment of time that is shorter than such employee's work day; (4) be based solely on ranking the performance of an employee in relation to the performance of other employees; or (5) measure, record or tally increments of time during an employee's work day where such employee is or is not performing a particular activity or set of activities.

(b) No employer shall take any adverse action against an employee for failing to meet a quota (1) that violates the provisions of section 31-51ii of the general statutes as described in subdivision (1) of subsection (a) of this section, (2) that interferes with the employee's use of bathroom facilities, including reasonable time to travel to and from the bathroom facilities, (3) if such employee did not complete such employee's entire scheduled shift, or (4) that has not been previously provided to an employee.
employee pursuant to section 2 of this act.

Sec. 4. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, each employer shall establish, maintain and preserve contemporaneous, true and accurate records of the following: (1) Each employee's own personal work speed data; (2) the aggregate work speed data for similar employees at the same warehouse distribution center; and (3) the written description of each quota that each employee was provided pursuant to section 2 of this act.

(b) An employer shall maintain and preserve any records required pursuant to this section for a period of not more than three years.

(c) Nothing in this section shall require an employer to establish, maintain and preserve the records required under this section if such employer does not use quotas or monitor work speed data.

Sec. 5. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, if an employee believes meeting a quota caused or will cause a violation of subsection (a) of section 3 of this act, such employee may request from such employee's supervisor, or another designated supervisor: (1) A written description of each quota the employee is subject to; (2) a copy of any records of the employee's own personal work speed data for the prior ninety days; and (3) a copy of any records of the prior ninety days of aggregated work speed data for similar employees at the same employer for the same time period.

(b) On and after July 1, 2025, a former employee may request from a former employer: (1) A written description of each quota the employee was subject to for the ninety days prior to the date of such employee's separation from employment; (2) a copy of any records of the employee's own personal work speed data for the ninety days prior to such employee's separation from employment; and (3) a copy of any records of aggregated work speed data for similar employees at the same warehouse distribution center for the ninety days prior to the employee's separation from employment. A former employee may only
make one such request of such former employer under this section.

(c) An employer shall provide a written copy of any records requested pursuant to this section not later than five calendar days after receipt of such request. Such written copy shall be provided in both English and the language identified by the requesting employee as the primary language of such employee. Such written copy shall be provided directly to such employee by a manager during such employee's work hours.

Sec. 6. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, no employer shall discharge or in any way retaliate, discriminate or take any adverse action against any employee or former employee after such employee (1) makes a request pursuant to section 5 of this act, or (2) files a civil action pursuant to section 7 of this act.

(b) (1) On and after July 1, 2025, if an employer discharges or in any way retaliates, discriminates or takes any adverse action against any employee or former employee within ninety days after such employee (A) makes a request pursuant to section 5 of this act, or (B) files a civil action pursuant to section 7 of this act, there shall be a rebuttable presumption that such adverse action is in violation of this section.

(2) Such presumption may be rebutted by clear and convincing evidence that (1) the adverse action was taken for other permissible reasons, and (2) the employee (A) making or attempting to make a request pursuant to section 5 of this act, or (B) filing a civil action pursuant to section 7 of this act was not a motivating factor in the employer taking such adverse action.

Sec. 7. (NEW) (Effective October 1, 2024) (a) On and after July 1, 2025, any employee aggrieved by a violation of sections 2 to 6, inclusive, of this act, or the Attorney General on behalf of any employee aggrieved by a violation of sections 2 to 6, inclusive, of this act, may bring a civil action in the Superior Court to recover damages, civil penalties and such equitable and injunctive relief as the court deems appropriate. Any
person who prevails in such civil action may be awarded reasonable
attorney's fees and cost to be taxed by the court.

(b) Any employer who violates a provision of sections 2 to 6, inclusive, of this act may be assessed a civil penalty by the court of (1) one thousand dollars for a first violation, (2) two thousand dollars for a second violation, or (3) three thousand dollars for a third or subsequent violations.

Sec. 8. (NEW) (Effective October 1, 2024) On and after July 1, 2025, the Workers' Compensation Commission shall monitor the injury rates of employees working in warehouse distribution centers in the state. If an employer is found to have an annual injury rate at or over one and one-half times the warehousing industry's average annual injury rate, the Workers' Compensation Commission shall notify the Labor Commissioner and the commissioner shall determine whether an investigation concerning potential violations of sections 2 to 6, inclusive, of this act is appropriate.

This act shall take effect as follows and shall amend the following sections:

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