For the purposes of this regulation, “gratuity” means any money or property received by an employee from a guest, patron or customer of the establishment for service rendered as compensation for his services in accordance with the regulations of the Department of Labor. (DOL-75 (Rev. 7/08))

(2) Unless otherwise prohibited by statutory provision or by a wage order, gratuities may be recognized as compensation for services rendered, except in the cases provided in the following paragraphs.

(1) For purposes of this regulation, “hours of employment” means all time during which the employee is actually engaged in the regular activities of the business, including time spent in the performance of such activities which are not directly and closely related to and integral to the material production of the business.

(b) An employer is not required to make a deduction for any item of expenses if he has the burden of proving that the amount expended was reasonable. (DOL-75 (Rev. 7/08))

(a) An employee who is employed solely on a commission basis, shall be paid weekly an amount not less than the minimum fair wage for each hour worked at least once in each month in full. When earnings paid to an employee do not amount to at least the minimum fair wage per hour for each hour worked in the workweek, such deficiency shall be paid at least once a month.

(9) An employee who is employed in an employment in which gratuities have customarily been received by the employees for services rendered is not required to be separated into the respective categories of wages earned for purposes of satisfying the requirements of the section unless the employee is employed in an employment in which there are two or more employees performing services in the same or similar establishments, and the earnings paid to all such employees are required to be separated into the respective categories of wages earned.

(11) Payment of gratuities is hereby suspended during the fifteen-day period prior to and including the date of any election for which the employee is a candidate for public office.

(27) For the purposes of this regulation, “wage” means money or its equivalent paid, due or promised to an employee as compensation for his services rendered to an employer for employment in an employment in which gratuities are customarily received by the employees for services rendered.

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(a) For purposes of this regulation, “hours of employment” means all time during which the employee is actually engaged in the regular activities of the business, including time spent in the performance of such activities which are not directly and closely related to and integral to the material production of the business.

(c) When an employee is required to report to other places of employment, is required or permitted to travel for employment purposes during a work period and the employer provides all or part of the travel expenses of such an employee, the travel time of such employee shall be considered time worked and shall be paid for at the employee’s straight time rate of wages.

(26) An employee who is employed in an employment in which gratuities have customarily been received by the employees for services rendered shall be compensated for services in accordance with the regulations of the Department of Labor for each hour worked at an hourly rate of not less than four hundred ninety-five dollars per week.

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(29) Employees in bona fide paid time off benefits plans that have been approved by the Department of Labor and meet the requirements of section 31-51qq-17 of the regulations of the Department of Labor shall be entitled to paid time off benefits for any absence of less than one week which is not the result of the employee’s own fault and which is not for an emergency that the employee was unable to prevent by ordinary prudence.

(3) Each employer claiming credit for gratuities as part of the minimum fair wage shall report the amount of such gratuities to the Department of Labor within fifteen days of the close of the pay period to which such credit is claimed. Such reports must be accompanied by a schedule of the nature of the gratuities claimed as part of the minimum fair wage per hour for each hour worked in the work period for which credit is claimed.

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