



General Assembly

February Session, 2022

Raised Bill No. 421

LCO No. 3079



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING STANDARD WAGES.

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

1 Section 1. Section 31-57f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2022*):

3 (a) As used in this section: (1) "Required employer" means any
4 provider of food, building, property or equipment services or
5 maintenance listed in this subdivision whose rate of reimbursement or
6 compensation is determined by contract or agreement with the state or
7 any state agent: (A) Building, property or equipment service companies;
8 (B) management companies providing property management services;
9 and (C) companies providing food preparation or service, or both; (2)
10 "state agent" means any state official, state employee or other person
11 authorized to enter into a contract or agreement on behalf of the state;
12 (3) "person" means one or more individuals, partnerships, associations,
13 corporations, business trusts, legal representatives or organized groups
14 of persons; (4) "building, property or equipment service" means any
15 janitorial, cleaning, maintenance, security or related service; (5)
16 "prevailing rate of wages" means the hourly wages paid for work

17 performed within the city of Hartford under the collective bargaining
18 agreement covering the largest number of hourly nonsupervisory
19 employees employed within Hartford County in each classification
20 established by the Labor Commissioner under subsection (e) of this
21 section, provided the collective bargaining agreement covers no less
22 than five hundred employees in the classification; (6) "prevailing rate of
23 benefits" means the total cost to the employer on an hourly basis for
24 work performed within the city of Hartford, under a collective
25 bargaining agreement that establishes the prevailing rate of wages, of
26 providing health, welfare and retirement benefits, including, but not
27 limited to, (A) medical, surgical or hospital care benefits; (B) disability
28 or death benefits; (C) benefits in the event of unemployment; (D)
29 pension benefits; (E) [vacation, holiday and personal leave; (F)] training
30 benefits; and [(G)] (F) legal service benefits, and may include payment
31 made directly to employees, payments to purchase insurance and the
32 amount of payment or contributions paid or payable by the employer
33 on behalf of each employee to any employee benefit fund; (7) "employee
34 benefit fund" means any trust fund established by one or more
35 employers and one or more labor organizations or one or more other
36 third parties not affiliated with such employers to provide, whether
37 through the purchase of insurance or annuity contracts or otherwise,
38 benefits under an employee health, welfare or retirement plan, but does
39 not include any such fund where the trustee or trustees are subject to
40 supervision by the Banking Commissioner of this state or of any other
41 state, or the Comptroller of the Currency of the United States or the
42 Board of Governors of the Federal Reserve System; [and] (8) "benefits
43 under an employee health, welfare or retirement plan" means one or
44 more benefits or services under any plan established or maintained for
45 employees or their families or dependents, or for both, including, but
46 not limited to, medical, surgical or hospital care benefits, benefits in the
47 event of sickness, accident, disability or death, benefits in the event of
48 unemployment, retirement benefits, [vacation and paid holiday
49 benefits,] legal service benefits or training benefits; and (9) "paid leave"
50 means vacation, holiday and personal leave, other than leave provided
51 by federal, state or local law.

52 (b) On and after July 1, 2000, the wages paid on an hourly basis and
53 paid leave provided to any employee of a required employer in the
54 provision of food, building, property or equipment services provided to
55 the state pursuant to a contract or agreement with the state or any state
56 agent, shall be at a rate not less than the standard rate determined by the
57 Labor Commissioner pursuant to subsection (g) of this section. A
58 required employer shall offer the standard rate of paid leave and is not
59 required to ensure their employees use the entirety of the paid leave.

60 (c) Any required employer or agent of such employer that violates
61 subsection (b) of this section shall pay a civil penalty in an amount not
62 less than two thousand five hundred dollars but not more than five
63 thousand dollars for each offense. An offense with regard to standard
64 rate of wages is any pay period in which an employee is paid at a rate
65 less than that required by this section. The contracting department of
66 the state that has imposed such civil penalty on the required employer
67 or agent of such employer shall, within two days after taking such
68 action, notify the Labor Commissioner, in writing, of the name of the
69 employer or agent involved, the violations involved and steps taken to
70 collect the fine.

71 (d) The Labor Commissioner may make complaint to the proper
72 prosecuting authorities for the violation of any provision of subsection
73 (b) of this section.

74 (e) For the purpose of predetermining the standard rate of covered
75 wages on an hourly basis and the standard rate for paid leave, the Labor
76 Commissioner shall establish classifications for all hourly
77 nonsupervisory employees based on the applicable occupation codes
78 and titles set forth in the federal Register of Wage Determinations under
79 the Service Contract Act of 1965, 41 USC [351] 6701, et seq., provided the
80 Labor Commissioner shall classify any individual employed on or
81 before July 1, 2009, as a grounds maintenance laborer or laborer as a
82 janitor, and shall classify any individual hired after July 1, 2009,
83 performing the duty of grounds maintenance laborer, laborer or janitor
84 as a light cleaner, heavy cleaner, furniture handler or window cleaner,

85 as appropriate. The Labor Commissioner shall then determine the
86 standard rate of wages for each classification of hourly nonsupervisory
87 employees which shall be (1) the prevailing rate of wages paid to
88 employees in each classification, or if there is no such prevailing rate of
89 wages, the minimum hourly wages set forth in the federal Register of
90 Wage Determinations under the Service Contract Act, plus (2) the
91 prevailing rate of benefits paid to employees in each classification, or if
92 there is no such prevailing rate of benefits, a thirty per cent surcharge
93 on the amount determined in subdivision (1) of this subsection to cover
94 the cost of any health, welfare and retirement benefits, other than those
95 otherwise required by federal, state or local law, or, if no such benefits
96 are provided to the employees, an amount equal to thirty per cent of the
97 amount determined in subdivision (1) of this section, which shall be
98 paid directly to the employees. The standard rate of wages for any
99 employee entitled to receive such rate on or before July 1, 2009, shall not
100 be less than the minimum hourly wage for the classification set forth in
101 the federal Register of Wage Determinations under the Service Contract
102 Act plus the prevailing rate of benefits for such classification for as long
103 as that employee continues to work for a required employer. The Labor
104 Commissioner shall determine the standard rate of paid leave which
105 shall be the greater of the paid leave provided under (A) the McNamara-
106 O'Hara Service Contract Act of 1965, 41 USC 6701 et seq., or (B) the
107 collective bargaining agreement covering the largest number of hourly
108 nonsupervisory employees employed within Hartford County in each
109 classification established by the Labor Commissioner under this
110 subsection, provided the collective bargaining agreement covers not less
111 than five hundred employees in the classification.

112 (f) Required employers with employees covered by collective
113 bargaining agreements which call for wages, [and] benefits and paid
114 leave that are reasonably related to the standard rate of wages and paid
115 leave shall not be economically disadvantaged in the bidding process,
116 provided the collective bargaining agreement was arrived at through
117 arms-length negotiations.

118 (g) The Labor Commissioner shall, in accordance with subsection (e)

119 of this section, determine the standard rate of wages for each
120 classification on an hourly basis and paid leave where any covered
121 services are to be provided, and the state agent empowered to let such
122 contract shall contact the Labor Commissioner at least ten days prior to
123 the date such contract will be advertised for bid, to ascertain the
124 standard rate of wages and paid leave and shall include the standard
125 rate of wages on an hourly basis and paid leave for all classifications of
126 employment in the proposal for the contract. The standard rate of wages
127 on an hourly basis and paid leave shall, at all times, be considered the
128 minimum rate for the classification for which it was established. Each
129 required employer shall contact the Labor Commissioner on or before
130 September first of each year for the duration of such contract to ascertain
131 the standard wages and paid leave to be provided each year and shall
132 make any necessary adjustments on September first, annually.

133 (h) Where a required employer is awarded a contract to perform
134 services that are substantially the same as services that have been
135 rendered under a predecessor contract, such required employer shall
136 retain, for a period of ninety days, all employees who had been
137 employed by the predecessor to perform services under such
138 predecessor contract, except that the successor contract need not retain
139 employees who worked less than fifteen hours per week or who had
140 been employed at the site for less than sixty days. During such ninety-
141 day period, the successor contract shall not discharge without just cause
142 an employee retained pursuant to this subsection. If the performance of
143 an employee retained pursuant to this subsection or section 4a-82 is
144 satisfactory during the ninety-day period, the successor contractor shall
145 offer the employee continued employment for the duration of the
146 successor contract under the terms and conditions established by the
147 successor contractor, or as required by law. The provisions of this
148 subsection shall not apply to any contract covered by section 31-57g or
149 subsections (n) and (o) of section 4a-82.

150 (i) Each required employer subject to the provisions of this section
151 shall (1) keep, maintain and preserve such records relating to the wages
152 and hours worked and paid leave taken by each employee and a

153 schedule of the occupation or work classification at which each person
154 is employed during each work day and week in such manner and form
155 as the Labor Commissioner establishes to assure the proper payments
156 and leave due to such employees, [and] (2) annually or upon written
157 request, submit to the contracting state agent a certified payroll which
158 shall consist of a complete copy of such records accompanied by a
159 statement signed by the employer which indicates that (A) such records
160 are correct, (B) the rate of wages paid to each employee is not less than
161 the standard rate of wages required by this section, (C) such employer
162 has complied with the provisions of this section, [and] (D) such
163 employer is aware that filing a certified payroll which it knows to be
164 false is a class D felony for which such employer may be fined not more
165 than five thousand dollars or imprisoned not more than five years, or
166 both, and (E) the rate of paid leave offered to each employee is not less
167 than the standard rate of paid leave required by this section, and (3) no
168 later than the first day upon which work is required to be performed
169 under the contract, and for the duration of the contract, post in a
170 prominent and accessible place a poster stating (A) the standard rate of
171 wages and paid leave owed to employees under this section, (B)
172 employee rights and remedies for a violation of this section, and (C) the
173 contact information of the Labor Commissioner. The Labor
174 Commissioner shall develop a suitable poster containing the
175 information described in subdivision (3) of this subsection for
176 employers and provide it to required employers. The Labor
177 Commissioner shall post its determinations of the corresponding
178 standard rates for each classification on its Internet web site.
179 Notwithstanding the provisions of section 1-210, the certified payroll
180 shall be considered a public record and every person shall have the right
181 to inspect and copy such record in accordance with the provisions of
182 section 1-212. The provisions of subsections (a) and (b) of section 31-59,
183 section 31-66 and section 31-69 which are not inconsistent with the
184 provisions of this section shall apply. Any person who files a false
185 certified payroll in violation of subdivision (2) of this subsection shall be
186 guilty of a class D felony for which such person may be fined not more
187 than five thousand dollars or imprisoned not more than five years, or

188 both.

189 (j) This section shall not apply to contracts, agreements or grants
190 which do not exceed forty-nine thousand nine hundred ninety-nine
191 dollars per annum.

192 (k) [On receipt of a complaint for nonpayment of the standard rate of
193 wages,] Any employee or group of employees and their designative
194 representatives alleging nonpayment of the standard rate of wages or
195 failure to provide paid leave may bring a complaint to the Labor
196 Commissioner. The Labor Commissioner, the Director of Wage and
197 Workplace Standards and wage enforcement agents of the Labor
198 Department shall have power to enter, during usual business hours, the
199 place of business or employment of any employer to determine
200 compliance with this section, and for such purpose may examine payroll
201 and other records and interview employees, call hearings, administer
202 oaths, take testimony under oath and take depositions in the manner
203 provided by sections 52-148a to 52-148e, inclusive. The commissioner or
204 the director, for such purpose, may issue subpoenas for the attendance
205 of witnesses and the production of books and records. Any required
206 employer, an officer or agent of such employer, or the officer or agent of
207 any corporation, firm or partnership who wilfully fails to furnish time
208 and wage records as required by law to the commissioner, the director
209 or any wage enforcement agent upon request or who refuses to admit
210 the commissioner, the director or such agent to a place of employment
211 or who hinders or delays the commissioner, the director or such agent
212 in the performance of any duties in the enforcement of this section shall
213 be fined not less than twenty-five dollars nor more than one hundred
214 dollars, and each day of such failure to furnish time and wage records
215 to the commissioner, the director or such agent shall constitute a
216 separate offense, and each day of refusal of admittance, of hindering or
217 of delaying the commissioner, the director or such agent shall constitute
218 a separate offense.

219 (l) Notwithstanding subsection (j) of this section, any employer that
220 pays the state for a franchise to provide food preparation or service, or

221 both, for the state shall be required to certify that the wages and benefits
222 paid and paid leave provided to its employees are not less than the
223 standard rate established pursuant to this section, provided, if no
224 prevailing rate of wages or benefits was in effect at the time the state
225 entered into a franchise agreement, then the employer shall not be
226 required to pay the prevailing rate of wages or benefits or provide paid
227 leave during the life of the agreement, unless the agreement is amended,
228 extended or renewed.

229 (m) The Labor Commissioner may adopt regulations, in accordance
230 with chapter 54, to carry out the provisions of this section.

231 (n) The provisions of this section and any regulation adopted
232 pursuant to subsection (m) of this section shall not apply to any contract
233 or agreement entered into before July 1, 2000.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2022	31-57f
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Statement of Purpose:

To ensure that paid sick days are included under the standard wage.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]