



General Assembly

January Session, 2023

Raised Bill No. 6551

LCO No. 3256



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:
(LAB)

AN ACT CONCERNING STANDARD WAGES FOR CERTAIN SERVICE WORKERS AND PAID LEAVE.

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 Section 31-57f of the general statutes is repealed and the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, 2023*):

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 benefits,
49 legal service benefits or training benefits; and (9) "paid leave" means any
50 leave in which an employee is paid while such employee is on vacation,
51 holiday or personal leave other than leave provided by federal, state or
52 local law.

53 (b) On and after July 1, [2000] 2023, the wages paid to an employee
54 on an hourly basis and paid leave provided to any employee of a
55 required employer in the provision of food, building, property or
56 equipment services provided to the state pursuant to a contract or
57 agreement with the state or any state agent, shall be at a rate not less
58 than the standard rate determined by the Labor Commissioner pursuant
59 to subsection (g) of this section. A required employer shall not be
60 required to ensure that an employee uses the entirety of the paid leave
61 provided.

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

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

76 (e) For the purpose of predetermining the standard rate of covered
77 wages on an hourly basis and the standard rate for paid leave, the Labor
78 Commissioner shall establish classifications for all hourly
79 nonsupervisory employees based on the applicable occupation codes
80 and titles set forth in the federal Register of Wage Determinations under
81 the McNamara-O'Hara Service Contract Act of 1965, 41 USC [351] 6701,
82 et seq., provided the Labor Commissioner shall classify any individual
83 employed on or before July 1, 2009, as a grounds maintenance laborer
84 or laborer as a janitor, and shall classify any individual hired after July
85 1, 2009, performing the duty of grounds maintenance laborer, laborer or

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

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

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

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

154 (i) Each required employer subject to the provisions of this section
155 shall (1) keep, maintain and preserve such records relating to the wages
156 and hours worked and paid leave taken by each employee and a
157 schedule of the occupation or work classification at which each person
158 is employed during each work day and week in such manner and form
159 as the Labor Commissioner establishes to assure the proper payments
160 and paid leave due to such employees, [and] (2) annually or upon
161 written request, submit to the contracting state agent a certified payroll
162 which shall consist of a complete copy of such records accompanied by
163 a statement signed by the employer which indicates that (A) such
164 records are correct, (B) the rate of wages paid to each employee is not
165 less than the standard rate of wages required by this section, (C) such
166 employer has complied with the provisions of this section, [and] (D)
167 such employer is aware that filing a certified payroll which it knows to
168 be false is a class D felony for which such employer may be fined not
169 more than five thousand dollars or imprisoned not more than five years,
170 or both, and (E) the rate of paid leave provided to each employee is not
171 less than the standard rate of paid leave required by this section, and (3)
172 not later than the first day upon which work is required to be performed
173 under the contract, and for the duration of the contract, post in a
174 prominent and accessible place a poster stating (A) the standard rate of
175 wages and paid leave owed to employees under this section, (B)
176 employee rights and remedies for a violation of this section, and (C) the
177 contact information of the Labor Commissioner. The Labor
178 Commissioner shall develop a suitable poster containing the
179 information described in subdivision (3) of this subsection and provide
180 such poster to required employers. The Labor Commissioner shall post
181 its determinations of the corresponding standard rates for each
182 classification on its Internet web site. Notwithstanding the provisions of
183 section 1-210, the certified payroll shall be considered a public record
184 and every person shall have the right to inspect and copy such record in
185 accordance with the provisions of section 1-212. The provisions of
186 subsections (a) and (b) of section 31-59, section 31-66 and section 31-69
187 which are not inconsistent with the provisions of this section shall apply.
188 Any person who files a false certified payroll in violation of subdivision

189 (2) of this subsection shall be guilty of a class D felony for which such
190 person may be fined not more than five thousand dollars or imprisoned
191 not more than five years, or both.

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	31-57f

Statement of Purpose:

To require employers with state contracts or agreements to provide certain service workers with paid leave.

[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.]