



General Assembly

Raised Bill No. 6551

January Session, 2023

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 Section 31-57f of the general statutes is repealed and the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
8 companies; (B) management companies providing property
9 management services; and (C) companies providing food preparation
10 or service, or both; (2) "state agent" means any state official, state
11 employee or other person authorized to enter into a contract or
12 agreement on behalf of the state; (3) "person" means one or more
13 individuals, partnerships, associations, corporations, business trusts,
14 legal representatives or organized groups of persons; (4) "building,
15 property or equipment service" means any janitorial, cleaning,

16 maintenance, security or related service; (5) "prevailing rate of wages"
17 means the hourly wages paid for work performed within the city of
18 Hartford under the collective bargaining agreement covering the
19 largest number of hourly nonsupervisory employees employed within
20 Hartford County in each classification established by the Labor
21 Commissioner under subsection (e) of this section, provided the
22 collective bargaining agreement covers no less than five hundred
23 employees in the classification; (6) "prevailing rate of benefits" means
24 the total cost to the employer on an hourly basis for work performed
25 within the city of Hartford, under a collective bargaining agreement
26 that establishes the prevailing rate of wages, of providing health,
27 welfare and retirement benefits, including, but not limited to, (A)
28 medical, surgical or hospital care benefits; (B) disability or death
29 benefits; (C) benefits in the event of unemployment; (D) pension
30 benefits; (E) [vacation, holiday and personal leave; (F)] training
31 benefits; and [(G)] (F) legal service benefits, and may include payment
32 made directly to employees, payments to purchase insurance and the
33 amount of payment or contributions paid or payable by the employer
34 on behalf of each employee to any employee benefit fund; (7)
35 "employee benefit fund" means any trust fund established by one or
36 more employers and one or more labor organizations or one or more
37 other third parties not affiliated with such employers to provide,
38 whether through the purchase of insurance or annuity contracts or
39 otherwise, benefits under an employee health, welfare or retirement
40 plan, but does not include any such fund where the trustee or trustees
41 are subject to supervision by the Banking Commissioner of this state or
42 of any other state, or the Comptroller of the Currency of the United
43 States or the Board of Governors of the Federal Reserve System; [and]
44 (8) "benefits under an employee health, welfare or retirement plan"
45 means one or more benefits or services under any plan established or
46 maintained for employees or their families or dependents, or for both,
47 including, but not limited to, medical, surgical or hospital care
48 benefits, benefits in the event of sickness, accident, disability or death,
49 benefits in the event of unemployment, retirement benefits, vacation
50 and paid holiday benefits, legal service benefits or training benefits;

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

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

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

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

77 (e) For the purpose of predetermining the standard rate of covered
78 wages on an hourly basis and the standard rate for paid leave, the
79 Labor Commissioner shall establish classifications for all hourly
80 nonsupervisory employees based on the applicable occupation codes
81 and titles set forth in the federal Register of Wage Determinations
82 under the McNamara-O'Hara Service Contract Act of 1965, 41 USC

83 [351] 6701, et seq., provided the Labor Commissioner shall classify any
84 individual employed on or before July 1, 2009, as a grounds
85 maintenance laborer or laborer as a janitor, and shall classify any
86 individual hired after July 1, 2009, performing the duty of grounds
87 maintenance laborer, laborer or janitor as a light cleaner, heavy
88 cleaner, furniture handler or window cleaner, as appropriate. The
89 Labor Commissioner shall then determine the standard rate of wages
90 for each classification of hourly nonsupervisory employees which shall
91 be (1) the prevailing rate of wages paid to employees in each
92 classification, or if there is no such prevailing rate of wages, the
93 minimum hourly wages set forth in the federal Register of Wage
94 Determinations under the McNamara-O'Hara Service Contract Act,
95 plus (2) the prevailing rate of benefits paid to employees in each
96 classification, or if there is no such prevailing rate of benefits, a thirty
97 per cent surcharge on the amount determined in subdivision (1) of this
98 subsection to cover the cost of any health, welfare and retirement
99 benefits, other than those otherwise required by federal, state or local
100 law, or, if no such benefits are provided to the employees, an amount
101 equal to thirty per cent of the amount determined in subdivision (1) of
102 this section, which shall be paid directly to the employees. [The
103 standard rate of wages for any employee entitled to receive such rate
104 on or before July 1, 2009, shall not be less than the minimum hourly
105 wage for the classification set forth in the federal Register of Wage
106 Determinations under the Service Contract Act plus the prevailing rate
107 of benefits for such classification for as long as that employee
108 continues to work for a required employer.] The standard rate of paid
109 leave shall be the greater of the paid leave provided under (A) the
110 McNamara-O'Hara Service Contract Act of 1965, 41 USC 6701 et seq.,
111 or (B) the collective bargaining agreement covering the largest number
112 of hourly nonsupervisory employees employed within Hartford
113 County in each classification established by the Labor Commissioner
114 under this subsection, provided the collective bargaining agreement
115 covers not fewer than five hundred employees in the classification.

116 (f) Required employers with employees covered by collective

117 bargaining agreements which call for wages, [and] benefits and paid
118 leave that are reasonably related to the standard rate of wages and
119 paid leave shall not be economically disadvantaged in the bidding
120 process, provided the collective bargaining agreement was arrived at
121 through arms-length negotiations.

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

140 (h) Where a required employer is awarded a contract to perform
141 services that are substantially the same as services that have been
142 rendered under a predecessor contract, such required employer shall
143 retain, for a period of ninety days, all employees who had been
144 employed by the predecessor to perform services under such
145 predecessor contract, except that the successor contract need not retain
146 employees who worked less than fifteen hours per week or who had
147 been employed at the site for less than sixty days. During such ninety-
148 day period, the successor contract shall not discharge without just
149 cause an employee retained pursuant to this subsection. If the

150 performance of an employee retained pursuant to this subsection or
151 section 4a-82 is satisfactory during the ninety-day period, the successor
152 contractor shall offer the employee continued employment for the
153 duration of the successor contract under the terms and conditions
154 established by the successor contractor, or as required by law. The
155 provisions of this subsection shall not apply to any contract covered by
156 section 31-57g or subsections (n) and (o) of section 4a-82.

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

184 Commissioner shall post its determinations of the corresponding
185 standard rates for each classification on its Internet web site.
186 Notwithstanding the provisions of section 1-210, the certified payroll
187 shall be considered a public record and every person shall have the
188 right to inspect and copy such record in accordance with the
189 provisions of section 1-212. The provisions of subsections (a) and (b) of
190 section 31-59, section 31-66 and section 31-69 which are not
191 inconsistent with the provisions of this section shall apply. Any person
192 who files a false certified payroll in violation of subdivision (2) of this
193 subsection shall be guilty of a class D felony for which such person
194 may be fined not more than five thousand dollars or imprisoned not
195 more than five years, or both.

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

199 (k) [On receipt of a complaint for nonpayment of the standard rate
200 of wages,] Any employee or group of employees and their designated
201 representatives alleging nonpayment of the standard rate of wages or
202 failure to provide the standard rate of paid leave may bring a
203 complaint to the Labor Commissioner. The Labor Commissioner, the
204 Director of Wage and Workplace Standards and wage enforcement
205 agents of the Labor Department shall have power to enter, during
206 usual business hours, the place of business or employment of any
207 employer to determine compliance with this section, and for such
208 purpose may examine payroll and other records and interview
209 employees, call hearings, administer oaths, take testimony under oath
210 and take depositions in the manner provided by sections 52-148a to 52-
211 148e, inclusive. The commissioner or the director, for such purpose,
212 may issue subpoenas for the attendance of witnesses and the
213 production of books and records. Any required employer, an officer or
214 agent of such employer, or the officer or agent of any corporation, firm
215 or partnership who wilfully fails to furnish time and wage records as
216 required by law to the commissioner, the director or any wage

217 enforcement agent upon request or who refuses to admit the
218 commissioner, the director or such agent to a place of employment or
219 who hinders or delays the commissioner, the director or such agent in
220 the performance of any duties in the enforcement of this section shall
221 be fined not less than twenty-five dollars nor more than one hundred
222 dollars, and each day of such failure to furnish time and wage records
223 to the commissioner, the director or such agent shall constitute a
224 separate offense, and each day of refusal of admittance, of hindering or
225 of delaying the commissioner, the director or such agent shall
226 constitute a separate offense.

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

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

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

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

LAB *Joint Favorable*