



General Assembly

February Session, 2024

Raised Bill No. 312

LCO No. 1393



Referred to Committee on HUMAN SERVICES

Introduced by:
(HS)

AN ACT CONCERNING A JANITORIAL WORK PROGRAM FOR PERSONS WITH A DISABILITY AND PERSONS WITH A DISADVANTAGE.

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

1 Section 1. Section 4a-82 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section:

4 (1) "Person with a disability" means any individual with a disability,
5 excluding blindness, as such term is applied by the Department of
6 Mental Health and Addiction Services, the Department of
7 Developmental Services, the Department of Aging and Disability
8 Services or the United States Department of Veterans Affairs and who
9 is certified by the Department of Aging and Disability Services as
10 qualified to participate in a qualified partnership, as described in
11 subsections (e) to (l), inclusive, of this section;

12 (2) "Vocational rehabilitation service" means any goods and services
13 necessary to render a person with a disability employable, in accordance
14 with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., as
15 amended from time to time;

16 (3) "Community rehabilitation program" means any entity or
17 individual that provides directly for or facilitates the provision of
18 vocational rehabilitation services to, or provides services in connection
19 with, the recruiting, hiring or managing of the employment of persons
20 with disabilities based on an individualized plan and budget for each
21 worker with a disability;

22 (4) "Commercial contractor" means any for-profit proprietorship,
23 partnership, joint venture, corporation, limited liability company, trust,
24 association or other privately owned entity that employs persons to
25 perform janitorial work or contractual services, and that enters into
26 contracts to provide janitorial services or contractual services;

27 (5) "Janitorial work" means work performed in connection with the
28 care or maintenance of buildings, including, but not limited to, work
29 customarily performed by cleaners, porters, janitors and handypersons;

30 (6) "Janitorial contract" means a contract or subcontract to perform
31 janitorial work for a department or agency of the state;

32 (7) "Person with a disadvantage" means any individual who is
33 determined by the Labor Department, or its designee, to be eligible for
34 employment services in accordance with the Workforce Innovation and
35 Opportunity Act or whose verified individual gross annual income
36 during the previous calendar year was not greater than two hundred
37 per cent of the federal poverty level for a family of four;

38 (8) "Awarding authority" means the Commissioner of Administrative
39 Services, Chief Court Administrator of the Judicial Branch and president
40 of the Connecticut State Colleges and Universities, as applicable; and

41 (9) "Contractual services" includes, but is not limited to, any and all
42 laundry and cleaning services, mail supply room staffing, data entry,
43 telephone call center staffing and other services specified by the
44 Commissioner of Administrative Services under subsection (b) of this
45 section.

46 (b) (1) The Commissioner of Administrative Services shall establish a
47 program to create and expand janitorial work job opportunities for
48 persons with a disability and persons with a disadvantage. The program
49 shall create full-time jobs or full-time equivalents at standard wage rates
50 for persons with disabilities and persons with disadvantages. The
51 Judicial Branch and Board of Regents for Higher Education may
52 participate in such program.

53 (2) The Commissioner of Administrative Services may expand such
54 program to include contractual services that the commissioner deems
55 appropriate and shall post a list of such services on the department's
56 Internet web site.

57 (c) Notwithstanding any other provision of the general statutes,
58 under such program, the awarding authority may award janitorial
59 contracts or contracts for contractual services pursuant to the following
60 procedures: (1) Upon receipt of a request for janitorial services or a
61 contractual service that the Commissioner of Administrative Services
62 has deemed appropriate for inclusion in the program by an agency or
63 department of the state, the awarding authority shall notify each
64 qualified partnership, as described in subsections (e) to (l), inclusive, of
65 this section, of such request and invite each qualified partnership in
66 good standing to submit a bid proposal for such janitorial contract or
67 service contract to the awarding authority in a manner and form as
68 prescribed by the awarding authority; (2) in the event that only one such
69 qualified partnership submits a bid or proposal for such janitorial or
70 service contract, the awarding authority shall award such contract to
71 such qualified partnership, provided such bid or proposal does not
72 exceed the fair market value for such contract, as determined by the
73 awarding authority; (3) if more than one qualified partnership submits
74 a bid or proposal, the awarding authority shall award the contract to the
75 lowest responsible qualified bidder or most advantageous proposer, as
76 described in section 4a-59; and (4) in the event that a qualified
77 partnership does not submit a bid or proposal or is not awarded such
78 contract, the awarding authority shall award such contract in
79 accordance with the provisions of sections 4a-52a, 4a-59, 10a-151b and

80 17a-796, or title 51, as applicable. No awarding authority shall award a
81 contract under the provisions of this subsection at a site where
82 employees are employed pursuant to an existing collective bargaining
83 agreement or where a contract has been awarded pursuant to section
84 17a-796 unless a contract has been previously awarded to a qualified
85 partnership pursuant to this section at such site.

86 (d) Notwithstanding any other provision of the general statutes, the
87 responsibilities of the Commissioner of Administrative Services, Chief
88 Court Administrator or president of the Connecticut State Colleges and
89 Universities as established in subsections (b) and (c) of this section, may
90 not be delegated to an outside vendor.

91 (e) The [Connecticut Community Providers Association] CT
92 Community Nonprofit Alliance shall designate a commercial contractor
93 and a community rehabilitation program as a "qualified partnership"
94 whenever the following criteria have been established: (1) Such
95 commercial contractor has entered into a binding agreement with [such]
96 one or more community rehabilitation [program in which such
97 contractor agrees to fill not less than one-third of the jobs from a
98 successful bid] programs for the entire term of any contract award for a
99 janitorial or service contract under the program established in
100 subsections (b) to (d), inclusive, of this section in which the contractor
101 agrees to fill not less than one-third of the jobs with persons with
102 disabilities and not less than one-third of such jobs with persons with a
103 disadvantage; (2) such contractor employs not less than two hundred
104 persons who perform janitorial work or contractual services in the state;
105 and (3) such contractor certifies, in writing, that it will pay the standard
106 wage to employees, including persons with disabilities, under such
107 janitorial or service contract. Any partnership between a commercial
108 contractor and a community rehabilitation program that has been
109 denied designation as a qualified partnership may appeal such denial,
110 in writing, to the Commissioner of Administrative Services and said
111 commissioner may, after review of such appeal, designate such program
112 as a qualified partnership.

113 (f) The requirement established in subsection (e) of this section to fill
114 not less than one-third of the jobs from a successful bid for a janitorial
115 or service contract with persons with disabilities and one-third with
116 persons with a disadvantage shall be met whenever such contractor
117 employs the requisite number of persons with disabilities and persons
118 with a disadvantage throughout the entirety of its operations in the state
119 provided any persons with disabilities employed by such contractor
120 prior to the commencement date of any such contract shall not be
121 counted for the purpose of determining the number of persons with
122 disabilities employed by such contractor.

123 (g) The number of persons with disabilities and the number of
124 persons with a disadvantage that such contractor is required to employ
125 pursuant to the provisions of subsection (e) of this section shall be
126 employed not later than six months after the commencement of
127 janitorial work or the contractual service under the terms of any contract
128 awarded pursuant to the provisions of subsections (b) to (d), inclusive,
129 of this section, provided such contractor shall fill any vacancy for
130 janitorial work or contractual service that arises during the first six
131 months of any such contract with persons with disabilities and persons
132 with disadvantages.

133 (h) The [Connecticut Community Providers Association] CT
134 Community Nonprofit Alliance shall develop an application process and
135 submit a list of employees who have applied to participate in a
136 partnership to the Department of Aging and Disability Services for
137 certification. Such association shall maintain a list of certified employees
138 who are persons with disabilities and community rehabilitation
139 programs.

140 (i) Any qualified partnership awarded a janitorial or service contract
141 pursuant to the provisions of subsections (b) to (d), inclusive, of this
142 section shall provide to the [Connecticut Community Providers
143 Association] CT Community Nonprofit Alliance, not later than six months
144 after the commencement date of such contract and annually thereafter,
145 a list of the persons with disabilities and persons with a disadvantage

146 employed by such contractor that includes the date of hire and
147 employment location for each such person. Such association shall certify
148 annually to the Department of Administrative Services, the Judicial
149 Branch or the Board of Regents for Higher Education, as applicable, in
150 such manner and form as prescribed by the Commissioner of
151 Administrative Services, Chief Court Administrator or the president of
152 the Board of Regents for Higher Education, that the requisite number of
153 persons with disabilities for such contract continue to be employed by
154 such contractor in positions equivalent to those created under such
155 contract and have been integrated into the general workforce of such
156 contractor.

157 (j) Notwithstanding any other provision of the general statutes, the
158 responsibilities of the Department of Aging and Disability Services, as
159 established in subsections (e) to (l), inclusive, of this section, may not be
160 delegated to an outside vendor.

161 (k) The Commissioner of Aging and Disability Services may adopt
162 regulations, in accordance with the provisions of chapter 54, to
163 undertake the certification requirements established pursuant to
164 subsections (e) to (l), inclusive, of this section.

165 (l) Notwithstanding the provisions of subsection (e) of this section,
166 [the Commissioner of Administrative Services shall authorize certified
167 small and minority businesses to participate in such program] any
168 commercial contractor who is certified as a small or minority business
169 within the Department of Administrative Services' supplier diversity
170 program may participate in such program. Small and minority
171 businesses shall meet the criteria provided in subsection (e) of this
172 section except for subdivision (2) of subsection (e) of this section, which
173 shall be waived.

174 (m) The joint standing committee of the General Assembly having
175 cognizance of matters relating to government administration shall study
176 the effectiveness of such program, including, but not limited to, the
177 effectiveness of such program to create integrated work settings for

178 persons with disabilities. Additionally, said committee shall study ways
179 to provide incentives for municipalities and businesses to utilize such
180 program if such program is determined by the committee to be effective.

181 (n) Each exclusive contract awarded prior to October 1, 2013,
182 pursuant to section 17a-796 shall remain in effect until such time as
183 either party terminates the contract in such party's own best interest,
184 with not less than sixty days written notice. Each such contract may be
185 amended to include updated terms and conditions, but shall not allow
186 for any price increases except statutory or mandated increases to the
187 minimum wage and standard wage. If either party exercises his or her
188 right to terminate any such contract, the next contract solicitation may
189 be awarded pursuant to this section or sections 4a-59 and 17a-796.
190 Additionally, any new janitorial contract awarded pursuant to section
191 17a-796 shall be limited to not more than four full-time employees per
192 contract.

193 (o) Any person employed under a janitorial contract let: (1) On or
194 before October 1, 2006, or thereafter if such contract constitutes a
195 successor contract to such janitorial contract let on or before October 1,
196 2006, and (2) pursuant to section 4a-57 or 10a-151b or by the judicial or
197 legislative departments or pursuant to subsections (b) to (d), inclusive,
198 of this section shall have the same rights conferred upon an employee
199 by section 31-57g for the duration of the program described in
200 subsections (b) to (d), inclusive, of this section. The provisions of this
201 subsection shall not apply to any new janitorial contract with not more
202 than four full-time employees per contract, as described in subsection
203 (n) of this section.

204 (p) If a position is not available at a job site for a janitorial or service
205 contract awarded pursuant to subsection (c) of this section and a person
206 with a disability or a person with a disadvantage is placed at an alternate
207 job site in the operations of the contractor pursuant to subsection (f) of
208 this section, such person with a disability or person with a disadvantage
209 shall be paid the wage applicable at such alternate site, provided when
210 a position at the job site for a janitorial or service contract awarded

211 pursuant to subsection (c) of this section becomes available, such person
212 with a disability or person with a disadvantage shall be transferred to
213 the job site for a janitorial or service contract awarded pursuant to
214 subsection (c) of this section and shall be paid the applicable standard
215 wage for such site.

216 (q) If a person with a disability or a person with a disadvantage is
217 transferred pursuant to subsection (p) of this section and such person
218 subsequently leaves such position, the position shall be filled with
219 another person with a disability or person with a disadvantage.

220 Sec. 2. Section 17a-796 of the general statutes is repealed and the
221 following is substituted in lieu thereof (*Effective from passage*):

222 Whenever any products made or manufactured by or services
223 provided by persons with disabilities through community rehabilitation
224 programs or in any workshop established, operated or funded by
225 nonprofit and nonsectarian organizations for the purpose of providing
226 persons with disabilities training and employment suited to their
227 abilities meet the requirements of any department, institution or agency
228 supported in whole or in part by the state as to quantity, quality and
229 price such products shall have preference over products or services from
230 other providers, except (1) articles produced or manufactured by
231 Department of Correction industries as provided in section 18-88, (2)
232 emergency purchases made under section 4-98, and (3) janitorial or
233 contractual services provided by a qualified partnership, pursuant to
234 the provisions of subsections (b) to (d), inclusive, of section 4a-82. A list
235 describing styles, designs, sizes and varieties of all such articles made
236 by persons with disabilities and describing all available services
237 provided by such persons shall be prepared by the [Connecticut
238 Community Providers Association] CT Community Nonprofit Alliance.

239 Sec. 3. Subsection (a) of section 19a-6h of the general statutes is
240 repealed and the following is substituted in lieu thereof (*Effective from*
241 *passage*):

242 (a) There is established a State-wide Primary Care Access Authority.

243 The authority shall consist of the Commissioners of Public Health and
 244 Social Services, the Comptroller and the following members: One each
 245 appointed by the Connecticut Primary Care Association, the
 246 Connecticut State Medical Society, the Connecticut Chapter of the
 247 American Academy of Pediatrics, the Connecticut Nurses Association,
 248 the Connecticut Association of School-Based Health Centers, the
 249 Connecticut State Dental Association, the [Connecticut Community
 250 Providers Association] CT Community Nonprofit Alliance and the
 251 Weitzman Center for Innovation In Community Health and Primary
 252 Care and two appointed by the Commissioner of Public Health.
 253 Members shall serve for a term of four years commencing on August 1,
 254 2007. All initial appointments to the committee shall be made by July 15,
 255 2007. Any vacancy shall be filled by the appointing authority.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	4a-82
Sec. 2	<i>from passage</i>	17a-796
Sec. 3	<i>from passage</i>	19a-6h(a)

Statement of Purpose:

To update statutes concerning work opportunities for persons with a disability or a disadvantage.

[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.]