



General Assembly

January Session, 2019

Raised Bill No. 857

LCO No. 4040



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING EXPEDITED APPROVAL OF AFFIRMATIVE ACTION PLANS SUBMITTED BY CONTRACTORS TO THE COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES.

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

1 Section 1. Section 46a-68c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 In addition to the provisions of section 4a-60, each contractor with
4 fifty or more employees awarded a public works contract, municipal
5 public works contract or contract for a quasi-public agency project in
6 excess of fifty thousand dollars in any fiscal year, but not subject to the
7 provisions of section 46a-68d, as amended by this act, shall develop
8 and file with the Commission on Human Rights and Opportunities an
9 affirmative action plan which shall comply with regulations adopted
10 by the commission. The executive director or the executive director's
11 designee shall review and formally approve, conditionally approve or
12 disapprove the content of the affirmative action plan not later than one
13 hundred twenty days following the date of the submission of the plan
14 to the commission. If the executive director or the executive director's

15 designee fails to approve, conditionally approve or disapprove a plan
16 within such one-hundred-twenty-day period, the plan shall be deemed
17 to be either approved or deficient without consequence. The executive
18 director or the executive director's designees shall, not later than
19 fifteen days after the date of deeming an affirmative action plan
20 approved or deficient without consequence, provide the contractor
21 with written notification of the action taken with respect to such plan.
22 Failure to develop an approved affirmative action plan pursuant to
23 this section shall act as a bar to bidding on or the award of future
24 contracts until such requirement has been met. When the [commission]
25 executive director or the executive director's designee approves an
26 affirmative action plan pursuant to this section, [it] the executive
27 director or the executive director's designee shall issue a certificate of
28 compliance to the contractor. [This] Such certificate shall be prima facie
29 proof of the contractor's eligibility to bid or be awarded contracts for a
30 period of two years from the date of the certificate. Such certificate
31 shall not excuse the contractor from monitoring by the commission or
32 from the reporting and record-keeping requirements of sections 46a-
33 68e and 46a-68f. The [commission] executive director or the executive
34 director's designee may revoke the certificate of a contractor if the
35 contractor does not implement its affirmative action plan in
36 compliance with this section and sections 4a-60, 4a-60g, 4a-62, 46a-56,
37 46a-68b, 46a-68d, as amended by this act, and 46a-68e to 46a-68k,
38 inclusive.

39 Sec. 2. Section 46a-68d of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2019*):

41 In addition to the provisions of section 4a-60, every public works
42 contract, municipal public works contract or contract for a quasi-public
43 agency project subject to the provisions of part II of chapter 60 shall
44 also be subject to the provisions of this section. After a bid has been
45 accepted but before a contract is awarded, the successful bidder shall
46 file with and have obtained the approval of the [commission] executive
47 director or the executive director's designee for an affirmative action
48 plan. The [commission] executive director or the executive director's

49 designee may provide for conditional acceptance of an affirmative
50 action plan provided written assurances are given by the contractor
51 that it will amend its plan to conform to affirmative action
52 requirements. In the case of a public works contract, the state shall
53 withhold two per cent of the total contract price per month from any
54 payment made to such contractor until such time as the contractor has
55 developed an affirmative action plan, and received the approval of the
56 [commission] executive director or the executive director's designee. In
57 the case of a municipal public works contract or contract for a quasi-
58 public agency project, the municipality or entity, as applicable, shall
59 withhold two per cent of the total contract price per month from any
60 payment made to such contractor until such time as the contractor has
61 developed an affirmative action plan and received the approval of the
62 commission. Notwithstanding the provisions of this section, a
63 contractor subject to the provisions of this section may file a plan in
64 advance of or at the same time as its bid. The [commission] executive
65 director or the executive director's designee shall review plans
66 submitted pursuant to this section within sixty days of receipt and
67 either approve, approve with conditions or reject such plan. When the
68 [commission] executive director or the executive director's designee
69 approves an affirmative action plan pursuant to this section, [it]
70 executive director or the executive director's designee shall issue a
71 certificate of compliance to the contractor as provided in section 46a-
72 68c, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	46a-68c
Sec. 2	October 1, 2019	46a-68d

Statement of Purpose:

To establish an expedited review of affirmative action plans submitted by contractors to the Commission on Human Rights and Opportunities.

[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.]