



General Assembly

Substitute Bill No. 857

January Session, 2019



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 Section 46a-68c of the general statutes is repealed and the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 designee shall, not later than fifteen

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

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 Section 46a-68d of the general statutes is repealed and the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

40 In addition to the provisions of section 4a-60, every public works
41 contract, municipal public works contract or contract for a quasi-public
42 agency project subject to the provisions of part II of chapter 60 shall
43 also be subject to the provisions of this section. After a bid has been
44 accepted but before a contract is awarded, the successful bidder shall
45 file with and have obtained the approval of the [commission] executive
46 director or the executive director's designee for an affirmative action
47 plan. The [commission] executive director or the executive director's
48 designee may provide for conditional acceptance of an affirmative
49 action plan provided written assurances are given by the contractor
50 that it will amend its plan to conform to affirmative action
51 requirements. In the case of a public works contract, the state shall

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

In Section 2, "the" was inserted before "executive director" for proper grammar.

JUD *Joint Favorable Subst. -LCO*