



Substitute Senate Bill No. 857

Public Act No. 19-94

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:

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 Section 46a-68c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

In addition to the provisions of section 4a-60, each contractor with fifty or more employees awarded a public works contract, municipal public works contract or contract for a quasi-public agency project in excess of fifty thousand dollars in any fiscal year, but not subject to the provisions of section 46a-68d, as amended by this act, shall develop and file with the Commission on Human Rights and Opportunities an affirmative action plan which shall comply with regulations adopted by the commission. The executive director or the executive director's designee shall review and formally approve, conditionally approve or disapprove the content of the affirmative action plan not later than one hundred twenty days following the date of the submission of the plan to the commission. If the executive director or the executive director's designee fails to approve, conditionally approve or disapprove a plan within such one-hundred-twenty-day period, the plan shall be deemed to be either approved or deficient without consequence. The executive

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

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

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

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