



Senate

General Assembly

File No. 421

January Session, 2003

Senate Bill No. 1103

Senate, April 16, 2003

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING DISPLACED SERVICE CONTRACT WORKERS AT BRADLEY INTERNATIONAL AIRPORT.

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

1 Section 1. Subdivision (7) of subsection (a) of section 31-57g of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2003*):

4 (7) "Terminated contractor" means a contractor whose service
5 contract expires without renewal or whose contract is terminated
6 within the eighteen-month period before or after the commencement
7 of operations under a successor service contract, and includes the
8 awarding authority itself when work previously rendered by the
9 awarding authority's own employees is the subject of a successor
10 service contract.

11 Sec. 2. Subdivision (1) of subsection (b) of section 31-57g of the
12 general statutes is repealed and the following is substituted in lieu

13 thereof (*Effective July 1, 2003*):

14 (1) The awarding authority shall give advance notice to a contractor
15 and the exclusive bargaining representative of any of the contractor's
16 employees, of the termination or nonrenewal of such service contract
17 as soon as reasonably practicable after the awarding authority knows
18 or determines that the contract will be terminated or will not be
19 renewed and shall provide the contractor and the exclusive bargaining
20 representative with the name, telephone number and address of the
21 successor contractor or contractors, if known. The terminated
22 contractor shall, not later than three days after receipt of such notice,
23 provide the successor contractor with the name, date of hire and
24 employment occupation classification of each person employed by the
25 terminated contractor at the site or sites covered by the service contract
26 as of the date the terminated contractor receives the notice of
27 termination or nonrenewal.

28 Sec. 3. Subdivision (4) of subsection (b) of section 31-57g of the
29 general statutes is repealed and the following is substituted in lieu
30 thereof (*Effective July 1, 2003*):

31 (4) (A) Except as provided in subparagraph (D) of this subdivision,
32 a successor contractor shall retain, for at least ninety days from the
33 date of first performance of services under the successor service
34 contract, [all of the employees who were] each employee who was
35 continuously employed by the terminated contractor at the site or sites
36 covered by the service contract during the six-month period
37 immediately preceding the termination or nonrenewal of such service
38 contract, including any periods of layoff or leave with recall rights.

39 (B) Except as provided in subparagraph (D) of this subdivision, if
40 the successor service contract is terminated prior to the expiration of
41 such ninety-day period, then any contractor awarded a subsequent
42 successor service contract shall be bound by the requirements set forth
43 in this subsection to retain, for a new ninety-day period commencing
44 with the onset of the subsequent successor service contract, [all of the
45 employees who were previously employed by any one or more of the

46 terminated contractors at the site or sites covered by the service
47 contract continuously during the six-month period immediately
48 preceding the date of the most recently terminated service contract,
49 including any periods of layoff or leave with recall rights] each
50 employee entitled to retention pursuant to subparagraph (A) of this
51 subdivision.

52 (C) At least five days prior to the termination of a service contract, if
53 the termination occurs before the successor service contractor
54 commences operations, or at least fifteen days prior to the
55 commencement of the first performance of service under a successor
56 service contract, [whichever is later,] the successor contractor shall
57 hand-deliver a written offer of employment in substantially the form
58 set forth below to each such employee in such employee's native
59 language or any other language in which such employee is fluent:

60 "IMPORTANT INFORMATION REGARDING YOUR
61 EMPLOYMENT

62 To:(Name of employee)

63 We have received information that you are employed by (name
64 of predecessor contractor) and are currently performing work at ...
65 (address of worksite) (name of predecessor contractor's) contract to
66 perform (describe services under contract) at (address of
67 worksite) will terminate as of (last day of predecessor contract) and
68 it will no longer be providing those services as of that date.

69 We are (name of successor contractor) and have been hired to
70 provide services similar to those of (name of predecessor contractor)
71 at (address of worksite). We are offering you a job with us for a
72 ninety-day probationary period starting (first day of successor
73 contract) to perform the same type of work that you have already been
74 doing for (name of predecessor contractor) under the following
75 terms:

76 Payrate (per hour): \$....

77 Hours per shift:

78 Total hours per week:

79 Benefits:

80 You must respond to this offer within the next ten days. If you want
81 to continue working at (address of worksite) you must let us know
82 by (no later than ten days after the date of this letter). If we do not
83 receive your response by the end of business that day, we will not hire
84 you and you will lose your job. We can be reached at (successor
85 contractor telephone number).

86 Connecticut state law gives you the following rights:

87 1. You have the right with certain exceptions, to be hired by our
88 company for the first ninety days that we begin to provide services at
89 (address of worksite).

90 2. During this ninety-day period, you cannot be fired without just
91 cause.

92 3. If you believe that you have been fired or laid off in violation of
93 this law, you have the right to sue us and be awarded back pay,
94 attorneys' fees and court costs.

95 From: (Name of successor contractor)

96 (Address of successor contractor)

97 (Telephone number of successor contractor)"

98 Each offer of employment shall state the time within which such
99 employee must accept such offer but in no case shall that time be less
100 than ten days from the date of the offer of employment.

101 (D) The provisions of subparagraphs (A) and (B) of this subdivision
102 shall not be construed to require a successor contractor to retain any
103 employee whose attendance and performance records, while working

104 under the terminated service contract, would lead a reasonably
105 prudent employer to terminate the employee.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>

LAB *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type
Transportation, Dept.	EF - See Below
Attorney General; Department of Labor	GF - None

Note: EF=Enterprise Fund; GF=General Fund

Municipal Impact: None

Explanation

By requiring the future Bradley International Airport (BIA) food and beverage service contractor to offer a job to each employee of the current service contractor at an earlier time than existing law could result in re-negotiating the contract with the future contractor. Depending on the terms of the new contract, there could be a revenue loss to the Bradley Enterprise Fund but the impact is unknown.

Any impact to the workload of Office of the Attorney General and the Department of Labor as a result of the bill is anticipated to be minimal and could be handled without the need for additional appropriations.

OLR Bill Analysis

SB 1103

AN ACT CONCERNING DISPLACED SERVICE CONTRACT WORKERS AT BRADLEY INTERNATIONAL AIRPORT**SUMMARY:**

This bill requires the new Bradley International Airport (BIA) food and beverage service contractor to offer a job to each employee of the previous service contractor at an earlier time than required by current law. The bill requires the offer to be made at least five days before the existing contract is terminated, if termination occurs before the new contractor starts operations under the new service contract, or at least 15 days before the beginning of service under the new contract. Under current law, the successor must make the offer the later of either five days before contract termination or 15 days prior to the new contractor begins service under the new contract.

The bill also changes the definition of "terminated contractor" to mean the service contractor whose agreement is terminated within the 18-month period either before or after operations begin under a successor service contract. Under current law, there is no time frame regarding a terminated contractor. Under both the bill and the law, a terminated contractor may also be a contractor whose agreement expires without renewal.

The bill specifies the authority awarding the contract must give the terminated contractor and its employees' unions advance notice of contract termination or non-renewal as soon as reasonably practicable after it has determined the contract will be terminated or not renewed. Existing law requires the same notification but does not specify notice be given as soon as practicable.

EFFECTIVE DATE: July 1, 2003

BACKGROUND***PA 02-134***

The act requires entities that take over BIA food and beverage service contracts to retain their predecessors' employees for at least 90 days. The successor contractor does not have to retain an employee with a poor attendance or performance record.

The bill imposes responsibilities on the authority that initially awards the contract, the original contractor, and successor contractors with 10 or more employees. Successor contractors may not fire the retained employees during the 90-day period except for just cause, and, if they lay them off, they must do so by seniority. If a retained employee's performance during the 90-day period is satisfactory, the successor contractor must offer him continued employment. An employee displaced or terminated in violation of these provisions can sue for damages and job reinstatement.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Report

Yea 8 Nay 4