



General Assembly

**Substitute Bill No. 1148**

January Session, 2005

\* SB01148LABGAE031605 \*

**AN ACT CONCERNING THE PROCUREMENT OF MERCHANDISE  
AND LAUNDRY SERVICES AND THE SALE OF STATE LICENSED  
MERCHANDISE.**

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

- 1 Section 1. (NEW) (*Effective from passage*) (a) As used in this section:
- 2 (1) "Contractor" includes any subcontractor or supplier of a  
3 contractor;
- 4 (2) "Production" means the manufacture of merchandise, including,  
5 the cutting and assembly by weaving, sewing, knitting or felting and  
6 finishing, of such merchandise and warehouse distribution and  
7 laundering, where applicable;
- 8 (3) "Nonpoverty wage" means, in the United States, the level of  
9 wages required for a full-time worker to produce an annual income  
10 not less than one hundred ten per cent of the United States Department  
11 of Health and Human Services' most recent poverty threshold for a  
12 family of four, plus an additional twenty per cent of such wage level  
13 paid either as hourly wages or health benefits and means, in any  
14 country outside the United States, a comparable wage and benefit  
15 level, adjusted to reflect such country's level of economic development  
16 using a factor such as the relative national standard of living index in  
17 order to raise a family of three out of poverty, or the World Bank's

18 Gross National Income per capita Purchasing Power Index;

19 (4) "Merchandise" means uniforms, garments and corresponding  
20 accessories for the state of Connecticut and the state system of higher  
21 education; and

22 (5) "Procures" means contracted for, purchased, rented, leased or  
23 obtained by an allowance or voucher program merchandise or  
24 services.

25 (b) In procuring any merchandise or laundry services, the state or  
26 any constituent unit of the state system of higher education shall give  
27 preference (1) to a Connecticut business establishment that meets the  
28 requirements of the state or constituent unit of the state system of  
29 higher education for such merchandise or laundry services, including  
30 the requirements of this section, or (2) if no Connecticut business  
31 establishment meets the requirements of subdivision (1) of this  
32 subsection, to any business establishment in the United States that  
33 meets such requirements.

34 (c) The state shall adopt a Sweatfree Code of Conduct, meaning that  
35 no merchandise shall be procured or licensed by the state or by a  
36 constituent unit of the state system of higher education, and no  
37 laundry services shall be procured by the state or by a constituent unit  
38 of the state system of higher education, unless such merchandise or  
39 laundry services are procured from contractors that act as, or contract  
40 with, business establishments that have or demonstrate all of the  
41 following:

42 (1) Compliance with all applicable local laws and workplace  
43 regulations, including those regarding wages and benefits, workplace  
44 health and safety, environmental safety, and freedom of association,  
45 and the fundamental conventions of international law, including those  
46 regarding forced and child labor and freedom of association;

47 (2) Payment of wages that meet the highest of (A) the legal  
48 minimum wage; (B) the prevailing wage in the industry in the country

49 of production or where laundry services occur; or (C) a nonpoverty  
50 wage;

51 (3) Maintenance of verifiable wage and hour records for each  
52 worker, documenting the number of hours worked in a pay period, the  
53 wage rate, the deductions and the actual pay, provided an itemized  
54 wage statement with this information is provided to workers;

55 (4) Required working hours for hourly and quota-based employees  
56 that are the lesser of forty-eight hours per week or any other limit on  
57 regular hours allowed by the law of the country of manufacture or  
58 where laundry services occur, provided (A) there is not less than one  
59 day off in every seven-day period, (B) there are holidays and  
60 vacations, and (C) all overtime hours are worked voluntarily;

61 (5) Policies against discrimination in employment on the basis of  
62 gender, race, religion, age, disability, sexual orientation, nationality,  
63 political opinion or social or ethnic origin with regard to hiring, salary,  
64 benefits, advancement, discipline, termination and retirement;

65 (6) Policies against sexual, psychological or verbal harassment,  
66 abuse or corporal punishment;

67 (7) Policies against forced use of contraceptives or forced pregnancy  
68 tests;

69 (8) Policies against termination of employees without just cause and  
70 a mediation or grievance process to resolve workplace disputes  
71 provided, for establishments in the United States, such disputes are  
72 limited to those not regulated by the National Labor Relations Board;  
73 and

74 (9) Respect for employees' rights to freedom of association and  
75 collective bargaining and no harassment, intimidation or retaliation  
76 against employees for exercising such rights.

77 (d) If the state or a constituent unit of the state system of higher

78 education determines that the timely and high-quality performance of  
79 laundry services is likely to be adversely affected by labor-  
80 management conflict, the state or constituent unit of the state system of  
81 higher education shall require contractors for procurement of laundry  
82 services to enter into written agreements, enforceable under the Labor  
83 Management Relations Act, 29 USC 185, as amended from time to  
84 time, with labor organizations representing or actively seeking to  
85 represent laundry employees. Such agreements shall contain  
86 provisions to ensure the timely and high-quality performance of  
87 laundry services, including, but not limited to, provisions prohibiting  
88 the organizations and their members from engaging in strikes,  
89 picketing or other conduct that would tend to disrupt the performance  
90 of services, provided nothing in this section requires an employer to  
91 recognize a particular labor organization or to enter into a collective  
92 bargaining agreement establishing the substantive terms and  
93 conditions of employment.

94 (e) For every (1) bid that is in excess of five thousand dollars, and (2)  
95 contract that (A) is in excess of five thousand dollars, or (B) taken  
96 together with other contracts with the same contractor results in an  
97 excess of five thousand dollars paid or payable to such contractor for  
98 production of merchandise or for laundry services, each bidder or  
99 contractor shall submit an affidavit to the contracting state agency or  
100 constituent unit of the state system of higher education. To ensure  
101 public access and confidence, such information shall be accessible to  
102 the public through the web site of the state agency or constituent unit  
103 as soon as possible, but in no case less than fourteen days before a  
104 decision is made to award a contract to a particular bidder. Such  
105 affidavit shall include: (i) The names, addresses and telephone  
106 numbers of each facility involved in the production of merchandise or  
107 the provision of services governed by this section, (ii) the names,  
108 business addresses and telephone numbers of the principal officers of  
109 each facility involved in the production of merchandise or the  
110 provision of laundry services governed by this section, (iii) the base  
111 hourly wage of nonsupervisory employees, the percentage of the wage

112 level paid as health benefit, other benefits, regular deductions from  
113 paychecks, normal working hours per day and week, actual working  
114 hours per day and week over the last three months and any overtime  
115 policy, (iv) a sworn statement that each of the proposed merchandise  
116 production or laundry facilities, including any subcontractors, meets  
117 the requirements of subsections (c) and (d) of this section, (v) any other  
118 information deemed necessary by the state agency or constituent unit  
119 of the state system of higher education for the administration and  
120 enforcement of this section. If any information provided by a  
121 contractor or subcontractor pursuant to this subsection changes during  
122 the period of the contract, the contractor shall submit or cause to be  
123 submitted to the state agency or constituent unit of the state system of  
124 higher education an affidavit with the updated information. In  
125 addition, the contractor shall submit or cause to be submitted annual  
126 public reports documenting internal working condition monitoring  
127 programs and their results, external audits if available, problems  
128 discovered and corrective action plans.

129 (f) In order to facilitate compliance with this section, the  
130 Commissioner of Administrative Services and each constituent unit of  
131 the state system of higher education shall contract with a competent  
132 nonprofit independent monitoring organization that is neither funded  
133 nor controlled, in whole or in part, by a corporation that is engaged in  
134 production or the provision of laundry services.

135 (g) (1) The Commissioner of Administrative Services shall establish  
136 a volunteer Sweatfree Procurement Advisory Group to advise the  
137 commissioner, state agencies and constituent units of the state system  
138 of higher education in the implementation and enforcement of a  
139 Sweatfree Code of Conduct. The advisory group shall meet as needed,  
140 but at least quarterly, and shall consist of (A) advocates for garment  
141 and other workers experiencing "sweatshop" working conditions, (B)  
142 members of labor organizations representing state police officers,  
143 correction officers or other state employees who wear uniforms while  
144 on duty, (C) representatives of state agencies that employ uniformed  
145 personnel, (D) administrators responsible for implementing this

146 section, and (E) other interested parties, as determined by the  
147 commissioner.

148 (2) The advisory group shall: (A) Receive and assess evidence from  
149 employees, labor organizations, governments, nongovernmental  
150 organizations and human rights advocates of noncompliance with the  
151 Sweatfree Code of Conduct by contractors bidding on or receiving  
152 contracts under this section; (B) advise on bidding guidelines,  
153 dissemination of information to employees and collaboration with  
154 other entities; (C) advise on implementation of the Sweatfree Code of  
155 Conduct in the procurement of merchandise and laundry services, and  
156 explore expanding the code to state procurement of other products  
157 and services; and (D) explore efficient and cost-effective mechanisms  
158 for ensuring contractor compliance through consortiums with other  
159 states, cities or public entities.

160 (3) Each constituent unit of the state system of higher education  
161 shall establish a Sweatfree Procurement Advisory Group in accordance  
162 with this subsection.

163 (h) If the state or a constituent unit of the state system of higher  
164 education determines that a contractor has failed to meet the  
165 requirements of subsection (c) of this section, the state or constituent  
166 unit of the state system of higher education shall notify the contractor,  
167 in writing, describing the failure and the requirements for responding  
168 to such notice. The contractor shall respond in writing no later than ten  
169 days after receipt of the notice providing either (1) evidence that the  
170 contractor has met the requirements of subsection (c) of this section, or  
171 (2) a detailed plan for correction of the described failure in a timely  
172 manner, which plan shall include, but not be limited to, payment of  
173 back wages to employees who supplied merchandise or laundry  
174 services to the state or constituent unit of the state system of higher  
175 education, reinstatement of employees unlawfully dismissed and  
176 employee rights education for managers and employees. The  
177 contractor and the state or constituent unit of the state system of higher  
178 education shall develop a remediation plan to bring the contractor into

179 compliance with the requirements of subsection (c) of this section. An  
180 independent audit shall be conducted, at the expense of the contractor,  
181 to verify whether the failure described in the notice occurred and, if  
182 such failure did occur, whether the remediation plan has corrected  
183 such failure.

184 (i) If any contractor knowingly provides misinformation under  
185 subsection (d) of this section or refuses to remedy, in a timely manner,  
186 any failure to meet the requirements of this section, after written notice  
187 of such failure, the state or constituent unit of the state system of  
188 higher education may, without notice and without liability for any  
189 unpaid amounts under the contract, terminate the contract, impose any  
190 financial penalty permitted by law or under the contract and remove  
191 such contractor from the list of qualified bidders for state contracts for  
192 a period not to exceed three hundred sixty days.

193 (j) The provisions of this section may not be waived by agreement,  
194 except by express waiver in a bona fide collective bargaining  
195 agreement.

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| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>from passage</i> | New section |

**LAB**

*Joint Favorable Subst. C/R*

GAE