



General Assembly

February Session, 2006

***Raised Bill No. 402***

LCO No. 1838

\*01838 \_\_\_\_\_ GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING CERTAIN LABOR DISPUTES.***

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

1 Section 1. Section 31-57f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2006*):

3 (a) As used in this section: (1) "Required employer" means any  
4 provider of food, building, property or equipment services or  
5 maintenance listed in this subdivision whose rate of reimbursement or  
6 compensation is determined by contract or agreement with the state or  
7 any state agent: (A) Building, property or equipment service  
8 companies; (B) management companies providing property  
9 management services; and (C) companies providing food preparation  
10 or service, or both; (2) "state agent" means any state official, state  
11 employee or other person authorized to enter into a contract or  
12 agreement on behalf of the state; (3) "person" means one or more  
13 individuals, partnerships, associations, corporations, business trusts,  
14 legal representatives or organized groups of persons; [and] (4)  
15 "building, property or equipment service" means any janitorial,  
16 cleaning, maintenance or related service; (5) "labor dispute" means a

17 strike, picketing or a boycott of a required employer or a subcontractor  
18 that affects the employees engaged in the performance of work on the  
19 goods and services for which the state has contracted; and (6) "day"  
20 means a calendar day.

21 (b) On and after July 1, 2000, the wages paid on an hourly basis to  
22 any employee of a required employer in the provision of food,  
23 building, property or equipment services provided to the state  
24 pursuant to a contract or agreement with the state or any state agent,  
25 shall be at a rate not less than the standard rate determined by the  
26 Labor Commissioner pursuant to subsection (g) of this section.

27 (c) Any required employer or agent of such employer that violates  
28 subsection (b) of this section shall pay a civil penalty in an amount not  
29 less than two thousand five hundred dollars but not more than five  
30 thousand dollars for each offense. The contracting department of the  
31 state that has imposed such civil penalty on the required employer or  
32 agent of such employer shall, within two days after taking such action,  
33 notify the Labor Commissioner, in writing, of the name of the  
34 employer or agent involved, the violations involved and steps taken to  
35 collect the fine.

36 (d) The Labor Commissioner may make complaint to the proper  
37 prosecuting authorities for the violation of any provision of subsection  
38 (b) of this section.

39 (e) For the purpose of predetermining the standard rate of covered  
40 wages on an hourly basis, the Labor Commissioner shall establish  
41 classifications for all hourly nonsupervisory employees based on the  
42 applicable occupation codes and titles set forth in the federal Register  
43 of Wage Determinations under the Service Contract Act of 1965, 41  
44 USC 351, et seq. The Labor Commissioner shall then determine the  
45 standard rate of wages for each classification of hourly nonsupervisory  
46 employees which shall be equivalent to the minimum hourly wages set  
47 forth in the federal Register of Wage Determinations under the Service  
48 Contract Act, plus a thirty per cent surcharge to cover the cost of any

49 health, welfare and retirement plans or, if no such plan is in effect  
50 between the employees and the employer, an amount equal to thirty  
51 per cent of the hourly wage which shall be paid directly to the  
52 employees.

53 (f) Required employers with employees covered by collective  
54 bargaining agreements which call for wages and benefits that are  
55 reasonably related to the standard rate shall not be economically  
56 disadvantaged in the bidding process, provided the collective  
57 bargaining agreement was arrived at through arms-length  
58 negotiations.

59 (g) The Labor Commissioner shall, in accordance with subsection (e)  
60 of this section, determine the standard rate of wages for each  
61 classification on an hourly basis where any covered services are to be  
62 provided, and the state agent empowered to let such contract shall  
63 contact the Labor Commissioner at least ten days prior to the date such  
64 contract will be advertised for bid, to ascertain the standard rate of  
65 wages and shall include the standard rate of wages on an hourly basis  
66 for all classifications of employment in the proposal for the contract.  
67 The standard rate of wages on an hourly basis shall, at all times, be  
68 considered the minimum rate for the classification for which it was  
69 established.

70 (h) Each required employer subject to the provisions of this section  
71 shall (1) keep, maintain and preserve such records relating to the  
72 wages and hours worked by each employee and a schedule of the  
73 occupation or work classification at which each person is employed  
74 during each work day and week in such manner and form as the Labor  
75 Commissioner establishes to assure the proper payments due to such  
76 employees, and (2) upon written request, submit to the contracting  
77 state agent a certified payroll which shall consist of a complete copy of  
78 such records accompanied by a statement signed by the employer  
79 which indicates that (A) such records are correct, (B) the rate of wages  
80 paid to each employee is not less than the standard rate of wages

81 required by this section, (C) such employer has complied with the  
82 provisions of this section, and (D) such employer is aware that filing a  
83 certified payroll which it knows to be false is a class D felony for which  
84 such employer may be fined not more than five thousand dollars or  
85 imprisoned not more than five years, or both. Notwithstanding the  
86 provisions of section 1-210, as amended, the certified payroll shall be  
87 considered a public record and every person shall have the right to  
88 inspect and copy such record in accordance with the provisions of  
89 section 1-212. The provisions of subsections (a) and (b) of section 31-59,  
90 section 31-66 and section 31-69 which are not inconsistent with the  
91 provisions of this section shall apply. Any person who files a false  
92 certified payroll in violation of subdivision (2) of this subsection shall  
93 be guilty of a class D felony for which such person may be fined not  
94 more than five thousand dollars or imprisoned not more than five  
95 years, or both.

96 (i) This section shall not apply to contracts, agreements or grants  
97 which do not exceed forty-nine thousand nine hundred ninety-nine  
98 dollars per annum.

99 (j) On receipt of a complaint for nonpayment of the standard rate of  
100 wages, the Labor Commissioner, the Director of Wage and Workplace  
101 Standards and wage enforcement agents of the Labor Department shall  
102 have power to enter, during usual business hours, the place of  
103 business or employment of any employer to determine compliance  
104 with this section, and for such purpose may examine payroll and other  
105 records and interview employees, call hearings, administer oaths, take  
106 testimony under oath and take depositions in the manner provided by  
107 sections 52-148a to 52-148e, inclusive. The commissioner or the  
108 director, for such purpose, may issue subpoenas for the attendance of  
109 witnesses and the production of books and records. Any required  
110 employer, an officer or agent of such employer, or the officer or agent  
111 of any corporation, firm or partnership who wilfully fails to furnish  
112 time and wage records as required by law to the commissioner, the  
113 director or any wage enforcement agent upon request or who refuses

114 to admit the commissioner, the director or such agent to a place of  
115 employment or who hinders or delays the commissioner, the director  
116 or such agent in the performance of any duties in the enforcement of  
117 this section shall be fined not less than twenty-five dollars nor more  
118 than one hundred dollars, and each day of such failure to furnish time  
119 and wage records to the commissioner, the director or such agent shall  
120 constitute a separate offense, and each day of refusal of admittance, of  
121 hindering or of delaying the commissioner, the director or such agent  
122 shall constitute a separate offense.

123 (k) Notwithstanding subsection (i) of this section, any employer that  
124 pays the state for a franchise to provide food preparation or service, or  
125 both, for the state shall be required to certify that the wages and  
126 benefits paid to its employees are not less than the standard rate  
127 established pursuant to this section.

128 (l) The Labor Commissioner may adopt regulations, in accordance  
129 with chapter 54, to carry out the provisions of this section.

130 (m) The provisions of this section and any regulation adopted  
131 pursuant to subsection (l) of this section shall not apply to any contract  
132 or agreement entered into before July 1, 2000.

133 (n) On and after the effective date of this section, any contract for  
134 the provision of goods or services between a required employer and  
135 the state shall provide that: (1) If the delivery of the goods or services  
136 owed under such contract is delayed by not less than one-half of a day  
137 as a direct result of a labor dispute, even if the dispute is not the sole  
138 cause of the delay, such required employer shall pay a penalty of five  
139 per cent of the annual amount of such contract for each day or one-half  
140 of a day that delivery in full is delayed; and (2) if the goods and  
141 services delivered under such contract are not of the quality promised  
142 by the required employer under such contract and such deficiency is a  
143 direct result of a labor dispute, even if the dispute is not the sole cause  
144 of the deficiency, such required employer shall pay a penalty of two  
145 per cent of the annual amount of such contract for each day or one-half

146 of a day that such deficiency exists.

147 (o) Any labor union claiming violation of this section may bring an  
148 action against a required employer on behalf of an employee in the  
149 superior court to enforce the provisions of this section and shall be  
150 entitled to all remedies available under the law or in equity  
151 appropriate to remedy any violation of this section, including but not  
152 limited to, back pay, reinstatement or injunctive relief. The court shall  
153 award reasonable attorney's fees and costs to an employee who  
154 prevails in any such enforcement action. Nothing in this chapter shall  
155 be construed to limit an employee's right to bring a common law cause  
156 of action for wrongful termination.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2006	31-57f

**Statement of Purpose:**

To provide incentive for required employers to negotiate in good faith during any labor dispute.

*[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.]*