



Substitute Senate Bill No. 761

Public Act No. 13-227

AN ACT MAKING THE JANITORIAL WORK PILOT PROGRAM FOR PERSONS WITH A DISABILITY OR A DISADVANTAGE PERMANENT.

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

Section 1. Section 4a-82 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(a) For the purposes of this section:

(1) "Person with a disability" means any individual with a disability, excluding blindness, as such term is applied by the Department of Mental Health and Addiction Services, the Department of Developmental Services, the Department of Rehabilitation Services or the Veterans' Administration and who is certified by the Department of Rehabilitation Services as qualified to participate in a qualified partnership, as described in subsections [(f) to (m)] (e) to (l), inclusive, of this section;

(2) "Vocational rehabilitation service" means any goods and services necessary to render a person with a disability employable, in accordance with Title I of the Rehabilitation Act of 1973, 29 USC 701 et seq., as amended from time to time;

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(3) "Community rehabilitation program" means any entity or individual that provides directly for or facilitates the provision of vocational rehabilitation services to, or provides services in connection with, the recruiting, hiring or managing of the employment of persons with disabilities based on an individualized plan and budget for each worker with a disability;

(4) "Commercial janitorial contractor" means any for-profit proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other privately owned entity that employs persons to perform janitorial work, and that enters into contracts to provide janitorial services;

(5) "Janitorial work" means work performed in connection with the care or maintenance of buildings, including, but not limited to, work customarily performed by cleaners, porters, janitors and handypersons;

(6) "Janitorial contract" means a contract or subcontract to perform janitorial work for a department or agency of the state; [and]

(7) "Person with a disadvantage" means any individual who is determined by the Labor Department, or its designee, to be eligible for employment services in accordance with the Workforce Investment Act or whose verified individual gross annual income during the previous calendar year was not greater than two hundred per cent of the federal poverty level for a family of four; [.] and

(8) "Awarding authority" means the Commissioner of Administrative Services, Chief Court Administrator of the Judicial Branch and President of the Board of Regents for Higher Education, as applicable.

(b) The Commissioner of Administrative Services shall establish a [pilot] program [, for a term of seven years,] to create and expand

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janitorial work job opportunities for persons with a disability and persons with a disadvantage. [Such pilot program shall consist of four identified projects for janitorial work.] The program shall create [a minimum of sixty] full-time jobs or [sixty] full-time equivalents at standard [wages] wage rates for persons with disabilities and persons with disadvantages. [and have a total market value for all janitorial contracts awarded under the program of at least three million dollars. In establishing such pilot program, the Commissioner of Administrative Services may consult with the Commissioner of Social Services, the Commissioner of Rehabilitation Services and the Labor Commissioner.] The Judicial Branch and Board of Regents for Higher Education may participate in such program.

(c) Notwithstanding any other provision of the general statutes, under such [pilot] program, the [Commissioner of Administrative Services shall] awarding authority may award [four] janitorial contracts [, one for each identified project,] pursuant to the following procedures: (1) Upon receipt of a request for janitorial services by an agency or department of the state, the [Commissioner of Administrative Services] awarding authority shall notify each qualified partnership, as described in subsections [(f) to (m)] (e) to (l), inclusive, of this section, of such request and invite each qualified partnership in good standing to submit a bid proposal for such janitorial contract to the [commissioner] awarding authority in a manner and form as prescribed by the [commissioner] awarding authority; (2) in the event that only one such qualified partnership submits a bid or proposal for such janitorial contract, the [commissioner] awarding authority shall award such contract to [the bidding] such qualified partnership, provided such bid or proposal does not exceed the fair market value for such contract, as determined by the [commissioner] awarding authority; (3) if more than one qualified partnership submits a bid or proposal, the [commissioner] awarding authority shall award the contract to the lowest responsible

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qualified bidder or most advantageous proposer, as [defined] described in section 4a-59; and (4) in the event that a qualified partnership does not submit a bid or proposal or is not awarded such contract, the [commissioner] awarding authority shall award such contract in accordance with the provisions of sections 4a-59, [and] 17b-656, as amended by this act, 4a-52a and 10a-151b or title 51, as applicable. No awarding authority shall award a contract under the provisions of this subsection at a site where employees are employed pursuant to an existing collective bargaining agreement or where a contract has been awarded pursuant to section 17b-656, as amended by this act, unless a contract has been previously awarded to a qualified partnership pursuant to this section at such site.

(d) Notwithstanding any other provision of the general statutes, the responsibilities of the Commissioner of Administrative Services, Chief Court Administrator or President of the Board of Regents for Higher Education as established in subsections (b) and (c) of this section, may not be delegated to an outside vendor.

[(e) The Commissioner of Administrative Services may adopt regulations, in accordance with the provisions of chapter 54, to undertake the requirements established in subsections (b) to (e), inclusive, of this section.]

[(f)] (e) The Connecticut Community Providers Association shall designate a commercial janitorial contractor and a community rehabilitation program as a "qualified partnership" whenever the following criteria have been established: (1) Such commercial janitorial contractor has entered into a binding agreement with such community rehabilitation program in which such contractor agrees to fill not less than one-third of the jobs from a successful bid for a janitorial contract under the [pilot] program established in subsections (b) to [(e)] (d), inclusive, of this section with persons with disabilities and not less than one-third of such jobs with persons with a disadvantage; (2) such

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contractor employs not less than two hundred persons who perform janitorial work in the state; and (3) such contractor certifies, in writing, that it will pay the standard wage to employees, including persons with disabilities, under such janitorial contract. Any partnership between a commercial janitorial contractor and a community rehabilitation program that has been denied designation as a qualified partnership may appeal such denial, in writing, to the Commissioner of Administrative Services and said commissioner may, after review of such appeal, designate such program as a qualified partnership.

[(g)] (f) The requirement established in subsection [(f)] (e) of this section to fill not less than one-third of the jobs from a successful bid for a janitorial contract with persons with disabilities and one-third with persons with a disadvantage shall be met whenever such janitorial contractor employs the requisite number of persons with disabilities and persons with a disadvantage throughout the entirety of its operations in the state provided any persons with disabilities employed by such janitorial contractor prior to the commencement date of any such contract shall not be counted for the purpose of determining the number of persons with disabilities employed by such janitorial contractor.

[(h)] (g) The number of persons with disabilities and the number of persons with a disadvantage that such janitorial contractor is required to employ pursuant to the provisions of subsection [(f)] (e) of this section shall be employed not later than six months after the commencement of janitorial work under the terms of any contract awarded pursuant to the provisions of subsections (b) to [(e)] (d), inclusive, of this section, provided such contractor shall fill any vacancy for janitorial work that arises during the first six months of any such contract with persons with disabilities and persons with disadvantages.

[(i)] (h) The Connecticut Community Providers Association shall

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develop an application process and submit a list of employees who have applied to participate in a partnership to the Department of Rehabilitation Services for certification. Such association shall maintain a list of certified employees who are persons with disabilities and community rehabilitation programs.

[(j)] (i) Any qualified partnership awarded a janitorial contract pursuant to the provisions of subsections (b) to [(e)] (d), inclusive, of this section shall provide to the Connecticut Community Providers Association, not later than six months after the commencement date of such contract and annually thereafter, a list of the persons with disabilities and persons with a disadvantage employed by such contractor that includes the date of hire and employment location for each such person. Such association shall certify annually to the Department of Administrative Services, the Judicial Branch or the Board of Regents for Higher Education, as applicable, in such manner and form as prescribed by the Commissioner of Administrative Services, Chief Court Administrator or the President of the Board of Regents for Higher Education, that the requisite number of persons with disabilities for such contract continue to be employed by such contractor in positions equivalent to those created under such janitorial contract and have been integrated into the general workforce of such contractor.

[(k)] (j) Notwithstanding any other provision of the general statutes, the responsibilities of the Department of Rehabilitation Services, as established in subsections [(f) to (m)] (e) to (l), inclusive, of this section, may not be delegated to an outside vendor.

[(l)] (k) The Commissioner of Rehabilitation Services may adopt regulations, in accordance with the provisions of chapter 54, to undertake the certification requirements established pursuant to subsections [(f) to (m)] (e) to (l), inclusive, of this section.

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[(m)] (l) Notwithstanding the provisions of subsection [(f)] (e) of this section, the Commissioner of Administrative Services shall authorize certified small and minority businesses to participate in such [pilot] program.

[(n)] (m) [During the term of the pilot program described in subsections (b) to (e), inclusive, of this section, the] The joint standing committee of the General Assembly having cognizance of matters relating to government administration shall study the effectiveness of such [pilot] program, including, but not limited to, the effectiveness of such program to create integrated work settings for persons with disabilities. Additionally, said committee shall study [the need to make such pilot program permanent and] ways to provide incentives for municipalities and businesses to utilize such [pilot] program if such program is determined by the committee to be effective.

[(o)] (n) [During the term of the pilot program described in subsections (b) to (e), inclusive, of this section, any exclusive contract awarded pursuant to section 17b-656 shall remain in effect with no changes in the formula for fair market value.] Each exclusive contract awarded prior to October 1, 2013, pursuant to section 17b-656, as amended by this act, shall remain in effect until such time as either party terminates the contract in such party's own best interest, with not less than sixty days written notice. Each such contract may be amended to include updated terms and conditions, but shall not allow for any price increases except statutory or mandated increases to the minimum wage and standard wage. If either party exercises his or her right to terminate any such contract, the next contract solicitation may be awarded pursuant to this section or sections 4a-59 and 17b-656, as amended by this act. Additionally, any new janitorial contract awarded pursuant to section 17b-656, as amended by this act, shall be limited to not more than four full-time employees per contract.

[(p)] (o) Any person employed under a janitorial contract let: (1) On

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or before October 1, 2006, or thereafter if such contract constitutes a successor contract to such janitorial contract let on or before October 1, 2006, and (2) pursuant to section 4a-57, as amended by this act, or 10a-151b or by the judicial or legislative departments or pursuant to subsections (b) to [(e)] (d), inclusive, of this section shall have the same rights conferred upon an employee by section 31-57g for the duration of the [pilot] program described in subsections (b) to [(e)] (d), inclusive, of this section. The provisions of this subsection shall not apply to any new janitorial contract with not more than four full-time employees per contract, as described in subsection [(o)] (n) of this section.

(p) If a position is not available at a job site for a janitorial contract awarded pursuant to subsection (c) of this section and a person with a disability or a person with a disadvantage is placed at an alternate job site in the operations of the janitorial contractor pursuant to subsection (f) of this section, such person with a disability or person with a disadvantage shall be paid the wage applicable at such alternate site, provided when a position at the job site for a janitorial contract awarded pursuant to subsection (c) of this section becomes available, such person with a disability or person with a disadvantage shall be transferred to the job site for a janitorial contract awarded pursuant to subsection (c) of this section and shall be paid the applicable standard wage for such site.

(q) If a person with a disability or a person with a disadvantage is transferred pursuant to subsection (p) of this section and such person subsequently leaves such position, the position shall be filled with another person with a disability or person with a disadvantage.

Sec. 2. Subsection (f) of section 4a-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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(f) Nothing in this section shall be construed to apply to the award of janitorial contracts pursuant to the provisions of subsections (b) to [(e)] (d), inclusive, of section 4a-82, as amended by this act.

Sec. 3. Subsection (n) of section 4a-60g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(n) Nothing in this section shall be construed to apply to the [four] janitorial contracts awarded pursuant to subsections (b) to [(e)] (d), inclusive, of section 4a-82, as amended by this act.

Sec. 4. Section 17b-656 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

Whenever any products made or manufactured by or services provided by persons with disabilities through community rehabilitation programs described in subsection (b) of section 17b-655 or in any workshop established, operated or funded by nonprofit and nonsectarian organizations for the purpose of providing persons with disabilities training and employment suited to their abilities meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference over products or services from other providers, except (1) articles produced or manufactured by Department of Correction industries as provided in section 18-88, (2) emergency purchases made under section 4-98, and (3) janitorial services provided by a qualified partnership, pursuant to the provisions of subsections (b) to [(e)] (d), inclusive, of section 4a-82, as amended by this act. All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles made or manufactured and services provided by persons with disabilities from the Department of Rehabilitation Services. Any political subdivision of the state may purchase such articles and

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services through the Department of Rehabilitation Services. A list describing styles, designs, sizes and varieties of all such articles made by persons with disabilities and describing all available services provided by such persons shall be prepared by the Connecticut Community Providers Association.

Sec. 5. Subsection (h) of section 31-57f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

(h) Where a required employer is awarded a contract to perform services that are substantially the same as services that have been rendered under a predecessor contract, such required employer shall retain, for a period of ninety days, all employees who had been employed by the predecessor to perform services under such predecessor contract, except that the successor contract need not retain employees who worked less than fifteen hours per week or who had been employed at the site for less than sixty days. During such ninety-day period, the successor contract shall not discharge without just cause an employee retained pursuant to this subsection. If the performance of an employee retained pursuant to this subsection or section 4a-82, as amended by this act, is satisfactory during the ninety-day period, the successor contractor shall offer the employee continued employment for the duration of the successor contract under the terms and conditions established by the successor contractor, or as required by law. The provisions of this subsection shall not apply to any contract covered by section 31-57g or subsections [(o) and (p)] (n) and (o) of section 4a-82, as amended by this act.

Approved June 21, 2013