



General Assembly

Substitute Bill No. 761

January Session, 2013



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:

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 Section 4a-82 of the general statutes is repealed and the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

3 (a) For the purposes of this section:

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

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

16 (3) "Community rehabilitation program" means any entity or
17 individual that provides directly for or facilitates the provision of
18 vocational rehabilitation services to, or provides services in connection
19 with, the recruiting, hiring or managing of the employment of persons

20 with disabilities based on an individualized plan and budget for each
21 worker with a disability;

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

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

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

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

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

43 (b) The Commissioner of Administrative Services shall establish a
44 [pilot] program [, for a term of seven years,] to create and expand
45 janitorial work job opportunities for persons with a disability and
46 persons with a disadvantage. [Such pilot program shall consist of four
47 identified projects for janitorial work.] The program shall create [a
48 minimum of sixty] full-time jobs or [sixty] full-time equivalents at
49 standard [wages] wage rates for persons with disabilities and persons
50 with disadvantages. [and have a total market value for all janitorial

51 contracts awarded under the program of at least three million dollars.
52 In establishing such pilot program, the Commissioner of
53 Administrative Services may consult with the Commissioner of Social
54 Services, the Commissioner of Rehabilitation Services and the Labor
55 Commissioner.] The Judicial Branch and Board of Regents for Higher
56 Education may participate in such program. The commissioner may
57 create a task force to study the expansion of such program beyond
58 janitorial services.

59 (c) Notwithstanding any other provision of the general statutes,
60 under such [pilot] program, the [Commissioner of Administrative
61 Services shall] awarding authority may award [four] janitorial
62 contracts [, one for each identified project,] pursuant to the following
63 procedures: (1) Upon receipt of a request for janitorial services by an
64 agency or department of the state, the [Commissioner of
65 Administrative Services] awarding authority shall notify each
66 qualified partnership, as described in subsections [(f) to (l)] (e) to (l),
67 inclusive, of this section, of such request and invite each qualified
68 partnership in good standing to submit a bid proposal for such
69 janitorial contract to the [commissioner] awarding authority in a
70 manner and form as prescribed by the [commissioner] awarding
71 authority; (2) in the event that only one such qualified partnership
72 submits a bid or proposal for such janitorial contract, the
73 [commissioner] awarding authority shall award such contract to [the
74 bidding] such qualified partnership, provided such bid or proposal
75 does not exceed the fair market value for such contract, as determined
76 by the [commissioner] awarding authority; (3) if more than one
77 qualified partnership submits a bid or proposal, the [commissioner]
78 awarding authority shall award the contract to the lowest responsible
79 qualified bidder or most advantageous proposer, as [defined]
80 described in section 4a-59; and (4) in the event that a qualified
81 partnership does not submit a bid or proposal or is not awarded such
82 contract, the [commissioner] awarding authority shall award such
83 contract in accordance with the provisions of sections 4a-59 and 17b-
84 656, as amended by this act, or title 51, as applicable. No awarding

85 authority shall award a contract under the provisions of this
86 subsection at a site where employees are employed pursuant to an
87 existing collective bargaining agreement or where a contract has been
88 awarded pursuant to section 17b-656, as amended by this act, unless a
89 contract has been previously awarded to a qualified partnership
90 pursuant to this section at such site.

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

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

100 [(f)] (e) The Connecticut Community Providers Association shall
101 designate a commercial janitorial contractor and a community
102 rehabilitation program as a "qualified partnership" whenever the
103 following criteria have been established: (1) Such commercial janitorial
104 contractor has entered into a binding agreement with such community
105 rehabilitation program in which such contractor agrees to fill not less
106 than one-third of the jobs from a successful bid for a janitorial contract
107 under the [pilot] program established in subsections (b) to [(e)] (d),
108 inclusive, of this section with persons with disabilities and not less
109 than one-third of such jobs with persons with a disadvantage; (2) such
110 contractor employs not less than two hundred persons who perform
111 janitorial work in the state; and (3) such contractor certifies, in writing,
112 that it will pay the standard wage to employees, including persons
113 with disabilities, under such janitorial contract. Any partnership
114 between a commercial janitorial contractor and a community
115 rehabilitation program that has been denied designation as a qualified
116 partnership may appeal such denial, in writing, to the Commissioner
117 of Administrative Services and said commissioner may, after review of

118 such appeal, designate such program as a qualified partnership.

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

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

140 ~~[(i)]~~ ~~(h)~~ The Connecticut Community Providers Association shall
141 develop an application process and submit a list of employees who
142 have applied to participate in a partnership to the Department of
143 Rehabilitation Services for certification. Such association shall maintain
144 a list of certified employees who are persons with disabilities and
145 community rehabilitation programs.

146 ~~[(j)]~~ ~~(i)~~ Any qualified partnership awarded a janitorial contract
147 pursuant to the provisions of subsections (b) to ~~[(e)]~~ ~~(d)~~, inclusive, of
148 this section shall provide to the Connecticut Community Providers
149 Association, not later than six months after the commencement date of

150 such contract and annually thereafter, a list of the persons with
151 disabilities and persons with a disadvantage employed by such
152 contractor that includes the date of hire and employment location for
153 each such person. Such association shall certify annually to the
154 Department of Administrative Services, the Judicial Branch or the
155 Board of Regents for Higher Education, as applicable, in such manner
156 and form as prescribed by the Commissioner of Administrative
157 Services, Chief Court Administrator or the President of the Board of
158 Regents for Higher Education, that the requisite number of persons
159 with disabilities for such contract continue to be employed by such
160 contractor in positions equivalent to those created under such janitorial
161 contract and have been integrated into the general workforce of such
162 contractor.

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

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

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

175 [(n)] (m) [During the term of the pilot program described in
176 subsections (b) to (e), inclusive, of this section, the] The joint standing
177 committee of the General Assembly having cognizance of matters
178 relating to government administration shall study the effectiveness of
179 such [pilot] program, including, but not limited to, the effectiveness of
180 such program to create integrated work settings for persons with
181 disabilities. Additionally, said committee shall study [the need to make

182 such pilot program permanent and] ways to provide incentives for
183 municipalities and businesses to utilize such [pilot] program if such
184 program is determined by the committee to be effective.

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

201 [(p)] (o) Any person employed under a janitorial contract let: (1) On
202 or before October 1, 2006, or thereafter if such contract constitutes a
203 successor contract to such janitorial contract let on or before October 1,
204 2006, and (2) pursuant to section 4a-57, as amended by this act, or 10a-
205 151b or by the judicial or legislative departments or pursuant to
206 subsections (b) to [(e)] (d), inclusive, of this section shall have the same
207 rights conferred upon an employee by section 31-57g for the duration
208 of the [pilot] program described in subsections (b) to [(e)] (d),
209 inclusive, of this section. The provisions of this subsection shall not
210 apply to any new janitorial contract with not more than four full-time
211 employees per contract, as described in subsection [(o)] (n) of this
212 section.

213 (p) If a position is not available at a job site for a janitorial contract
214 awarded pursuant to subsection (c) of this section and a person with a

215 disability or a person with a disadvantage is placed at an alternate job
216 site in the operations of the janitorial contractor pursuant to subsection
217 (f) of this section, such person with a disability or person with a
218 disadvantage shall be paid the wage applicable at such alternate site,
219 provided that when a position at the job site for a janitorial contract
220 awarded pursuant to subsection (c) of this section becomes available,
221 such person with a disability or person with a disadvantage shall be
222 transferred to the job site for a janitorial contract awarded pursuant to
223 subsection (c) of this section and shall be paid the applicable standard
224 wage for such site.

225 (q) If a person with a disability or a person with a disadvantage is
226 transferred pursuant to subsection (p) of this section and such person
227 subsequently leaves such position, the position shall be filled with
228 another person with a disability or person with a disadvantage, unless
229 such action would violate the collective bargaining rights of another
230 employee of the janitorial contractor who is not a person with a
231 disability or person with a disadvantage.

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

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

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

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

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

246 Whenever any products made or manufactured by or services
247 provided by persons with disabilities through community
248 rehabilitation programs described in subsection (b) of section 17b-655
249 or in any workshop established, operated or funded by nonprofit and
250 nonsectarian organizations for the purpose of providing persons with
251 disabilities training and employment suited to their abilities meet the
252 requirements of any department, institution or agency supported in
253 whole or in part by the state as to quantity, quality and price such
254 products shall have preference over products or services from other
255 providers, except (1) articles produced or manufactured by
256 Department of Correction industries as provided in section 18-88, (2)
257 emergency purchases made under section 4-98, and (3) janitorial
258 services provided by a qualified partnership, pursuant to the
259 provisions of subsections (b) to [(e)] (d), inclusive, of section 4a-82, as
260 amended by this act. All departments, institutions and agencies
261 supported in whole or in part by the state shall purchase such articles
262 made or manufactured and services provided by persons with
263 disabilities from the Department of Rehabilitation Services. Any
264 political subdivision of the state may purchase such articles and
265 services through the Department of Rehabilitation Services. A list
266 describing styles, designs, sizes and varieties of all such articles made
267 by persons with disabilities and describing all available services
268 provided by such persons shall be prepared by the Connecticut
269 Community Providers Association.

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

273 (h) Where a required employer is awarded a contract to perform
274 services that are substantially the same as services that have been
275 rendered under a predecessor contract, such required employer shall
276 retain, for a period of ninety days, all employees who had been
277 employed by the predecessor to perform services under such
278 predecessor contract, except that the successor contract need not retain

279 employees who worked less than fifteen hours per week or who had
280 been employed at the site for less than sixty days. During such ninety-
281 day period, the successor contract shall not discharge without just
282 cause an employee retained pursuant to this subsection. If the
283 performance of an employee retained pursuant to this subsection or
284 section 4a-82, as amended by this act, is satisfactory during the ninety-
285 day period, the successor contractor shall offer the employee
286 continued employment for the duration of the successor contract
287 under the terms and conditions established by the successor
288 contractor, or as required by law. The provisions of this subsection
289 shall not apply to any contract covered by section 31-57g or
290 subsections [(o) and (p)] (n) and (o) of section 4a-82, as amended by
291 this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	4a-82
Sec. 2	<i>October 1, 2013</i>	4a-57(f)
Sec. 3	<i>October 1, 2013</i>	4a-60g(n)
Sec. 4	<i>October 1, 2013</i>	17b-656
Sec. 5	<i>October 1, 2013</i>	31-57f(h)

Statement of Legislative Commissioners:

In section 1(e) "pilot" was bracketed for consistency.

GAE *Joint Favorable Subst. -LCO*